

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT
THE GUILDHALL ON TUESDAY, 22 SEPTEMBER 2009 AT 6:00 PM.

D. KENNEDY
CHIEF EXECUTIVE

AGENDA

1. APOLOGIES
- 2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 6. LIST OF CURRENT APPEALS AND INQUIRIES
Report of Head of Planning (copy herewith) A.
HOLDEN
X 8466
7. OTHER REPORTS
None
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS
None
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
None
10. ITEMS FOR DETERMINATION
An Addendum of further information considered by the Committee is attached.
- (A) N/2009/0620- PROPOSED TWO- STOREY SIDE EXTENSION AT 28 BARLEY HILL ROAD, SOUTHFIELDS
Report of Head of Planning (copy herewith) B.
CLARKE
X 8916
Ward: Thorplands
- (B) N/2009/0692- RECONSTRUCTION OF ROOF INCLUDING DORMER WINDOWS TO REAR FOLLOWING FIRE AT 48 BANTS LANE.
Report of Head of Planning (copy herewith) E.
WILLIAMS
X 7812
Ward: St James

- (C) N/2009/0610- ERECTION OF 4NO DETACHED HOUSES WITH ASSOCIATED GARAGES, ACCESS AND PARKING AT BUILDING PLOT AT REAR OF 76 CHURCH WAY A. HOLDEN X 8466
- Report of Head of Planning
(copy herewith)

Ward: Weston

11. ENFORCEMENT MATTERS

None

12. APPLICATIONS FOR CONSULTATION

- (A) N/2009/0700- INSTALLATION OF A 7 JET WATER FEATURE, REPAVING AND INSTALLATION OF STREET FURNITURE- SEATING, BOLLARDS, UPLIGHTING ETC AT MARKET SQUARE R. BOYT X 8724
- Report of Head of Planning
(copy herewith)

Ward: Castle

- (B) N/2008/1265- CRIMINAL JUSTICE CENTRE WITHIN USE CLASS C2A WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS, LAND AT PAVILION DRIVE B. CLARKE X 8916
- Report of Head of Planning
(copy herewith)

Ward: Nene Valley

- (C) N/2009/0638- DEMOLITION OF MAPLE BUILDINGS AND 37 ASH STREET AND THE ERECTION OF A "PLACES FOR CHANGE BUILDING" OFFERING SUPPORT AND ACCOMMODATION FOR VULNERABLE AND HOMELESS COMPRISING 48 SELF CONTAINED FLATS, OFFICE ACCOMMODATION, DAY CENTRE, TRAINING FACILITIES AND MEDICAL ROOM AT MAPLE BUILDINGS, 35-37 CAMPBELL STREET R. SIMPSON X 7848
- Report of Head of Planning
(copy herewith)

Ward: Castle

- (D) N/2009/0593- OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF A 112- BEDROOM HOTEL COMPLEX, SPA AND LEISURE FACILITY, ACCESS ROAD, CAR PARK AND ASSOCIATED DEVELOPMENT. ALL MATTERS RESERVED EXCEPT ACCESS, APPEARANCE, LAYOUT AND SCALE AT UPTON WAY, DUSTON MILL R. BOYT X 8724
- Report of Head of Planning
(copy herewith)

Ward: St James

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

<TRAILER_SECTION>
A6077

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Wednesday, 26 August 2009

PRESENT: Councillor Markham (Chair); Councillor Meredith (Deputy Chair);
Councillors Church, J. Conroy, Golby, Malpas and Mason

1. APOLOGIES

Apologies were received from Councillors De Cruz, M Hoare, Lane and Matthews.

2. MINUTES

The minutes of the meeting of the Committee held on 29 July 2009 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: (1) That Mr B Waine be granted leave to address the Committee in respect of Application No N/2009/0187 – Demolition of Existing 4No Dwellings and Business Premises and Erection of 29No Apartments at 68-72 Abbey Street.

(2) That Messrs Leventhal, Tagg and Summers, Mrs Tagg and Councillor B Hoare be granted leave to address the Committee in respect of Application No N/2009/0481 – Erection of Two Commentary Boxes, Camera Gantry, Extension to Pavilion and Installation of Six Floodlights at County Cricket Ground, Abington Avenue, Northampton.

4. DECLARATIONS OF INTEREST

1. Councillors Church, J Conroy, B Hoare and Meredith declared a personal interest in respect of Application No N/2009/0481 as the Liberal Democrat offices adjoin the site.
2. Councillor B Markham declared a personal and prejudicial interest in Application No N/2009/0481 as his wife was an objector to the application.
3. Councillor Church declared a personal interest in Application No N/2009/0481 as a Board member of WNDC.
4. Councillor Meredith declared a personal interest in Application No N/2009/0481 as a substitute Board member of the WNDC.

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

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Head of Planning submitted a List of Current Appeals and Inquiries and elaborated thereon.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) DC PERFORMANCE JUNE 2009

The Head of Planning submitted a report and elaborated thereon.

RESOLVED: That the report be received and that the congratulations of the Committee be passed on to the staff involved.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2009/0187 - DEMOLITION OF EXISTING 4 NO. DWELLINGS AND BUSINESS PREMISES AND ERECTION OF 29 NO. APARTMENTS AT 68-72 ABBEY STREET.

The Head of Planning submitted a report in respect of Application No N/2009/0187 and referred to the Addendum that set out the formal response from the Environment Agency, including an additional condition requiring that the development be carried out in accordance with the approved Flood Risk Assessment (FRA) 07/8533/FRA July 2009 and comments from Northamptonshire Fire and Rescue Service and County Highways. In answer to a question, the Head of Planning noted that the proposal was for a mix of one and two bedroom apartments.

Mr B Waine, agent for the applicant, commented that the proposal sought to overcome previous objections principally from the Highways Authority in respect of turning circles. He noted that the principle of development on the site had already been established and commented that the existing use by Mario's was a non-conforming use in a residential area. He also noted that the issues of overlooking and shadowing were dealt with in the Committee report and stated that a great deal of consultation had taken place with the Planning officers to arrive at a development which was acceptable and sympathetic to the surrounding area in respect of the Saints stadium, the existing blocks of flats and housing.

In answer to questions, the Head of Planning noted that PPG13 and PPS3 encouraged

local authorities to approve planning applications with reduced car park provisions in sustainable areas where there was good access to local facilities and public transport. The site was regarded as being in a sustainable location. She also noted that there was provision for secure cycle storage within the site.

The Committee discussed the application.

RESOLVED: That approval be given in principle subject to:

1. Prior finalisation of a Section 106 Agreement to secure:
 - the provision of a minimum of 35% affordable housing within the site with 10% of these being mobility units
 - a contribution towards education provision
 - a payment for the necessary administrative, legal and works costs for the changes to the Traffic Rule Regulation Order adjacent to the site
2. Planning conditions set out in the report and in the Addendum and additionally conditions in respect of the maintenance of the secure cycle storage for the life of the development and the provision of a brick wall to the boundary of the site with the existing residential properties as the proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the removal of a non-conforming commercial use within a primarily residential area as identified in the Northampton Local Plan. The proposal would also help in meeting the requirements of the housing provision as identified in the Regional Spatial Strategy and in line with the growth agenda for West Northamptonshire. The development would therefore be in line with the Policies H6, H17, H32, E20 and E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

11. ENFORCEMENT MATTERS

(A) E/2009/1 - BREACH OF PLANNING CONTROL AT 58 GRAY STREET.

The Head of Planning submitted a report in respect of E/2009/1 and elaborated thereon.

RESOLVED: That the Borough Solicitor be authorised to instigate prosecution proceedings in respect of the non-compliance with Enforcement Notices 8/2008, 18/2008 and 19/2008.

12. APPLICATIONS FOR CONSULTATION

(A) N/2009/0481 - ERECTION OF TWO COMMENTARY BOXES, CAMERA

GANTRY, EXTENSION TO PAVILION AND INSTALLATION OF SIX FLOODLIGHTS AT COUNTY CRICKET GROUND, ABINGTON AVENUE, NORTHAMPTON

Councillor B Markham vacated the Chair in favour of the Deputy Chair, Councillor Meredith, and left the room during the discussion on this matter.

The Head of Planning submitted a report in respect of Application No N/2009/0481 and referred to the Addendum, which noted that a revised lighting scheme had been submitted, comments from Public Protection, correspondence from Mr Tagg and Councillor B Hoare. The Head of Planning noted that the six floodlight columns would be permanent features but would be in use in the summer months and for a maximum of fifteen occasions. By way of comparison, the floodlight columns proposed were 48 metres in height and those at the Sixfields and Franklins Gardens, were 21 metres. At Lords they were 47 metres in height and retractable. The requirement for the increased height was because of the larger playing area and ICC and ECB rules. The temporary lights currently used under Permitted Development rights were 40 metres in height and gave higher light levels than the proposal in the application. Within Permitted Development Rights the applicant could use temporary floodlights for a total of 28 days in a year. In answer to a question it was noted that the floodlights, although arranged in a different way, had been 30 metres in height when the Football Club also played at the County Cricket Ground.

Mr Leventhal commented that he was representing a number of local residents and noted a statement in the report that the impact of the proposal needed to be balanced against the advantages it gave to the applicant. He commented that the lighting columns would be 150 feet high and, as permanent, would be visible all through the year. He noted that the Cricket Club would get a approximately 45 hours of benefit per year from their provision. He commented that light spillage and noise from tannoy would be experienced up to 11:00 pm and that 20:20 Cricket was about generating noise and atmosphere. This also included the consumption of alcohol. Together his would have a severe impact on residents. He commented that if the application were to be rejected 20:20 Cricket would still continue to be played at the Ground. He asked whether other possibilities had been considered, such as earlier start times and measures to reduce the noise from the tannoy system. He commented that there should be a travel plan and a seasonal visual impact study made. In answer to a question, Mr Leventhal noted that comments concerning the consumption of alcohol had come from a report in the Chronicle & Echo. He had no direct evidence of this being an issue.

Councillor B Hoare noted that he had emailed his comments to members of the Committee ahead of the meeting. He noted that the Committee was a consultee to the application; the issue was a question of impact on residents and the effect on the adjoining Conservation Area in terms of light, noise and traffic. He understood that the impact assessment of the lighting had been on the basis of a single lighting column. He felt that the report failed to be persuasive in terms of recommending no objections to the proposal. He also commented that the revised lighting scheme still did not meet all of Public Protection's concerns and likened the proposal to being a change of use, given the carnival atmosphere that existed at 20:20 Cricket matches. In answer to a question, Councillor B Hoare commented that other first class cricket grounds had acknowledged the potential issues of an excess of alcohol and had placed restrictions on the hours of serving drink. In answer to a question Councillor B Hoare indicated

that he had no direct evidence of alcohol being an issue.

Mr Summers, a local resident, displayed a photograph of his 8 month old daughter. He commented that he had bought their current property in Wantage Road approximately a year previously, being aware of the cricket ground and had paid a premium because of its quiet location. He noted that his daughter's bedroom would be approximately 12 metres from a 150 foot monolith floodlight column. He noted comments published in the Cricket Club's fanzine, which spoke about increasing the capacity of the Ground. He noted that the rear of his garden was only 4 metres from a proposed floodlight column and referred to the stress that the issue was placing on his family. He also noted rights contained within the Human Rights Act for people to have peaceful enjoyment of their residence. He felt that a commercial enterprise should not be able to ride roughshod over residents.

In answer to questions, Mr Summers commented that he had seen an indicative plan which showed the position of the floodlight columns and was objecting to the changes that the application represented. When he had bought his property he was aware of and accepted the current situation vis a vis the Cricket Ground.

Mr Tagg, the Chief Executive of Northamptonshire County Cricket Club, commented that the Club represented the County which had the smallest population of all the first class cricketing counties. He noted that many grounds around the country were making improvements, including floodlighting, and that the Cricket Club provided leadership of the game throughout the County. The Club had a responsibility to develop cricketing talent and had to be commercially viable. He noted that children as young as eight and nine were taking part in the game and this youngest age group had recently won a national trophy. He commented that the game had received a major boost by the England team winning the Ashes and the County could boast Monty Panesar and ex-player Graham Swann as being part of the current national team set up. He noted that if the Club did not move with the times it was likely to lose its best players and the momentum for supporting the game throughout the County would be diminished. In answer to a question, Mr Tagg commented that retractable floodlights had been considered but their cost was £2.5m as compared with £650,000 for ordinary lighting columns. Furthermore retractable floodlight columns had a much broader profile and base and were more visible as when they were retracted the head of the column became more into eyesight. Mr Tagg also noted that the ECB monitored and audited the Club's crowd control measures, in terms of public safety and alcohol consumption etc and had approved the County's performance in respect of these. The Club's bars could be closed at any moment if an issue arose. So far it had not been necessary to do so. He commented that the so called "tannoys" were in fact a public address system and the Club had already indicated that it would be happy for games to finish at around 9:15 pm and reduce lux levels from the lighting to 100 lux after 10:00 pm. Mr Tagg noted that at present there was only one full game that took place annually as a floodlit match and that although the application was asking for up to fifteen occasions, in reality it was likely to be less than this. He also noted that stewards were trained to deal with crowd control issues as they arose.

Mrs Tagg, Planning Consultant, commented that the application represented a considerable investment in time and process by the Club. The Club had considered residents and public exhibitions had been held in November 2008 and people had been invited to a floodlit game to look at the light spill for themselves. She noted that a further revised lighting scheme to reduce lux levels had been submitted and that the

Committee needed to have regard to the action that the Club had taken. She referred to circular 11/95, which stated that application should be approved if it could be controlled by conditions. The Club took its relationship with the community very seriously but had to look at these developments to be able to move forward. In answer to a question, Mrs Tagg commented that the playing of music through the public address system was a bit of razmataz as batsmen changed. The whole philosophy behind 20:20 Cricket was about engendering a wider public interest. She also noted that the growth in floodlit cricket matches was something that was occurring throughout the country.

The Head of Planning noted that this application did not represent change of use and that no change in the capacity of the ground was proposed. The lights at Lords were still 30 metres in height when retracted and that in respect of noise, paragraph 1.3 of the report, WNDC were requested to negotiate a scheme to manage the situation with the applicant. In answer to a question, the Head of Planning noted that if the application were to be approved, these rights under the Permitted Development Rights Order could be removed so as to prevent the applicant from providing temporary floodlighting and allowing an additional 28 days of use for further floodlit games.

The Committee discussed the application.

RESOLVED: The Council raised no objections for the following reason:

By reason of their siting, design and appearance the proposed commentary box, camera gantry and pavilion extension would not unduly impact upon visual or residential amenity and therefore complies with requirement of Policy E20 of the Northampton Local Plan. Although there would be some impact from the proposed floodlights this needs to be balanced against the wider benefits of the scheme in terms of promoting high level sport within Northampton and how this can contribute to the aspirations regarding the future growth and identity of Northampton as required by Policies 5 and 32 of the Regional Spatial Strategy.

If WNDC are minded to approve the application it be requested that the Head of Planning discuss with them the issues of concern in respect of the use of the floodlights, control of noise nuisance, traffic management plan and the potential removal of permitted development rights in respect of the further provision of temporary lights if the application is to be approved and to discuss conditions to meet those concerns and that the following conditions be attached to any approval:

- (1) The Conditions limiting the operation of proposed floodlights to no more than 15 days between April and September and that the use be restricted to no later than 11:00 pm.
- (2) That WNDC negotiate a scheme where after the cessation of cricket matches lighting levels are reduced to minimise the impact on the occupiers of neighbouring properties whilst allowing for spectators to leave safely.

- (3) As there is a potential for games to take place during late evenings/ antisocial hours any approval be subject to a condition that restricts the use of the public address systems and that it can be demonstrated that such a system would not create any undue disturbance to the occupiers of the neighbouring properties.
- (4) That any approval be subject to the submission of a travel plan dealing with the promotion of sustainable and alternative transport methods.

Councillor Meredith vacated the chair in favour of Councillor B Markham.

<TRAILER_SECTION>

The meeting concluded at 19.44 hours

Directorate: Planning and Regeneration
Head of Planning: Susan Bridge



The Address for Planning Appeals is
 Mr K Pitchers, The Planning Inspectorate, Temple Quay
 House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at -
www.planning-inspectorate.gov.uk
 Local Government (Access to Information) Act 1985
 Background Papers
 The Appeal Papers for the appeals listed.

