

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE JEFFREY ROOM, ST. GILES SQUARE, NORTHAMPTON, NN1  
1DE. ON TUESDAY, 10 JANUARY 2012 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 G. JONES  
X 8014  
Report of Head of Planning (copy herewith)
7. OTHER REPORTS  
None.
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS  
None.
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS  
None.
10. ITEMS FOR DETERMINATION  
An Addendum of further information considered by the Committee is attached.  
  
(A) N/2011/0839- ERECTION OF 35X1 BED AND 15X2 BED LIVING APARTMENTS FOR THE ELDERLY (CAT II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT FORMER WESTONIA GARAGE, 582-592 WELLINGBOROUGH ROAD B.  
CLARKE  
X 8916  
  
Report of Head of Planning  
(copy herewith)

**Ward: Park**

(B) N/2011/1000- APPLICATION FOR APPROVAL OF RESERVED MATTERS INCLUDING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE PURSUANT TO OUTLINE PERMISSION N/2006/0841 FOR RESIDENTIAL DEVELOPMENT OF 9 DWELLINGS AT FORMER GREAT BILLING PRIMARY SCHOOL, STATION ROAD

J. MOORE  
X 8345

Report of Head of Planning  
(copy herewith)

**Ward: Billing**

(C) N/2011/1070- ERECTION OF 17NO. NEW DWELLINGS (AS AMENDED BY REVISED PLANS RECEIVED ON 20/12/2011) AT ROBINSON HOUSE, 11 BURROWS COURT

B.  
CLARKE  
X 8916

Report of Head of Planning  
(copy herewith)

**Ward: Brookside**

(D) N/2011/1134- CHANGE OF USE FROM OFFICE (USE CLASS A2) TO THAI SPA MASSAGE CLINIC (USE CLASS D1) AT 34 YORK ROAD

R.  
SIMPSON  
X 7848

Report of Head of Planning  
(copy herewith)

**Ward: Castle**

(E) N/2011/1156- STORAGE CONTAINER FOR PLANT AND MACHINERY FOR MAINTENANCE OF POCKET PARK AT LAND BETWEEN 78 & 80 VALLEY ROAD

G. WYATT  
X 8912

Report of Head of Planning  
(copy herewith)

**Ward: Billing**

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

None.

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>  
A6797

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 13 December 2011

**PRESENT:** Councillor Flavell (Chair); Councillor Yates (Deputy Chair);  
Councillors N Choudary, Hallam, Lynch, Mason, Meredith and  
Oldham

#### 1. APOLOGIES

Apologies for absence were received from Councillors Aziz, Davies, Golby and Hibbert.

#### 2. MINUTES

The minutes of the meeting held on 15 November 2011 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Messrs Waine and Barten and Councillor Nunn be granted leave to address the Committee in respect of item 10A- N/2011/0458.

That Mr Smith be granted leave to address the Committee in respect of item 10B- N/2011/889.

That Mrs Masters and Mr Baker be granted leave to address the Committee in respect of item 12A- N/2011/1074.

That Mr Quinn be granted leave to address the Committee in respect of item 12B- N/2011/1147.

#### 4. DECLARATIONS OF INTEREST

Councillor Mason declared a Personal interest in item 10D- N/2011/1062 as being known to the applicant.

Councillor Meredith declared a Personal interest in item 10D- N/2011/1062 as being known to the applicant.

Councillor Hallam declared a Personal interest in items 12A- N/2011/1074 and 12B- N/2011/1147 as being a substitute member of WNDC's Northampton Planning Committee.

Councillor Flavell declared a Personal interest in items 12A- N/2011/1074 and 12B- N/2011/1147 as being a member of WNDC's Northampton Planning Committee.

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

None.

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

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

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

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

**9.**

**(A) N/2011/1001- NEW SHOP FRONT TO 140 ST JAMES ROAD**

The Head of Planning submitted a report in respect of application no N/2011/1001 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed development by reason of its scale, siting and design would have no adverse impact on the street scene or character of the wider area. The proposal would therefore comply with Policies E20 and E29 of the Northampton Local Plan and aims of PPS1 and guidance in the Council's Shop front Design Guide.

