

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE GUILDHALL ON TUESDAY, 27 OCTOBER 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
  - .... (A) N/2009/0685- CONSTRUCTION OF MULTI USE GAMES AREA ON LAND AT DAYRELL ROAD, CAMP HILL. G. WYATT  
X 8912  
Report of Head of Planning  
(copy herewith)
- Ward; West Hunsbury**
10. ITEMS FOR DETERMINATION  
An Addendum of further information considered by the Committee is attached.
  - .... (A) N/2009/0028LB- PROPOSED DEMOLITION OF INFIRMARY BUILDING AND PROPOSED ALTERATIONS AND EXTENSION TO REMAINING BUILDINGS AT FORMER ST EDMUNDS HOSPITAL SITE, WELLINGBOROUGH ROAD. A.  
HOLDEN  
X 8466  
Report of Head of Planning  
(copy herewith)

**Ward: St Crispin**

.... (B) N/2009/0606- SUBDIVISION OF INDUSTRIAL UNIT AND PART USE AS BUILDERS MERCHANT (SUI GENERIS). EXTERNAL CHANGES INCLUDING AND ALTERING AND CREATING OPENINGS AND ERECTION OF 2M HIGH FENCE AROUND YARD AT UNIT 5 MINTON BUSINESS CENTRE, MAIN ROAD FAR COTTON. R, BOYT X 8724

Report of Head of Planning  
(copy herewith)

**Ward: Delapre**

.... (C) N/2009/0610- ERECTION OF 4NO DETACHED HOUSES WITH ASSOCIATED GARAGES, ACCESS AND PARKING ON BUILDING PLOT TO THE REAR OF 76 CHURCH WAY. A. HOLDEN X 8466

Report of Head of Planning  
(copy herewith)

**Ward: Weston**

.... (D) N/ 2009/0644- FIRST FLOOR EXTENSION ABOVE ANNEX (AS AMENDED BY REVISED PLANS RECEIVED ON 11 SEPTEMBER 2009) AT 21 HUNTSMEAD. E. WILLIAMS X 7812

Report of Head of Planning  
(copy herewith)

**Ward: Ecton Brook**

.... (E) N/2009/ 0765- PART RETROSPECTIVE THREE STOREY SIDE EXTENSION, SINGLE STOREY EXTENSIONS, DORMER WINDOW AND VELUX WINDOWS TO EXISTING BUILDING, FRONT AND BOUNDARY FENCE AT 2 THE DRIVE/ 3 THE CRESCENT J. MOORE X 8345

Report of Head of Planning  
(copy herewith)

**Ward: Kingsley**

11. ENFORCEMENT MATTERS

None

12. APPLICATIONS FOR CONSULTATION

.... (A) N/2009/0720- CHANGE OF USE OF GROUND FLOOR FROM A BANK (CLASS A2) TO A BINGO HALL (CLASS D2) AND FORMATION OF NEW ACCESS DOOR ON TO ABINGTON STREET AT 33 ABINGTON STREET AND N/2009/0772- CHANGE OF USE TO AMUSEMENT CENTRE AT 31 TO 33 ABINGTON STREET R. BOYT X 8724

Report of Head of Planning  
(copy herewith)

**Ward: Castle)**

..... (B) N/2009/0744- RESERVED MATTERS APPLICATION INCLUDING: APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO OUTLINE CONSENT WN/2006/0013 DATED 19.04.07- ERECTION OF 231 DWELLINGS, ROADS AND SEWERS AND PUBLIC OPEN SPACE AT FORMER BRITISH TIMKEN SITE, MAIN ROAD, DUSTON

R.  
SIMPSON  
X 7848

Report of Head of Planning  
(copy herewith)

**Ward: Old Duston**

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>  
A6134

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 22 September 2009

**PRESENT:** Councillor B. Markham (Chair); Councillor Meredith (Deputy Chair);  
Councillors Golby, Malpas, Mason and Matthews

#### 1. APOLOGIES

Apologies were received from Councillors Church, J Conroy, De Cruz and M Hoare.

The Chair welcomed Mr G Jones, the new Development Control Manager, to his first meeting of the Committee.

#### 2. MINUTES

Subject to the amendment of the minute concerning Application No N2009/0481 to add a further condition so as to remove the Applicant's permitted development rights in respect of the use of temporary flood lighting, the minutes of the meeting of the Committee held on 26 August 2009 were signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** (1) That Mrs Lane, Councillor Meredith and Mr R Clarke be granted leave to address the Committee in respect of Application No N/2009/0620 – Proposed Two-Storey Side Extension at 27 Barley Hill Road, Southfields.

(2) That Mr Sterling and Councillor Hadland be granted leave to address the Committee in respect of Application No N/2009/0610 – Erection of 4No Detached Houses With Associated Garages, Access and Parking at Building Plot at Rear of 76 Church Way.

(3) That Mr D Talbot be granted leave to address the Committee in respect of Application No N/2008/1265 – Criminal Justice Centre Within Use Class C2a With Associated Parking, Landscaping and Access – Land at Pavilion Drive.

#### 4. DECLARATIONS OF INTEREST

1. Councillor Meredith declared a personal and prejudicial interest in Application No N2009/0620 – Proposed Two-Storey Side Extension at 28 Barley Hill Road, Southfields as having previously expressed an opinion on the application.

2. Councillor Golby declared a personal interest in Application No N2009/0593 – 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 Upton Way, Duston Mill as his family had a business in the same

vicinity as the application site.

3. Councillor Meredith declared a personal and prejudicial interest in Application Nos N2009/0700 – Installation of a 7 Jet Water Feature, Repaving and Installation of Street Furniture, Seating, Bollards, Uplighting etc in Market Square; N/2008/1265 – Criminal Justice Centre Within Use Class C2a With Associated Parking, Landscaping and Access, Land at Pavilion Drive; 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 Medical Room at Maple Buildings, 35-37 Campbell Street; and 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 Upton Way, Duston Mill as being a substitute member of the WNDC Northampton Planning Committee.
4. Councillor Malpas declared a personal interest in Application No N2009/1265 – Criminal Justice Centre With Use Class C2a With Associated Parking, Landscaping and Access, Land at Pavilion Drive as his partner was employed in a building adjacent to the site.
5. Councillor Mason declared a personal interest in Application No 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 Medical Room at Maple Buildings, 35-37 Campbell Street as the Hope Centre was a charity that had benefited from her Mayoral charity fundraising.

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

The Chair was of the opinion that the following matters be discussed as a matter of urgency due to the undue delay of consideration of it were deferred:

Section 106 Agreements

Councillor Malpas referred to the decision of the Committee on 30 July 2008 that the Committee receive reports on outstanding Section 106 Agreements. He noted that this did not appear to have been actioned and that the particular instance that he had highlighted in respect of the Ashmead Development for the maintenance of the green space still appeared to be outstanding.

**RESOLVED:** (1) That the Borough Solicitor and Head of Planning investigate the situation in respect of the Section 106 Agreement for the Ashmead development and contact Councillor Malpas accordingly.

(2) That the Head of Planning submit periodic reports to the

Committee on Section 106 Agreements generally.

## **6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Head of Planning submitted a report and commented that a further appeal had now been received in respect of the car wash in the Homebase car park in Weedon Road. He also indicated that the appeals in respect of Application Nos N/2008/1262 and N/2008/1276 had been dismissed.

**RESOLVED:** That the report be noted.

## **7. OTHER REPORTS**

None.

## **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2009/0620- PROPOSED TWO- STOREY SIDE EXTENSION AT 28 BARLEY HILL ROAD, SOUTHFIELDS**

The Head of Planning submitted a report in respect of in respect of Application No N/2009/0620 and elaborated thereon.

Mrs Lane, the next door neighbour commented that these properties were north facing and therefore were on the cold side of Barley Hill Road. The proposed extension would come right up against their conservatory, which they used as a dining room, and would further block light to it. She commented that she and her husband had already taken steps to improve the affect of natural light within their bungalow.

Councillor Meredith commented that he was against this application. There were several bungalows that surrounded the site and the proposal would be out of context with its surroundings and would dominate the neighbouring property. He noted that the houses were designed to have garages added but not this scale of development.

Councillor Meredith, having declared a personal and prejudicial interest in the matter, left the meeting.

Mr Clarke, the agent for the applicant, was aware that the planners would prefer that the extension be set back but he commented that the applicant needed the extra space to create room for his growing family. If the extension was set back then the box bedroom could not be extended. Mr Clarke also commented that the trees at the front of the property would tend to break up the view of the frontage of the property.

The Head of Planning commented that there was a mix of housing types in Barley Hill Road generally arranged in groups of like type. He acknowledged the concerns of the next door neighbours but considered that the effect of the extension would be minimal on them due to its orientation. It was noted that there would be no windows to the side elevation of the extension.

The Committee discussed the application.

**RESOLVED:** That the application be refused 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.

Councillor Meredith rejoined the meeting.

**(B) N/2009/0692- RECONSTRUCTION OF ROOF INCLUDING DORMER WINDOWS TO REAR FOLLOWING FIRE AT 48 BANTS LANE.**

The Head of Planning submitted a report and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved as the impact of the development on the character of the original buildings, 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.

**(C) N/2009/0610- ERECTION OF 4NO DETACHED HOUSES WITH ASSOCIATED GARAGES, ACCESS AND PARKING AT BUILDING PLOT AT REAR OF 76 CHURCH WAY**

The Head of Planning submitted a report in respect of Application No N/2009/0610 and noted that a planning permission for a development of three properties on this site was still extant.

Mr Stirling, the next door neighbour, commented that he believed that the developer had done a good job to meet the concerns of residents and the site was big enough for four houses. However, the concern to neighbours was the access road and the proposed turning space arrangement outside 76 Church Way. He noted that the owner of 76 Church Way was a builder working for the developer of this back land site. He noted that it would take a legal agreement to keep the turning space clear and also that the owner of 76 Church Way had three cars presently; where would these be parked? He felt that the proposal represented an overdevelopment of Church Way. Mr Stirling noted that the visibility splay was 4.5 metres wide but then came to a pinch point of 2.8 metres expanding to 3.5. This seemed to confirm that the access road would be inadequate.

Councillor Hadland noted that backing out onto Church Way would be acceptable; but how would the turning circle be enforced? He noted that the four proposed houses



were large family properties and one could reasonably expect three to four vehicles per property. He also commented that whilst the site access was on the outside of a bend the boundaries onto Church Way comprised high front walls, which gave an enclosed feeling. He commented that the extant planning permission for three properties was acceptable but more than this was not.

The Head of Planning noted that it would be difficult to enforce the turning head but this was critical to the owner of 76 Church Way and it would be in his own interest to keep it clear. He noted that the Highways Authority were happy with the access width and he understood the minimum access road width would be 3.8 metres.

The Committee discussed the application.

Councillor Malpas proposed and Councillor Meredith seconded:

“(1) That consideration of this application be deferred to allow further consultation with the Highways Authority in respect of the access arrangements to the site.

(2) That the developer be requested to allow the Committee a site visit.”

Upon a vote the motion was carried.

**RESOLVED:** (1) That consideration of this application be deferred to allow further consultation with the Highway Authority in respect of the access arrangements to the site.

(2) That the developer be requested to allow the Committee a site visit.

## **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**

The Head of Planning submitted a report in respect of application No N/2009/0700 and referred to the Addendum, which set out the Council's Conservation Officer's comments. He also noted that an archaeological watching brief would be kept on the development during the engineering works. In answer to a question it was noted that water jets would be 1.5 metres high and the fountains would not be switched on all day every day.

The Committee discussed the application.

**RESOLVED:** (1) That the Committee welcomes the application and raises no objection to it 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 the amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area and would comply with Policy E26 of the Northampton Local Plan, advice in PPG15 (Planning and Historic Environment).

- (2) If WNDC were minded to approve this application conditions be attached to ensure that an archaeological watching brief is carried out during construction and that samples of the materials are submitted for consideration.

**(B) N/2008/1265- CRIMINAL JUSTICE CENTRE WITHIN USE CLASS C2A WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS, LAND AT PAVILION DRIVE**

The Head of Planning submitted a report in respect of application No N/2009/0638 and referred to the Addendum, which noted that Northamptonshire Police had set out a briefing sheet outlining the background to the application; providing a summary of the proposal; a synopsis of the Detainee Release Policy and a letter of representations from Threadneedle Property Investments Limited in respect of the interpretation of Policy B14 of the Northampton Local Plan.

Mr Talbot, on behalf of Northamptonshire Police, commented that the proposal was not a prison but comprised two floors of offices and a custody suite. The proposal would provide two hundred jobs, mostly for evidence gathering and the supervision of detainees. The facilities met Home Office Guidance and the design had been through a committee of excellence. He believed that the proposal would improve Police efficiency. In answer to a question he noted that the nearest similar facilities were in Leicester and that this proposal would replace the current facilities at Campbell Square, Weston Favell and Towcester.

The Committee discussed the application.

**RESOLVED:** (1) That the Committee raise no objections as 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 complied with Policies E14 and E20 of the Northampton Local Plan.

- (2) This recommendation is subject to WNDC ensuring that the submitted protocol for the release of detainees is secured by a Section 106 Agreement along with the matters identified in the previous report to the Planning Committee as appended to the report.

**(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**

The Head of Planning submitted a report in respect of application No N/2009/0638 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** (1) That the Committee welcomes the scheme and raises no objection as 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.

(2) If WNDP 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.

**(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**

The Head of Planning submitted a report in respect of application No N/2009/0593 and referred to the Addendum, which noted that the description of the development had been changed by the WNDP to “Outline Planning Permission 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.” As a result of this the officer recommendation was altered to raising concern with WNDP about the layout and orientation of the hotel element of the proposals. He also noted that the applicant felt that the sequential test was not relevant to this site and also an objection submitted by Councillor P D Varnsberry. In answer to a question the Head of Planning noted that the proposed

Spa would be some 10.5 metres in height.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that the Council objects to the application for the following reasons:

- (1) Notwithstanding that the site is allocated in the Local Plan for the uses proposed, in light of the 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) That the application by virtue of its scale, orientation and layout, particularly in respect of the hotel element, should respect the local character of Upton Way and that any reserved matters of appearance accord with this and saved Policies D7, E1, E2, E14 and E20 of the Northampton Local Plan.

The meeting concluded at 20.24 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](http://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 – 27<sup>th</sup> October 2009

#### Written Reps Procedure

Application	Del/PC	Description	Decision
<b>N/2009/0197</b> 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.	
<b>(NEW IN)</b> <b>N/2009/0202</b> APP/V2825/A/09/2111538/WF	DEL	Proposed extension & conversion of existing garage to create new 1 bed dwelling with associated parking at Land to the rear of 115 Fairway.	
<b>N/2009/0285</b> 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)	
<b>N/2009/0288</b> 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.	<b>ALLOWED</b>
<b>(NEW IN)</b> <b>N/2009/0290</b> APP/V2825/A/09/2113034/NWF	DEL	Proposed two-storey side and rear extensions and change of use to 4no. individual flats at 48 Greenfield Avenue.	

<b>N/2009/0365</b> 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.	
<b>N/2008/0835</b> 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.	<b>ALLOWED</b>
<b>N/2008/1262</b> APP/V2825/A/09/2104719/NWF	DEL	Proposed erection of 3no. Detached dwellings with associated parking/garages at 31a Greenfield Avenue.	<b>DISMISSED</b>
<b>N/2008/1276</b> 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)	<b>DISMISSED</b>
<b>Hearing Procedure - NONE</b>			
<b>Inquiry Procedure - NONE</b>			
<b>Enforcement - NONE</b>			



**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 27<sup>th</sup> October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0685** Construction of multi-use games area at land at Dayrell Road.