Author and Contact Officer
 Mr Gareth Jones, Development Control Manager
 Telephone 01604 838999
 Planning and Regeneration
 Cliftonville House, Bedford Road, Northampton, NN4 7NR.

List of Appeals and Determinations – 22nd September 09

Written Repls Procedure			
Application	Del/PC	Description	Decision
N/2009/0197 APP/V2825/A/09/2106367/NWF	DEL	Change of use from Post Office (A1) to Take Away (A5) including extraction flue at Booth Ville Post Office, 3 Booth Lane North.	
NEW IN N/2009/0285 APP/V2825/A/09/21/0386/NWF	DEL	Change of use of part of car park to accommodate car washing and valeting facility including storage container at Homebase, Weedon Road. (RETROSPECTIVE)	
N/2009/0288 APP/N2825/A109/2108554/NWF	DEL	Proposed change of use of part of the car park to accommodate hand car wash area at The Romany Public House Kingsley Road.	
N/2009/0365 APP/V2825/A/09/2108648/NWF	DEL	Proposed change of use from laundrette (Sui Generis) to hot food takeaway (A5) including installation of extraction flue at 168 Birchfield Road East.	
N/2008/0835 APP/V2825/A/09/2104719	DEL	3no. New B2/B8 units (sub-divided into 11 units) and extension of existing B2/B8 units (sub-divided into 10 units) at Action Express, 30 Liliput Road.	

N/2008/1262 APP/V2825/A/09/2104719/NWF	DEL	Proposed erection of 3no. Detached dwellings with associated parking/garages at 31a Greenfield Avenue.	
N/2008/1276 APP/V2825/A/09/2099559/NWF	PC	Change of use from residential (Class C3) to takeaway (Class A5) including alterations to roof, installation of extractor unit and provision of rear car parking at 47 Main Road Duston. (Wild Thyme Cottage)	
Hearing Procedure - NONE			
Inquiry Procedure - NONE			
Enforcement - NONE			

**22nd September
2009**



**NORTHAMPTON
BOROUGH COUNCIL**
Planning Committee

**Addendum
to Agenda Items**

<u>Item</u>	<u>Application</u>	
APPLICATIONS FOR DETERMINATION		
10	A	N/2009/0620 - Proposed two-storey side extension at 28 Barley Hill Road, Southfields.
	B	N/2009/0692 - Reconstruction of roof including dormer windows to rear, following fire at 48 Bants Lane.
	C	N/2009/0610 - Erection of 4no. Detached houses with associated garages, access and parking at building plot rear of 76 Church Way.
APPLICATIONS FOR CONSULTATION		
12	A	N/2009/0700 - Installation of a 7 jet water feature, re-paving and installation of street furniture-seating, bollards, uplighting etc at Market Square.
	B	N/2008/1265 - Criminal Justice Centre within Use Class C2a with associated parking, landscaping and access, Land at Pavilion Drive.
		NBC Conservation Officer – proposal enhances character of All Saints Conservation Area. The loss of two trees has already been discussed and approved. No objections. A briefing sheet has been received from Northamptonshire Police, which outlines the background to the application and provides a summary of the proposal. A synopsis of the detainee release policy is also provided as are comments regarding the benefits of the community and the site selection process. The results of surveys carried out in Runcorn, Leicester, Gwent and Stoke are also discussed. These surveys indicate that in situations where buildings

		<p>similar to the Criminal Justice Centre have been constructed there have not been any noticeable impacts, crime levels have not increased and the Police have been able to adopt a greater presence within the community as a result of more efficient working.</p> <p>A letter has been received from the representatives of Threadneedle Property Investments Ltd. This comments upon the interpretation of Policy B14 of the Northampton Local Plan and that the applicant's supplementary report does not provide an explanation as to why a departure from Policy B14 is acceptable. The letter goes on to state that the site could be developed for high quality office accommodation and there are other sites, which could be developed for this use. It is also contended that the case studies provided are not applicable due to the differences in locations of types of site.</p>
C		<p>N/2009/0638 - Demolition of Maple Buildings at 37 Ash Street and the erection of a "Places for Change Building" offering support and accommodation for vulnerable and homeless comprising 48 self contained flats together with office accommodation, day centre, training facilities and a medical room at Maple Buildings, 35 - 37 Campbell Street.</p>
D		<p>The description of development has been changed by WNDc to - "Outline planning application for the construction of a 112 bedroom hotel complex, spa and leisure facility, access road, car park and associated development. All matters reserved except for means of access, layout and scale of hotel complex and layout, scale and appearance of spa and leisure facility building and car parking' - In summary, the appearance details of the hotel are not to be considered in this resolution, only the appearance of the spa component of the proposals.</p> <p>As a result of the above change the officer recommendation is now tempered to raising concern to WNDc about the layout and orientation of the hotel element of the proposals,</p>

particularly the close proximity of the layout to the boundary with Upton Way. This 'concern' replaces objection no.2 of the recommendation included in the original committee report.

The applicant has responded the committee agenda recommendation stating that the sequential test is not relevant to this site as the land is allocated in an up-to-date development plan document, ie saved Policy D7 of the Northampton Local Plan.

In response to this, the importance of directing hotel development to the town centre is inflated due to the newly adopted East Midlands Regional Plan and emerging Central Area Action Plan that rely on town centre leisure uses and hotels being located centrally to encourage a vibrant and successful town centre in Northampton. On balance, the importance and relevance of the Regional Plan and CAAP considerations outweigh the significance of saved Policy D7 of the Local Plan.

Councillor Paul Varnsberry (W Hunsbury)

Copy submitted of objection on grounds of –
Design – out of character with context
Transport – potential underprovision of parking and under-commitment to public/ communal transport
Environment – harmful impact to landscape directly adjacent to floodzone.



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 22nd September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0620 – Full: Proposed two storey side extension
28 Barley Hill Road, Southfields,
Northampton

WARD: Thorplands

APPLICANT: Mr Darren Clarke
AGENT: Mr Robert Clark

REFERRED BY: Cllr D. Meredith
REASON: Concerned regarding the impacts on the
adjacent property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 Refusal for the following reason:

1.2 By reason of its scale and massing, the proposed extension would form an incongruous feature, detrimental to visual amenity and contrary to Policies E20 and H18 of the Northampton Local Plan and the Supplementary Planning Guidance – Residential Extensions Design Guide.

2. THE PROPOSAL

2.1 The proposal is for the erection of a two storey side extension, which would be located to the east of the property and extend up to that boundary. The proposed extension would have the same height as the existing dwelling (7.6m) and be of the same depth as the existing house (8.02m). The width of the proposed extension is 3.3m at the front tapering to a width of 3m at the rear.

3. SITE DESCRIPTION

3.1 The applicant's property contains a semi-detached dwelling constructed to a brick appearance. The two semi-detached dwellings are located adjacent to a corner within Barley Hill Road. The area features a number of different housing types, however, these are arranged in groups and therefore there is a coherent pattern to development within the area.

3.2 The property to the east is a bungalow (30 Barley Hill Road) and is unusual in that a conservatory is attached to the side elevation. A wooden fence of approximately 2m in height separates the two dwellings.

4. PLANNING HISTORY

4.1 None relevant

5. PLANNING POLICY

5.1 Development Plan:

Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.

5.2 Local Plan Policy:

E20 – New development
H18 – Residential Extensions

5.3 National Policies:

PPS1 – Delivering Sustainable Development

6. CONSULTATIONS / REPRESENTATIONS

6.1 The application was advertised by six letters of notification being posted.

Councillors

6.2 Cllr D. Meredith – Objecting to the development on the grounds that it would lead to an overshadowing of the neighbouring property.

Neighbours

- 6.3 Letters of objection from **30, 32 and 34 Barley Hill Road**. Comments can be summarised as:
- The proposed extension would have an adverse impact on the levels of light and noise available to existing residents.
 - There would be a reduction in views and outlook
 - The proposed extension would adversely impact upon the character of the area.
 - Further comments are made on the construction process.

7. APPRAISAL

- 7.1 In determining applications of this type, Policy H18 of the Northampton Local Plan states that the design and appearance of an extension is of significant importance. Furthermore, the Supplementary Planning Guidance requires that extensions be reasonably subordinate to the original dwelling. The purpose of this is to ensure that extensions do not form overly dominant features.
- 7.2 Although the streetscene features a variety of house types, the character of Barley Hill Road is defined through individual sections being given over to differing types of housing. An extension of the proportions proposed would have an unduly large degree of prominence, which would be detrimental to visual amenity. Furthermore, the lack of subordination would adversely impact upon the character of the site for such alterations would not be present at the neighbouring house, 26 Barley Hill Road. Although Barley Hill Road is a cul-de-sac, the large number of dwellings within the locality means that the road would be widely used. Therefore, the impact of the incongruous nature of the development would be particularly marked.
- 7.3 Within correspondence submitted by the applicant, reference is made to a similar extension at 12 Evesham Court, which is of a similar type to that proposed within this application. However, this property is located at the head of a small cul-de-sac and therefore is not visible to the wider area and as such the application proposal has a significantly different context.
- 7.4 Policy H18 of the Northampton Local Plan states that permission for extensions should only be granted in circumstances when there is an acceptable impact upon the amenities of surrounding properties. By reason of the layout of the surrounding area, the most significant property in this regard is 30 Barley Hill Road. It is acknowledged that this property features a conservatory adjacent to the boundary, however, by reason of the proposed extension maintaining the proportions of the existing dwelling, it is considered that there would be no undue detrimental impact upon the levels of outlook for the residents of the property. By reason of the orientation of the property, there would not be a significant impact on the levels of light.

Notwithstanding this, these impacts on the neighbouring properties do not outweigh the aforementioned negative impacts on the character of the area.

8. CONCLUSION

8.1 It is considered that owing to the scale and positioning of the proposal, the extension would have an adverse impact upon the visual amenity of the locality and the quality of the streetscene.

9. LEGAL IMPLICATIONS

9.1 None.

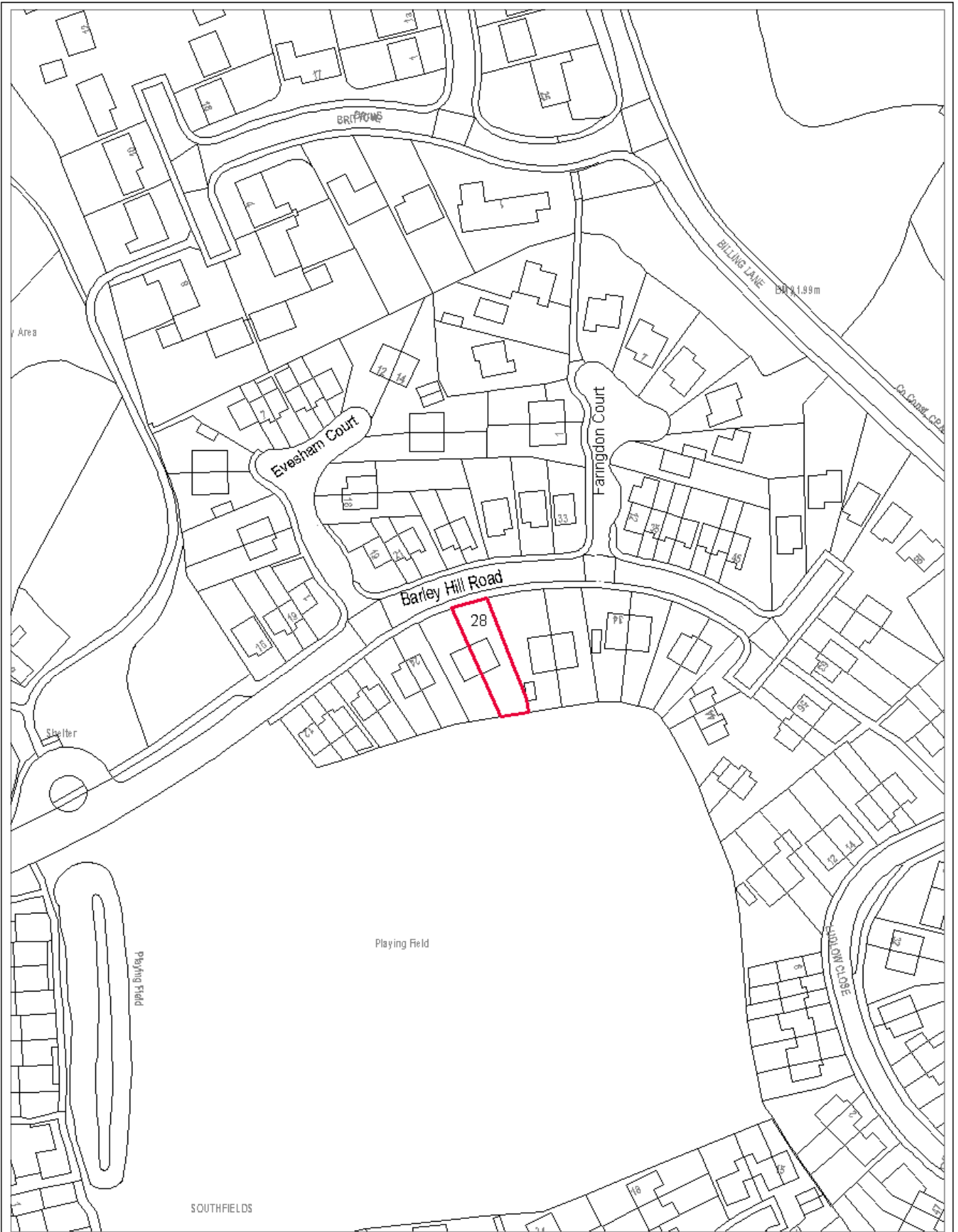
10. BACKGROUND PAPERS:

10.1 None

11. SUMMARY AND LINKS TO THE CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Ben Clarke	3/9/09
Development Control Manager:	Gareth Jones	7/9/09



Im: Jon Martin
 Dt: 8th September 2009
 Nr: 1:1250
 Pr: Planning
 Mnt: Location Plan

Title
28 Barley Hill Road

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PLANNING COMMITTEE: 22 September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2009/0692
48 Bants Lane, Northampton

WARD: St. James

APPLICANT: Mr. Abraham Rohin
AGENT: Mr. Graham Woodall

REFERRED BY: Head of Planning
REASON: Applicant is a relative of an NBC employee
(section 2.1.4 of the Constitution)

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

APPROVAL for the following reason:

The impact of the development on the character of the original building, street scene and residential amenity is considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and SPG Residential Extensions Design Guide.

2. THE PROPOSAL

2.1 Permission is sought for the reconstruction of roof including dormer windows to rear following fire.

3. SITE DESCRIPTION

3.1 48 Bants Lane is a 1930's semi-detached dwelling located on the corner of Bants Lane and Ellesmere Avenue. The house has been extended to the side and rear and has a detached garage.

4. PLANNING HISTORY

77/0065 – erection of garage and attached car port
77/0262 – two storey extension

86/0414 – rebuild storm damaged fence with brick wall

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

Planning Policy Statement 1 – Delivering Sustainable Development

5.3 Northampton Borough Local Plan

E20 – New Development
H18 – Residential Extensions

6. CONSULTATIONS

Councillors J. Conroy and P. Varnsverry

Neighbours 32 Ellesmere Avenue
46, 50 and 55 Bants Lane
9 Chewton Close

No representations received as at the time of writing report. If any responses are received, they will be brought to the attention of the Committee by way of the Addendum.

7. APPRAISAL

7.1 The new roof is mostly completed and is largely the same as previous, with the only difference being the addition of one roof light (0.5m x 0.5m) in the westerly roof slope. The two rear dormers would normally constitute permitted development, however, as this application is for the replacement of a roof substantially demolished by fire, the overall design is submitted for approval. Given that the limited scale of proposed development and that it is essentially reinstatement of what had been the roof form of this house prior to the fire it is not considered that the proposal would give rise to any harm to the character of the building / character of the area or to neighbour amenity.

8. CONCLUSION

8.1 It is considered that the design and appearance of the roof is acceptable in that it is in-keeping with the character and appearance of the original dwelling and not detrimental to visual amenity or the street

scene. Moreover due to its limited scale and siting it would not give rise to any harm to neighbour amenity.

9. CONDITIONS

The roof shall be reconstructed with materials of a similar type, texture and colour as the existing roof.

Reason: In the interests of visual amenity to ensure that the roof harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

10. BACKGROUND PAPERS

None

11. LEGAL IMPLICATIONS

None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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.