**10. ITEMS FOR DETERMINATION**

**10.**

**(A) N/2011/0458- ERECTION OF 3NO BED DWELLING (ATTACHED) AND ERECTION OF PITCHED ROOF TO THE EXISTING GARAGE (AS AMENDED BY REVISED PLAN RECEIVED 25 OCTOBER 2011) AT 1 ANSELL WAY, HARDINGSTONE**

The Head of Planning submitted a report in respect of application no. N/2011/0458, elaborated thereon, noted that in paragraph 2.1 the width of the proposed house would be 6.4 metres rather than 7 metres and referred to the Addendum that set out

further representations from residents of Martins Lane and Ansell Way and made reference to a letter submitted by the Applicant that set out responses by a chartered town planner to the objections to the proposal.

Councillor Nunn, a Ward Councillor, commented that the objections to the proposal by residents and the Parish Council focussed on the effect of terracing by putting three houses together and the issue of extending beyond the building line. He referred to the Northampton Local Plan and the importance of safeguarding the symmetry and appearance of the area. Councillor Nunn asked that the Committee consider the impact of the proposal.

Mr Barten, the Chair of Hardingstone Parish Council, commented that the Parish Council in particular objected to the extension beyond the building line of properties further to the west along Martins Lane. They believed that there would be visibility issues at the junction of Martins Lane and Ansell Way and had further concerns in respect of the scale of the development, the increase in building density, fencing to the garden boundary and that the scheme represented detrimental backland development contrary to Policy H10 of the Northampton Local Plan.

Mr Waive, agent for the applicant, commented that the application was compliant with the Council's current policies for residential development in an area zoned for residential use. There were a mix of properties in the area and the proposal would be within the building line of Ansell Way but would extend slightly beyond that in Martins Lane. There would be no change in visibility at the junction of Ansell Way and Martins Lane and there had been no Highway objection. The proposal did not include fencing to the boundary. Mr Waive believed that most of the objections were either irrelevant or misguided. He concurred with the appraisal in the report and requested that the application be approved.

The Head of Planning commented that Policy H10 which referred to backland development did not apply in this instance and that in terms of Policies H6 and E20 the proposal was deemed to be compliant. He confirmed that there was no proposal to fence to the boundary of the site and referred to the proposed Condition 4 set out in the report that would restrict this in any case. In answer to questions, the Head of Planning noted that the concept of a building line was purely notional and although the properties to the west along Martins Lane were on generally the same alignment, given the separation from those properties and the scale of the proposal it was believed that its effect would be neutral and was, therefore, acceptable.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the principle of a residential development in an existing residential area was acceptable and in accordance with Policy H6 of the Northampton Local Plan. The siting, design and appearance of the proposed dwelling would compliment the existing street scene and would not be detrimental to visual or residential amenity or highway safety in accordance with Policies H6 and E20 of the Northampton Local Plan and the guidelines contained within PPG13.

**(B) N/2011/889- ERECTION OF 4 TWO-BEDROOMED DWELLINGHOUSES AND CAR PARKING AT LAND AT REAR OF 32-38 NORTHWOOD ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/0889, elaborated thereon and in particular commented that the rear access of properties in Fullingdale Road would be maintained and that the first floor windows on the gable ends of the terrace would be high level with obscured glass.

Mr Smith, the agent, commented that the development was proposed to be for affordable housing to be built to Code 3 Sustainability standard and that considerable efforts had been made to establish good relations with neighbours. In answer to a question Mr Smith commented that lighting to the pedestrian access would be provided if required by the Police Secure by Design advisor.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed development would respect the character and appearance of the locality and would not significantly adversely impact upon the amenities of surrounding residential area and would not be prejudicial to highway safety. For these reasons, the proposal would accord with the thrust of saved Policy H6 of the Northampton Local Plan and PPS1, PPS3 and PP13.

**(C) N/2011/1003- CHANGE OF USE FROM COMMUNITY CENTRE (USE CLASS D2) TO TATTOO STUDIO (USE CLASS SUI GENERIS) AT 11 CORONATION COURT, ASHBROW ROAD**

The Head of Planning submitted a report in respect of application no. N/2011/1003 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposed development would respect the character and appearance of the locality and would not significantly adversely impact upon the amenities of surrounding residential and would not be prejudicial to highway safety. For these reasons, the proposal would accord with the thrust of saved Policy H6 of the Northampton Local Plan and PPS1, PPS3 and PP13.