**WARD:** West Hunsbury

**APPLICANT:** Northampton Borough Council

**REFERRED BY:**  
**REASON:** Northampton Borough Council Application

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION/ CONSULTATION BY:**

**1. RECOMMENDATION**

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

The proposed multi-use games area would provide a useful local community facility without being detrimental to residential amenity in accordance with PPS23 (Planning and Pollution) and PPG24 (Planning and Noise) and have no significant impact on the site of Acknowledged Nature Conservation Value in accordance with Policy E18 of the Northampton Local Plan.

**2. THE PROPOSAL**

It is proposed to erect a multi-use games area, or MUGA, on land situated off Dayrell Road. This will provide a useful local facility for nearby residents.

**3. SITE DESCRIPTION**

The land is presently overgrown and is contained within a site of Acknowledged Nature Conservation Value.

#### **4. PLANNING HISTORY**

4.1 None relevant.

#### **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:**

PPS1 – Delivering Sustainable Development

PPG17 – Planning for Open Space, Sport and Recreation

##### **5.3 Northampton Borough Local Plan**

E20 – New Development

E18 – Site of Acknowledged Nature Conservation Value

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

##### **Internal**

6.1 **Public Protection** – no objections.

##### **External**

6.2 **NCC Highways** – no objections.

#### **7. APPRAISAL**

##### **Visual Appearance**

7.1 The proposed games area would be 264m<sup>2</sup> in area surrounded by a 3m high green mesh fence behind the goal and a 1m high small open fence to the sides. As it is to be sited adjacent to the footpath (Dayrell Walk) the games area would not have a significant visual impact on the locality. Furthermore, it is located behind the trees which soften the visual impact of the development when viewed from the nearby dwellings and it would not be highly visible from the adjoining A45 ring road.

##### **Nature Conservation**

7.2 The site is presently an Acknowledged Nature Conservation Value as identified in the Local Plan. The games area would take up only 264m<sup>2</sup> of the site of Acknowledged Nature Conservation Value and be sited by



the footpath known as Dayrell Walk. An ecological survey has been submitted with the application which has assessed that the planning application site supports no habitats identified as a priority in the natural Biodiversity Action Plan (BAP), with no rare plants or animal species recorded. Furthermore, much of the grassland is not botanically diverse especially where the games area is to be located. The loss of this grassland would not have a significant impact on the biodiversity of the area.

### **Residential Amenity**

- 7.3 The nearest property (1 Joshua Square) is located approximately 15m away from the propose MUGA and is sited behind a tree screen planted on the boundary of the footpath (Dayrell Walk). These trees would help reduce any visual impact. The Council's Environmental Health has no objection to the scheme, especially as no form of lighting is proposed. Furthermore, the games area is sited near to the outer ring road, which in itself creates a relatively noisy background.

### **Parking**

- 7.4 Although the use will not have any parking provision, the games area will be provided predominantly for local residents. The nearby community centre would be available for occasional parking. Furthermore, Dayrell Road is wide enough for on-street parking and the Highway Authority does not have any concerns regarding this possibility.

### **Public Safety**

- 7.5 Although Northamptonshire Police has not provided consultation comments on the planning application as such, the applicant has advised that the Police Crime Prevention Design Advisor has conducted a thorough environmental audit of the site and approved the chosen location subject to provision of regular landscaping works to increase visibility of the site.

## **8. CONCLUSION**

- 8.1 The proposed multi-use games area will provide a useful local facility without being detrimental to residential amenity or have any significant impact on the site of Acknowledged Nature Conservation Value.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

**10. BACKGROUND PAPERS**

10.1 Report to Cabinet on 14 October (Item 6) seeking approval for NBC to manage and maintain the MUGA and to act as the Accountable Body for a Big Lottery grant to fund its installation.

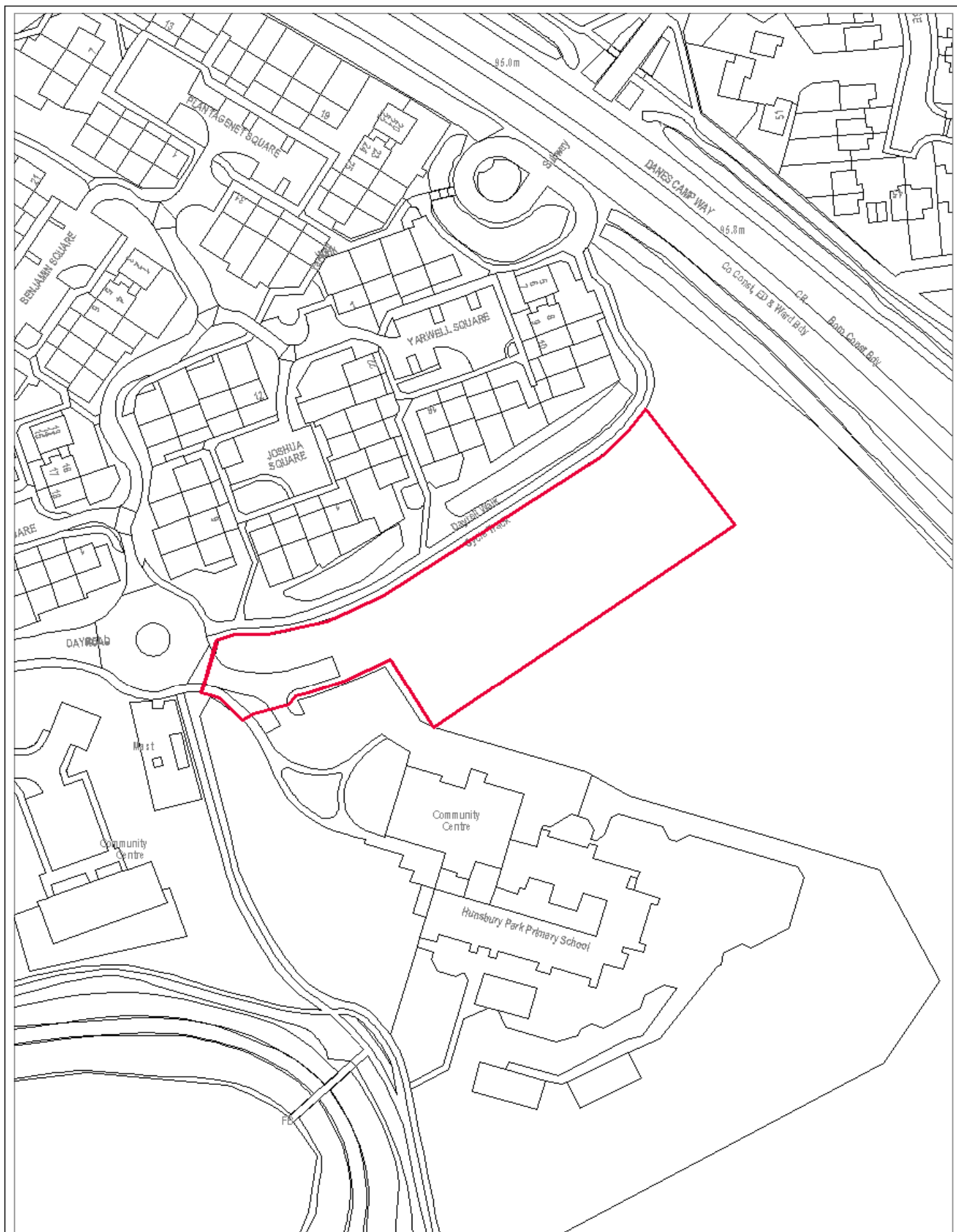
**11. LEGAL IMPLICATIONS**

None

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the above 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Geoff Wyatt	8/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	12/10/09



im: Jon Martin  
 dt: 7th October 2009  
 nr: 1:1250  
 pl: Planning  
 ml: Location Plan

Title

## Land at Dayrell Road, Camp Hill.

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27th October  
2009



**NORTHAMPTON  
BOROUGH COUNCIL**  
Planning Committee

**Addendum  
to Agenda Items**

<u>Item</u>	<u>Application</u>	
<b>NORTHAMPTON BOROUGH COUNCIL APPLICATIONS</b>		
9	A N/2009/0685 - Construction of multi use games area on land at Dayrell Road.	
<b>APPLICATIONS FOR DETERMINATION</b>		
10	A N/2009/0028 - Proposed demolition of Infirmary building and proposed alterations and extension to remaining buildings at Former St Edmunds Hospital Site, Wellingborough Road.	<p>Following further discussions with Conservation Officers, condition 4 is recommended to be amended as follows (amendments in bold) -</p> <p>Prior to work commencing on each phase of the development pursuant to this permission a detailed schedule of works to be undertaken to each of the listed buildings shall be submitted to and be approved in writing by the Local Planning Authority. The schedule of <b>works</b> shall show in detail the <b>timescale</b>, nature, scope, materials, methodology and approach to those works, including drawings where necessary. The <b>works</b> shall thereafter take place in full accordance with the approved details.</p> <p>Authority is also sought from the Planning Committee for authority to agree any further minor changes to the wording of the conditions to be delegated to the Development Control Manager.</p>

	<b>B</b>	<p><b>N/2009/0606</b> - Retrospective subdivision of industrial unit and part use as builders merchants (Sui Generis). External changes including altering and creating openings and erection of 2.4m high fence around yard at Unit 5 Minton Business Centre, Main Road, Far Cotton.</p>	<p>Corrected drawings have been submitted by the agent at the request of the case officer that reflect the exact finished appearance of the building.</p> <p>The Environment Agency have raised no substantive objections, but have included drainage comments and information that can be forwarded to the applicant if permission is granted.</p>
	<b>C</b>	<p><b>N/2009/0610</b> - Erection of 4no. Detached houses with associated garages, access and parking at Building Plot rear of 76 Church Way.</p>	<p>Additional Proposed Condition:</p> <p>Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.</p> <p>Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.</p>
	<b>D</b>	<p><b>N/2009/0644</b> - First floor extension above existing annex (as amended by revised plans received on 11 September 2009) at 21 Huntsmead.</p>	
	<b>E</b>	<p><b>N/2009/0765</b> - Part retrospective three storey side extension, single storey extensions, dormer window and velux windows to existing building, front and boundary fence. (as amended by revised plans received on 8th &amp; 15th October 2009) at 2 The Drive/3 The Crescent.</p>	<p>Additional letters of objection have been received from 7, 8, 12, 14, 16, 22 24, 34, 48 The Crescent, 2a, 6, 13, 15 The Drive, on the following grounds:-</p> <ul style="list-style-type: none"> <li>➤ Out of keeping with road and character of housing in the area</li> <li>➤ Overdevelopment of site</li> <li>➤ Overbearing and too close to the footpath</li> <li>➤ Lack of symmetry with original building</li> <li>➤ Could set undesirable precedent for further extensions</li> <li>➤ Is architecturally unsightly</li> </ul>

		<ul style="list-style-type: none"> <li>➤ Impact on car parking and object to blocking off of access and hazard to pedestrian safety</li> <li>➤ Building works are oversized and not in line with plans</li> <li>➤ Noise, dust and dirt caused is unacceptable</li> <li>➤ Contrary to Policy H18 of Northampton Local Plan</li> <li>➤ Extension dominates original building</li> <li>➤ Dramatic impact on appearance of the building</li> <li>➤ Does not follow building line</li> <li>➤ Imbalance on pair of semis</li> <li>➤ Rendering would be out of keeping with host building</li> <li>➤ Bears no resemblance to original application N/2009/0765</li> <li>➤ Should not be allowed to abuse the planning system and flout local planning laws</li> <li>➤ Extension out of proportion with host building</li> <li>➤ Commercial development in residential area is unacceptable.</li> <li>➤ Detracts from other buildings and character of area</li> </ul>
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**APPLICATIONS FOR CONSULTATION**

<b>12</b>	<b>A</b>	<p>N/2009/0720 - Change of use of ground floor from a Bank (Class A2) to a Bingo Hall (Class D2) and the formation of a new access door on to Abington Street at 33 Abington Street.</p> <p>N/2009/0772 - Change of use to Adult Amusement Centre at 31 - 33 Abington Street.</p>	<p>NBC Regeneration Team have submitted their objections to N/2009/0772 stating the conflict with NBC Economic Strategy and the CAAP.</p>
	<b>B</b>	<p>N/2009/0744 - Reserved matters application including: Appearance, landscaping, layout and scale pursuant to outline consent WN/2006/0013 dated 19.04.07 - erection of 231 dwellings, roads and sewers and public open space at Former British Timkem Site, Main Road, Duston.</p>	<p><b>Revised Recommendation – DEFER</b></p> <p>In light of on-going discussions between WND and the applicant regarding, amongst other things, compliance of this scheme with the outline planning permission; following dialogue with WND officers, it is recommended that consideration of this application is deferred pending the outcome of these discussions.</p>



**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 27<sup>th</sup> October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0028LB** Proposed demolition of Infirmary building and proposed alterations and extension to remaining buildings, Former St Edmunds Hospital Site, Wellingborough Road (Listed Building Consent Application)

**WARD:** St Crispins

**APPLICANT:** Mr J Sehmi, Rochmills  
**AGENT:** Mr R Colson, Bidwells

**REFERRED BY:** Head of Planning  
**REASON:** Related to WNDC Consultation on Major Development

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION**

**1. RECOMMENDATION**

**1.1 APPROVAL** subject to:

- The conditions set out in section 6 below; and
- The completion of a S106 agreement to the satisfaction of the Borough Council in respect of the associated planning permission and that this planning permission has been issued;

And for the following reason:

The proposal would ensure the redevelopment of this prominent, semi-derelict site which would enhance the character of the area and assist in the regeneration of the town overall. The proposal would also ensure the retention of the majority of the listed buildings on the site that are an important part of the town's heritage in accordance with Policy 26 of the Regional Plan and the aims and objectives of PPG15.

## **2. THE PROPOSAL**

### **2.1 The proposal entails the elements:**

- change of use of the original workhouse building to offices, together with various extensions to this building;
- demolition of the existing infirmary building and construction of a retirement village in its place;
- change of use of the former nurses home to visitors accommodation in connection with the critical care unit;
- change of use of the former school and extensions to form a critical care unit; and
- erection of a new three storey building on a vacant part of the site to provide retail at the ground floor and flats above.

## **3. SITE DESCRIPTION**

3.1 The site consists of the former St Edmunds hospital site, originally the Northampton Workhouse, which was constructed in 1837 and added to periodically since then, until closing in 1998. Since then the buildings have been empty and have fallen into a state of disrepair.

3.2 The site is in a prominent location on the Wellingborough Road, which is a major gateway to the town centre.

## **4. APPRAISAL**

4.1 This application for listed building consent was considered by the Planning Committee in June 2009, when it was resolved to approve the application subject to a Section 106 agreement in respect of the planning application for the same development, which is under consideration by WNDC, being to satisfaction of the Borough Council.

4.2 The Section 106 agreement is now nearing completion, a key element of which is control of the phasing of development to ensure that the curtilage listed buildings are refurbished before the infirmary building is demolished.

4.3 In order to accommodate the proposed phasing, the conditions to be attached to the listed building consent would have to be revised, to refer to each phase of the development rather than the development as a whole. This revision would enable phase 1 to be commenced prior to the submission of details in respect of phase 2, thereby facilitating a quicker start to development on this key site whilst securing the conservation of the heritage assets within the site.

4.4 The conditions as set out below differ from those previously approved only in respect to the revised phasing.

4.5 The previous Committee report, which sets out the wider spatial planning issues and policy is attached for reference (at Appendix A).