Position:	Name/Signature:	Date:
Author:	Ellie Williams	07/09/2009
Development Control Manager Agreed:	Gareth Jones	09/09/2009



im: Jon Martin
 dt: 8th September 2009
 nr: 1:1250
 r: Planning
 n: Location Plan

Title
48 Bants Lane

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NORTHAMPTON
B O R O U G H C O U N C I L

PLANNING COMMITTEE: 22nd September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0610 - Full: Proposed erection of 4 no. detached dwellings with associated garages, access and parking at Land to rear of 76 Church Way.

WARD: Weston

APPLICANT: Individual Homes
AGENT: None

REFERRED BY: Call in by Head of Planning
REASON: Previous application on this site called in by Councillor Hadland.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the following conditions and for the following reason:

The proposed development would have no undue detrimental impact upon the visual amenity of the locality, the residential amenity of nearby occupiers or highways safety and therefore accords with policies E20, H6 & H10 of the Northampton Local Plan and Planning Policy Statement 3 Housing.

2. THE PROPOSAL

2.1 The proposal entails the construction of four dwellings (2 x one and a half storey and 2 x two and a half storey) on a large backland site to the rear of no. 76 Churchway; a detached two storey house. It is proposed to retain no. 76. Access is proposed to the south of the

existing house from Churchway. This application is a revision of a previous approval on this site for three dwellings, using the same access and follows the withdrawal of a proposal for five dwellings.

3. SITE DESCRIPTION

- 3.1 The site comprises all of the land at no. 76 Church Way, covering an area of 0.31 hectares. The site slopes significantly towards the rear and includes a number of protected trees as well as a large pond. The proposed development area is concentrated to the rear of the existing house, which is to be retained.

4. PLANNING HISTORY

- 4.1 The erection of three houses on substantially the same site was approved on November 15th 2004 under reference N/2004/1140. This used the same means of access as the current proposal.
- 4.2 An application for the erection of five dwellings, made under reference N/2008/1228 was withdrawn on January 21st 2009.
- 4.3 An application for four dwellings was made under reference N/2009/0093 and was withdrawn on August 14th 2009.

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2.1 National Policies:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

5.3 East Midlands Regional Plan

Policy 2 – Promoting Better Design

Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

5.4 Northampton Borough Local Plan

H6 – Other housing development within primarily residential area
E20 - New development
E40 - Crime and Vandalism

- 5.5 **Other Policy Considerations**
Supplementary Planning Guidance (SPG);
Parking
Planning Out Crime

6. CONSULTATIONS

- 6.1 **County Highways:** Having studied the documents relating to this application; in particular the Design & Access Statement, I would only reiterate my previous comment relating to this site; this being that it be conditioned on any permission given that: The turning head in front of No 76 be kept clear at all times and not be used as a parking space and to be maintained as a turning head to remove the possibility of vehicles reversing out on to the public highway.
- 6.2 **Arboricultural Officer:** There are numerous trees at the site including trees within TPO No.11. Trees to the Western edge of the site have added importance as a screen to the proposed development and as such any removal will require replacement plantings. The proposed drive I believe is within the Root Protection Areas (RPA) of trees within Group 2 of the above TPO and will require specialist no-dig design. Plot A is also within the RPA of protected trees and would require specialist foundations and ground protection to facilitate construction without compacting the underlying rooting area.
- 6.3 **Public Protection:** The land should be investigated for prior contaminative uses and more particularly possible excessive levels of natural Arsenic. I attach some guidance notes for information. I would therefore recommend that if you are minded to recommend approval it should be subject to the conditions on the attached schedule. Please note that with effect from 6 April 2008, a Site Waste Management Plan (SWMP) must be produced for all construction projects worth over £300,000. A SWMP records the amount and type of waste produced on a construction site and how it will be reused, recycled or disposed.

7. REPRESENTATIONS

- 7.1 The application was advertised by notification letter and objections were received from the occupiers of 17, 18, 19 and 20 Favell Way, and 76 and Church Way, making the following points:
- We had permission to build at the bottom of our garden (17 Favell Way), adjacent to the site, still hope to be able to implement these plans.
 - Concerned over problems with waterlogging, want to ensure there is adequate drainage if the plans are passed.
 - Loss of amenity due to proximity to raised decking area.
 - Plans indicate obscure glazed windows, will this always be the case?

- Back of our house will be in full view of the ground floor windows of house C. Decking area will be overlooked by anyone standing on access road.
- Will bring a minimum of four cars, if not 8 or more, as well as access problems will add to noise and fumes.
- Boundary fence is small and affords little protection.
- Development is on land covered by a Tree Preservation Order.
- Proposed scheme is a cramped and visual obtrusive form of development, out of keeping with other properties in the locality in general and visually intrusive.
- Development would be out of keeping with this low density residential area.
- Would have a detrimental effect on established character of the area.
- Original application for three houses was a more acceptable number.
- Closeness of access driveway to boundary fences would be a security and vandalism risk for all adjoining properties. Permanent stone or brick wall should be provided.
- Amount of traffic entering and exiting this driveway onto a bend in the road should also be a major consideration.
- Church Way is used as a rat run for traffic, more and more backland planning applications are being passed and the volume of traffic is reaching an unacceptable and dangerous level.
- The character of the village is being destroyed.
- Considered to be significant over development of a backland site
- Would have wholly unacceptable relationship with adjacent property (78 Church Way, "Lomond"). Outlook over garden, and into rear windows, resulting in a severe loss of privacy and amenity.
- Proposal attempts to shoe-horn four substantial dwellings onto the site, resulting in over bearing impact on existing properties.
- Vehicles passing along the drive would pass close to the rear windows of Lomond, this could only be solved by a fence or hedge which could have an overbearing impact on the property.
- Additional dwellings on a private drive would not be easily accessible to service vehicles, likely that these would park on the road causing inconvenience to other road users.
- Length and width of the drive would result in cars meeting on the drive and having to reverse possibly the length of the drive and possibly sound their horns which would disturb neighbours.
- Additional visibility splays result in removal of boundary walls which is characteristic of this part of Church Way.
- Additional activity along access road would increase risk of crime and vandalism.
- PPS3 encourages the efficient use of land for housing but also emphasises the need to respect the character and amenity of existing residential areas.
- There is a wider issue of overdevelopment within Church Way. Approx 20 houses have been approved or are proposed, with

associated cars etc. Has the planning authority taken on board the implications on what is a narrow village road being used as a rat run?

8. APPRAISAL

8.1 The site is designated within the Local Plan as falling within a primarily residential area. The principle of residential development is therefore acceptable in this location.

8.2 Policy H6 sets out the criteria against which residential development will be assessed, stating that “within the primarily residential areas identified on the proposals map, planning permission for residential development will be granted except where:

A) The development would be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site.

8.3 The proposal is for four detached houses within a backland site.

8.4 The proposal represents a revision to a previous approval on this site which proposed three larger houses of a broadly similar style.

8.5 There are other examples of ‘backland’ development behind the main road frontages and it is not considered that the development would be out of keeping with the character of the area or the wider pattern of development.

8.6 It is considered that the houses now proposed would be in keeping with the character of the area being of a similar footprint to many neighbouring properties and of a style which is considered appropriate to the area.

8.7 Two of the houses (A and B) would have rooms within the roofspace whilst the two houses (C and D) closest to Church Way would be in more of a dormer bungalow style, but incorporating full two storey elements.

8.8 Houses C and D would face towards the rear gardens of neighbouring properties at 18 and 19 Favell Way but would be separated from these by a distance of 34 and 39m respectively, with the distance to the site boundaries being 13.5 and 9m respectively. Additionally these two units have been designed such that the first floor window would be obscure glazed and serving only bathrooms, with the bedroom windows facing to the rear. This would, therefore, prevent any overlooking of these properties. The occupiers of no. 18 Favell Way have objected due to overlooking of the raised patio area to the rear of their property, however this would be 13.5m from the facing property at plot C and it is considered that any overlooking of the patio area from

street level could be overcome by a suitable boundary treatment and planting.

- 8.9 In respect of the adjacent property at 78 Church Way, the nearest new property on Plot C would be offset from the rear of this property but would be within 10m of the boundary with its garden. However, overlooking would again be prevented by the use of obscure glazing at first floor level.
- 8.10 The proposal entails the creation of a new means of access adjacent to the side boundary of no. 78 Church Way (indicated on the submitted plans as 78A but now re-numbered) and 18 and 19 Favell Way. This is in common with the previous approval for three houses and it is not considered that this would result in any additional impact on the occupiers of this property.
- 8.11 To the north of the site are tennis courts and an area of open space which would not be adversely affected by the development.

B) The development would not comply with the council's highway design guide and guide to parking standards.

- 8.12 The means of access to the site is from Church Way, utilising part of the side garden of no. 76. This entails the removal of the front wall to the highway and the provision of a side access to the parking area to the front of no. 76.
- 8.13 The previous approval was for three houses and a garage for the original house at no. 76. The proposal now entails four houses but no. 76 would not be provided with a garage. However, a garage has recently been constructed, under a separate permission, to the side of no. 76. However whilst this would increase the use of the private drive, comments from County Highways indicate that this is acceptable, subject to the turning head to the front of no. 76 being kept clear and not used as a parking space.
- 8.14 The proposal has been amended from the previously withdrawn application by the inclusion of this turning head within the application site, which will allow this to be controlled by condition.
- 8.15 Parking is provided in the form of a double garage for each of plots A and B and a single garage for Plots C and D. Additional parking would be available to the front of all plots.
- 8.16 PPS3 states that on average a maximum ratio of 1.5 parking spaces per plot should be provided. This maximum would not be exceeded by the proposal. The site is not well served by public transport and this level of car parking is therefore considered necessary and appropriate.
- 8.17 Concern was raised under the previous application by one of the neighbours as to the possibility of dustbins being left at the site

entrance for collection. Consultation with the Council's Waste Management section indicates that bins would have to be left at the highway boundary. However, this is in common with all other backland sites and in the absence of any objection from County Highways it is not considered that this issue can be regarded as sufficient to warrant refusal.

C) The development would be piecemeal in character and likely to prejudice the possible satisfactory development of a larger area.

- 8.18 The development is a comprehensive scheme encompassing the whole of this garden area and therefore cannot be viewed as being piecemeal in character.

D) The development would result in the loss of, or the loss of potential for garaging, parking, social, educational, recreational or other facilities for which there is a need in the area, or trees or land of significant amenity value.

- 8.19 The site includes a number of trees which are protected by a tree preservation order and includes building within the root protection area of these trees. Comments from the Arboricultural Officer suggest that full details of the method of construction should be provided and conditions to this effect are proposed.

9. CONCLUSION

- 9.1 It is considered that the proposal represents only a moderate increase over and above the number of dwellings previously approved and given that it has been designed to minimise the impact on adjoining occupiers, it is considered that no undue adverse impact would result either on adjoining occupiers, as a result of increased highway congestion or due to any impact on the protected trees.

10. CONDITIONS

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

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

2. Details 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 Policy E20 of the Northampton Local Plan.

3. Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason - To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. 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. The scheme shall be implemented in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.

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. Full details of the driveway construction within the root protection area of adjacent protected trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The details submitted shall include a fit-for-purpose specialist no-dig construction incorporating a 3-dimensional cellular confinement system to negate soil compaction and allow moisture throughput. The driveway in this area shall thereafter be constructed in full accordance with the submitted details.

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 E20 of the Northampton Local Plan.

6. Full details of root protection measures during construction, including protective fencing for during development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the development shall thereafter be carried out in full accordance with the approved details. The submitted details shall specify how the underlying rooting area is to be protected and shall include details of specialist foundations and ground protection measures to facilitate construction within the Root Protection Areas. During the period on construction within the fenced protection area(s) no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor 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 E20 of the Northampton Local Plan.

7. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to neighbouring properties 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.

8. The turning head to the front of No 76 Church Way as shown on the approved plan (reference AC1) shall be maintained for the use of all residents of and visitors to the dwellings hereby approved, for so long as the development hereby approved remains in existence, unless otherwise agreed in writing by the local planning authority. Reason - To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy E20 of the Northampton Local Plan.

9. Unless otherwise agreed in writing by the Local Planning Authority, the junction of the new access and the existing highway shall be laid out in accordance with the approved details thereof as set out on drawing ref. AC1 and maintained for so long as the development hereby approved remains in existence.

Reason - To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy E20 of the Northampton Local Plan.

10. The first floor windows in the south-eastern elevations of units C and D shall be glazed with obscured glass and shall be of fixed type before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason - To safeguard the privacy of the adjoining properties in accordance with Policy H6 of the Northampton Local Plan.

11. No development shall take place until a desktop study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority.

All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11, 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 in accordance with Condition 11.

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 PPS23 Planning and Pollution Control.

13. 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 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.

11. LEGAL IMPLICATIONS:

- 11.1 None.

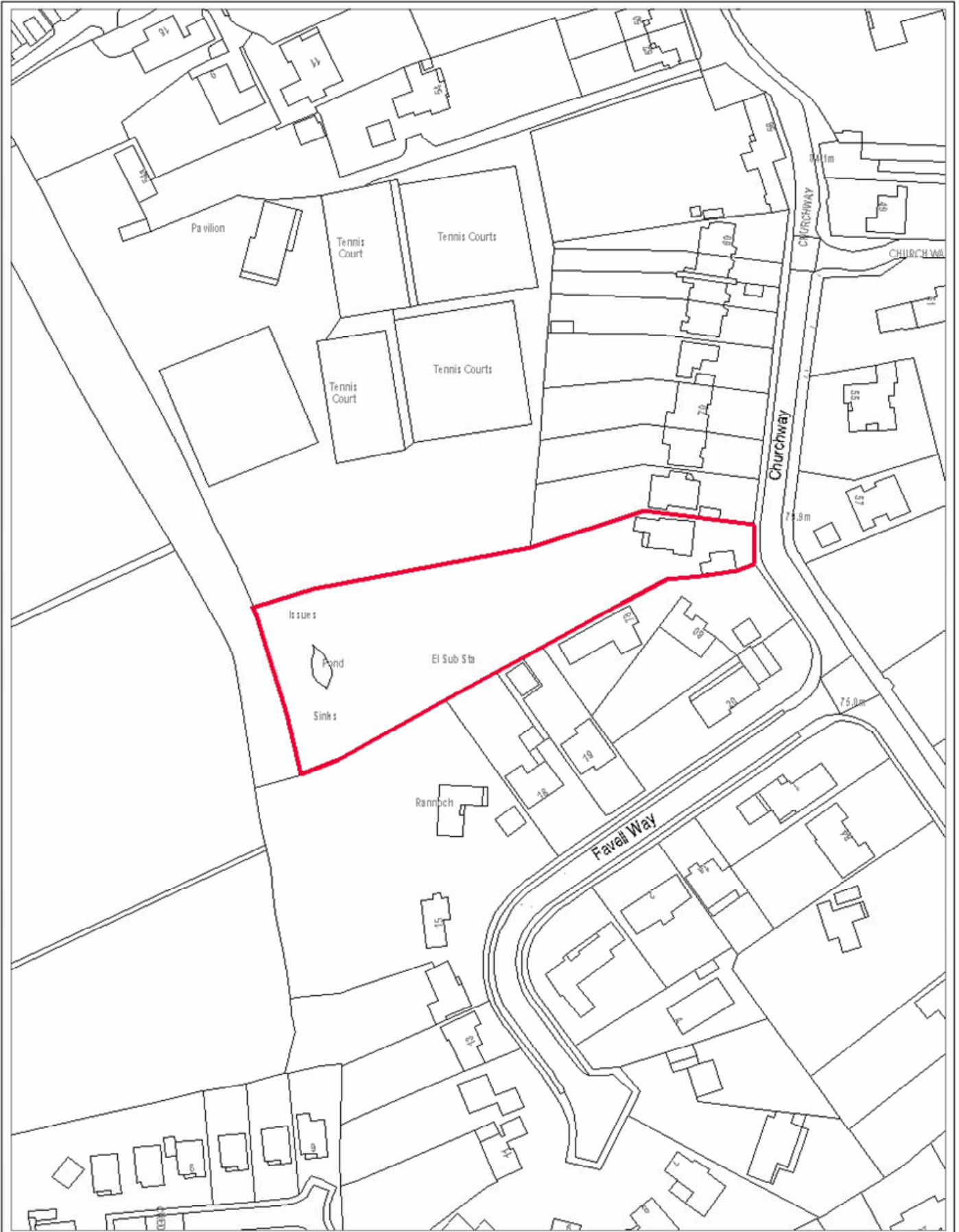
12. BACKGROUND PAPERS

- 12.1 Application file N/2009/0610

13. SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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.

Position:	Name/Signature:	Date:
Author:	Andrew Holden	07/09/09
Development Control Manager:	Gareth Jones	07/09/09



Im: Jon Martin
 Dt: 8th September 2009
 S: 1:1250
 P: Planning
 T: Location Plan

Title
Building Plot Rear of 76 Church Way

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NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 22 September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2009/0700Full: Installation of a 7 Jet Water Feature, Re-Paving,
Free Standing Clock, Installation of Street
Furniture, Seating, Bollards and Uplighting

WARD: Castle

APPLICANT: NBC
AGENT: Peter Brett Associates

REFERRED BY: Head of Planning Services
REASON: NBC Application

DEPARTURE: No

APPLICATION FOR CONSULTATION BY : WNDC

1. RECOMMENDATION

- 1.1 That the Council raise no objection to the application.
- 1.2 By reason of the siting and design of the proposed interactive water feature and new street furniture would not have a significant adverse impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area would comply with Policy E26 of the Northampton Local Plan, advice in PPG15 (Planning and the Historic Environment).
- 1.3 If WNDC are minded to approve this application, that conditions be attached:
 - Ensure that an Archaeological watching brief is carried out during construction.
 - Samples of material are submitted for consideration.