**(D) N/2011/1062- ERECTION OF 5NO 3 BED TERRACED HOUSES WITH ASSOCIATED ACCESS AND PARKING (AS AMENDED BY REVISED PLANS RECEIVED ON 29 NOVEMBER 2011) AT EASTERN DISTRICT SOCIAL CLUB, CRESTWOOD ROAD**

The Head of Planning submitted a report in respect of Application no. N/2011/1062, elaborated thereon and referred to the Addendum that set out additional representations by the Highway Authority, Public Protection, an objection from the British Sub Aqua Club and set out recommended conditions if the Committee were minded to approve the application. He noted that in respect of the British Sub Aqua Club's objection that Asset Management had confirmed that they only had rights of access to their premises and had no ownership rights, that the specification of the access road was a matter for the Highway Authority and that they were correct in respect of the use of the land but that the applicant could negotiate something different with Asset Management; this in itself was not a planning matter.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the outstanding highway matters being satisfactorily resolved, the conditions set out in the Addendum and amended conditions in respect of Crime and Safety as the proposed development would respect the character and appearance of the locality and would not significantly adversely impact upon the amenities of surrounding residential and would not be prejudicial to highway safety. For these reasons, the proposal would accord with Policy H6 of the Northampton Local Plan and PPS1, PPS3, PPS5 and PP13.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

**12.**

**(A) N/2011/1074- DEMOLITION OF EXISTING BECTIVE WORKS AND JEBEZ HOUSE AND THE ERECTION OF 406NO STUDENT ACCOMMODATION BUILDING INCORPORATING A 288SQM RETAIL UNIT, 17NO SPACE LOWER GROUND FLOOR CAR PARK AND SERVICING SPACE; NEW VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING: ALTERATION, RESTORATION AND EXTENSION OF ENTERPRISE HOUSE FOR STUDENT COMMUNITY USE: BECTIVE WORKS, BECTIVE ROAD, NORTHAMPTON**

The Head of Planning submitted an application in respect of N/2011/1074, elaborated thereon and referred to the Addendum that set out the Transport Assessment conducted by the Applicant and also referred to a letter from Mr Baker, the Chair of St David's Residents Association, commenting upon the impact on congestion in the area and the belief that the proposal was for the wrong type of development in the area. .

Mrs Masters, a local resident, commented that she was very concerned about the proposal in terms of its detrimental scale and its impact on congestion in the area. Despite what the Applicant claimed students would still bring their cars to the area



and put further pressure on on-street parking. The proposal was out of keeping with the surrounding Victorian houses. She believed that there would be additional noise from taxis picking up and dropping off students. She understood that although the Applicant had stated that they were in partnership with Moulton College, the College had in fact denied this. Mrs Masters referred to the University's plans to build student accommodation in the Town Centre. She noted that the proposal was for bedsits with shared kitchens and that these would not be suitable for other uses. Mrs Masters referred to a previous application several years previously which had been refused partly on grounds of scale and that had been smaller than the current proposal.

Mr Baker, Chair of the St David's Residents Association, asked that the Committee object to the application. He had spoken to other residents and shop owners and had not yet found anyone who was in favour of the proposal. He believed that the Applicant's suggestion to restrict students from bringing their cars with them would be unenforceable.

The Head of Planning noted that the previous application referred to by Mrs Masters had been for 155 flats with 177 car parking spaces and would have been 17.5metres tall at the Bective Road end and 12 metres at the Yelvertoft Road end as compared with 22 metres in respect of the current proposal.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that the Council raise the strongest possible objections to this wholly inappropriate proposal, by reason of its siting, design and scale it would have an adverse impact upon residential and visual amenity and therefore fails to comply with the requirements of PPS1 and PPS3 and Local Plan Policies E20 and H6.

WNDC are recommended to conduct a site visit before considering the application.

However, should WNDC be minded to approve the application, it is requested that the following matters be taken into account prior to a decision being reached:

- An updated contamination assessment be secured, taking into account recent changes to best guidance and potential changes to the use of the land subsequent to the carrying out of the assessment. This is necessary to ensure that the proposal accords with the requirements of PPS23 – Planning and Pollution Control
- Any agreement requiring that the future occupiers of the development do not possess private cars is enforceable in order to ensure a satisfactory impact upon the amenities of the occupiers of surrounding properties and highway safety in line with the requirements of PPG13 – Transport.

**(B) N/2011/1147- ERECTION OF SIX STOREY OFFICE BUILDING (USE CLASS B1) WITH THREE DISABLED PARKING SPACES, SERVICE BAY, CYCLE PARKING AND ASSOCIATED LANDSCAPING AT FORMER UNITED SOCIAL CLUB SITE, GREEN STREET, NORTHAMPTON**

The Head of Planning submitted a report in respect of Application no. N/2011/1147, elaborated thereon and referred to the Addendum that set out comments from the Conservation Section of the Council.