## **5. CONCLUSION**

- 5.5 For the foregoing reasons it is recommended that listed building consent for the demolition of the infirmary building, and the other works proposed in the listed building application, is granted, but that this decision is not issued until the S106 agreement in respect of the associated planning permission has been completed to the satisfaction of the Borough Council, and the permission has been issued. In this way it will be possible for the Council to retain control over the timing of the demolition of the building in the interest of securing the conservation of the heritage assets within the site.

## **6 CONDITIONS**

(1) The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of Planning Policy Guidance Note 15 – Planning and The Historic Environment

(3) Prior to the commencement of any works of demolition hereby granted consent, details of a programme of building recording and analysis by a person or body first agreed to by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of building recording and analysis shall be fully implemented prior to any works of demolition taking place.

Reason: To mitigate the substantial loss of buildings that are defined as making a positive contribution to the character and appearance of the Conservation Area in accordance with Planning Policy Guidance Note 15 – Planning and The Historic Environment

(4) Prior to work commencing on each phase of the development pursuant to this permission a detailed schedule of works to be undertaken to each of the listed buildings shall be submitted to and be approved in writing by the Local Planning Authority. The schedule of repairs shall show in detail the nature, scope, materials, methodology and approach to those works, including drawings where necessary. The timetable shall thereafter take place in full accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(5) Prior to work commencing on each phase of the development, full details of replacement fittings including doors, windows, stairways, and cornices at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be fully carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(6) 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: To ensure the protection of the integrity of the Listed Building in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(7) Prior to work commencing on each phase of the development full details of the method of the treatment of the external boundaries of the site together with boundaries to the individual elements within the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented according to the approved details.

Reason: To ensure the protection of the setting of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(8) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of the setting of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

## **7. LEGAL IMPLICATIONS:**

7.1 None

## **8. BACKGROUND PAPERS**

8.1 Planning application file N/2009/0028

## **9. SUMMARY AND LINKS TO CORPORATE PLAN**

9.1 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Andrew Holden	08/10/09
<b>Development Control Manager:</b>	Gareth Jones	12/10/09



**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 18<sup>th</sup> June 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0028LB**      **Proposed demolition of Infirmary building and proposed alterations and extension to remaining buildings, Former St Edmunds Hospital Site, Wellingborough Road (Listed Building Consent Application)**

**WARD:**      **St Crispins**

**APPLICANT:**      Mr J Sehmi, Rochmills  
**AGENT:**      Mr R Colson, Bidwells

**REFERRED BY:**      Head of Planning  
**REASON:**      Related to WNDC Consultation on Major Development

**DEPARTURE:**      No

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## **APPLICATION FOR DETERMINATION**

### **1 RECOMMENDATION**

- 1.2 Resolution to approve for the following reason and subject to the following conditions -
- 1.3 The proposal would ensure the redevelopment of this prominent, semi-derelict site which would enhance the character of the area and assist in the regeneration of the town overall. The proposal would also ensure the retention of the majority of the listed buildings on the site which are an important part of the town's heritage.

### **2 THE PROPOSAL**

- 2.2 The proposal entails the change of use of the original workhouse building to offices, together with various extensions to this building, demolition of the existing infirmary building and construction of a retirement village in its place, change of use of the former nurses home

to visitors accommodation in connection with the critical care unit, change of use of the former school and extensions to form a critical care unit and erection of a new three storey building on a vacant part of the site to provide retail at the ground floor and flats above.

### **3 SITE DESCRIPTION**

- 3.3 The site consists of the former St Edmunds hospital site, originally the Northampton Workhouse, which was constructed in 1837 and added to continually since then, until closing in 1998. Since then the buildings have been empty and have been allowed to fall into disrepair.
- 3.4 The site is in a prominent location on the Wellingborough Road which is a major gateway to the town centre.

### **4 PLANNING HISTORY**

- 4.1 The following applications are considered the most relevant -
- 4.2 N/2002/1414 - Redevelopment of site including new offices, restaurant, apartments and community centre Approved 04-02-2004
- 4.3 N/2002/1604 Redevelopment of site including demolition of some disused buildings and retain & improve the old workhouse building Approved 25-03-2004.
- 4.4 WN/2006/0018 Change of use of existing hospital buildings to residential and erection of new residential units Withdrawn 12-12-2006.
- 4.5 N/2005/1508 Extension of gatehouse, removing toilet from the side and building it at the back Approved 23-03-2006
- 4.6 N/2009/0051 - WNDC Consultation - Mixed use development comprising the development of a retirement village and ancillary facilities, following the demolition of former Infirmary building; Development of mixed use building comprising A1 (Retail), A2 (Financial & Professional Services) and A3 (Restaurant & Café) at ground floor, with 6 apartments at first floor; Conversion of the former St Edmunds Hospital buildings to comprise B1 (Office) use, conversion and extension to comprise specialist care facility and visitor accommodation. - To be considered as separate item on this agenda.

### **5 PLANNING POLICY**

- 5.1 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 consideration indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy (RSS), the Northamptonshire County Structure Plan and the Northampton Local Plan.

## **5.2 National Policies:**

- 5.1 Planning Policy Statement 1 – Delivering Sustainable Development
- 5.2 Planning Policy Guidance Note 15 – Planning and The Historic Environment

## **6 CONSULTATIONS/REPRESENTATIONS**

- 6.1 Estates and Valuation Services - Without a robust appraisal confirming the scheme only becomes viable if consent to demolish the infirmary is given the application for permission to demolish should be refused. If permission is given to demolish on the conclusions of the CBRE appraisal it will result in a further application to demolish more of the retained buildings until a viable scheme arises.
- 6.2 Conservation Officer - There are significant concerns regarding the St Edmunds site which has been vacant and derelict for nearly 10 years and has had significant issues relating to vandalism and anti-social behaviour. The site has been poorly managed by the current owners and this has contributed significantly to these problems.
- 6.3 The current planning and Listed Building consent applications clearly do not follow the original Northampton Borough Council Planning Brief of 1999 by not retaining all five buildings 'critical to the special interest of the site'.
- 6.4 The conclusions of the financial appraisal exercise undertaken by the applicants indicate that the scheme would not be financially viable with the retention of the Infirmary building. An independent financial appraisal of the scheme in the current market (reflecting the recent international financial problems) is that the scheme would not be viable even with the loss of the Infirmary.
- 6.5 If the Listed Building consent application is refused on the basis of non-viability of the scheme there are a limited number of options available. The owner may choose to Land Bank the site pending improvement to the current economic climate leaving the buildings vulnerable to further deterioration for another extended period of time or a new application with denser development requirements could be submitted which may have a significantly more detrimental effect on the setting of the listed buildings.
- 6.6 The St Edmunds site is now in a perilous state and action is required to ensure the buildings on site do not deteriorate further. The current application is for the comprehensive re-development of the entire site with a new use found for the listed workhouse and three of the four curtilage buildings (school house, nurses accommodation and gate house). The historic significance of the infirmary building has been established and its potential loss should be considered a last resort to safeguard the long term future of the remaining buildings.

- 6.7 It should be made clear that if consent is forthcoming for the demolition of this curtilage listed building that it is regarded as part of the scheme as a whole and should not be seen as a precedent for future schemes involving further demolition. A robust phasing strategy will therefore need to be drafted and agreed to, ensuring that the infirmary building is not demolished until a significant commitment has been made to restoration and conversion of the remaining buildings on site. The following phasing is recommended:
- Phase 1. School house, nurses accommodation, retail unit and access road to Wellingborough Road frontage. No demolition shall take place during this phase.
  - Phase 2 Workhouse building and gatehouse.
  - Phase 3 Demolition of Infirmary building and construction of retirement village.
- 6.8 The phasing scheme will need to be the subject of a legal agreement which should also include the rescinding of the existing listed building consents.
- 6.9 It will also be important to safeguard against the subsequent dilution of details and the use of lesser materials by applying appropriate conditions to any consent.
- 6.10 English Heritage - No need to consult as only consulted on demolition of Grade II\* curtilage buildings. No comment to make in respect of this proposal.
- 6.11 The Victorian Society - Disappointed to see the proposals entail the demolition of a curtilage listed building and a significant amount of large scale new development adjacent to and attached to other listed and curtilage listed structures. Proposals should retain those listed buildings and their settings, however we fear that the current proposals fail to achieve those aims. Appears that the reason for the demolitions is the high cost of restoring the buildings which are in a poor state of repair. This is due to neglect by the developers and premature demolitions. Demolition of the infirmary must be rigorously justified and it must be demonstrated that all alternatives have been considered and discounted. With regard to the school house, concerned about the impact of extensions to the west of the building.
- 6.12 One letter received from a neighbouring occupier at 89 Talbot Road expressing support for the development and stating that historic buildings should be preserved but not at the expense of progress.

## **7 APPRAISAL**

- 7.1 The main issues to consider in this case are the impact of the proposals on the character and setting of the listed buildings, in particular whether the demolition of the curtilage listed infirmary building is justified in respect of the viability of the site and therefore necessary in order to secure the future viability of the remaining buildings (i.e. to act as “enabling development”)
- 7.2 The proposal entails the demolition of the former infirmary building, the conversion of the original workhouse building to office use, the conversion and alterations and extensions to the former school building to provide a specialist care facility.

### **Impact on the Listed Buildings.**

- 7.3 Of key importance in considering this application is the impact of the proposal on the listed buildings, including the main workhouse building, former nurses home and school building. Also proposed is the demolition of the former infirmary building.

### **Main Workhouse Building**

- 7.4 The proposal includes the conversion of the main workhouse building to offices. This involves various internal alterations which in general restore the building to something closer to its original condition and are considered to be broadly sympathetic. A full schedule of works will nevertheless be necessary to ensure the suitability of these alterations.
- 7.5 Also proposed is a canopy to the existing internal courtyard, which would not have been an original feature. However, this is considered to be relatively sympathetic to the building and it is recognised that this is necessary to allow circulation to the new units.
- 7.6 Also proposed is a three storey extension. This would replicate an existing feature at the opposite end of the building and whilst this would differ from the historical element in this position this is considered to be acceptable. Again a schedule of materials will be necessary.

### **School Building**

- 7.7 The front façade of the school building would be largely restored to its original state but a single storey glazed extension would be added in the location of the previous much larger extension. This would potentially conceal the worst of the damage caused to the front of the building and could if required be removed at a future date enabling full restoration of the front elevation of the building. The front elevation retains the original windows other than in the central section and would be restored to its original appearance other than the extension as discussed above.

- 7.8 To the rear of the school building a three storey extension is proposed which would enable sufficient depth to be available to provide the required facilities, this not being available in the very narrow building as it exists. The school building has original windows to the front elevation but not to the rear where all have been replaced with UPVC and additionally the rear of the building has been unsympathetically extended. It is considered, therefore, that the proposed extensions would not be damaging to the character of the listed building.

### **Demolition of Infirmary Building**

- 7.9 The infirmary building is at present in a dilapidated state and does not retain its original windows or any significant original features other than the shell of the building. The building would in any event have been built with little in the way of ornamentation due to the requirement for a functional building.
- 7.10 In considering whether the demolition of the infirmary is acceptable it is necessary to consider this in the context of “Enabling Development”
- 7.11 The English Heritage Guidance on Enabling Development sets out that enabling development is the minimum necessary to secure the future of a place which minimises harm to other public interests.
- 7.12 The ‘enabling’ development has to be the minimum amount to make the scheme viable. In this case the appraisal assesses various uses for the infirmary building and concludes that with its retention within the scheme, an overall profit of 2.09% on cost would be realised – which is not viable.
- 7.13 The developer profit for the proposed scheme (demolition of the infirmary and erection of retirement village) would, on the developers figures, realise a profit of 12.78% which is marginally viable. On this basis the current proposal would appear to be the minimum amount of development to make the scheme viable and justify the demolition of the infirmary.
- 7.14 To assess the robustness of this argument both NBC and WNDC have commissioned assessments to determine the DTZ Financial Appraisal which seeks to demonstrate the validity of this argument.
- 7.15 WNDC commissioned a independent assessment of the financial appraisal from CBRE. CBRE’s report raised a number of issues. It concluded that the majority of the assumptions applied and the method in which they were carried out by DTZ were correct. They felt that the yields used on the care home and retirement village do seem optimistic.
- 7.16 CBRE’s appraisal, which uses revised yields concludes that the proposed scheme would make a negative profit of 0.71% ie a loss and is therefore unviable in the current market. This does change the



enabling development argument as the amount of enabling development is below the minimum needed to ensure viability, which means that the applicant could propose additional development to make the scheme viable.

- 7.17 Comments from NBC's estates and valuation service in regard to the CBRE report are that without a robust appraisal confirming the scheme only becomes viable if consent to demolish the infirmary is given, the application for permission to demolish should be refused.
- 7.18 However, if the application is to be refused on this basis, the consequences of this must be taken into account. If the site is not developed in the near future the buildings will continue to fall into disrepair, making it less likely in the future that they will be able to be restored economically.
- 7.19 The developer has stated an intention to retain the finished scheme and is therefore more concerned about the long term profitability of the scheme. Furthermore, the development will be subject to a s.106 agreement to secure the phasing of the site to ensure that the enabling development (the retirement village in place of the infirmary) is only secured once the works to the listed buildings have been completed.
- 7.20 It is considered, therefore, that it may be preferable to agree to the loss of this one building, which as discussed is in the worst condition of all of the buildings on the site.
- 7.21 Crucial within this is the need for WNDC to agree with the developer within which phase the demolition of the infirmary would take place. Whilst it would appear logical for this to be the final phase before construction commences on the retirement village, the developers have stated that they may wish to use materials from this building in restoring the remaining buildings. It is not considered, however, that the bulk of the features within the infirmary building could in fact be used elsewhere on the site due to the differing age and design of the other buildings.
- 7.22 Comments from the Council's Conservation Officer indicate a concern that the demolition of the listed building should not be permitted if viability cannot be shown. However, it is also recognised by the Conservation Officer that the site is in a perilous state and that it may be necessary to accept the loss of one building to enable the others to be saved. On this basis it is considered that even if viability is not shown, the result of a refusal on this basis would be that either the site would be left and would deteriorate further or a further application would be made to justify the viability argument which would inevitably mean more development on the site. It is considered, therefore, that the viability argument can be set aside to some extent in the interests of saving as many of the buildings as possible.
- 7.23 Comments from the Conservation Officer propose an alternative

phasing strategy, which would entail the first phase of the development being the development of the school house and the retail units and flats on the western side of the site. This would enable the future of the school building to be secured and to be financed by the retail / flat unit, effectively as an independent development and would address any concern that the schoolhouse may also be considered for demolition in the future.

- 7.24 It is recommended, therefore, that it is put to WNDC by means of the formal response to the consultation on the planning application which forms a separate item on this agenda, that the phasing strategy should be revised in this way. In the event that WNDC are not agreeable to this it would be possible to attach a separate legal agreement to the listed building consent setting out separately the Borough Council's requirements.
- 7.25 Concern has been raised by the Conservation Officer that the application may need to be referred to the Secretary of State as it involves the demolition of a listed building. However, Circular 01/2001 states that this is only required in respect of a principal building and whilst the circular does not define a principle building it is clear from PPG15 that this refers to the building which is listed in its own right and not any curtilage buildings. The application does not, therefore, need to be referred.

## **8 RECOMMENDATION / CONDITIONS**

- 8.1 It is recommended that listed building consent for the demolition of the infirmary building, and the other works proposed in the listed building application, is granted, but that this decision is not issued until the S106 agreement in respect of the associated planning permission has been prepared to the satisfaction of the Borough Council and signed, and the permission has been issued. In this way it will be possible for the Borough Council to retain control over the demolition of the building. In the event that WNDC are not prepared to consider the inclusion of the revised phasing strategy in their Section 106 agreement, it is recommended that a separate Section 106 agreement is prepared in respect of the Listed Building Application Only.