2. THE PROPOSAL

- 2.1 This application is for the Installation of a 7 Jet water feature, the re-paving of the surrounding area, the installation of new street furniture including seating, bollards and uplighting and a free standing illuminated clock. Two of the existing four trees are to be retained as part of the gateway feature
- 2.2 The scheme is to provide a 'Gateway' feature at the entrance to the Market Square as part of the regeneration / improvements within the town centre.

3. SITE DESCRIPTION

- 3.1 The application site is located at the south-eastern corner of the towns Market Square adjacent to Abington Street and is located within the historic heart of the Town Centre. A mix of differing style three storey buildings that have retail and offices at ground floor surround the Square itself. The area has been contained for predominantly pedestrian use by the introduction of a range of surface treatments. There are four existing trees within the gateway two Ash and two Maple

4. PLANNING HISTORY

- 4.1 N/2009/0499 – 2 No Free Standing Notice Boards, 2No Monitor/Display Screens and 14No Banners – Approved 29 July 2009

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.3 National Policies:

PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment

5.4 East Midlands Regional Plan 2009

Policy 2 – Promoting Better Design
Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

5.5 Northampton Borough Local Plan

E20 – New Development
E26 - Conservation Areas

5.6 Supplementary Planning Guidance

Planning Out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

Internal

6.2 Town Centre Manager: No objections

Built Conservation: No comments received to date

Public Protection: No objections

External

6.3 None

Councillors

6.4 No comments received to date

Neighbours

6.5 As a consultee, Northampton Borough Council has not carried out neighbour consultations.

7. APPRAISAL

7.1 The purpose of the creation of a 'Gateway Feature' at the principal entrance to the Market Square is to provide a distinct transition from the adjacent streets to the refurbished Market Square creating a high quality complimentary landscape feature within the urban space.

7.2 The proposed resurfacing of the Gateway and the installation of the seven jet water feature, clock and seating would provide a focal point at the entrance to the Market Square and the events area located at the southern end of the square.

7.3 The final design has been developed through a process of consultation to ensure that good access is provided for all. The materials and street furniture proposed have been selected to ensure that they will provide continuity for the future enhancements within the Market Square and the town centre as a whole.

7.4 The final selection of the water feature has been determined through the consideration of a wide range of alternative features such as sculptures etc. and it was considered that this would provide the most flexible use of the limited space available.

7.5 There are currently four existing trees within the gateway area, two Ash and two Maple. A tree survey has been carried out and the two Ash have been assessed to be of poor quality and it is considered that they are restricting the development of the adjacent Maple trees therefore it is proposed to fell the two Ash trees and incorporate the two Maple trees into the Gateway feature by providing circular grills and stone paving, lighting and seating.

8. CONCLUSION

8.1 The Gateway area and the proposed improvements are part of the wider enhancement of the Market Square and the Town Centre as a whole. The design of the Gateway feature, in terms of the use of a water feature, materials and street-furniture have been chosen to complement the historic setting of the Market Square and its environs and as such it is considered that it will not have any detrimental impact.

9. BACKGROUND PAPERS

9.1 None.

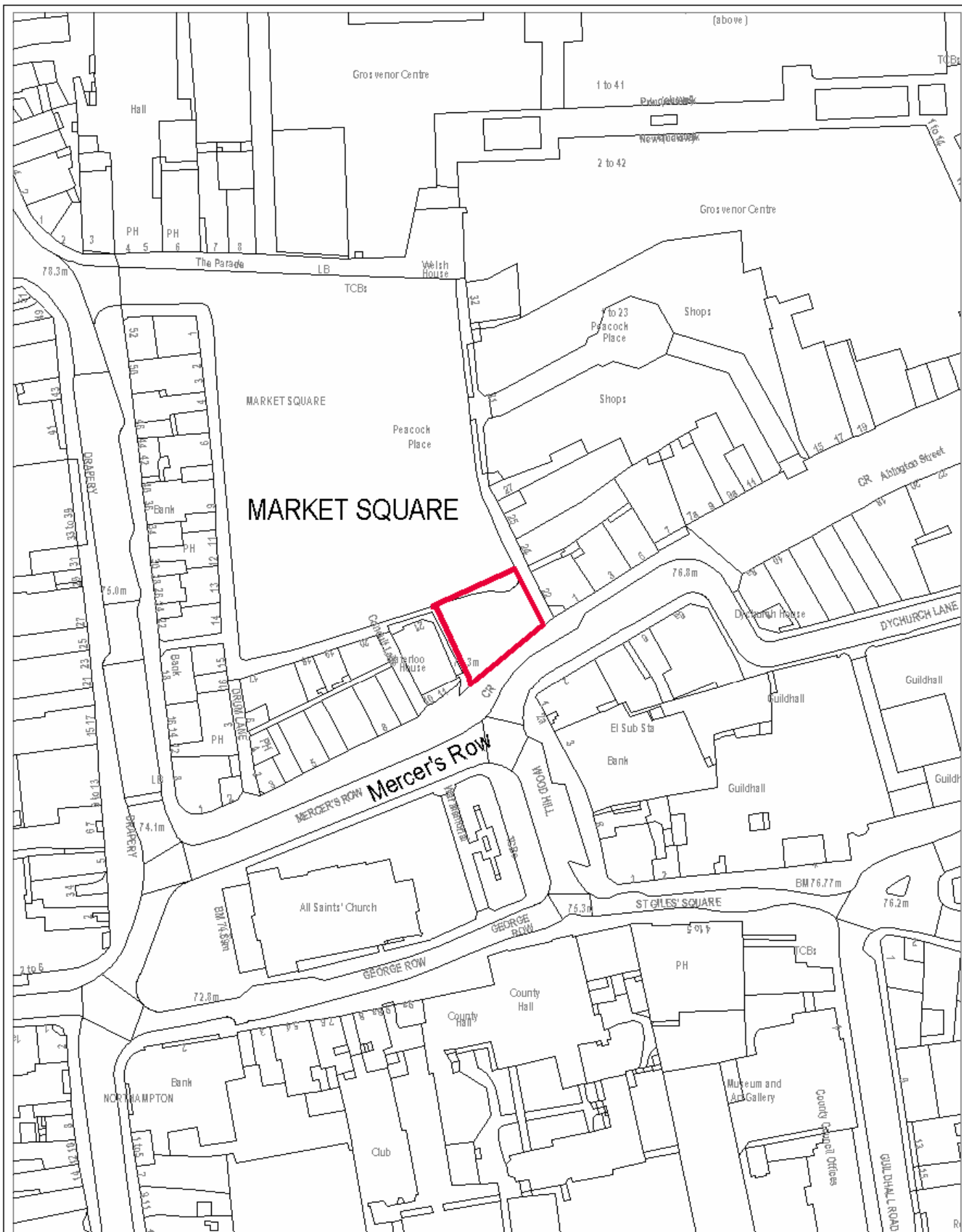
10. LEGAL IMPLICATIONS

10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	June Kelly	1/09/2009
Development Control Manager Agreed:	Gareth Jones	7/09/09



Im: Jon Martin
 Dt: 9th September 2009
 Nr: 1:1250
 Ft: Planning
 Mt: Location Plan

Title
Market Square

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NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 22nd September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2008/1265 – Full: Criminal Justice Centre within Use Class C2a
with associated parking, landscaping and
access
Land at Pavilion Drive, Northampton

WARD: Nene Valley

APPLICANT: Northamptonshire Police Authority
AGENT: Savills (L & P) Ltd

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: Yes

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

- 1.1 That the Council raised NO OBJECTIONS for the following reason:
- 1.2 By reason of its scale and use, the proposed Criminal Justice Centre would generate significant employment opportunities and community benefit and therefore complies with the requirements of Policy B14 of the Northampton Local Plan. The proposal would have no undue detrimental impact upon visual amenity and therefore complies with Policies E14 and E20 of the Northampton Local Plan.
- 1.3 This recommendation is subject to WNDC ensuring that submitted protocol for the release of detainees being secured via a Section 106 Agreement, along with the matters identified in the previous report to Planning Committee as appended.

2. PURPOSE OF THE REPORT

- 2.1 Members of the Committee may recall that this application was reported to Northampton Borough Council's Planning Committee on the 6th May 2009. Whilst members did not wish to raise any formal objections, concerns were expressed regarding the release of detainees, the scale of the proposed building and the impact on the highway system. Northamptonshire Police have produced a Supplementary Report, which considers these and other concerns and the purpose of this committee report is to inform the Planning Committee of this Report. The original Committee report is attached as an appendix.

3. THE PROPOSAL

- 3.1 The proposal that is the subject of this full application to the WNDC is for the provision of a Criminal Justice Centre comprising a 50 cell custody unit for the processing of detainees along with office accommodation for activities associated with detainees of the Criminal Justice Centre as well as administrative work associated with the Criminal Justice Unit, Identification Suite and Prisoner Investigation Unit. The intention of the custody suite is to operate on a 24 hours a day, seven days a week basis and be used to process and investigate people detained by the Police on suspicion of committing an offence. The period of detention would be, on average, around nine hours. Due to the nature of the activities proposed, the development would fall under Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). However, it is recognised that a number of the functions carried out by a Criminal Justice Centre would have similarities to those carried out within a Class B1 Office.
- 3.2 Subsequent to Northampton Borough Council's consideration of this proposal at the April committee meeting a Supplementary Report has been submitted. This details the operational functions of the proposed Criminal Justice Centre, which in addition to providing custody facilities would allow for the provision of general office space; a prisoner investigation unit, which would provide interview facilities; office facilities would be provided for use by legal representatives, interpreters and appropriate adults; a major incident suite, which would provide recourses for the investigation of serious crimes; an identification suite; facilities to allow for the transfer of detainees and facilities to allow for partnership working between the Police and other agencies.
- 3.3 The Supplementary Report also makes references to a number of examples where Criminal Justice Centres have been constructed and includes comments and opinions from local residents. A summary of case law regarding the fear of crime as a material consideration is also included. A greater degree of detail is provided regarding the detainee release policy and an appendix to the report contains a protocol, which is proposed by the applicant to be contained within any Section 106

Agreement. The Supplementary Report also considers alternative sites and the objectives of Policy B14 of the Northampton Local Plan.

3.4 The design and siting of the proposed building is unchanged from that considered at the May 2009 Committee meeting.

4. SITE DESCRIPTION

4.1 The site that is the subject of this application is located within a proposed business area as identified within the Northampton Local Plan. The area to the east of the site is identified as being an existing business area. Buildings located within Pavilion Drive are typically used for purposes that would fall under Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). These buildings are typically constructed to a variety of designs, which assists in the definition of the character of the area.

4.2 Areas of green space, part of which is in use as a golf course are located to the west and south of the site, with residential accommodation located further to the south. The site itself is reasonably level; however, the general topography of the area does slope upwards in a southerly direction.

5. PLANNING HISTORY

5.1 Past Applications:

99/0386 – 106 bed, three storey hotel and two storey hotel with associated car parking and landscaping – Refused
N/2001/660 – Two and three storey office development – Approved

6. PLANNING POLICY

6.1 Development Plan:

Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS) and the Northampton Local Plan.

6.2 Local Plan Policy:

B14 – Non business uses within business areas
E1 – Impact on character and structure of landscape
E14 – Corridors of travel
E19 – Implementing development
E20 – New development
E40 – Impacts on Crime and Vandalism

6.3 Regional Spatial Strategy Policies:

22 – Regional Priorities for Employment Land

6.4 **National Policies:**

PPS1 – Delivering Sustainable Development;
PPG4 – Industrial, Commercial development and Small firms
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise

6.5 **Supplementary Planning Guidance**

Planning Out Crime

7. **CONSULTATIONS/REPRESENTATIONS**

7.1 As set out in the earlier Committee report as appended.

8. **APPRAISAL**

8.1 As covered in Paragraph 2.1, the purpose of this report is to inform members of the additional information received in respect of this application. The report for item 12a of the agenda for the Planning Committee meeting held on the 6th May 2009 has been attached as an appendix to this report. This previous report discussed the principle of the development and in particular the employment and community benefits of the proposal. The design of the building was also discussed. No new planning policies have emerged within the intervening period and therefore these considerations do not need to be re-assessed.

8.2 The Supplementary Report identifies that a Travel Plan has been agreed in principle with Northamptonshire County Council as Highway Authority and the Highways Agency. In addition, WNDC have confirmed that the Highways Agency removed their holding objecting to the development on the 4th June 2009. Therefore, although the proposal would be located in close proximity to a junction with a major road, it is considered that that the application would not unduly impinge upon the free flow of traffic or highway safety. As a result of this, it is considered that the proposal would not unduly impact upon the highway system and in particular the A45 and the Brackmills Industrial Estate. Therefore the Criminal Justice Centre is compliant with PPG13 – Transport.

8.3 In terms of the release of detainees, a protocol has been submitted. This states that prior to the release of a detainee the previous history of the detainee, financial status, time of release, circumstances of arrest, nature of offence leading to arrest, travelling distance to onward destination, physical capability, mental vulnerability, available transport, language capability, ethnicity, nationality, bail conditions and any other relevant matter will all be assessed in order to determine the risk to the individual concerned.

- 8.4 The protocol will also consider the risks to the wider public as a result of releasing a detainee. The matters to be considered include whether the name and address of the detainee can be ascertained, whether the detainee failed to surrender, the offence committed, whether detention is necessary to prevent loss/injury/damage, whether there is a risk of justice being obstructed or interference of a witness and whether detention is needed for the detainees protection.
- 8.5 In considering these matters a process will be followed that closely parallels that carried out within Magistrates Courts with regards to the granting of bail. This takes into account the nature and seriousness of the offence, the probable penalty, the defendants characters, associates, community ties, the defendants record in any previous granting of bail, the strength of evidence and any other relevant consideration. The defendants' intentions, disposition and previous record are also taken into account.
- 8.6 These procedures are comparable to those carried out with the Campbell Square and Weston Favell Police Stations. These facilities are located in comparable situations to the site that is the subject of this application due to the close proximity to residential and business accommodation. As a result of these factors, combined with the applicant being prepared to enter into a Section 106 Agreement to secure this protocol means that it is considered that the any fear of crime is adequately addressed and therefore the proposal complies with the requirements of Policy E40 of the Northampton Local Plan and SPG – Planning Out Crime.
- 8.7 The facility would also be governed by the Police and Criminal Evidence Act 1984, which states the detainees can only be released when there is no longer any need for detention. Therefore, if an individual poses a risk to society, then this legislation allows continued detention as a need has been identified.
- 8.8 It is recognised that concerns have been raised regarding detainees using the adjacent footpath. However, this concern has been addressed through the inclusion with the submitted report of draft procedures, which include the provision of vehicles to provide transport for detainees and drivers on a shift pattern covering each day of the year, although this would be subject to annual review. In addition, procedures are set out to enable detainees to make the necessary arrangements for collection or to a make alternative transport arrangements. In addition, the applicant has stated they will undertake all reasonable measures to ensure that detainees would not leave the property without arranged transport. As a result of these measures being secured through a legally enforceable document in the form of the proposed S106 agreement, any fears regarding future crime levels have been addressed and therefore no objections should be raised over this matter.
- 8.9 It is recognised that the building is of large proportions. However, as detailed within the report placed before the Planning Committee in May, it

is considered that this building makes a positive contribution to the streetscene of Pavilion Drive and the A45. Furthermore, it would not form an incongruous feature when viewed against the backdrop of other large commercial developments within the immediate vicinity.