Mr Quinn, on behalf of the applicant, commented that this proposal would be for a potentially significant building that could be the first constructed in the Enterprise Zone and would need to set the standard for architectural design, quality and sustainability. It would also help to kick start the regeneration of that part of the Town. The building would also have a synergy with the approved scheme for the redevelopment of Northampton Railway Station opposite. In answer to questions Mr Quinn commented that the purpose of the Innovation Centre was to take on small businesses, new businesses and help develop them, support them, introduce them to other small business that might provide complementary services so that they could work together and move them on; the project was supported by WNDC, NBC, NCC, the University and Police Authority; the preferred long term management of the building would be by the University but other models could be investigated: the external finishes would include a lot of glass and the building would be well lit: and despite the current economic climate a number of other Innovation Centres were being built around the Country.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that the Council raise no objections to the proposal as the proposed development would have a positive impact upon promoting the viability and vitality of Northampton, including the Enterprise Zone; would introduce a landmark building onto this key site and have a neutral impact upon neighbour amenity and the historic environment. The development is therefore compliant with the requirements of PPS1, PPS4, PPS5 and Local Plan Policies E20 and E40.

If WNDC is minded to approve the application, it is requested that conditions requiring surveys of noise and light levels in order to ensure that the scheme is compliant with the requirements of PPS23 – Planning and Pollution Control and PPG24 – Planning and Noise. WNDC are also requested to investigate the possibilities of securing further embellishments to the front elevation of the building in order to better reflect the requirements of Local Plan Policy E20 and PPS1.

The meeting concluded at 20.00 hours

Directorate: Planning and Regeneration  
 Head of Planning: **Susan Bridge**



<b>List of Appeals and Determinations – 10<sup>th</sup> JANUARY 2012</b>			
<b>Written Repls Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2010/0906</b> APP/V25825/A/11/2160380	COM	Erection of two storey visitors centre at base of tower. (As amended by revised plans received 06th December 2010) at the National Lift Tower	<b>AWAITED</b>
<b>N/2011/0588</b> APP/V2825/A/11/2160261	COM	Change of use of part of doctors surgery (class D1) to pharmacy (Class A1) at Abington Health Complex	<b>ALLOWED</b>
<b>N/2011/0277</b> APP/V2825/A/11/2160368	DEL	Application to vary condition no.4 of planning permission N/2010/0887 to extend opening hours to 00:00 Sunday to Thursday and 02:00 Fridays & Saturday at 200 Wellingborough Road	<b>DISMISSED</b>
<b>N/2010/0320</b> APP/V2825/E/11/2160382	COM	Erection of two storey visitor centre at the base of tower (as amended by revised plans received on 13 October 2010 and 06th December 2010) at the National Lift Tower	<b>AWAITED</b>
<b>N/2011/0628</b> APP/V2825/H/11/2161774	DEL	Change of use of Memorial Hall to provide for wine bar (Use Class A4) with kitchen facilities at The Memorial Hall, 17 Castilian Street	<b>DISMISSED</b>
<b>N/2011/0631</b> APP/V2825/H/11/2161778	DEL	Internally illuminated freestanding double sided totem sign at Co-op, 14 Bushland Road	<b>DISMISSED</b>
<b>N/2011/0630</b> APP/V2825/H/11/2161777	DEL	Two internally illuminated wall mounted poster signs at Co-Op, 76 - 78 St Leonards Road	<b>DISMISSED</b>
<b>N/2011/0701</b> APP/V2825/A/11/2163499	DEL	Demolition of existing garages and erection of new two storey dwelling (resubmission) at Garages adjacent to 9 South Street	<b>AWAITED</b>

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 - <a href="http://www.planning-inspectorate.gov.uk">www.planning-inspectorate.gov.uk</a>
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 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE

# Agenda Item 10



## Addendum to Agenda Items Tuesday 10<sup>th</sup> January 2012

### 6 Item – List of Appeals

Revised list appended

### Items for Determination

**N/2011/0839**

**Erection of 35 x 1 bed and 15 x 2 bed living apartments for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking at Former Westonia Garage, 582 - 592 Wellingborough Road**

#### **Additional Submission by the Applicant**

The applicant has submitted additional correspondence with regards to the matter of the viability of the development. In summary, it is considered that building costs have risen, which if an updated viability appraisal were to be carried out would call into question the viability of the scheme. However, the developer is prepared to maintain the offer made previously to the Council.