(1) The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of Planning Policy Guidance Note 15 – Planning and The Historic Environment

(3) Prior to the commencement of any works of demolition hereby granted consent, details of a programme of building recording and analysis by a person or body first agreed to by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of building recording and analysis shall be fully implemented prior to any works of demolition taking place.

Reason: To mitigate the substantial loss of buildings that are defined as making a positive contribution to the character and appearance of the Conservation Area in accordance with Planning Policy Guidance Note 15 – Planning and The Historic Environment

(4) Prior to work commencing on site pursuant to this permission a detailed schedule of works to be undertaken to each of the listed buildings shall be submitted to and be approved in writing by the Local Planning Authority. The schedule of repairs shall show in detail the nature, scope, materials, methodology and approach to those works, including drawings where necessary. The timetable shall thereafter take place in full accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(5) Before development commences, full details of replacement fittings including doors, windows, stairways, and cornices at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be fully carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(6) 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: To ensure the protection of the integrity of the Listed Building in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(7) Prior to the commencement of any works on site full details of the method of the treatment of the external boundaries of the site together with boundaries to the individual elements within the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented according to the approved details.

Reason: To ensure the protection of the setting of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

(8) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of the setting of the Listed Buildings in accordance with the advice contained in PPG15 Planning and the Historic Environment.

## **9 LEGAL IMPLICATIONS:**

9.1 None

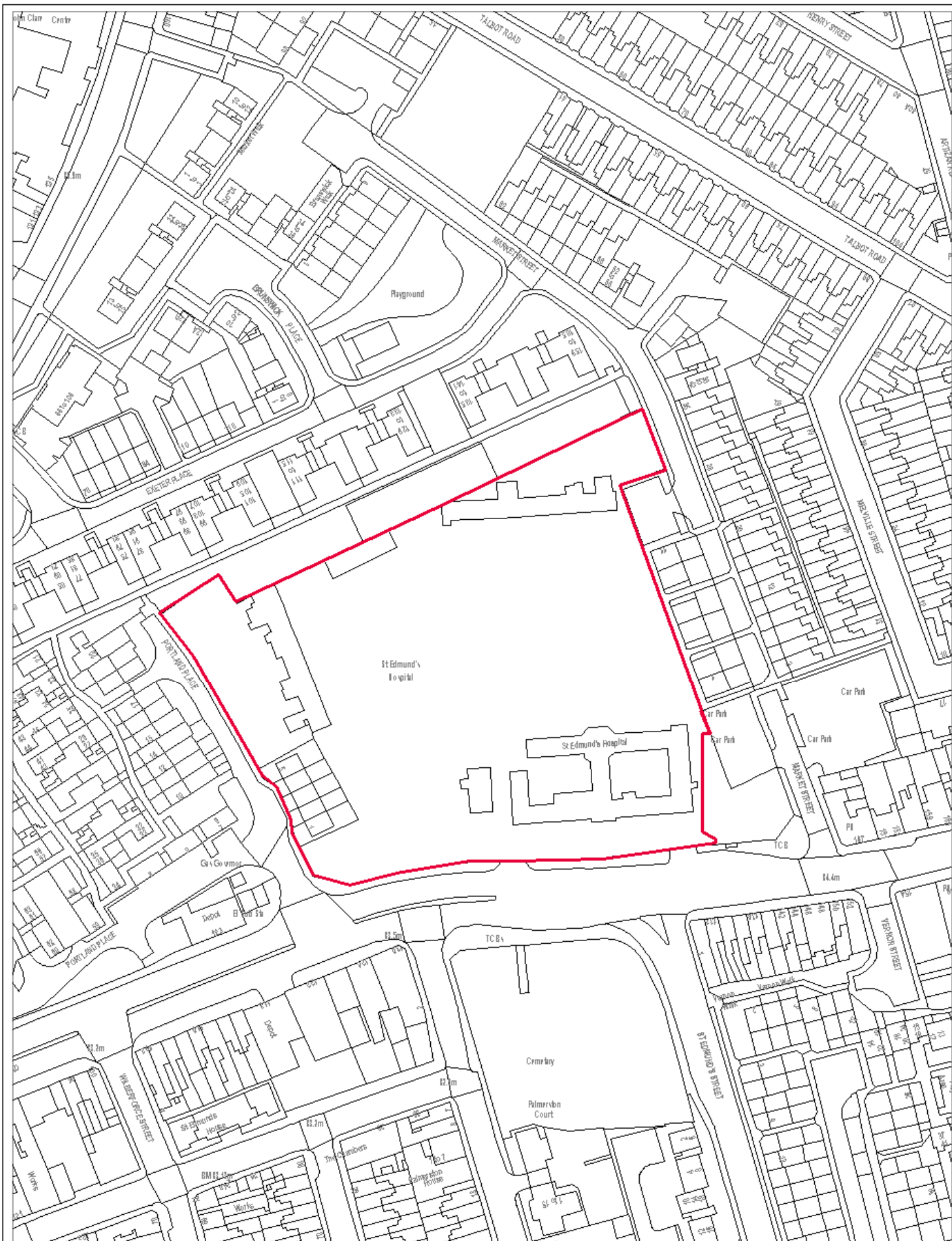
## **10. BACKGROUND PAPERS**

10.1 Planning application file N/2009/0028

## **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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Andrew Holden	05.06.2009
<b>Development Control Manager:</b>	June Kelly	05.06.2009



Im: Jon Martin  
 dt: 8th June 2008  
 nr: 1:1500  
 pt: Planning  
 mt: Location Plan

**Title**  
**St Edmunds Hospital**

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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 27<sup>th</sup> October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0606** Retrospective subdivision of industrial unit and part use as builders merchants (Sui Generis). External changes including altering and creating openings and erection of 2.4m high fence around yard at Unit 5, Minton Business Centre, Main Road, Far Cotton.

**WARD:** Delapre

**APPLICANT:** Keystone Roofing Supplies Ltd  
**AGENT:** Architectural Services

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

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION/ CONSULTATION BY:**

**1. RECOMMENDATION**

**1.1 APPROVAL** for the following reason:

The change of use to builder's merchants and external changes to the building and forecourt are acceptable by virtue of maintaining the business characteristics of Minton Business Centre, utilising suitable highway access and by enhancing the appearance of the building and site. For these reasons the changes accord with saved Policies B2, B3, B14 and E20 of the Northampton Local Plan and no other material considerations indicate otherwise.

**2. THE PROPOSAL**

**2.1** The application is to subdivide an approximately 1,500 square metre industrial unit into two spaces, one of which is proposed to be a builder's merchants (sui generis use) covering a footprint of 935 square

metres with the creation of a 240 square metre first floor mezzanine office space. This leaves the second unit from the subdivision as a 535 square metre unit. This smaller unit is not proposed to be changed from its existing industrial uses.

- 2.2 The larger unit comes with a forecourt area which is fenced with 2.4 metre palisade metal railings creating an external outside storage space measuring approximately 900 square metres.
- 2.3 It is also proposed to re-clad the walls of the building with aluminium panels resulting in changes to windows and doors and other openings (these works are now largely complete). The existing lighting on site is not proposed to be changed.

### **3. SITE DESCRIPTION**

- 3.1 Minton Business Centre was previously the site of tractor/ digger cab manufacture and performed a range of business uses around this core activity. With the closure of these operations the buildings are being remarketed for business uses.
- 3.2 The site is 1km southwest of the centre of Northampton on an established industrial area close to Far Cotton and directly south of the Grand Union Canal. The estate is accessed from a roundabout on Towcester Road. The surrounding area is entirely commercial with a wide range of business land uses taking place.

### **4. PLANNING HISTORY**

- 4.1 A long history of planning consents dating from the 1950s for body works factory activities on the wider site. More recently consent for this building in 1970/71, extensions in 1980/90s and in 2005 an application for flood defences.

### **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:**

PPS1 – Delivering Sustainable Development

PPG4 – Industrial, commercial development and small firms

#### **5.3 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.

**5.4 Northampton Borough Local Plan**

E20 – New Development

B2 – Existing business areas

B3 – Business development

B14 – Development for non-business uses

T14 – Rail corridor safeguard

**5.5 Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

**6. CONSULTATIONS/REPRESENTATIONS**

**Internal**

6.1 **Access Officer** – Level access required, doors will need to meet DDA standard

6.2 **Public Protection** – No comments to make.

**External**

6.3 **County Highways** – storage of building materials shall not impinge on car parking areas.

**Neighbours**

6.4 No representations made.

**7. APPRAISAL**

**Principle of change of use**

7.1 The proposals include part of the building being changed from B-class uses to a sui generis use, a builder's merchants. This type of use is well-suited to an industrial estate where the kind of noise and vehicle activity typical of builder's yards can be kept away from residential neighbours and the road infrastructure is designed to handle heavy vehicles.

7.2 Nonetheless, saved Local Plan Policy B14 seeks to protect industrial areas from the loss of business class uses unless there would be a significant benefit to the local community and substantial employment opportunities. It is considered in this case that the use closely reflects B-class activity and would employ similar numbers to the existing permitted uses. The benefit of keeping builder's yards in areas remote from housing is also considered to weigh in favour of the proposals.



- 7.3 In summary, the change of use element of the proposals maintains the business characteristics of Minton Business Centre, would not reduce local employment opportunities and is sustainably located away from sensitive neighbours such as housing.

#### **Parking and access**

- 7.4 As mentioned above, the road infrastructure into Minton Business Centre is adequate to handle HGVs and business traffic. NCC as Highway Authority does not raise objections to the suitability of the access, but do have concerns about car parking. The site is considered highly accessible, in a relatively sustainable location and will not result in highway safety problems.
- 7.5 A protected rail corridor passes directly by the entrance of the site and down the south side of the building. This close relationship has existed for decades and the proposals go no further than the existing lawful business activities already occurring on the land. In this respect, the change of use of the site is no more harmful to the protected rail corridor than the existing situation.
- 7.6 NCC's concern regarding the internal parking spaces being covered by stored materials or other obstructions is considered a valid one and it is recommended that a planning condition is applied to keep these available at all times for staff and visitor's cars.

#### **Design and appearance**

- 7.7 The former appearance of the site has been updated by works that involve grey aluminium cladding to the upper part of the building, blue powder coated frame windows (included at first floor height) and 2.4m metal palisade fencing around the forecourt.
- 7.8 All of the aforementioned design changes are considered an improvement on the original form and layout and give a boost to a tired and aged area of this industrial estate. On this basis the proposals accord with saved Policy E20 of the Local Plan.

### **8. CONCLUSION**

- 8.1 The principle of losing business uses to a builder's merchants is considered acceptable in terms of saved Policy B14 by virtue of retaining employment and business activity on site in a location that is clearly preferable for such uses. The access arrangements are acceptable and providing off street parking is suitably maintained there are no objections to the layout proposed. The fencing and building improvements enhance the building and revitalise the appearance of the area.

For all these reasons the proposal is considered to accord with the policies of the Development Plan and no other material considerations indicate otherwise.

**9. CONDITIONS**

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

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

2. The car parking spaces shall at all times be reserved for the parking of vehicles by staff and visitors and there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure that adequate parking facilities are maintained in accordance with PPG 13 Transport.

**10. BACKGROUND PAPERS**

None

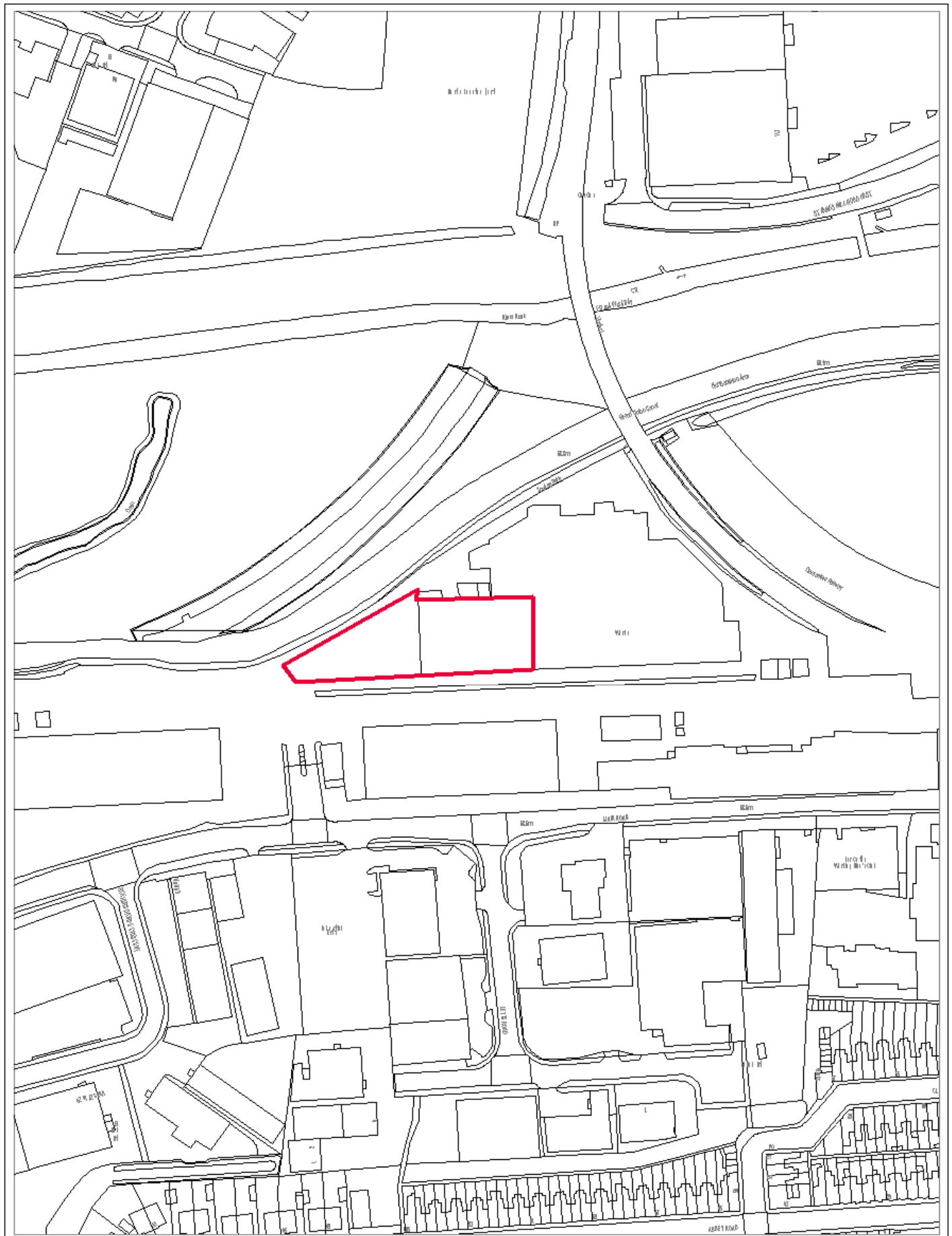
**11. LEGAL IMPLICATIONS**

None

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the above 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Richard Boyt	8/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	12/10/09



Im: Jon Martin  
 dt: 7th October 2009  
 nr: 1:2000  
 pt: Planning  
 mt: Location Plan

**Title**  
**Unit 5 Minton Business Centre, Main Road, Far Cotton.**

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

**PLANNING COMMITTEE:** 27<sup>th</sup> October 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:** 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 21<sup>st</sup> 2009.
- 4.3 An application for four dwellings was made under reference N/2009/0093 and was withdrawn on August 14<sup>th</sup> 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 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: *Initial Comments:*** 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 **County Highways: *Further Comments Following Committee Request:*** I would confirm that although the driveway is somewhat narrow in places it is still of a sufficient width to be acceptable. There is adequate visibility at the entrance to the development. The turning head is sufficient. The turning head at the front of No 76 is to be tied down by condition as previously discussed and agreed. The parking provision is sufficient.