- 8.10 Moreover in respect of the scale of the development proposed, it should also be recognised that this application is part of a strategy to ensure that adequate infrastructure is provided to allow for the applicant to meet the future requirements of the service. Therefore the proposal would comply with the requirements of PPS1 – Delivering Sustainable Development, for this documents that Local Planning Authorities ensure the adequate provision of infrastructure needed through changes to the population structure.
- 8.11 The applicant has outlined the site selection procedure. Sites adjacent to the currently disused Cattle Market, Wootton Hill Park and within Swan Valley, Milton Ham and Grange Park were considered in conjunction with two sites in Milton Malsor. In July of this year, sites in Harvey Reeves Road, Westgate and Bedford Road were assessed. All sites were considered unsuitable for a development of this type for a variety of reasons, including insufficient space, poor access, a lack of site availability, a lack of proximity to the town centre and a lack of access to bus routes. Therefore, given the lack of alternative sites and combined with the community and employment benefits would enable the proposal to comply with Policy B14 of the Northampton Local Plan.

9. CONCLUSION

- 9.1 Whilst this proposal would technically represent a departure from adopted planning policy. In recent times a more flexible approach to the interpretation of Policy B14 has been taken in order to encourage employment opportunities. Clearly it has been shown above that this proposal would generate significant employment opportunities and community benefits in accordance with Policy B14 of the Northampton Local Plan. It is considered that due to the design and siting of the building, there would be no significant adverse impact on visual amenity of the quality of the streetscene.
- 9.2 Through the agreement of a Travel Plan, the applicant has entered into a commitment to securing a modal shift in transport, which would reduce the dominance of private cars as a means for transport and look to secure more sustainable methods. In addition, it has been demonstrated that the proposal would not unduly impact upon the surrounding road network, including highways of strategic importance.
- 9.3 It is recognised that the concerns have been raised regarding the release of detainees. However, the submitted protocol for inclusion within any Section 106 Agreement would ensure that there is a thorough assessment of the risks to the wider community and the individual concerned and take into account a large number of

circumstances. Therefore, the proposal complies with Policy E40 of the Northampton Local Plan. For these reasons, it is recommended that no objections be raised to the proposed development.

10. LEGAL IMPLICATIONS:

10.1 None

11. BACKGROUND PAPERS

11.1 Item 12a from the agenda for the 6th May 2009 Planning Committee meeting.

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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	4/09/09
Development Control Manager:	Gareth Jones	7/9/09



PLANNING COMMITTEE: 8th April 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2008/1265 – Full: Criminal Justice Centre within Use Class C2a
with associated parking, landscaping and
access
Land at Pavilion Drive, Northampton

WARD: Nene Valley

APPLICANT: Northamptonshire Police Authority
AGENT: Savills (L & P) Ltd

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: Yes

APPLICATION FOR CONSULTATION BY WNDC:

2. RECOMMENDATION

- 1.1 That the Council raise NO OBJECTIONS for the following reason:
- 1.2 By reason of its scale and use, the proposed Criminal Justice Centre would generate significant employment opportunities and community benefit and therefore complies with the requirements of Policy B14 of the Northampton Local Plan. The proposal would have no undue detrimental impact upon visual amenity and therefore complies with Policies E14 and E20 of the Northampton Local Plan.
- 1.3 This recommendation is subject to WNDC securing the inclusion of the detainee release policy within either an agreed travel plan to submitted as part of a condition to any approval of Planning Permission or to be included as part of a Section 106 Agreement.

- 1.4 If WNDP are minded to approve this application then the following conditions are requested to be attached to any approval notice:
- 1.5 That WNDP obtain details of the proposed wood chip boiler, covering the specification of the stack, the specification of the appliance and the emission rates in order to ensure that there would be no adverse impacts on the amenities of surrounding residents in accordance with the requirements of PPS23 – Planning and Pollution Control
- 1.6 That appropriate planning conditions are placed on any approval, which would require that the development be carried out in accordance with the recommendations of the acoustic report. It is also recommended that a condition be used to require the submission of details regarding window and ventilation systems in accordance with PPG24 – Planning and Noise

3. THE PROPOSAL

- 2.1 The proposal that is the subject of this full application to the WNDP is for the provision of a Criminal Justice Centre. The centre would comprise a 50-cell custody unit for the processing of detainees, office accommodation in respect of activities associated with detainees, administrative work associated with the Criminal Justice Unit, Identification Suite and Prisoner Investigation Unit. It is proposed to operate the custody suite on a 24 hours a day, seven days a week basis for the processing and investigation of people detained by the Police on suspicion of committing an offence. The period of detention would be, on average, approximately nine hours in duration. Due to the nature of the activities proposed, the development would fall under Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
- 2.2 By means of background information, the existing detention facilities process approximately 27 individuals over an average 24 hour day, with a monthly average number of detainees at 828. The applicant has stated that the proposed development is required as result of a review carried out in 2004 into the current custody arrangements within Northamptonshire. The review found that the current custody facilities were insufficient in size to meet the future needs of the Police in relation to the projected growth in population. Concerns were raised regarding the dated nature of the existing custody facilities and their failure to meet Home Office and Health and Safety Executive standards. As a result of this, it was recommended that Northamptonshire Police consider the provision of Criminal Justice Centre that would emulate Home Office guidance on best practices. As a consequence of this, a full application for Planning Permission has been submitted to WNDP.

- 2.3 The Centre would operate by Police vehicles entering the site via a access to the rear of the site through a secure perimeter access gate. Detainees will be escorted to the building outside of public view. The rate of release for detainees will vary and would be an average of between one and two per hour, between 0600 and midnight. All detainees would be provided with transport to a mutually agreed location and Northamptonshire Police will fund dedicated vehicles and drivers for this purpose.
- 2.4 In support of the application, the following have been submitted:
- An Archaeological Assessment
 - A Consultation report on proposals for a Criminal Justice Centre
 - A Design and Access Statement
 - A Draft Travel Plan
 - An Ecological Assessment
 - An Environmental Assessment
 - An Environmental Noise Assessment
 - A Flood Risk Assessment
 - A Ground Investigation Report
 - A Planning Statement
 - A Site Waste Management Plan
 - A Transport Plan

4. SITE DESCRIPTION

- 3.1 The site that is the subject of this application is located within an existing business area as identified within the Northampton Local Plan. Buildings located within vicinity of the site in Pavilion Drive are typically used for purposes that would fall under Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). These buildings are typically constructed to a variety of designs, in the form of between two and four storey office buildings, which assists in the definition of the character of the area.
- 3.2 Areas of green space, part of which is in use as a golf course are located to the west and south of the site, with residential accommodation located further to the south. The site itself is reasonably level; however, the general topography of the area does slope upwards in a southerly direction.

5. PLANNING HISTORY

4.1 *Past Applications:*

99/0386 – 106 bed, three-storey hotel and two-storey hotel with associated car parking and landscaping – Refused
N/2001/660 – Two and three storey office development – Approved

6. PLANNING POLICY

- 5.1 **Development Plan:**
Section 36(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.
- 5.2 **Structure Plan Policy:**
GS5 – Design
T3 – Transport requirements and access
- 5.3 **Local Plan Policy:**
B14 – Non business uses within business areas
E1 – Impact on character and structure of landscape
E14 – Corridors of travel
E19 – Implementing development
E20 – New development
E40 – Impacts on Crime and Vandalism
- 5.4 **Regional Spatial Strategy Policies:**
22 – Regional Priorities for Employment Land
- 5.5 **National Policies:**
Planning Policy Statement (PPS):
PPS1 – Delivering Sustainable Development;
PPS23 – Planning and Pollution Control
- Planning Policy Guidance (PPG):
PPG4 – Industrial, Commercial development and Small firms
PPG13 – Transport
PPG24 – Planning and Noise

7. CONSULTATIONS/REPRESENTATIONS

- 6.1 The application was advertised by WNDC. However the following responses have also been submitted to Northampton Borough Council and are therefore being reported for information only
- 6.2 Hardingstone Parish Council – Objecting to the proposal on the grounds that as the site has only one access point, the risk to the surrounding area as a result of civil disturbance or other hazard would be high. The site is only 400m from a residential property. The proposal fails to comply with Policy B14 of the Northampton Local Plan and would lead to a loss of employment opportunities. The proposal would lead to a significant increase in the fear of crime. The proposal fails to take into account the requirements of Section 17 of the Crime and Disorder Act 1998 and has insufficient parking.

6.3 Letters of objection from Barclaycard Ltd, Northamptonshire Enterprise Ltd, Threadneedle Property Investments Ltd, Units 300, 400, 500, 650, 600 and 800. Comments can be summarised as:

- The development fails to comply with Policy B14 of the Northampton Local Plan.
- The proposal fails to comply with Policy 22 of the Regional Spatial Strategy.
- An extant planning permission exists on the site for an office building 2.32 times larger than this proposal, there is a loss in employment opportunities
- There is a need to keep employment sites available to cope with the future growth in Northampton
- It is questionable as to whether any of the employment opportunities would be new jobs within the Northamptonshire.
- The office accommodation contained within the development could be reduced in the future.
- A hotel was refused on the site.
- The proposal would lead to a loss in the prestige of the Northampton Business Park, which is currently an attractive site due to its location and environment.
- There is a shortfall in office provision within Northampton and West Northamptonshire as a whole.
- It is evident that other sites would meet the requirements of the applicant.
- The scale, design and setting of the proposed building would be out of keeping with the surrounding area.
- The use of hard standing would be out of keeping with the character of the area.
- The design of the building and site would create a negative impression of Northampton or the Northampton Business Park.
- The proposal would create a substantial fear of crime amongst workers and employers within the vicinity.
- An independent employee survey undertaken at Barclaycard Ltd has raised specific concerns about security and safety, as well as potential impacts on the ability to attract and retain employees of a high calibre.
- A survey carried out over the staff of 17 employers found that there was concern over the proposed Criminal Justice Centre, that there was a fear the safety levels would decrease, that there was a fear of crime regarding the proposal and that there would be an adverse impact on businesses
- The car parking provision is inadequate due to the need for spaces during shift changes and the lack of alternative transport.
- The layout would cause confusion to road users.
- No surveys have been undertaken regarding the presence of Great Crested Newts.

- 6.4 A petition signed by 357 residents expressing objections to the proposal. Letters of objection have also been received from the residents of 52 and 58 Back Lane. Comments can be summarised as:
- The Detainee Release Policy may not be able to included within a Section 106 Agreement and if so should not be considered. This policy could be stopped if funding levels were to be decreased and would not cover those that need to report back to the Criminal Justice Centre.
 - There is a footpath adjacent to the site, which leads to Hardingstone and could be attractive to detainees that do not accept Police transport.
 - There is a fear of crime within Hardingstone as a result of the release of detainees.
 - The proposal would not generate significant local benefits and there is a shortage of office accommodation.
 - The single point of access is already congested
 - There are few, if any, purpose built Criminal Justice Centres within the UK.

Internal

- 6.8 Public Protection – Details regarding the boiler are requested regarding the stack, surrounding buildings, combustion appliance and rates of emission for particle matter and oxides of nitrogen are requested prior to determination of this application. No conditions are required regarding investigations into contaminants. A satisfactory noise assessment has been submitted, however, a condition is recommended that would require the submission of windows and ventilation system specification.

8. APPRAISAL

- 7.1 The proposal is a full application for Planning Permission made to the West Northamptonshire Development Corporation. The site in question is identified within the Northampton Local Plan as being a location for proposed business developments.

Principle of the Development:

- 7.2 As described previously the development that is the subject of this application for Planning Permission would fall under Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). As the site falls within an area identified within the Northampton Local Plan as being a proposed business area, Policy B14 of that document should be considered. This policy provides a presumption in favour of developments that fall under Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless the proposed development would be of significant benefit to the local community and would lead to substantial employment opportunities.

- 7.3 Dealing first with the issue of employment opportunities, it should be noted that approximately 200 people would be employed within the proposed Criminal Justice Centre. As such given the size of the site, the employment opportunities are considered consistent with the aims of Policy B14 of the Northampton Local Plan. From the supporting information provided the largest proportion of the employees would be involved in activities carried out within an office environment. Therefore, although the primary Use Class as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) has been referred to as C2 (Residential Institution) the proposal would in effect have a mixed use including a range of activities that would be akin to that falling within Class B1 (Office) development.
- 7.4 While representations received by Northampton Borough Council, have stated that the development of this site for purely office purposes would deliver a greater provision of employment opportunities and this may be the case. It should be noted that the Northampton Local Plan does not identify the site as solely being suitable for office development, it is therefore possible that an alternative use could be established on this site falling within the 'Business Use Classes' that would deliver less employment than an office development. Policy B14 contains no requirement to undertake a comparison exercise when assessing the merits of non-business uses. A final consideration of this criterion of Policy B14 is that whilst the proposal is for a non-business use, the site itself has remained undeveloped for some time and as a result of this, there would be no loss of existing jobs within this particular site.
- 7.5 As described in paragraph 7.2, Policy B14 of the Northampton Local Plan requires non-business uses to demonstrate that they would have significant local benefits. In the case of the Criminal Justice Centre, the proposal would assist Northamptonshire Police in meeting forthcoming challenges in the provision of their services, with particular reference to the projected growth in population within Northampton and the wider area. The Criminal Justice Centre would enable Northamptonshire Police to function in such a way that is consistent with current best practices procedures. As a result of this, it is considered that the proposal would offer substantial local benefits to the wider community of Northampton through the provision of enhanced law and order provision. Whilst it is acknowledged that those outside of the immediate locality would also experience these benefits, Policy B14 only requires that the local community benefit from non-business developments and that there is no compulsion that these benefits to be exclusive to the local community.
- 7.6 Policy 22 of the Regional Spatial Strategy seeks to ensure that there is an adequate supply of good quality land for office and industrial development, that land is brought forward which meets the specific needs of potential investors and that a review of employment land is carried out together with the monitoring of overall supply of good quality land. While it is acknowledged that there is a shortfall of

employment sites for new office development in and around Northampton. The proposed development would result in the release of existing sites with opportunities for new office developments within more sustainable locations than the application site.

7.7 The consolidation of existing Police functions on sites including Campbell Square and Weston Favell, both of which afford the opportunity for redevelopment for a range of employment uses in close proximity to the Town Centre, an existing business area and adjacent to an established local/district centre. These sites would represent sustainable locations on account of their close proximity to significant amounts of residential accommodation, facilities and infrastructure to support business activity and access to significant public transport provision. As a result, these locations are likely to be attractive to business users. Therefore, it is considered that the objectives of Policy 22 of the Regional Spatial Strategy have been met.

7.8 PPG4 – Industrial, ‘Commercial Development and Small Firms’ requires that land be retained for employment purposes. As previously stated the proposed Criminal Justice Centre given the range of activities would provide significant employment opportunities. This would be combined with the potential to create further employment opportunities within other, more sustainable locations. Therefore, the proposal would be broadly consistent with the aims of National Planning Policy Guidance. This flexible approach is expanded upon within the emerging PPS4 – Planning for Sustainable Economic Development, which states that sites should be identified, which would facilitate a broad range of employment opportunities and not necessarily restricted to a single or small number of use classes.

7.9 Representations received by WNDC and copied to Northampton Borough Council make reference to a number of studies regarding the provision of offices and activities carried out on employment land. In many cases the stated purpose of these studies is to identify priorities to be addressed within the planning policy making process and as such their recommendations are enshrined within contemporary and emerging policy documents. It should be recognised that in many cases background studies are carried out in respect of a wide geographical area and as such their findings cannot be and should not be applied to individual development sites.

7.10 It is identified within this application that the proposed Criminal Justice Centre is required in order to meet the prevailing standards from the Home Office and the Health and Safety Executive. A deficiency has been identified in terms of the provision of the service as a result of the projected population growth within the region. PPS1 – ‘Delivering Sustainable Development’, states that Local Planning Authorities should ensure that a projected growth in population is supported through the adequate provision of infrastructure and services. As the

growth in population is likely to increase pressure on services and infrastructure, the proposed development would comply with this requirement of PPS1.