#### *Officer's Response:*

*Whilst this position is noted and acknowledged that it could have an effect on the viability of the scheme, officers hold concerns relating to the wider methodology used to calculate the viability of the proposed development. It is considered appropriate that the viability appraisal is comprehensively addressed to cover the points raised within the Committee report.*

**N/2011/1000**

**Application for approval of reserved matters including access, appearance, landscaping, layout and scale pursuant to Outline Permission N/2006/0841 for residential development of 9 dwellings at Former Great Billing Primary School, Station Road**

#### **Revisions to Recommended Conditions**

Condition 1 - omit / delete, as it is unnecessary.

Condition 11 amend as follows:

“ The proposed 2.4m by 2.4m visibility splays to the driveway for plot 4 as shown on approved drawing number 292-06 shall be implemented prior to the first occupation of this dwelling and shall be kept clear from obstruction at all times unless otherwise agreed in writing with the Local Planning Authority”

### **Additional Representations**

**Highway Authority** - comment on revised layout drawing (*NBC officer's comment in italics*):

- A planning condition is required for the reconstruction of the shared driveway access in Station Road to be shown as a standard residential splayed vehicle crossover and full details for the removal of the existing access and reinstatement to be submitted and approved by the LPA. *This is addressed via recommended condition 14*
- A planning condition is needed requiring the parking lay by proposed at the southern side of the entrance to be reviewed in order to achieve the required vehicular visibility splay and a grass verge is the ideal option in this case. *This has been addressed as the revised drawing show a grass verge in this location to replace the existing lay-by.*
- In order to have the road adopted the front door of plot 1 needs to be on Station Road otherwise the road will serve more than 5 dwellings. *This is addressed via recommended condition 13 and the proposed layout drawing shows a pedestrian access from Plot 1 to Station Road.*

**N/2011/1070**

**Erection of 17no. new dwellings (as amended by revised plans received on 20/12/2011)**

**at Robinson House, 11 Burrows Court**

### **Additional Representations**

**NCC Waste Planning Authority** - in order to accord with the requirements of 2007 Development and Implementation Supplementary Planning Document; a condition requiring the submission of a waste audit is requested. *See condition below.*

**NCC Highway Authority** – further submission commenting on the need for the turning head to be constructed with a tarmac finish and further comments are made regarding the provision of pavements to serve the development.

*Officer's Response: Condition 3 as listed within the Committee Report requires the submission of details relating to the surface treatments of access roads and paths. Pavements are already in place and usable on both sides of the access road and are of the required width. These would remain with the Borough Council's ownership.*

**NBC Conservation** – It is felt that the impact on the setting has been significantly mitigated and the new development could be viewed as an enhancement in comparison to the original Robinson House building.

### **Recommended Additional Condition**

Notwithstanding the details submitted, a site specific waste audit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory standard of development in line with the requirements of PPS1 – Delivering Sustainable Development.

**N/2011/1134**

**Change of use from Office (use class A2) to Thai Spa Massage Clinic (use class D1)  
at 34 York Road**

**Additional Representations**

**NCC Highway Authority** – The only concern we have on the scheme is parking however it is noted that there is nearby parking available at St. Edmunds Road. The entrance door needs opening inwards at all times.

**N/2011/1156**

**Storage container for plant and machinery for maintenance of pocket park  
at Land between 78 & 80 Valley Road**

**Amendments to the officer's report**

**Paragraph 7.2** should read: "Due to the temporary nature of the container, the permission should be conditioned for a three **year** period only to ensure the proposed container does not start to become dilapidated and in a poor state of repair."

And the reason for the recommended condition at **paragraph 9.1** is

Reason – In the interests of visual amenity in accordance with Northampton Local Plan Policy E20.