It would not be possible to refuse and sustain a refusal for this application on highway grounds. There is already permission given for three dwellings on this site, if the Committee wish to refuse this application on any other grounds than highway matters that would have to be their decision.

6.3 **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.

6.4 **Public Protection: *Initial Comments:*** 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.

6.5 **Public Protection: *Further Comments re. Disturbance From Vehicle Noise Following Committee Request:*** obviously there will be additional

noise from passage of vehicles at various times but I would not expect this to be of any real significance, given ordinary domestic use, and assuming the main access road is hard surfaced and not gravel.

## **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 The proposal would result in a density of 12.9 dwellings per hectare, which is below the national indicative minimum density as set out in PPS3, but is considered to be an appropriate density given the



character of the area. In light of this, the proposal could not be considered an overdevelopment of the site.

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.**

- 8.13 Members will recall that this application was deferred at the September 22<sup>nd</sup> Committee with a request for further clarification from County Highways on the following points:
- That the access driveway is of sufficient width throughout its length

to serve the development

- That the junction of the driveway with Church Way is fully acceptable in terms of highway safety including the visibility splays.
- That the turning head at the end of the proposed drive is sufficient
- That the arrangements re the turning head to the front of no. 76 are satisfactory
- That the level of parking proposed for each of the houses is sufficient.

8.14 The response from County Highways, as set out above, confirms the acceptability of the development on all these points.

8.15 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.

8.16 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.

8.17 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. Following concern from the owners of no. 76 about this space being used by all occupiers, clarification has been sought from County Highways who have confirmed that it need only be kept clear for the occupiers of 76. This turning space would potentially be available to all, however in practice it would not be required by the occupiers of the new houses. The condition controlling this element has been amended from that proposed at the previous committee meeting to reflect this point.

8.18 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.

8.19 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.

8.20 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.**

- 8.21 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.**

- 8.22 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 future occupiers of 76 Church Way, 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.

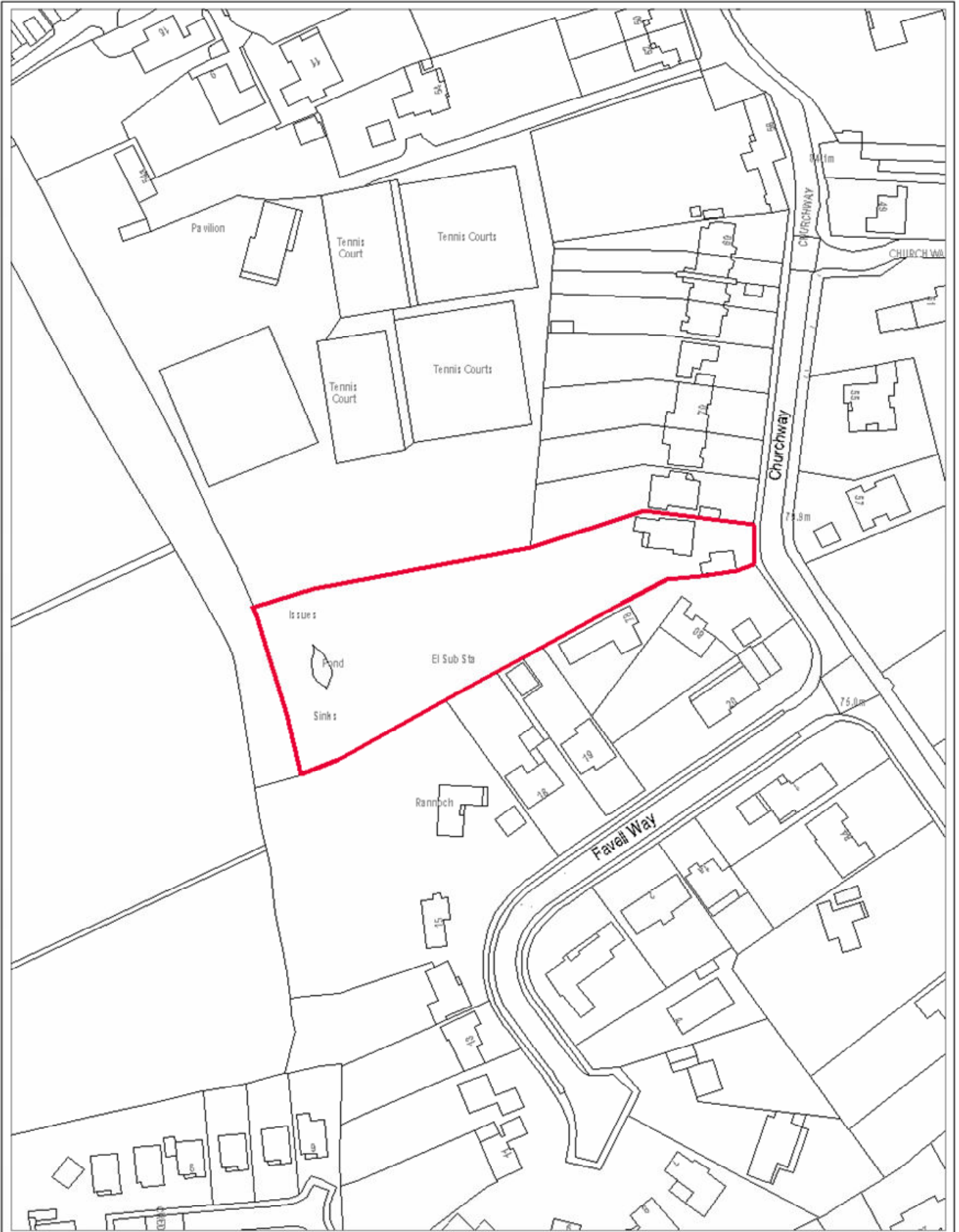
#### **12. BACKGROUND PAPERS**

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Andrew Holden	08/10/09
<b>Development Control Manager:</b>	Gareth Jones	09/10/09



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:** 27 October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0644** First floor extension above existing annex,  
21 Huntsmead

**WARD:** Ecton Brook

**APPLICANT:** Mr. Taylor  
**AGENT:** Mr. T. Dobraszczyk

**REFERRED BY:** Cllr. Jamie Lane  
**REASON:** Concerns re overbearing, overshadowing and lack of privacy

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL** with conditions for the following reason:

By reason of its siting, scale and relation with surrounding development, the impact of the proposed development on the character of the original building, street scene and residential amenity is considered acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

**2. THE PROPOSAL**

**2.1** The original proposal was for a first floor extension over both an existing ground floor annex and the garage. However, following the submission of amended plans, permission is now sought for a first floor extension over the granny annex only, raising the roof height by 1.75m to form a playroom and bathroom. The design incorporates a front dormer with pitched roof.

**3. SITE DESCRIPTION**

**3.1** 21 Huntsmead is a 1980's detached dwelling located in a cul-de-sac of similar dwellings. The property has a detached garage/granny annex which is set at



right angles to the main house. The land inclines to the rear (south).

#### **4. PLANNING HISTORY**

89/0882 – granny annex - approved

#### **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 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.

##### **5.4 Northampton Borough Local Plan**

E20 – New Development

H18 - Extensions

##### **5.5 Supplementary Planning Guidance**

Residential Extensions Design Guide

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

##### **6.1 Councillors**

Cllrs. Jamie Lane, Keith Davis and Phil Larratt were consulted. Cllr Lane has 'called-in' the application to be determined by the Planning Committee due to concerns re overbearing, overshadowing and lack of privacy

##### **6.2 Neighbours**

Notification letters sent to 15 & 16 Botmead Road and 18, 19, 20 and 22 Huntsmead. Representations (objections) on the amended plans were received from 16, 19, 22 Huntsmead, 15, 16 Botmead, and Planning Consultants Brian Barber Associates on behalf of the occupiers of 16 Botmead. The objections can be summarised as follows:

- Development not in-keeping with existing house or the area;
- Increased nuisance caused by more traffic and parked cars;
- Possible use as a separate dwelling unit; and
- Overlooking, overshadowing, overbearing and loss of light issues.

## 7. APPRAISAL

- 7.1 In assessing this application with regard to the two applicable Local Plan policies E20 and H18, the principle planning considerations are the impact of the proposed development on the original dwelling and streetscene, and its impact on the amenities of adjacent neighbours.

### *Design and Appearance*

- 7.2 Huntsmead is a cul-de-sac characterised by detached dwellings with spacious gardens. Angled building lines give a non-uniform layout to the streetscene and there are a variety of house styles. In assessing the impact of the proposal on the streetscene, it is noted that the proposal would not increase the footprint of the building, as it would sit above the part of the existing built form. The design of the proposal with the pitched roof front dormer is not considered to be significantly detrimental to the overall streetscene, and it is considered that the size of the extension (over a little over half of the existing outbuilding) does not represent a particularly obtrusive feature in the streetscene, given also that it would be located partially behind the side wall of the existing house when viewed from Huntsmead.

### *Impact on Neighbours*

- 7.3 In assessing the issue of the massing of the proposed first floor extension on adjacent properties nos. 15 and 16 Botmead Road and 22 Huntsmead, the following were taken into account:
- The reduced size of the proposal significantly reduces the impact on 22 Huntsmead following the submission of revised drawings. The first floor extension would now be set back by 5.6m from the boundary line;
  - The proposed first floor extension is adjacent to part of the south elevation of 16 Botmead Road with a separating distance of approx. 12m. The raised roofline would obscure the current view of the gable end of no.21 Huntsmead mainly from the bedroom, bathroom and utility area. However, this impact is lessened by the lower level of the application site compared to no.16 and the view of the skyline from the kitchen and dining room areas would remain unobstructed; and
  - The gable end (north side) of the proposed extension would be some 11m from the side elevation of 15 Botmead Road. It is considered that this distance, and the fact that the application site is at a lower level, would render the any potential overbearing impact on the north side to an acceptable level.
- 7.4 The issue of overlooking was assessed with the following considerations:
- The rooflights proposed on the southwesterly roof slope of the extension are intended to provide additional natural light to the proposed playroom, rather than outlook and it is considered that there would not be a significant impact of overlooking from these windows. However, a condition requiring these windows to be obscure glazed and top opening would mitigate any potential impact on the privacy of

the occupiers of 16 Botmead Road;

- It is considered that the overlooking from the proposed first floor window in the northwesterly gable end of the proposed extension towards 15 Botmead Road is not significantly greater than the overlooking to this property from the rear elevation of the existing house. Nonetheless a condition requiring this window to be obscure glazed would alleviate this concern; and
- In assessing overlooking from the proposed front dormer towards no. 19 Huntsmead, it is considered that this would be no more than that normally experienced between houses which face across the road and as there is a distance of over 30m between the two frontages, which far exceeds the Council's space around dwellings criteria.

7.5 In assessing the issue of overshadowing, it is considered that the proposal would not cause significant loss of sunlight to surrounding properties, as the path of the sun would track in an arc to the south which would mainly result in the overshadowing of the host property rather than neighbours.

7.6 The concerns of neighbours that the proposed extended granny annex may become a separate dwelling unit are mitigated by recommended condition no.2 (NB this was also a condition of the previous approval in 1989).

## **8. CONCLUSION**

8.1 For the foregoing reasons, it is considered that the proposal is acceptable in accordance with Policies H18 and E20 of the Local Plan and is therefore recommended for approval.

## **9. CONDITIONS**

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

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

2. The proposed accommodation shall at all times be used for residential purposes ancillary to that of 21 Huntsmead and shall at no time form a separate unit of accommodation.

Reason: For the avoidance of doubt as a separate residential unit would be undesirable in this location in accordance with Policy H6 of the Northampton Local Plan.

3. The roof lights shall be obscure-glazed and top opening, and the window on the north-west elevation shall be obscure-glazed 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 H18 of the Northampton Local Plan.

4. The external walls and roof of the extension shall be constructed with

materials of the same type, texture and colour as the external walls and roof of the existing building.

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

**10. BACKGROUND PAPERS**

None

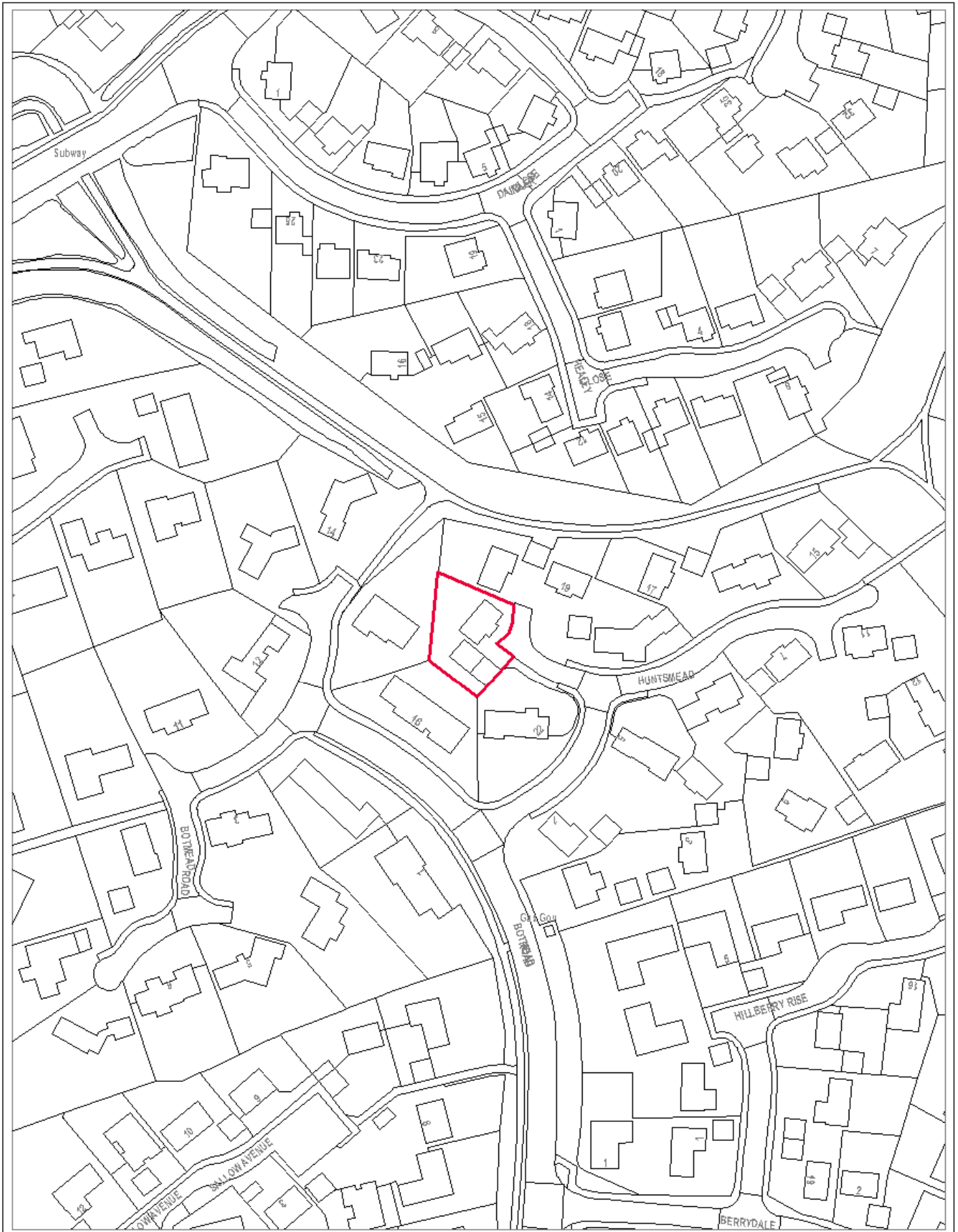
**11. LEGAL IMPLICATIONS**

None

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the above 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ellie Williams	30/09/2009
<b>Development Control Manager Agreed:</b>	Gareth Jones	12/09/2009



Im: Jon Martin  
dt: 7th October 2009  
sk: 1:1250  
nt: Planning  
mt: Location Plan

Title  
**21 Huntsmead**

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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 27 October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0765** Part retrospective three storey side extension, single storey extensions, dormer window and velux windows to existing building , front boundary fence at 2 The Drive/3 The Crescent.