Design and Access:

- 7.12 It is recognised that buildings within Pavilion Drive are of a high quality design. In addition to this, there is a significant variation in terms of scale and style and it is this that assists in the definition in the area's character. Although the proposed building would be of a different use to those in the vicinity, the design of the building as proposed would be comparable in terms of its high quality and landscaped setting and as such this would ensure that the building would not form an incongruous feature within the streetscape of Pavilion Drive as such it complies with Policy E20 of the Northampton Local Plan.
- 7.13 While it is acknowledged that the proposed use of the building has required the inclusion of a number of fences, most notably to the north and west of the site, where a 3.6m security fence is proposed. Both of these boundaries are not prominent from Pavilion Drive as there represent the rear and the side boundaries which front the A45 and Delepre Golf Course respectively. Although, this feature is not replicated within other buildings within the vicinity the existing planting would provide a screen, which would assist in it not being an overly dominant feature. Additional landscaping is also proposed to the west of the site and this would further assist in the mitigation against this element of the proposal being a visual intrusion on the landscape. As a result of these measures, the proposal can be considered to be in accordance with the requirements of Policy E20 of the Northampton Local Plan.
- 7.14 Policy E14 of the Northampton Local Plan is an additional material consideration due to the location of the site. This policy seeks to ensure that high quality development takes place alongside principle travel corridors in order to project a positive impression onto those passing by. As a result of the positioning of the proposed development, its rear elevation would be visible from the A45. The ground floor of the building would be partially screened by the existing trees located between the northern boundary of the site and the A45 and as a result would not result in a significant adverse impact upon visual amenity. The remaining storeys of the building, by virtue of their height would be more easily viewed from the A45. However, given the distinctive design of the building, in conjunction with the fenestration arrangement on the rear elevation this would ensure that the quality of the building fronting the A45 would represent the highest standard. Therefore, the proposed development complies with the requirements of Policy E14.

- 7.15 Policy GS5 of the Northamptonshire County Structure Plan requires that development proposals take into account the impact of their design in terms of defining the character of the surrounding area. As a result of the high quality design of the proposed Criminal Justice Centre, it is considered that the proposal complies with the requirements of this policy. PPS1 – Delivering Sustainable Development places a significant emphasis on securing a high level of design, particularly in the case of building, which occupy prominent locations. PPS1 states that all designs put forward as part of development proposals should be appropriate for the context in which they are to be sited. As a result of the wide variety of buildings within the immediate vicinity, combined with the distinctive design of the building, particularly with regards to the front and the rear elevations and its associated landscaping, it is considered that the proposal complies with the requirements of this national planning policy.

Transport

- 7.16 Policy GS5 of the Northamptonshire County Structure Plan as well as national planning policies contained within PPG13 – Transport states that proposed developments should enable and encourage the use of alternative transport methods to reduce reliance on private cars. Bus services to the general vicinity of the application site are typically focused upon traditional working hours and lunchtimes during week-days. In addition there are defined cycle and pedestrian routes that run through the surrounding area and these are linked with comparable provision elsewhere in Northampton.
- 7.17 A draft Travel Plan has been submitted with this application in order to support the employees that would be engaged within the proposed building. These employees can be placed into three broad categories, which would primarily be office staff, who would work conventional office hours, those working within the Prisoner Investigation Unit, who would follow a shift pattern of 0700 to midnight and staff working in the Custody Suite, who would work on a shift basis covering a 24 hour period with a typical shift changeover times of 0700, 1400 and 2300 hours.
- 7.18 Although detainees within the Criminal Justice Centre would not have access to personal transport and would in the main use transport provided by the Police or friends and family, the significant majority of individuals that would engaged in activities at the proposed Criminal Justice Centre would be employees and visitors and as such would have a number of transport options available to them, which can be utilised to increase the sustainability of the proposal.
- 7.19 The principle objective of the draft Travel Plan is to minimise the impact on the environment as a result of individuals travelling to and from the site through the encouragement of environmentally friendly transport methods. In order to the deliver upon this aim, the draft Travel Plan

states that there is a commitment to the appointment of a Site Travel Plan Co-ordinator to be responsible of the efficient implementation of the Travel Plan; surveying of staff on a regular basis to ensure that targets are being met; the creation of a car sharing scheme, the provision of secure covered cycle storage; the provision of changing facilities, lockers and showers to encourage walking to work and monitoring of car parking to ensure that there would be no overprovision of this facility.

- 7.20 It is noted that the draft Travel Plan identifies that there may be a possibility of working in conjunction with other businesses within the area to identify future improvements to bus provision. The draft Travel Plan also outlines existing policies held by the applicant in relation to financial assistance with regards to cycle purchase and maintenance.
- 7.21 As a result of the working hours undertaken by those undertaking office or administrative tasks, there would be adequate alternative means of transport, such as public transport to reduce the dominance of private cars as the primary means of transport. In addition, the provision of items such as covered cycle storage and changing facilities is likely to serve as an encouragement for employees to cycle to work especially given the site's proximity to the surrounding cycle network
- 7.22 It is recognised that cycling and walking to and from the proposal is likely to be less attractive to those working outside the more traditional office hours. However, it is noted that the creation of a car-sharing scheme is also identified and whilst this would rely on the use of private cars, it would result in a reduction in the number of journeys undertaken by private cars.
- 7.23 It is therefore considered that the proposal would comply with the requirements of PPG13 – Transport and Policy GS5 of the Northamptonshire County Structure Plan and there are insufficient grounds to register an objection on the grounds of sustainability. In order to ensure that the development that is the subject of this application operates in the most sustainable way, WNDC are requested to ensure that all matters arising from the consultation process in respect of the draft Travel Plan are addressed prior to determining this application. If minded to approve this application, WNDC are requested to ensure that an agreement is entered into between the Local Planning Authority and the applicant to ensure that the recommendations of the Draft Travel Plan are implemented.
- 7.24 Northampton Borough Council's role within the determination of this application is as a consultee, third party consultations have not been carried out. However, NBC have been informed that the Highways Agency have made a holding objection in respect of the proposal on the grounds that the submitted Travel Plan does not review existing travel patterns to the existing custody facilities. It is recommended that such a review take place in order to reach an understanding as to the

likely frequency, destinations and times of peak demand generated by the proposal and its impact on the road network. The applicant is working to overcome these objections and the Committee will be advised of any changes to this situation verbally.

Crime

- 7.25 Relevant case law does indicate that the fear of crime can be a material consideration in the determination of applications for Planning Permission. In addition, Policy E40 of the Northampton Local Plan is also relevant as this requires that new developments pay due regard to deterring crime and vandalism through appropriate design, layout and landscaping. By reason of the design of the development, including the provision of items such as the security fencing, it is considered that the proposal would comply with the requirements of Policy E40 of the Northampton Local Plan.
- 7.26 Within the submitted Planning Statement, it is stated that after the conclusion of investigations, detainees that are to be released will be subjected to a full risk assessment. These detainees would be offered transport to a mutually agreed location. This transport would be taken under the auspices of a Police employee. An alternative arrangement would be for detainees to be collected by friends or family. Those detainees that are to be referred to Court would be transported there at the earliest opportunity using secure transport.
- 7.27 The risk assessment that detainees would be subject to would cover a number of factors including their previous history, financial history, time of release, circumstances of arrest, nature of offence, travelling distance to onward destination, physical capability, mental vulnerability, available transport, language capability, nationality, ethnicity, any other matter which could make the detainee vulnerable and bail conditions.
- 7.28 In determining the risk to the public as a result of releasing a detainee, the following considerations would be assessed: whether the detainees name and address can be ascertained; whether the detainee failed to surrender; the likelihood of an offence being committed; whether detention is necessary to prevent injury, loss or damage; the risk of interference with witnesses or causing an obstruction of justice and whether detention is necessary for the detainees own protection. This decision would be informed by the nature and seriousness of the offence and the probable penalty; the defendant's character, antecedents, associates and community ties; the detainees record in regard to any previous grant of bail; the strength of evidence and any other relevant consideration. This would be informed by assessing the suspect's intentions, their disposition and their previous record.
- 7.29 As a result of these measures, it is considered that the fear of crime that emanates from the proposed use has been adequately addressed

within the application. However, in order to ensure that the development operates in a way that is consistent with the process as set out above, WNDC are to be requested to ensure that detainee release policy is included within a Section 106 Agreement. An alternative to this would be for the detainee release policy to be part of a final Travel Plan to be submitted as part of a condition on any approval.

Noise Assessment

- 7.30 As a result of the submitted assessment, it is considered that the proposal complies with the requirements of PPG24 – Planning and Noise. WNDC are to be advised that if minded to approve this application, it be subject to a condition that will ensure that the recommendations of the assessment are implemented. Due to the nature of the use of the proposed building, this should include details of the ventilation system and the windows that would be installed on the proposed building.

Ground Investigation

- 7.31 It is noted that a ground investigation report has been submitted and this does not identify any potential issues regarding the control of contaminants. Therefore, the proposal complies with the requirements of PPS23 – Planning and Pollution Control.

Air Quality Assessment

- 7.32 The submitted ‘Design and Access’ statement contains reference to a wooden chip boiler in order to promote sustainability within the development. As there is the potential for this element of the proposal, WNDC is advised to obtain a specification of the proposed boiler prior to determining the application, in order to ensure that there would be adverse impacts on the surrounding area. This should include the scale of the stacks, dimensions of surrounding buildings, details regarding the combustion device and maximum rates of emissions.

8. CONCLUSION

- 8.1 Whilst this proposal would technically represent a departure from adopted planning policy. In recent times a more flexible approach to the interpretation of Policy B14 has been taken in order to encourage employment opportunities. Clearly it has been shown above that this proposal would generate significant employment opportunities and community benefits in accordance with Policy B14 of the Northampton Local Plan.
- 8.2 In addition the provision of such a facility would be in accordance with the requirements of PPS1 would provide for the projected future growth in population levels and demand for this service. The design of the proposed Criminal Justice Centre would harmonise with its

immediate surroundings and therefore complies with the requirements of Policy E14 and E20 of the Northampton Local Plan. It is considered that the proposal complies with Policy GS5 and PPG13 with regards to ensuring that suitable alternatives are put in place to reduce the dominance of private cars as the main means of transport to and from the proposed development. Therefore, it is recommended that no objections be raised to the proposal. However, in order to ensure a high standard of development, it is recommended that this be subject to criteria as laid out at the head of this report.

9. LEGAL IMPLICATIONS:

9.1 None

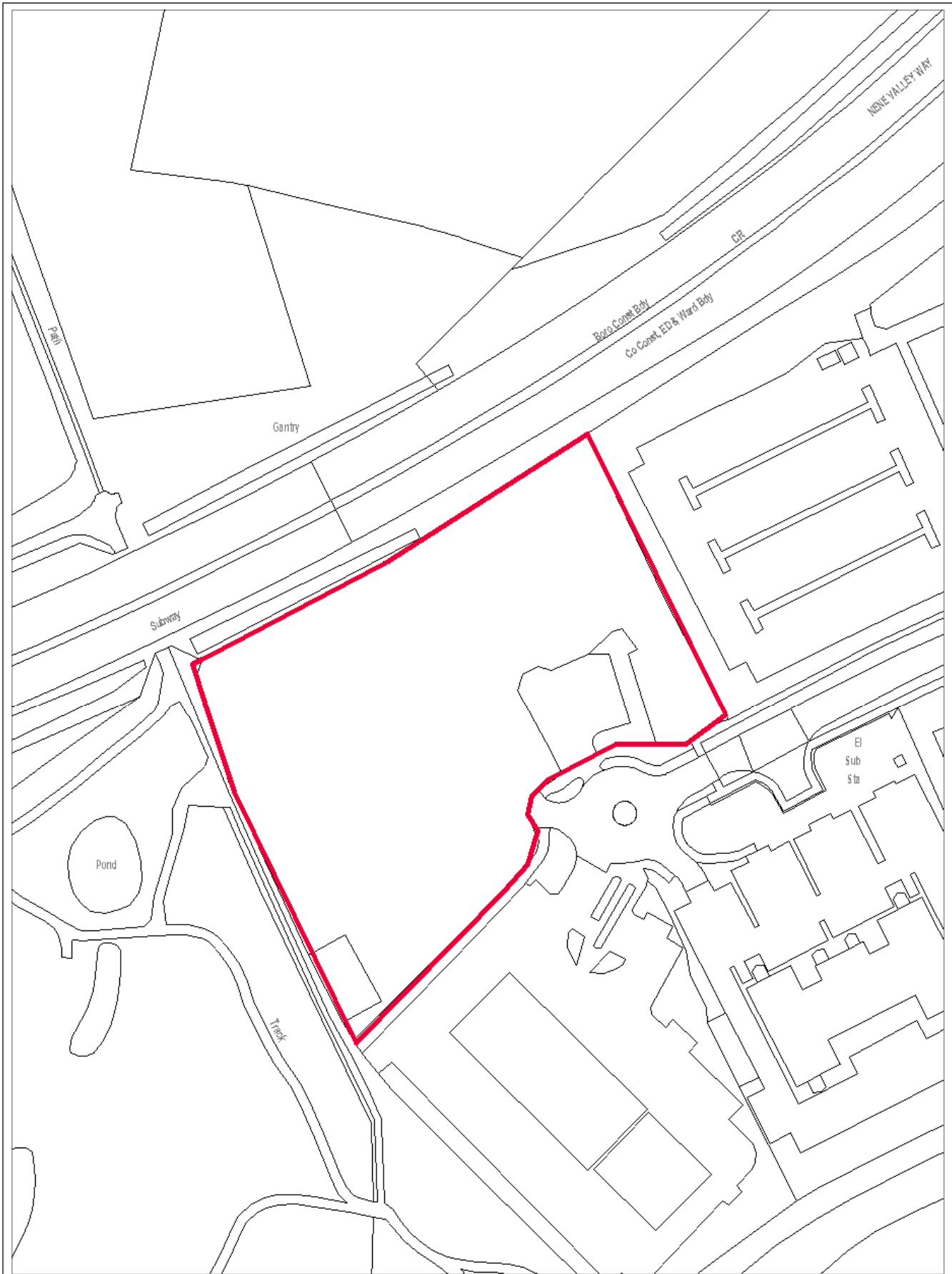
10. BACKGROUND PAPERS

10.1 None

11. Summary and Links to Corporate Plan

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

Position:	Name/Signature:	Date:
Author:	Ben Clarke	24.04.2009
Development Control Manager:	June Kelly	24.04.2009



Date: Jon Martin
 Date: 30th January 2009
 Scale: 1:1250
 Use: Planning
 Type: Location Plan

Title

Land at Pavilion Drive

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NORTHAMPTON
B O R O U G H C O U N C I L

PLANNING COMMITTEE: 22nd September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2009/0638: Demolition of Maple Buildings and 37 Ash Street and the erection of a “Places for Change Building” offering support and accommodation for vulnerable and homeless comprising 48 self contained flats together with office accommodation, day centre, training facilities and a medical room.
 35 – 37 Campbell Street, Northampton

WARD: Castle

APPLICANT: Mr Simon Vick
AGENT: BM3 Architecture

REFERRED BY: Head of Planning
REASON: Major scheme involving Council owned land

DEPARTURE: Yes

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 That the Council raise NO OBJECTIONS for the following reason:

By reason of its design, scale and use, the proposed “Places for Change” building would generate significant community benefit and employment opportunities and therefore complies with the requirements of Policy B14 of the Northampton Local Plan. The proposal would have no undue detrimental impact upon visual amenity and therefore complies with Policy E20 of the Northampton Local Plan.

1.2 If WNDC are minded to approve this application then conditions are requested to be attached to any approval notice to deal with the following:

- Contamination – ensure that a condition is attached that ensures that remedial works are undertaken.
- Refuse and recycling storage – to ensure that details submitted are implemented and maintained.
- Noise – to ensure that the specification and installation of appropriate noise mitigation and ventilation measures are undertaken.
- Air quality - to ensure a further assessment is carried out and the specification of remedial measures is undertaken.

2. THE PROPOSAL

- 2.1 The proposal that is the subject of this full application to the WNDC is to demolish the existing industrial buildings on the site and construct a new three storey building to provide homeless accommodation in the form of 48 self contained flats together with office accommodation, day centre, training facilities and a medical room.
- 2.2 By means of background information “Places of Change” is the Government’s capital funding programme designed to transform the way in which homeless services are delivered, both in terms of buildings and people. The proposed building will house 48 self contained flats and a Social Enterprise Business for employment training, an IT. and training suite, an arts and creative design studio, a medical facility, dog facilities, a safe controlled courtyard, a multiple needs unit for higher support needs and move-on accommodation.
- 2.3 Whilst Midland Heart will own and manage the building a range of services will be available on site delivered by other partners as follows:
- HOPE Daycentre for homeless and vulnerable adults
 - CAN Housing Advice, Outreach and Support Services
 - NAASH homeless hostel

A major partnership is in place strategically and operationally to fund the project and includes Northampton Borough Council, Northamptonshire Supporting People revenue, Midland Heart, Places of Change - Communities and Local Government, Homes and Communities Agency and Primary Care Trust.