**WARD:** Kingsley

**APPLICANT:** Crescent Homes Ltd  
**AGENT:** Ellis Architectural Design

**REFERRED BY:** Councillor A Simpson  
**REASON:** Long history of applications on site, out of keeping with primarily residential area, widespread concern from local residents

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1 RECOMMENDATION**

1. REFUSAL for the following reason:

By reason of its design, height and relationship with the existing building, the side extension forms an incongruous and discordant feature, detrimental to character and appearance of the host building and that of the surrounding streetscene contrary to Policy 2 of the Regional Plan and Policy E20 of the Northampton Local Plan and the aims and objectives of PPS1.

- 2 Authorise an Enforcement Notice requiring the demolition of the unauthorised side extension which forms part of this application with a compliance period of 6 months.

## **2 THE PROPOSAL**

2.1 This is a full planning application relating to an existing care home at 2 The Drive/ 3 The Crescent which includes the following principal elements:

- Single storey rear extensions to provide ancillary office space and two additional en-suites;
- A 3 storey side extension comprising lift shaft, entrance hall and provision of en-suites to some of the existing bedrooms with solar panels to front facing roofslope;
- A 1.8m high close boarded fence to front of site along common boundary with 1 The Crescent and along the front boundary parallel with The Drive; and
- A rear facing dormer window and velux rooflights to the existing building.

2.1 The 3 storey side extension in the current submission projects by approximately 3.2m from the side facing main wall of the host building and is approximately 7.7m deep. As the side extension is well under construction the application has been advertised as part retrospective.

## **3 SITE DESCRIPTION**

3.1 The site is located in Kingsley Ward at the junction of The Drive and The Crescent and comprises a residential care home for the elderly which, has been extended considerably over the years. It is approximately 2km north of Northampton town centre. No.2 The Drive lies at the southwestern end of the Drive and faces towards Abington Grove. The application site is situated within a primarily residential area as defined by the Northampton Local Plan.

## **4 PLANNING HISTORY**

4.1 The property has an extensive planning history dating back to 1981 when permission was granted for use of the site as a residential care home. The prevailing planning permission restricts the use to a maximum of 33 residents.

4.2 In December 2005, an application for full planning permission (ref. N/2005/1155) was refused for large two storey and single storey extensions to the home on the grounds of over-development, impact on neighbouring properties and on nearby trees. This was dismissed at appeal on 5 December 2006 on grounds of impact on amenity of neighbours and impact on the streetscene.

4.3 In June 2009, planning permission was granted (ref. N/2009/0273) for ground and first floor extensions to the home of a significantly smaller scale than the 2005 application. Part of that approval included the erection of a first floor extension above an existing ground floor side

projection. The ground floor element has been demolished and work is well advanced on replacing it with a 3-storey side extension. However this extension is larger than the N/2009/0273 approval and thereby represents a breach of planning control. Following investigation by the Council's Planning Enforcement Section the current planning application was submitted last month with the objective of regularising the breach.

## **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:**

PPS1 – Delivering Sustainable Development

PPG 13 – Transport

### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

### **5.4 Northampton Borough Local Plan**

E11 Trees

E20 – New Development

### **5.5 Supplementary Planning Guidance**

SPG Parking

## **6 CONSULTATIONS/REPRESENTATIONS**

### **Internal**

6.1 **Access Officer:** no objections

6.2 **Arboricultural Officer:** no objections or tree protection measures necessary

### **External**

6.3 **County Highways:** No objections in principle to the extensions however it is noted that the existing vehicle crossover on to the Drive is to be removed and therefore would result in loss of 2 off road parking spaces. It was noted that at the time of the previous application there was a significant shortfall in parking and additional spaces were requested and noted that most visitors parking is on street and most spaces are currently taken up along both frontages. The 2 car spaces



are to be retained and vehicle crossover reinstated. 2m by 2m visibility splays are to be shown where the new fence meets the vehicle access or the fence reduced to 0.6m high for the first 2m.

### **Councillors**

6.4 The application has been referred to Planning Committee by **Cllr Simpson** for the following reasons:

- The site has a long history of numerous applications often constantly pushing the boundaries of what is acceptable
- The current site is becoming a massive complex that is out of keeping with this primarily residential area
- There is widespread concern from local residents
- It was previously suggested that the area be considered for conservation status and although not progressed that still raises a question over this application and its impact

### **Neighbours**

6.5 **1 letter of objection received from no. 11 The Drive and 1 from 1 the Crescent:-**

- The side extension is out of scale and keeping with the original building and has not followed the plans for which permission was given
- Retrospective Planning permission should not be given for this blatant and cynical disregard of planning legislation.
- Adverse impact on character and appearance of the Drive
  
- Are inaccuracies on the submitted plans- the roof line is shown as being below that of the existing roof and is at least as high in reality, the new wall line is also shown as being 200mm outside the existing wall while in reality it is double this
- Parking issues- is difficult to understand why the owner is wishing to remove 2 off road parking spaces
- Proposed extension should not visually dominate the original dwelling and should not be detrimental to its original appearance
- Extension adversely impacts on symmetrical design of original building and impacts on streetscene and is prominent
- Design makes its visually dominant, out of character and overbearing,
- Would be no access to any parking and removal of spaces would be a retrograde step and detrimental to residents

## **7 APPRAISAL**

### **Policy context and Principal Considerations**

- 7.1 The main issues to consider in this case are the impact on the appearance and character of the original building and the locality and impact on living conditions of neighbouring properties.
- 7.2 In determining this application, Policy E20 is the main policy contained within the Northampton Local Plan relating to the proposed scheme and states that planning permission will be granted for new development subject to the design adequately reflecting the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and the development being designed in a manner which ensures adequate standards of privacy, daylight and sunlight. Policy 2 of the Regional Plan and PPS1 emphasise the need for good design in all development. Paragraph 34 of the PPS1 states that local planning authorities should plan positively for the achievement of high quality design for all development.

#### Impact on appearance and character of the area

##### *Proposed extensions*

- 7.3 It should be noted that the proposed single storey extensions already benefit from planning permission under consent N/2009/0273. As such the main consideration is how the proposed 3-storey side extension impacts upon the streetscene and visual amenity of the area.
- 7.4 The proposed roof form of the side extension is approximately 2.7m higher than the previously approved first floor extension thereby resulting in a more bulky built form and increasing the visual impact of the development. The extension has been constructed in blockwork while the existing building is built predominantly in red brick. It is the applicant's intention to render the extension which officers have reservations over given that the materials would not match the host building.
- 7.5 The front wall of the side extension is in line with the principal front wall on the host building and, given its size, bulky roof form and lack of set-back, does not appear as a subordinate feature when viewed from the street. The roof form of the extension features a gable to the western end (to the highway) and a hip to the east (to the host building). The roof ridge of the extension is at approximately the same height as that of the principal existing roof but higher than the immediately adjoining existing roof form. As a consequence of these circumstances, the extension appears as a visually awkward addition to the original building.
- 7.6 Although the side extension is to some extent screened from view from The Drive by existing tree planting to the boundary, this is not sufficient to mitigate the visual harm arising. For these reasons, it represents an incongruous form of development that detracts from the appearance and character of the streetscene and host building, which is

compounded by the site's prominent location at the junction of The Drive and The Crescent. It is considered, therefore, that the side extension is unacceptable and contrary to national and Development Policy, which promote high quality, design.

- 7.61 Although the design of the side extension is considered to be unacceptable, it is acknowledged that the proposed solar panels, dormer and rooflights are all of an appearance and size in keeping with the host building.

#### *Front boundary fence*

- 7.7 The submitted plans indicate the provision of a 1.8m high front boundary fence along the roadside boundary parallel to The Drive and along the common boundary with the adjacent no.1 The Crescent. The proposed fence along The Drive would represent a continuation of an existing boundary fence. It is considered that this aspect of the proposals would be acceptable subject to the details of the appearance fence being controlled by the Council as local planning authority.

#### Impact on amenity and living conditions of neighbouring properties

- 7.8 As stated above, the proposed single storey extensions have approval under N/2009/0273. At that stage it was concluded that given the relationship with the adjacent properties that there would be no undue detrimental impact on neighbouring amenity.
- 7.9 The proposed 3 storey side extension, given its position on the side of the property away from the adjacent house no.1 The Crescent and bearing in mind the separation distances of approximately 21 metres to the front main walls of the nearest houses on the opposite side of The Drive, would not result in any adverse impact on residential amenity in terms of overshadowing, loss of outlook / privacy or overbearing effects. The side extension is also partly screened from The Drive by existing tree planting which acts as something of buffer between the care home and houses on the western side of The Drive.
- 7.10 It is also considered that, as the proposed development would only result in one additional bedroom over and above the number currently permitted, there would not be a materially significant increase in noise and disturbance above that which is already apparent from the existing nursing home.

#### Impact on existing Trees

- 7.11 There are three semi-mature trees within the curtilage of the site directly adjacent to the side extension. The Council's Arboricultural Officer raises no objections to the impact on these features given that they offer limited contribution to the streetscene. He has also advised that the trees are not worthy of protection. In respect to the appeal

application N/2005/1155 the Planning Inspector raised concern re the impact on the Beech Tree adjacent to the site. This tree is further away from the side extension and it is considered that it would not be affected adversely by the current proposal. There is some intermittent tree planting along the side boundary of the front garden area with the adjacent property no.1 The Crescent. It is considered that the impact of the proposed fence on these features would be limited particularly given that there is an existing low metal fence along this boundary.

#### Parking and Highway issues

- 7.12 There would be no increase in number of residents to the existing home. The County Parking SPG outlines that the parking requirement for care homes is 2 parking spaces per 5 residents. As a result, there would be no requirement for additional parking at the site and it is therefore considered that there is adequate on street parking on the adjacent streets without significantly harming highway safety.
- 7.13 Although the Highway Authority raise concern that the proposed closing up of the existing access on to The Drive would result in loss of some off street parking, it is considered that as the removal of access would not require planning permission it would be unreasonable to resist the application on these grounds. Furthermore, there are no prevailing planning conditions requiring that parking be maintained on site. It should be noted that there is limited off-street parking available at the premises and as such at present visitors to the home tend to park in the surrounding streets or travel by alternative modes of transport. Although these arrangements currently place some pressure on the on-street parking capacity in the vicinity of the use, the level of additional demand arising from the development is not considered to be sufficient to justify refusal of the application.
- 7.14 The Highway Authority also advises that visibility splays should be provided on either side of the access. However, this advice is superseded by the proposed closure of the access.

#### Other considerations

- 7.15 The applicant is currently using the front garden area as a space for storing building materials during the ongoing construction process. The applicants have confirmed that it is their intention to re-instate this area to garden following the completion of building works; as such this would not require planning permission.

## **8 CONCLUSION**

- 8.1 The development is considered to be unacceptable given the design of the side extension and its relationship to the host building which would be detrimental to the character and appearance of the host building and

surrounding area. The proposed development is recommended for refusal and considered to be contrary to Policy 2 of the Regional Plan and Policy E20 of the Local Plan and aims and objectives of PPS1.

8.2 As the development has commenced it is also recommended that Committee resolve to give authorisation to officers to issue an Enforcement Notice requiring demolition of the side extension by reason of its unacceptable design, height and relationship with the existing building which forms an incongruous and discordant feature detrimental to the character and appearance of the host building and surrounding streetscene.

## **9. CONDITIONS**

9.1 Not relevant.

## **10. BACKGROUND PAPERS**

10.1 None.

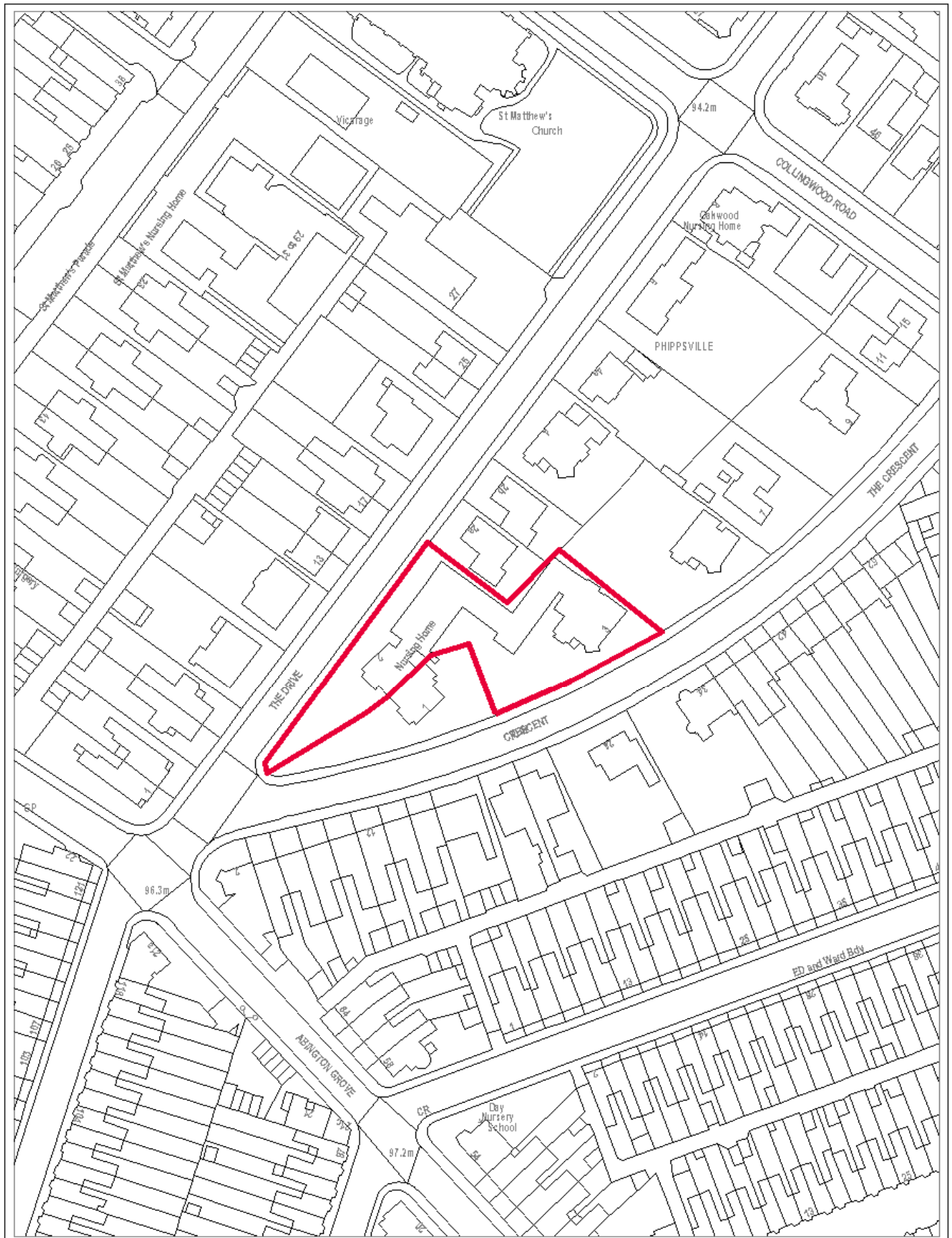
## **11. LEGAL IMPLICATIONS**

11.1 None

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

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

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Jonathan Moore	8/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	9/9/09



Im: Jon Martin  
 dt: 7th October 2009  
 nr: 1:1250  
 nt: Planning  
 mt: Location Plan

Title  
**2 The Drive/3 The Crescent**  
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**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 27 October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** N/2009/0720  
 Change of use of ground floor number 33 only from a Bank (Class A2) to a Bingo Hall (Class D2) and the formation of a new access door on to Abington Street. (WNDC Consultation) at 33 Abington Street.

and

N/2009/0772  
 Change of use to amusement centre (WNDC Consultation) at 31 to 33 Abington Street.

**WARD:** Castle

**APPLICANT:** Ablethird Ltd  
**AGENT:** Mr Robert Gillard

**REFERRED BY:** Head of Planning  
**REASON:** Due to significance of proposals

**DEPARTURE:** No

**APPLICATIONS FOR CONSULTATION BY WNDC:**

**1. RECOMMENDATION**

1.1 Objects to both consultations for the following reason:

The proposal for an amusement centre in this location will reduce the opportunity to bring back retail use to a significant unit in Abington Street, contrary to the advice in PPS6 – Planning for Town Centres and saved Policies R5 and R6 of the Northampton Local Plan.

**2. THE PROPOSALS**

2.1 The proposals are for two differing parts of 31-33 Abington Street,

formerly the Woolwich Bank on the entrance to the Grosvenor Centre. The existing premises have an identified lawful use for A2 purposes and it is proposed to change this to a bingo hall / amusement centre (please note that these two different descriptions are used for the same type of proposals). The proposed uses are qualified as D2 use in the Use Class Order.

- 2.2 N/2009/0720 – this proposal is for one half of the existing ground floor of the bank unit that would be subdivided along the former delineation of the premises recreating No.33 Abington Street for the purposes of a bingo hall. Opening hours are proposed as 9.00am to 10.30pm Monday to Saturday and 10.00am to 10.00pm Sundays.
- 2.3 N/2009/0772 – this proposal subdivides the unit roughly in two at ground floor level (at right angles to the former proposal) resulting in new premises to the rear and leaving a retail A1/A2 unit to the front facing out onto Abington Street. The rearmost property would be used as a gaming centre in a similar manner to the N/2009/0720 proposal. Opening hours are proposed to be 9.00am to 11.00pm every day.

### **3. SITE DESCRIPTION**

- 3.1 The site of the two applications has been the Woolwich since the early 1990s when it changed from A1 retail use after a 1991 appeal decision. The Woolwich closed in the summer of 2007 and was later acquired by the applicant. It has not been in active use at ground floor level since the Woolwich vacated apart from some temporary retail activities.
- 3.2 The site is one of the most prominent commercial positions in the town centre adjacent to an important node where pedestrians pass in great numbers every day of the week. It is also significant due to its position at the Abington Street entrance to the Grosvenor Centre, the principal shopping mall in the centre of town.
- 3.3 Both sites are contained in the ground floor of a three storey building with what appears to be offices or possibly residential uses on the upper floors accessed via a high security gateway at the side of the premises and directly adjacent to the Grosvenor Centre doors. Nos. 31 and 33 Abington Street have merged at ground floor level into one open-plan retail-type space with fully glazed elevations and a fascia canopy to the street.

### **4. PLANNING HISTORY**

- 4.1 Formerly an A1 retail unit up until the early 1990s, a building society (A2) use was allowed at appeal in application reference 91/0130.

A variety of minor applications for development related to the A2 use were approved up to 2003.



- 4.2 N/2008/0156 – change of use from building society / bank to an adult gaming centre – refused and appeal dismissed 22<sup>nd</sup> January 2009.
- 4.3 In dismissing the appeal, the Inspector states his concern that the amusement centre use of this building would harm the attractiveness of an important part of the town centre and the cumulative impact on the vibrancy and vitality of the town centre would be detrimental. He notes that the applicant / appellant concedes that the loss of retail would be harmful, but contends there were no serious offers of retail use and the Inspector notes the fact that there is no marketing evidence submitted by the appellant/ applicant demonstrating this.

## **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:**

PPS6 – Planning for Town Centres

### **5.3 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.

### **5.4 Northampton Borough Local Plan**

Saved Policy R5 – Town Centre changes of use

Saved Policy R6 – Town Centre primary shopping frontages

### **5.5 Central Area Action Plan**

Emerging document who's vision seeks 'a distinctive retail offer that combines the best in major high street names in Greyfriars (nee Grosvenor) with niche and specialist retail and leisure in Northampton's traditional streets and market'.

## **6. CONSULTATIONS/REPRESENTATIONS**

### **Internal**

6.1 **Environmental Health** – No observations

6.2 **Access Officer** – no objections

6.3 **Town Centre Manager** – Objects – increase in non-retail activity would

harm the vitality and vibrancy of the town centre.

6.4 **Regeneration** – comments awaited.

**Neighbours**

6.5 No neighbour notifications sent out by NBC, but Legal and General's agents have submitted comments to NBC (via WNDC) as owner of the Grosvenor Centre. They objection to N/2009/0720 – on the grounds of previous planning objections being unaltered, existing and emerging policy and regeneration negotiations, principally those surrounding the Grosvenor Centre, supporting the retail use of town centre units above other uses such as amusements. Concern about the harm of amusement uses to the vitality of the town centre and the future viability of the Grosvenor Centre.

**7. APPRAISAL**

- 7.1 In determining the 2008 appeal the Inspector identified the main issue as the effect of the proposed non-retail use on a primarily retail area in terms of the vitality and viability of the town centre and its visual impact. A copy of the Inspector's decision notice is appended for information.
- 7.2 Saved Policy R6 of the Northampton Local Plan seeks to retain 90% of the length of primary frontages in the centre as shop uses and to stop two or more non-shop businesses opening next to one another. The Abington Street frontage in question is already well beneath that 90% ratio of shop frontage over other uses and it is material to consider that the present bank use, A2, could be changed to A1 retail use without the benefit express planning consent from WNDC.
- 7.3 To summarise, saved Local Plan policy supports retail use in this location above all other uses.
- 7.4 If saved Local Plan Policy R6 as explained above is overridden, saved Policy R5 states that the loss of a shop or a bank (for example) would be acceptable where the appearance and characteristics would be appropriate to the locality, amongst certain other criteria.
- 7.5 In short, it is considered that maintaining a shop or bank-type of use in this location is important to protect the retail appearance and character of the area. Changing No.33 Abington Street (N/2009/0720) as opposed to both No.31 and No.33 combined in the previous (2008) proposal remains an unacceptable harm to the town centre.
- 7.6 Placing the bingo centre behind the Abington Street frontage in proposal N/2009/0772 is presumably aimed at reducing the impact of the harmful impacts outlined above and repeated by the Planning Inspector in his decision earlier this year, but notwithstanding the applicant's efforts, would still result in an amusement centre frontage at

the right-hand side of the entrance to the Grosvenor Centre, where there is a particularly high footfall area and a highly visible position to members of the public. This is considered unacceptable in terms of impact on the appearance and character of the town centre contrary to saved Local Plan Policy R5.

7.7 Whilst the amount of amusement centre frontage is reduced in these schemes when compared to the refused 2008 proposal and as dismissed by the Inspector, the unacceptably harmful effect remains, as does the conflict with Local Plan Policies R5 and R6, which is underlined by the emerging Central Area Action Plan (CAAP).

7.8 Finally, it is noted that the site freehold has been held by the applicant for almost 18 months and they state that the property has sat empty for 2 years. Without any evidence as part of these applications of active A1 or A2 marketing at any recent time, it can only be concluded that the applicant may be partly responsible for the vacancy situation.

## **8. CONCLUSION**

8.1 It is acknowledged that the primary frontage in this part of the town centre has less than 90% of its length in retail use where saved Policy R6 of the Local Plan seeks to retain at least this amount of retail frontage.

8.2 Both application sites have the potential to be lawfully used for both A2 and A1 retail use. It is considered that these uses should be retained unless the criteria of saved Local Plan Policy R5 are met, not least to strive towards the retail frontage aims of saved Plan Policy R6. One of the criteria of Local Plan Policy R5 that is a prerequisite of losing a shop in the town centre states that the resulting appearance and characteristic of the proposal must be appropriate to the premises and locality. In both of these proposals the amusement centre/ bingo hall will be significantly noticeable in the streetscene and locality and are considered inappropriate to the premises and locality.

8.3 For these reasons the proposal is considered a retrograde step for the vitality and viability of the town centre retail environment and contrary to saved Policies R5 and R6 of the Northampton Local Plan and the guidance of PPS6 Planning for Town Centres.

## **9. BACKGROUND PAPERS**

9.1 None.

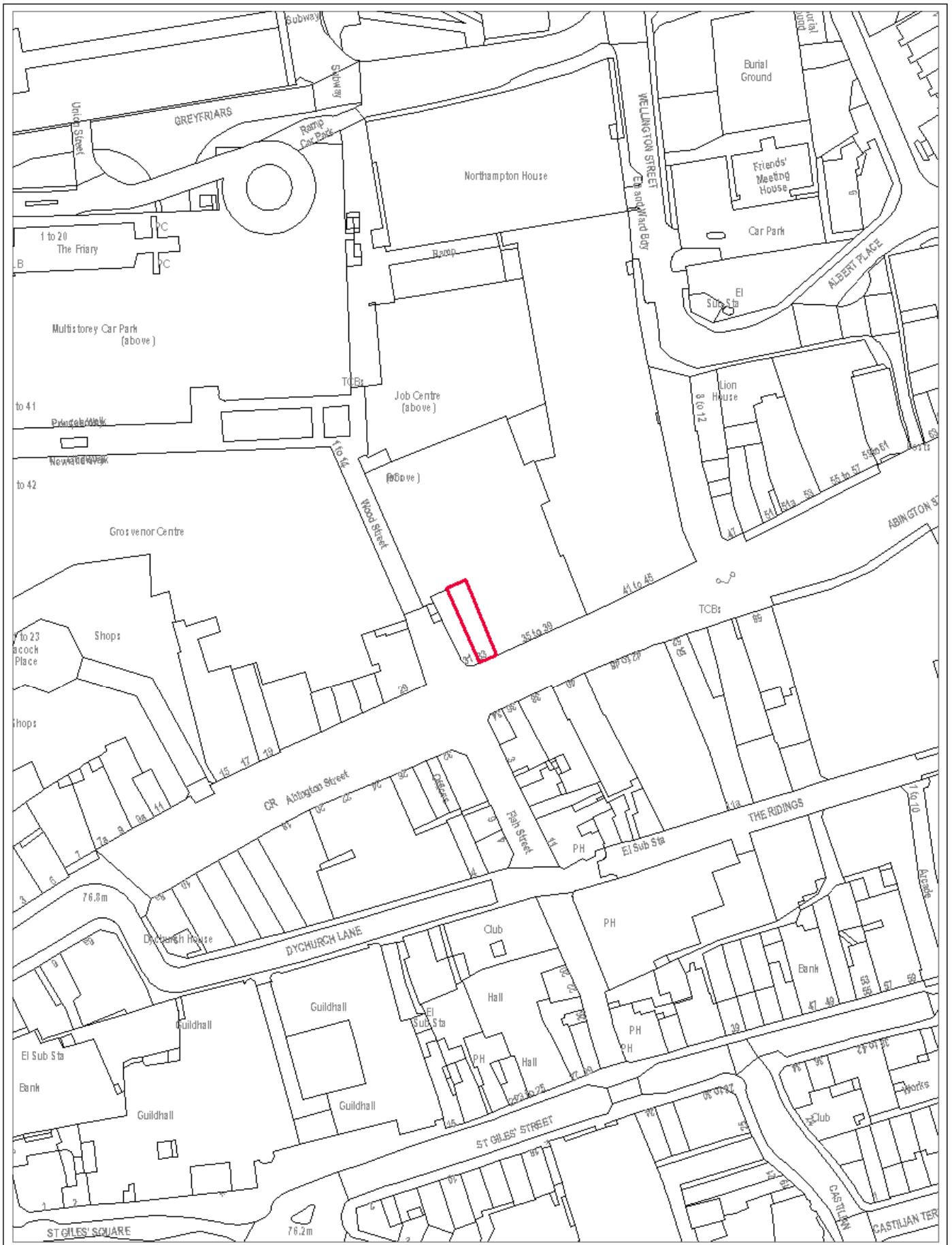
## **10. LEGAL IMPLICATIONS**

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Richard Boyt	14/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	14/10/09



Jim: Jon Martin  
 dt: 7th October 2009  
 nr: 1:1250  
 pl: Planning  
 lpl: Location Plan

Title

## 33 Abington Street

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# Appeal Decision

Site visit made on 9 January 2009

by **Martyn Single DipTP MRTPI**

an Inspector appointed by the Secretary of  
State for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
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**Decision date: 22  
January 2009**

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**Appeal Ref: APP/M9570/A/08/2086758**  
**31-33 Abington Street, Northampton, NN1 2AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Amarjit Mann against the decision of West Northamptonshire Development Corporation.
- The application ref. 08/0156/COUWNN, dated 24 April 2008, was refused by notice dated 4 August 2008.
- The development proposed is change of use from a building society bank to an adult gaming centre (sui generis).

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## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue in this appeal is the effect of the proposed non-retail use on a primary retail area in terms of the vitality and viability of the town centre and its visual impact.

## Planning Policy

3. The development plan includes the Northamptonshire County Structure Plan adopted in 2001 and the Northampton Local Plan 1993-2006, adopted in 1997. Policies R5 and R6 of the latter have been saved by direction of the Secretary of State for Communities and Local Government and are relevant to this appeal. Policy R5 provides that planning permission will be granted for change of use from a Class A1 shop in the town centre where certain criteria are satisfied, one of which is that the appearance and characteristics of the use would be appropriate to the premises and locality.
  4. Although the appeal property has been previously used for a purpose within Class A2 (financial and professional services) there is a right under Part 3 Class D of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 to change to Class A1 with deemed planning permission. It is not inappropriate, therefore, to have regard to these criteria in my consideration of this appeal, as the marketing option remains open to revert to a Class A1 use without needing planning permission from the Corporation. I consider this to be pertinent having regard to the strategic objectives of the emerging Central Area Action Plan for the regeneration of the town centre, one of which is to encourage shoppers to meet their comparison
-

needs more locally. To do so there would continue to be a need to retain a portfolio of available Class A1 premises in the primary shopping frontages.

5. Policy R6 includes the appeal property within such a frontage (P02) wherein retail uses should not fall below 90% frontage length and there should not be two or more premises in such uses. P02 differs from other primary frontages, consisting of only four premises, two of these being large 'department stores'. It does include the return frontage of nos. 31-33 Abington Street into Wood Street which leads into the covered Grosvenor Shopping Centre.
6. I have also had regard in my decision to national planning policy in Planning Policy Statement 6 *Planning for Town Centres* (PPS6).