- 2.4 In support of the application, the following have been submitted:
- A Geo-Environmental Desk Study
 - A Sun Study Jan – Dec 2009
 - A Design and Access Statement
 - BREEAM Pre-Assessment
 - Preliminary Baseline Air Quality Assessment
 - Noise Assessment Report
 - Drainage and Attenuation Assessment

3. SITE DESCRIPTION

- 3.1 The application site is located within an Existing Business Area as identified within the Northampton Local Plan. The site is located close to Northampton Town Centre at the corner of Campbell Street and Bailiff Street and is currently occupied by five commercial units, some of which are empty and in a poor state of repair. This area of the sloping site is approximately 0.24ha.
- 3.2 The surrounding area is mixed in nature with commercial and residential nearby. Immediately to the north of the site are commercial properties along Ash Street and also a day centre and a hostel for the homeless. To the east of the site, on the opposite side of Bailiff Street, is a unit of residential sheltered accommodation (Simon de Senilis Court), which lies adjacent to the Campbell Square Police Headquarters. To the west of the site is an electricity substation and commercial units comprising a tyre fitters and a UPVC window suppliers. To the south of the site on the opposite side of Campbell Street is the Holy Sepulchre Conservation Area with other residential buildings and a health centre. Campbell Street is a major thoroughfare and comprises four traffic lanes as it passes the application site.

4. PLANNING HISTORY

- 4.1 *Relevant Past Applications:*
Planning history relating to the site dates back to the 1950's. Planning consent for the erection of a printing works was granted in 1953 (268/53) and there are a number of applications relating to development at the printing works. There are also a number of changes of use of parts of the building including to a soup kitchen (92/0574) and private club (94/0459). Planning consent was granted for the conversion of the factory building at 37 Ash Street to a day centre for homeless people (96/0500).

5. PLANNING POLICY

- 5.1 **Development Plan**
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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.
- 5.2 **National Policies:**
Planning Policy Guidance/ Statement (PPG / PPS):
PPS1 – Delivering Sustainable Development
PPG4 – Industrial, Commercial development small firms
PPG13 – Transport
PPG15 – Planning and the Historic Environment

PPG24 – Planning and Noise
PPS23 – Planning and Pollution Control

5.3 **East Midlands Regional Plan**

Policy 2 – Promoting Better Design

Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

5.4 **Northampton Borough Local Plan**

B14 – Non business uses within business areas

E1 – Impact on character and structure of the landscape

E19 – Implementing development

E20 – New development

E40 – Impact on crime and vandalism

5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/REPRESENTATIONS**

Internal

6.1 **NBC Public Protection** – makes comments in respect of the following:

- **Contaminated land** - The phase one assessment submitted with the application is considered to be satisfactory. It recommends that a site investigation and risk assessment to determine if any remedial works are required. We accept this recommendation and would suggest that any approval is subject to conditions to ensure that this recommendation is carried forward.
- **Noise** - The noise survey and prediction of impact of traffic noise is considered to be satisfactory. This report makes general recommendations regarding the required sound attenuation and mitigation measures to be installed at the site. Suggest conditions that require the specification and installation of appropriate noise mitigation and ventilation measures.
- **Refuse Storage** - The details of refuse storage measures submitted with the application are considered to be satisfactory. Any approval should be subject to a condition requiring the implementation and maintenance of the proposed scheme.
- **Air Quality** - The application includes a preliminary air quality assessment. This report indicates that further assessment of the impact of traffic pollution on the proposed development should be undertaken and if necessary mitigation measures should be provided. As a minimum the further assessment of air quality will involve a three month survey of NOx levels in the vicinity of the site. If possible the results of this survey should be assessed before planning consent is granted and it should

inform the selection of any necessary remedial measures. If timescales do not allow for this conditions have been suggested which require further assessment and the specification of remedial measures.

- 6.2 **NBC Conservation** – No objections.
- 6.3 **NBC Town Centre Manager** – supports the scheme. Considers the proposal will help regenerate an old site and the design of the building will enhance the visual appearance of the surrounding area. The proposal will provide a much needed facility.
- 6.4 **NBC Planning Policy** – no comments received.
- 6.5 **NBC Access Officer** - no comments received.

Councillors

No comments received

7. APPRAISAL

- 7.1 The proposal is a full application for Planning Permission made to the West Northamptonshire Development Corporation. The site in question is identified within the Northampton Local Plan as being a location for business development.

Principle of the Development

- 7.2 The proposed development is for accommodation for the homeless including a day centre, training facilities, office accommodation and a medical room. The site falls within an area identified within the Northampton Local Plan as being an existing business area although several non-business uses exist in the area. However Policy B14 of the Northampton Local Plan should be considered. This policy provides a presumption in favour of development that fall under Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless the proposed development would be of significant benefit to the local community and would lead to substantial employment opportunities.
- 7.3 The building will house amongst other groups, The Hope Day Centre and the NAASH Hostel. These organisations currently operate in sub standard former factory/warehouse buildings in nearby Ash Street. As a result of the accommodation not being entirely suitable, homeless people congregate on and around street corners. The proposed new building would provide improved services for homeless people offering support, training, personal development, health support and shelter. The design of the proposed building defines the public realm and provides natural surveillance and activity at street level. This will fundamentally change the rather desolate feel this area currently has

especially in the evenings and at weekends. Furthermore the proposed building has been carefully designed to avoid generating spaces where people might gather, instead offering a controlled and enclosed courtyard at the rear to manage what has previously been street activity in the area. These aspects will bring major enhancements not only for users of the centre, but also for people living and working in the local community.

- 7.4 It is anticipated that the proposal will offer employment for 23 full time and 40 part time staff. Whilst an existing textiles factory offers current employment at the site, other units remain empty and due to their state of repair it is unlikely that they would be occupied again. Even if the site is redeveloped for business purposes it is possible that an alternative business use could deliver less employment than that proposed. Policy B14 contains no requirement to undertake a comparison exercise when assessing the merits of non - business uses. It considered that the proposal would still offer an acceptable level of employment in the area.

Design and Access

- 7.5 Policy E20 states that planning permission for new development will be granted subject to the design of any new building adequately reflecting the character of its surroundings in terms of layout, siting, form and scale and use of appropriate materials and the development being designed, located and used in a manner which ensures adequate standards of privacy and light. PPS1 – Delivering Sustainable Development places a significant emphasis on securing a high level of design, particularly where buildings occupy prominent locations.
- 7.6 The design of the building has been developed to respond to its location on a principal site close to the town centre and has been arrived at following consultation with both Northampton Borough Council and West Northampton Development Corporation planners.
- 7.7 The design intention has been to create an easily recognisable high quality building which will become a local landmark. The building is generally 3 storey with a lower ground floor at the bottom of Campbell Street where the land slopes away. The main elevations onto the street will be brick, glass and copper offset with coloured feature panels in the window recesses. The principal colours and textures relate to the Police and Fire station buildings to the east of the site. An elongated 3 storey cylinder (copper or similar) containing the principal stairs and lifts will be located at the side of the entrance foyer and will act as a vertical landmark feature contrasting with the horizontal corner detailing.
- 7.8 A planting strip of approximately 1200mm wide will allow planting around the building to soften its appearance and to prevent generating potential space for congregation at the front of the site.

- 7.9 A proposed inner courtyard will provide parking for 12 vehicles, refuse and emergency vehicle access, cycle storage for 25 bikes, recycling and composting space and a planted amenity space. A raised timber deck next to the day centre will house casual seating, a lawn and planting beds to give space for engagement with residents and visitors in an external area. Three emergency accommodation bedsits on the ground floor will have fenced off patios which will have dog kennels. The internal courtyard elevations will be of white render to enhance the lightness of the courtyard.
- 7.10 It is considered that the scale and massing of the building is generally in keeping with the surrounding area and its high quality design and landscaped setting would ensure that the building does not form an incongruous feature within the streetscape of Campbell Street. The proposal therefore complies with Policy E20 of the Northampton Local Plan and national policy PPS1.

Impact on neighbours

- 7.11 Whilst the proposed development will be a three storey building in terms of its impact on adjacent occupiers there is a distance of 17 metres between residential properties to the east and business units to the west. As a result of this distance it is not considered that there will be any significant overlooking or overshadowing of adjacent property.

Transport

- 7.12 PPG 13 –Transport states that proposed developments should enable and encourage the use of alternative transport methods to reduce reliance on private cars. The site is located within a sustainable location close to the town centre and bus station and residents of the site will not be car owners. It is therefore considered that the level of parking proposed is acceptable in this instance.

Crime

- 7.13 Policy E40 of the Northampton Local Plan requires that new development pays regard to deterring crime and vandalism through appropriate design, layout and landscaping. The proposed development has been designed following consultation with the Architectural Liaison Officer with Northampton Police. By reason of the design of the development which includes the provision of such features as 1.8 m high electronic car park gates, 24/7 management and potentially CCTV, intruder alarm system, doors and windows to comply with security specifications, and landscaping to prevent loitering, it is considered that the proposal would comply with the requirements of Policy E40 of the Northampton Local Plan.

Noise Assessment

- 7.14 As a result of the submitted assessment it is considered that the proposal complies with the requirements of PPG24 – Planning and Noise. It is recommended that WDC are to be advised that if minded to approve this application, it be subject to a condition that will ensure that the provisions of the assessment are implemented.

Ground Investigation

- 7.15 It is noted that a phase one ground investigation report has been submitted which recommends a site investigation and remedial works are carried out if required. WDC are to be advised that if minded to approve this application, it be subject to a condition that will ensure that the recommendations of the investigation are implemented.

Air Quality Assessment

- 7.15 The application includes a preliminary air quality assessment. This report indicates that further assessment of the impact of traffic pollution on the proposed development should be undertaken and if necessary mitigation measures should be provided. WDC are to be advised that if minded to approve this application, it be subject to a condition that will ensure the further assessment of air quality by means of a three month survey of NO_x levels in the vicinity of the site.

Affect on Conservation Area.

- 7.16 Maple Buildings which occupy the site at present is of 1950s construction and is of no particular merit from an industrial heritage or architectural perspective. Therefore there are no objections to its demolition.
- 7.17 The new build development on the site is designed to be eye-catching and is intended to become a local landmark and as such it will be clearly prominent within the streetscene. It is physically in close proximity to the Holy Sepulchre Conservation Area, but is separated from it by Campbell Street, a major thoroughfare. There are no substantial visual links between the two areas and the buildings within the conservation area, which face onto Campbell Square are not of historic merit. The churchyard surrounding Holy Sepulchre Church is clearly of significance, but slightly off-set from the development site. The proposed development will have a very limited impact on the setting, character and appearance of the conservation area.

8. CONCLUSION

8.1 Whilst this proposal represents a departure from the Development Plan it is considered that a more flexible approach to the interpretation of Policy B14 can be taken where it is demonstrated that a proposal would generate employment opportunities and community benefits in accordance with Policy B14 of the Northampton Local Plan. The proposed development offers a unique opportunity to provide some of the most vulnerable people in Northampton with a high quality inspirational facility. The development will improve the local environment, encourage regeneration, offer employment and improve the local community and it is therefore recommended that no objection be raised to the proposal. However to ensure a high standard of development, it is recommended that this be subject to criteria as laid out at the head of this report.

9. BACKGROUND PAPERS

9.1 None

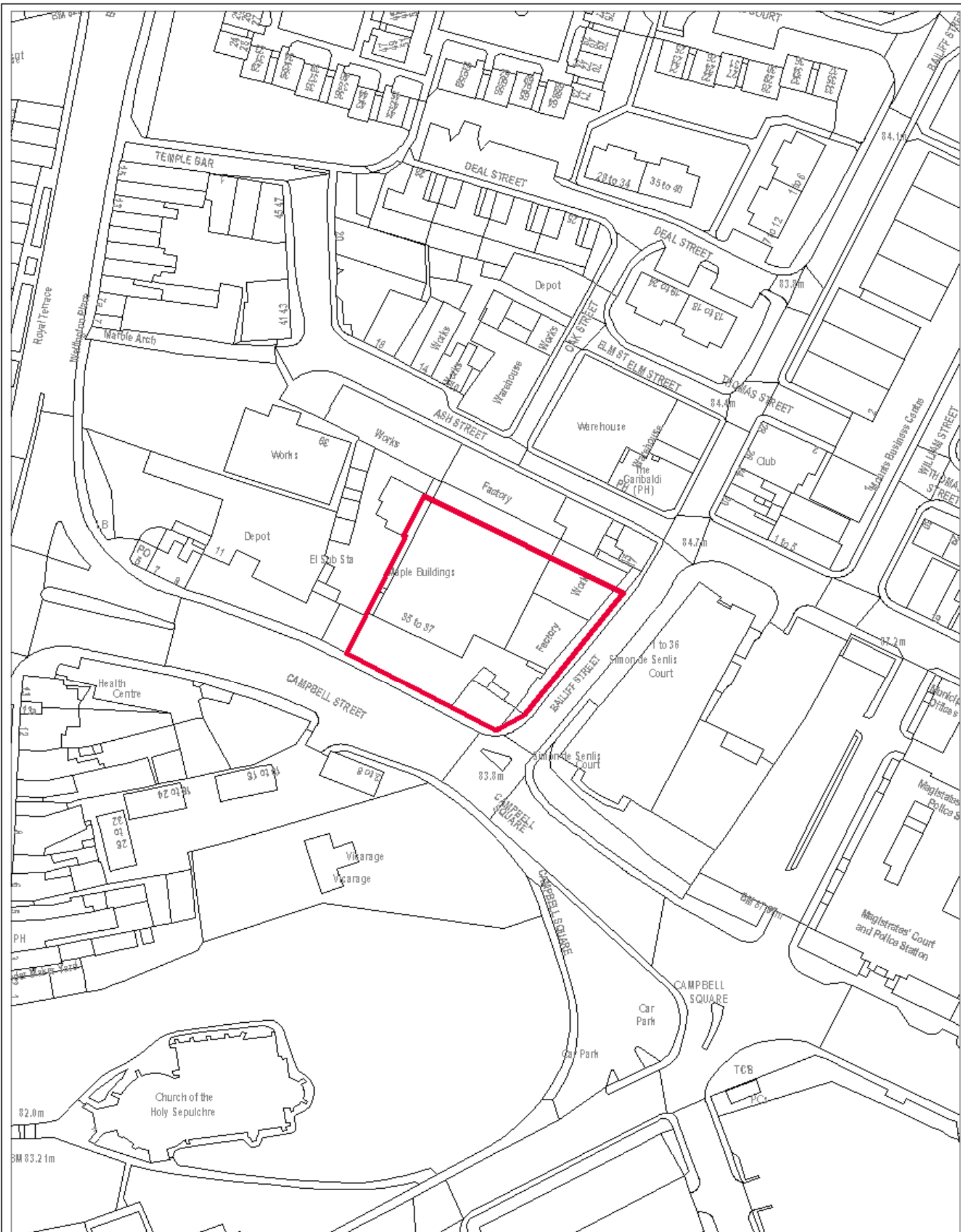
10. LEGAL IMPLICATIONS

10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Rowena Simpson	10/09/09
Development Control Manager Agreed:	Gareth Jones	10/09/09



Im: Jon Martin
 Dt: 10th September 2009
 Nr: 1:1250
 Ft: Planning
 Mt: Location Plan

Title
Maple Buildings

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NORTHAMPTON
B O R O U G H C O U N C I L

PLANNING COMMITTEE: 22 September 2009
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2009/0593
 Outline Planning Application for the construction of a 112 bedroom hotel complex, spa and leisure facility, access road. Car park and associated development. All matters reserved except from access, appearance, layout and scale at Duston Mill, Upton Way.

WARD: St James

APPLICANT: Willow Inns Ltd
AGENT: White Young Green

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: No

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 That the Council objects to the application for the following reason:

1. Notwithstanding that the site is allocated in the Local Plan for the uses proposed, in light of recently adopted Regional Plan (Policy 22 and Policy MKSM SRS Northamptonshire 3) the Council has strong concerns over the potential impact that the development would have on Northampton town centre and considers that the application should not be approved without first demonstrating that the development accords with the requirements of PPS6, including the sequential analysis of alternative sites.