### **Reasons**

7. The appeal site comprises ground floor corner premises in a highly prominent and important position in the primary shopping area. On the occasion of my lunchtime visit both adjoining streets were very busy with pedestrians, a significant number using the Wood Street entrance to the Grosvenor Shopping Centre alongside the appeal property. Despite the presence of recently vacated premises the town centre appeared relatively vibrant. The property has a frontage to both streets, the submissions indicating that its use for non-retail means that the retail frontage P02 falls significantly below the 90% sought by Policy R6.
8. The appellant has provided extracts from a number of appeal decision letters whereby it has been accepted that such a use is not necessarily inappropriate in a primary retail frontage. However, I believe the position of nos. 31-33 at the entrance to the shopping centre makes this a particularly important location in terms of the attractiveness of the wider town centre for traders and shoppers, and an unsuitable use would cause harm to the centre.
9. The Corporation has expressed concern at the cumulative effect of this type of use in the town centre, a view shared by some of the third parties. Whilst I may have a different view with regard to some premises in the street I share their concern in respect of this particular site because of its specially important position. It is not just, in my view, a matter of the number of such premises. I did see that there are already three similar uses in the street, two operated by Agora. The appellant indicates that the use at no. 36 would cease if permission was granted for the appeal site but there is no formal mechanism within the appeal before me to secure its closure and reversion to Class A1.
10. It has been put to me on behalf of the appellant that the appeal property would have a decorative window display that would be better than other non-retail uses that could occupy the premises without needing permission. This contention is not supported by what I saw of the appellant's other premises. In both nearby premises, views into them are restricted by screens at the back of the window display, I presume to comply with requirements of the Gambling Act. The displays within the windows could not be described as attractive or interesting, one containing just a small number of A4 framed Gambling Act Certificates, the other containing a range of objects associated with gambling such as miniature roulette wheels and fruit machines. There was no suggestion that there would be any element of retailing from the properties.

11. On the other hand I saw a substantial majority of properties, in both Class A1 and A2 use where views into the premises were available from the street. It appeared to me that estate agents and building society windows held more of interest to the shopper in the street scene, contributing to the attractiveness of the town centre as a shopping destination. By contrast the amusement centre frontages were bland, uninviting and uninteresting and in such a prominent position over such a length of frontage would be wholly unacceptable.
12. The applicant's letter dated 24<sup>th</sup> April 2008 concedes that the loss of a potential retail use would be harmful but that there had been no serious offers for retail use in the unit. However, no evidence of marketing of the property has been provided with the appeal in support of the appellant's case.
13. Having regard to the above factors I conclude that the proposed use of the property would be unacceptable. It would conflict with Policies R5 and R6 of the Northampton Local Plan 1993-2006 and the emerging objectives for the regeneration of the town centre. It would have an adverse effect on a primary retail area both in terms of the vitality and viability of the town centre and its visual impact.

*Martyn Single*

INSPECTOR





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

**PLANNING COMMITTEE:** 27<sup>th</sup> October 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2009/0744:** Reserved matters application including appearance, landscaping, layout and scale pursuant to outline consent WN/2006/0013 dated 19.04.2007 – Erection of 231 dwellings, roads and sewers and public open space.

**WARD:** Old Duston

**APPLICANT:** David Wilson Homes / Belway Homes  
**AGENT:** None

**REFERRED BY:** Head of Planning  
**REASON:** Major Application

**DEPARTURE:** Yes

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**APPLICATION FOR CONSULTATION BY WNDC:**

**1. RECOMMENDATION**

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

It is considered the development would be in accordance with the British Timken Masterplan and Development Brief and Design Code.

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

- Unexpected contamination
- Submission of an Aboricultural Impact Assessment report
- Noise – to ensure that the impact of noise has been considered on the residential properties located adjacent to the employment area.

**2. THE PROPOSAL**

2.1 The submitted application seeks permission for the third phase of residential development of the British Timken site consisting of 231

dwelling and public open space consisting of parkland and playing fields.

2.2 A mix of 1 and 2 bedroom apartments and 2, 3, 4 and 5 bedroom houses including 50 affordable units are proposed.

2.3 In support of the application, the following have been submitted:

- Design and Access Statement
- Waste Audit
- Energy and Sustainability Report
- Design Code Requirements

### **3. SITE DESCRIPTION**

3.1 The former British Timken site is located at Duston, north of Main Road and west of Bants Lane on the edge of Duston Village. The former industrial site has been cleared and the development of new residential areas and associated infrastructure works has commenced.

3.2 The application site (phase 3) is part of the wider redevelopment of the former industrial site. Phase 3 lies at the centre of the site and consists of an area of 8.75 ha which will be accessed from Cotswold Way to the north.

### **4. PLANNING HISTORY**

4.1 Since c1942 the site was operated by British Timken as a manufacturing plant for engineering bearings. In 2002 a decision was taken to close the site which then employed 950 workers.

4.2 In September 2004 Northampton Borough Council resolved to grant approval in principle for the redevelopment of the site to a mixed-use development comprising business, industry, housing, sports facilities, and public open space.

4.3 Outline planning permission (WN/2006/0013) was subsequently granted by WNDC subject to conditions and a legal agreement on 19<sup>th</sup> April 2007 for a mixed use development of the site comprising employment development (offices and light/general industrial), housing, public open space, community recreation facilities and mixed commercial/residential/community development.

4.4 In granting outline consent for redevelopment of the site a condition and planning obligations were imposed requiring the submission of a Masterplan and Development Brief and Design Code (DBDC) and Sustainable Strategy for the site.

4.5 The Masterplan and DBDC were approved by WNDC on 4<sup>th</sup> September 2007 for development control purposes in the conception,

consideration and determination of Reserved Matter Planning Applications.

4.6 Further applications submitted are as follows:

07/0272/REMWNN – Reserved matters application including layout, scale, appearance and landscaping pursuant to Outline Consent (ref. WN/2006/0013) for the erection of 77 dwellings, roads and sewers. (Phase1). – Approved 30<sup>th</sup> November 2007

07/0278/REMWNN - Reserved matters application including layout, scale, appearance and landscaping pursuant to Outline Consent (ref. WN/2006/0013) for the erection of 22 dwellings, garages and all associated infrastructure works. (Withdrawn).

08/0088/REMWNN – Reserved matters application including layout, scale, appearance and landscaping pursuant to Outline Consent (ref. WN/2006/0013) for the erection of 2 dwellings. Revision to planning permission 07/0272/REMWNN. – Approved 24<sup>th</sup> April 2008.

08/0065/REMWNN – Reserved matters application including layout, scale, appearance and landscaping pursuant to Outline Consent (ref. WN/2006/0013) for the erection of 24 dwellings, garages and all associated infrastructure works.. – Approved 7<sup>th</sup> May 2008.

08/0112/REMWNN - Reserved matters application including layout, scale, appearance and landscaping pursuant to Outline Consent (ref. WN/2006/0013) for the erection of 167 dwellings roads and sewers (Phase 2). – Approved July 2008.

## **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:**

PPS 1 – Delivering Sustainable Development

PPS3 – Housing

PPG4 – Industrial and Commercial Development and Small Firms

PPG13 – Transport

PPG17 – Planning for Open Space, Sport and Recreation

PPS22 – Renewable Energy

PPS23 – Planning and Pollution Control

PPG24 – Noise

PPG25 – Development and Flood Risk

### 5.3 **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.

### 5.4 **Northampton Borough Local Plan**

E1 – Landscape and Open Space

E19 – Implementing Development

E20 – New Development

E39 – Renewable Energy

E40 – Crime and Vandalism

H1 & H4 – Sites for major new residential development

H7 - Housing Development Outside Primarily Residential Areas

H14 – Open space and Children’s Play Areas

H17 – Mobility Housing

H32 – Affordable Housing

B14 – Development for Non-Business Uses in Business Areas

T4 & T12 – Impacts on the road network

L1 – Existing recreational facilities

L6 – Maintenance of Public Open Space

### 5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing

## 6. **CONSULTATIONS/REPRESENTATIONS**

### **Internal**

- 6.1 **Public Protection** - The majority of the issues within the remit of this section have already been addressed by conditions at the outline stage. In respect to contamination, the site investigation, risk assessment and the majority of the remedial works have been dealt with under conditions on the outline consent and the outstanding remedial works (topsoil capping and gas mitigation measures) have been agreed in principle and will be validated as the development progresses. It is however recommended that the unsuspected contamination condition is imposed in case any unforeseen contamination is discovered as the development progresses. In respect to noise, traffic noise mitigation measures are not required at this stage of the development, however there is some concern about the layout of the area of the site that is immediately adjacent to the commercial phases of the development. It is requested that the applicant should be asked to demonstrate that noise has been considered in the design of the layout of this part of the site.

- 6.2 **Arboricultural Officer** - There are numerous trees located within the proposed development site which require consideration. In accordance with section 7.3 of the submitted Arboricultural Survey undertaken on behalf of the developers by Symbiosis Consulting and dated 16<sup>th</sup> November 2007: 'As the proposals for each phased are prepared, an Arboricultural Impact Assessment (AIA) report should be submitted with the finalised layout to support the planning application. This will include a tree protection plan (TPP), which will clearly identify the trees to be removed and those to be retained. The precise location for the erection of protective fencing and any other relevant physical protection measures, including ground protection, to safeguard the root protection area will be marked on a construction exclusion zone on this plan. This will allow one specific element of condition no. 37 to be discharged.' I would recommend that prior to any commencement of development that the above information is submitted for approval.
- 6.3 **NBC Planning Enforcement** – No comments received
- 6.4 **Access Officer** – No objections.
- 6.5 **Housing Strategy** – No comments received.
- 6.6 **Outdoor Environment Officer** - No comments received.
- 6.7 **Local Planning Policy** - No comments received.
- 6.8 **Regeneration** - No comments received.
- 6.9 **Street Cleansing Services** - No comments received.
- 6.10 **Councillors** - No comments received.

## 7. APPRAISAL

- 7.1 The proposal is an application for approval of reserved matters covering appearance, landscaping, layout and scale made to the WNDC. The site in question is identified within the Northampton Local Plan as being a location for business development.

### **Principle of Development**

- 7.2 The principle of the development is established by the outline planning permission for the comprehensive development of the former British Timken site granted by WNDC in April 2007.

### **Design**

- 7.3 Within the Masterplan, a series of character areas have been defined according to their location within the site. The application site (Phase 3) is situated at the centre of the site and is bounded by existing

residential development on the western boundary, Phase 2 on the southern boundary and proposed playing field / open parkland to the northern and eastern boundary that also forms part of this application.

- 7.4 The two character areas within the phase 3 proposals are defined in the Design Code as Formal Residential and Employment Interface. The Design Code further specifies house types appropriate for each Character Area.
- 7.5 There are a mixture of house types within the proposed development, large double fronted detached houses, single fronted detached houses, semi-detached, terraced and flats. There is a small area within Phase 3 which has been designed as a buffer between the residential and employment uses. The development here is higher density and consists of three storey flats leading into Mews courtyards surrounded by two storey semi-detached houses.
- 7.6 There are three key groups of buildings in the Phase 3 proposals, The Crescent, The Northern Green and The Sports Ground Edge plus the employment interface. These have been designed in accordance with the principles established in the Design Code as follows:

The Crescent.

- 7.7 The Crescent features a contemporary architectural design which follows on from Phase 2. It comprises a continuous frontage and symmetrical arrangement on two and three storeys. With features such as projecting double height square bay windows, a base storey of banded brickwork and an attic storey which relates to historical examples of Victorian formal architecture.

Northern Green.

- 7.8 The Northern Green has a continuous street frontage of mainly 2 – 2.5 storey detached houses providing enclosure to the open space in the centre. The houses have a wide range of traditional architectural detailing based on buildings within Northampton which are inspired by the 1920's Arts and Crafts movement.

Sports Ground Edge.

- 7.9 The Sports Ground Edge has a continuous street frontage and asymmetrical arrangement set in a formal layout with a variety of building types. They are a mixture of 2 and 2.5 storeys with features detailing to Edwardian dwellings that surround the Northampton Racecourse.

Employment Interface.

- 7.10 This area has been designed as a buffer between the residential and employment uses. The 3 storey flats are a contemporary design as suggested in the Design Code. The flats will have large areas of glazing, balcony features and mono pitched roofs. The houses have large areas of glazing. These buildings are on a larger scale and at a

higher density than others on the site in response to the scale and massing of the adjacent employment uses.

- 7.11 The Design Codes have been used as the basis for all the major design principles incorporated into the proposals and are therefore considered acceptable.

### **Density**

- 7.12 The Design Code determines maximum and minimum densities for each character area. The proposal for formal residential units in the proposed development is 38.6 dwellings per hectare and falls within the allowable density range of 35 – 40 dwellings per ha. The employment interface dwellings give a density of 66.7 dwellings per ha. This is higher than the maximum of 50 dwellings per ha stated in the design code due to the number of flats proposed at this location. This part of the site has been designed as such to act as a transitional buffer between the employment area and the proposed residential development in Phase 3. For this reason and because overall the total number of dwellings within phase 3 does not exceed the maximum density range of 236 units, the proposal is considered acceptable.

### **Affordable Housing**

- 7.13 The Masterplan proposes a mix of house types and tenures including 22% affordable housing. The development has been designed to provide a mix of housing throughout the site as follows:
- 12 no. 1 bed flats
  - 12 no. 2 bed flats
  - 11 no. 2 bed houses
  - 12 no. 3 bed houses
  - 3 no. 4 bed houses
- This provides 50 affordable units which have been dispersed throughout the site and agreed with NBC Housing Directorate. Affordable housing provision is therefore considered satisfactory.

### **Mobility Housing.**

- 7.14 The proposals incorporate the provision for 10% of the total number of private and affordable dwellings to be constructed in accordance with the requirements of Northampton Borough Council Mobility Housing Design Guide. These units comprise a mixture of 1 and 2 bedroom ground floor flats and 3 and 4 bedroom houses.

### **Access**

- 7.15 There are two vehicular accesses into the site. At the southern end access is from Main Road through the Phase 1 and 2 developments, and at the northern end it is from Cotswold Avenue through the playing fields and open parkland. Vehicular movement through the site has

been restricted with no direct vehicular link from Duston Village to Cotswold Ave to prevent potential 'rat - runs'

- 7.16 The scheme takes into consideration the movement of pedestrians and cyclists and provides alternatives to moving around the development in a car.
- 7.17 The highway and parking standards for the whole of the British Timken site have been agreed with County Council Sustainable Transport Team as part of the DBDC process. The reserved matters application appears to be in accordance with the design principles set out within the DBDC in terms of car parking provision, highway specification and treatment of footpath and cycle links.

### **Landscaping**

- 7.18 The existing vegetation on the former British Timken site is limited. The Masterplan therefore seeks, where possible, to retain and protect any existing vegetation. The DBDC sets out design principles for these and other areas of open space within the development.
- 7.19 There are 6 areas of identified open space within the phase 3 site. These include 5 areas of open space within the development and an area of parkland (2.32ha) to the north of the development area. The treatment of these spaces within the reserved matters application are generally as set out within the open space principles and would therefore accord with the DBDC.

### **Residential Amenity**

- 7.20 The application site would abut existing property immediately to the south on Sir John Pascoe Way. Two properties side onto the application site. Three blocks of maisonettes back onto the site. The separation distances between these properties are considered to be acceptable.
- 7.21 Within the site the proposed layout is generally considered to result in a satisfactory level of amenity for future occupiers. Concern has been raised however by Borough Council Environmental Health officers regarding the noise impact of the existing employment area on the proposed residential units where these to two uses would be immediately adjacent to each. It is requested that the applicant should demonstrate that noise has been considered in the design of the layout of this part of the site.

## **8. CONCLUSION**

- 8.1 The design and layout of the scheme is considered acceptable as it appears to accord with the British Timken Masterplan and



Development Brief and Design Code and is consistent with both local and national planning policy.

## **9. BACKGROUND PAPERS**

9.1 British Timken Masterplan and Development Brief and Design Code (DBDC).

## **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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Rowena Simpson	7/10/09
<b>Development Control Manager Agreed:</b>	Gareth Jones	9/10/09