2. The application, by virtue of its orientation, layout and design is considered to be out of keeping with the local character of the built environment, of excessively simple design especially when viewed from Upton Way where it amounts to an important gateway location to Northampton. For these reasons the proposed hotel and spa are considered to conflict with saved Policies D7, E1, E2, E14 and E20 of the Northampton Local Plan and

2. THE PROPOSAL

2.1 The proposal before WNDP is for a hotel, spa and leisure facility and associated parking east of Upton Way. It is submitted as an outline application with all matters reserved except access, appearance, layout and scale.

2.2 The main hotel building would run parallel to Upton Way with a height of 6 storeys containing 112 bedrooms, a swimming pool, gym, lounges, restaurant and other leisure facilities. This building is a flat roofed block, 110 metres long (north to south) with the spa / leisure block to the east accessed via an external bridge. The spa building is 44 metres long, of asymmetric layout and overlooks car parks and open space in the Nene valley to the east, sheltered from Upton Way by the larger hotel building.

2.3 Access to the hotel would come from a ready-formed access from an existing Upton Way roundabout. This leads to car parking for 151 cars and an overspill area for 30 more.

3. SITE DESCRIPTION

3.1 The site is a relatively open field which slopes gradually from north to south towards to the river Nene. It has roughly triangular shape measuring some 2.5ha. Its western boundary fronts directly onto the section of Upton Way (A45) between Walter Tull Way to the north and the Telford Way roundabout which serves the Upton development to the west of the A45. It is bound to the east by Duston Mill Lane beyond which is a car park (constructed as overflow parking associated with use of Sixfields Stadium to the north) and a field. Further east is the Storton Pits nature reserve. Further fields are located adjacent to the southern boundary part of which abuts the Nene river. In addition to being highly visible / prominent in relation to the A45, due to its valley location it is also visible from the residential areas of the town to the south beyond the river.

3.2 It is understood that the site is occasionally used for temporary uses such as car boot sales as permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended.

4. PLANNING HISTORY

88/1100 Proposed 100 Bed Hotel with Conference and Leisure facilities (Outline).

88/1176 Proposed Drive-Thru Take-Away Restaurant and Petrol Filling Station (Outline).

Both of these applications were approved in principle in March 1989 subject to legal agreements concerning highway works. Neither legal agreement was resolved and the applications were treated as withdrawn.

88/1202 Erection of an Eight Screen Multiplex Cinema (Outline)

The applicant attempted to appeal against non-determination of this application in July 1989, however the appeal failed as the applicant did not submit the necessary documents to the Planning Inspectorate within the statutory time limit. The Council's objections to the development related to highway matters and prematurity of the application.

89/1121 Erection of Eight Screen Multiplex Two Storey Cinema (Outline)

The applicant appealed on the grounds of non-determination in May 1990. The appeal was allowed subject to conditions in October 1990.

93/0782 Renewal of DOE Appeal Decision 89/1121 - Multiplex Cinema. Granted December 1993. This consent has now lapsed.

95/0055 Drive-thru - Take-Away/Restaurant (Outline) - Refused in February 1996, for highways reasons

N/2000/322 Hotel, Restaurant and Associated parking (outline) Refused in January 2001 for the reasons:

1. The site is in an area at risk from flooding and the existing flooding defences are below the appropriate standard for the proposed development. The development will therefore be at risk from flooding, will inhibit the capacity of the floodplain to store water, will impede the flow of water and will increase the risk of flooding to people and property. The proposal is contrary to Policy ENV19 of the Northamptonshire County Structure Plan and Policy AR5 of the Deposit Draft Northamptonshire Replacement Structure Plan, and the aims of the Council's Supplementary Planning Guidance: Development and Flooding for these reasons.

2. The proposal by reason of its siting in an out-of-centre location, would conflict with planning policies which seek to direct such development into existing centres and to areas accessible by a choice

of means of transport. The proposal is therefore contrary to Government policy set out in PPG6 and PPG13.

3. The proposed development, by reasons of its location and character, would cause harm to sites of nature conservation value within and near to the site in conflict with Policies ENV12 and ENV15 of the Northamptonshire County Structure Plan, Policies E17 and E18 of the Northampton Local Plan and the aims of PPG9 and the Northampton Wildlife Strategy.

N/2006/1138 Commercial outdoor leisure activities - refused

5. PLANNING POLICY

5.1 Development Plan:

Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS) and the Northampton Local Plan.

5.2 East Midlands Regional Plan 2009

Policy 2 – Promoting Better Design

Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

Policy 22 - Regional Priorities for Town Centres and Retail Development

Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

5.3 Northampton Borough Local Plan

E1 – Landscape and Open space

E2 – Riverside Landscape

E14 – Corridors of Travel

E17 – Nature Conservation

E20 – New Development

E40 Crime and Vandalism

5.4 National Policy

PPS1 – Delivering Sustainable Development

PPS6 - Planning for Town Centres

PPG13 – Transport (2001)

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 The application was advertised by WNDC. However the following responses have also been submitted to Northampton Borough Council and are therefore being reported for information only.

Internal

Public Protection – recommends condition seeking an Air Quality Assessment prior to development.

Aboricultural Officer – good landscape mix but concern about the proximity of the hotel to the roadside trees on Upton Way.

Access Officer – requires further details to make assessment.

7. APPRAISAL

Principle of Development

7.1 The application site lies in an out of centre location. With reference to Development Plan Policies (particularly Policy 22 of the Regional Spatial Strategy) and the guidance contained in PPS6 - Planning for Town Centres, new hotel development should normally be directed to existing centres.

7.2 PPS6 (para. 1.8) identifies hotels as one of the 'town centre uses'. Para 3.4 adds that "local planning authorities should require applicants to demonstrate:"

- i. The need for the development,
- ii. That the development is of an appropriate scale,
- iii. That there are no more central sites for the development,
- iv. That there are no unacceptable impacts on existing centres, and
- v. That locations are accessible.

7.3 The site is located within the Duston Mill Development Site identified in the Local Plan. Policy D7 of the Local Plan states that:

"Planning permission will be granted for hotel and leisure use at Duston Mill so long as the proposals do not significantly detract from the character and appearance of the area beside the river."

7.4 Policy D7 was saved as part of the Development Plan in September 2007. The applicant has submitted, as part of the application that as this Policy has been saved, it is reasonable to assume that the proposed development has been adjudged not to represent any adverse impact on the ability of the town centre to support or attract future hotel development. Para 3.13 of PPS6 advises that a sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date Development Plan document. Although not in a Centre, by reason of Policy D7, the site is allocated in the development plan for the

proposed use.

7.5 Notwithstanding the saved Local Plan Policy, the site is nonetheless located well away from the town centre and any other recognised centre, it is not previously developed land and is not directly served by alternative modes of transport. As such its development for a town centre use does appear to be at odds with the thrust and spirit of prevailing national spatial planning policy, particularly PPS1, PPS6 and PPG13.

7.6 Since Policy D7 was saved in September 2007 the East Midlands Regional Plan has been adopted (March 2009) and the Council's emerging strategy for the Central Area Action Plan (CAAP) for the future of Northampton Central Area up to 2026 has been published for consultation with the pre-submission document programmed for publication in November of this year.

7.7 Policy 22 (Regional Priorities for Town Centres and Retail Development) of the Regional Plan states:

Local Authorities, emda and Sub-Regional Strategic Partnerships should work together on a Sub-area basis to promote the vitality and viability of existing town centres, including those in rural towns. Where town centres are under-performing, action should be taken to promote investment through design led initiatives and the development and implementation of town centre strategies.

Local Planning Authorities should:

- *within town centres bring forward retail, office, residential and leisure development opportunities, and any other town centre functions as set out in PPS6, based on identified need;*
- *prevent the development or expansion of additional regional scale out-of-town retail and leisure floorspace; and*
- *monitor changes in retail floorspace on a regular basis.*

7.8 Policy MKSM SRS Northamptonshire 3 (Northampton Central Area) of the Regional Plan states:

Northampton Borough Council, in partnership with other relevant bodies, will prepare an LDD to provide a long-term framework for revitalising and upgrading the quality and facilities of the central area, including:

- *developing the area around and including the railway station not only as a transport hub for the town, but also as an attractive and vibrant gateway to the town centre and a focus for development;*
- *improving the range and quality of retail provision by increasing comparison and convenience floorspace, and linking this into a revitalisation of the rest of the central area incorporating attractive links to the railway station and waterfront areas;*

- *making the central area the focus of a range of employment opportunities with a particular emphasis on offices, through the provision of large office space through to small office suites in both new and converted accommodation;*
- *developing cultural/ heritage tourism by enhancing the existing cultural heritage facilities and attractions, and through the provision of new facilities; and*
- *increasing the range of centrally located overnight accommodation.*

7.9 These recently adopted Development Plan policies clearly emphasise the importance of town centres and direct new town centre development, such as hotels and leisure uses, into town centres. The Council is actively pursuing the objectives of Policy MKSM SRS Northamptonshire 3 (Northampton Central Area) through its emerging strategy for the Northampton CAAP.

7.10 Within this established regional and emerging local policy context, which post-dates the saving of Policy D7, officers consider that development of the type proposed should not progress without following the development control process prescribed in PPS6 as summarised in paragraph 7.2 above. Bearing in mind that the delivery of a range of centrally located hotel / overnight accommodation is very likely to be an integral part of the delivery and success of the CAAP and the redevelopment of Northampton town centre, officers are particularly keen to ensure all potential alternative sites have been thoroughly assessed on a sequential basis before the application is determined.

Design and Character

7.11 PPS1 states that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” At this stage officers hold reservations over the design of the proposed building and consider that it does not adequately take account of its location and context.

7.12 Furthermore, saved Policy D7 of the Northampton Local Plan seeks hotel and leisure facilities that ‘do not significantly detract from the character and appearance of the area beside the river’. Saved Policy E14 of the Local Plan seeks development of appropriately high standards along Principal Corridors of Travel, including this part of Upton Way, where such buildings and uses will be seen by many visitors to the town thus informing their impression of the town as a whole. Policy E14 directly relates to saved Policies E1 and E2 of the Local Plan that protect the character and structure of the Nene valley and town landscape overall.

7.13 The proposed hotel is over 100 metres long when viewed from Upton Way, with a simple flat roof over 6 storeys of accommodation

facing out onto the dual carriageway. The siting of the hotel is close to the boundary fronting Upton Way where the Upton residential areas face over from the opposite side of the road. Importantly, these buildings are highly designed with detailed roofs and a strong sense of character. It is considered that the far more utilitarian design of hotel, with a plain flat roof and rows of windows in a regular and common design sits uncomfortably with the highly designed elements of Upton opposite. Furthermore, the design of the hotel on its most prominent western flank gives too little sense of place or individuality where the building will be exceptionally close to the road where high volumes of visiting and through traffic pass daily. The site location close to the basin of Nene valley means that this site is widely visible from both local and wider viewpoints on higher ground.

7.14 Therefore, the standard and unexceptional design in a prominent position close to Upton Way, a principal movement corridor and gateway to the town, is considered to conflict with Development Plan Policies which seek to protect and enhance Northampton's structure and landscape, particularly in prominent positions and in the Nene valley.

8 CONCLUSION

8.1 Notwithstanding the allocation of the site in saved Policy D7 of the Local Plan, recently adopted Development Plan policy in the East Midlands Regional Plan and emerging policy in the Northampton Borough Central Area Action Plan reiterates and informs the need to take a town centre first approach where there are sequentially preferable sites available in accordance with PPS6 Planning for Town Centres. The applicant has not supplied a sequential analysis in accordance with the guidelines in PPS6 and for that reason it is considered that it has not been suitably demonstrated that harm to the town centre and its future development will not occur.

8.2 The design, siting and layout of the proposals results in unacceptable harm to the character and appearance of the area, particularly the streetscene along Upton Way facing Upton residential areas, further from distant public viewpoints and particularly because this site is in prominent gateway location on a principal movement corridor where visitors will form a view and impression of the town. It is considered that the appearance of the development does not satisfy the terms of saved Policies D7, E1, E2, E14 and E20 of the Northampton Local Plan in this respect.

9. BACKGROUND PAPERS

9.1 None

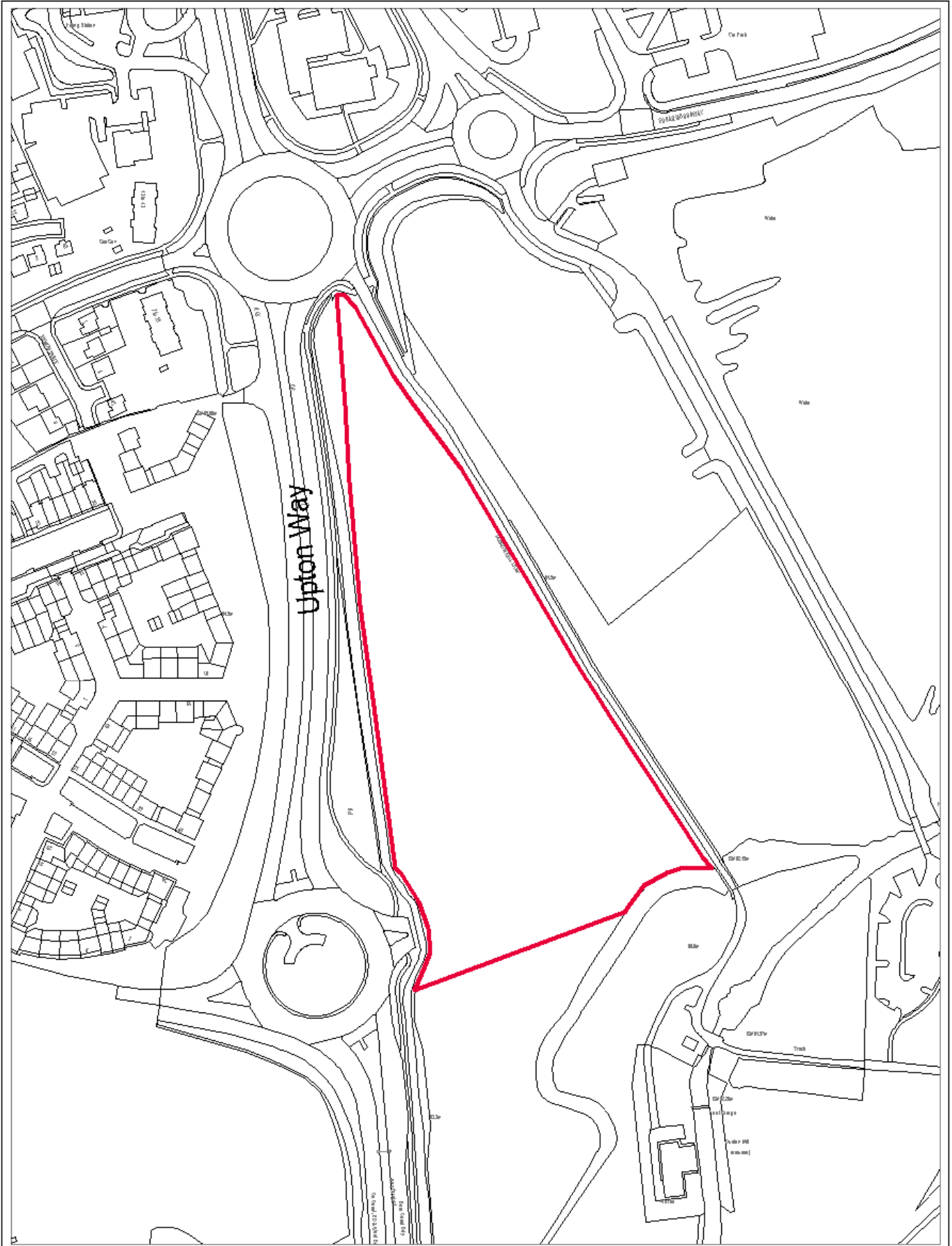
10. LEGAL IMPLICATIONS

10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

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

Position:	Name/Signature:	Date:
Author:	Richard Boyt	9/09/09
Development Control Manager Agreed:	Gareth Jones	10/09/09



Im: Jon Martin
Dt: 8th September 2009
Sc: 1:2250
Pr: Planning
Mpl: Location Plan

Title

Duston Mill, Upton Way.

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