**List of Appeals and Determinations – 10<sup>th</sup> JANUARY 2012**

**Written Reps Procedure**

Application	Del/PC	Description	Decision
N/2010/0906 APP/V25825/A/11/2160380	COM	Erection of two storey visitors centre at base of tower. (As amended by revised plans received 06th December 2010) at the National Lift Tower	AWAITED
N/2010/0320 APP/V2825/E/11/2160382	COM	Erection of two storey visitor centre at the base of tower (as amended by revised plans received on 13 October 2010 and 06th December 2010) at the National Lift Tower	AWAITED
E/2011/0174 APP/V2825/C/11/2166034	ENF	Material change of use of extension to dwellinghouse at 1 Warwick Close	AWAITED
N/2011/0277 APP/V2825/A/11/2160368	DEL	Application to vary condition no.4 of planning permission N/2010/0887 to extend opening hours to 00:00 Sunday to Thursday and 02:00 Fridays & Saturday at 200 Wellingborough Road	DISMISSED
N/2011/0588 APP/V2825/A/11/2160261	COM	Change of use of part of doctors surgery (class D1) to pharmacy (Class A1) at Abington Health Complex	ALLOWED
N/2011/0628 APP/V2825/H/11/2161774	DEL	Internally illuminated free standing double-sided totem sign at Co-Op, 31-33 Semilong Road	DISMISSED
N/2011/0630 APP/V2825/H/11/2161777	DEL	Two internally illuminated wall mounted poster signs at Co-Op, 76 - 78 St Leonards Road	DISMISSED
N/2011/0631 APP/V2825/H/11/2161778	DEL	Internally illuminated freestanding double sided totem sign at Co-op, 14 Bushland Road	DISMISSED
N/2011/0701 APP/V2825/A/11/2163499	DEL	Demolition of existing garages and erection of new two storey dwelling (resubmission) at Garages adjacent to 9 South Street	AWAITED
N/2011/0928 APP/V2825/A/11/2165413	DEL	Change of use of part of ground floor from retail (use class A1) to restaurant (use class A3) including alterations to shop front and conversion of upper floor into five residential flats (1x 2 bed and 4 x 1 bed). Re-submission of application N/2011/0791 at Churches China, 44-54 St Giles Street	AWAITED

# Agenda Item 10a



**PLANNING COMMITTEE:** 10 January 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/0839:** Erection of 35 one bedroom and 15 two bedroom living apartments for the elderly (Category II type accommodation), communal facilities, landscaping and car parking  
Former Westonia Garage Site, 582-592  
Wellingborough Road, Northampton

**WARD:** Park

**APPLICANT:** McCarthy and Stone Retirement Lifestyle Ltd  
**AGENT:** Miss L. Matthewson; The Planning Bureau Ltd

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

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 REFUSAL** for the following reason:

The proposed development fails to provide adequate provision of affordable housing and public open space facilities in order to provide sufficient infrastructure and mitigation to meet the needs of the development. As a result of this, the proposal fails to comply with the requirements of PPS1, PPG17 and PPS3 and Policy H32 of the Northampton Local Plan.

### **2. THE PROPOSAL**

**2.1** The applicant seeks planning permission to erect a building of two and three storeys in height, to accommodate 35 one bedroom dwellings and 15 two bedroom dwellings, which would fall within Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987



(as amended). The accommodation has been designed to provide accommodation tailored to meet the requirements of elderly residents. The development would also include the provision of private amenity areas and 21 car parking spaces.

### **3. SITE DESCRIPTION**

- 3.1 The application site was previously in use as a garage use, which has not ceased and the associated building demolished. Planning permission was granted in June 2011 for the erection of a foodstore on part of the site former garage site, which is now operational. The remainder of the site remains undeveloped and forms for the current application site.
- 3.2 The site is situated adjacent to Wellingborough Road, which serves as one of the main routes into the town centre. The site is close to a small local centre located to the west beyond the recently developed foodstore. The majority of the surrounding buildings are in use for residential purposes.
- 3.3 Vehicular access to the site is via a spur in the access road that serves the recently constructed supermarket.

### **4. PLANNING HISTORY**

- 4.1 N/2011/0295 - Proposed new foodstore (use Class A1) with associated car parking and landscaping (Revised scheme of Planning Permission 09/0096/FULWNN) – 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:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS23 – Planning and Pollution Control  
PPS25 – Development and Flood Risk  
PPG13 – Transport  
PPG17 - Planning for Open space, Sport and Recreation  
PPG24 – Planning and Noise

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

E11 – Trees and hedgerows  
E19 – Implementing Development

E20 – New Development  
E40 – Crime and anti-social behaviour  
H6 – Housing Development within Primarily Residential Areas  
H32 – Affordable Housing

#### 5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004  
Affordable Housing SPD

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

- 6.1 **Housing Strategy (NBC)** – In line with current policies, 35% of the development should be made available for affordable housing, which is the equivalent of 18 units. Securing on site provision would lead to an unsustainable situation due to the revenue requirements. As a result of this, it is recommended that an off site payment be secured in lieu of this.
- 6.2 **Environmental Health (NBC)** – The contamination report that has been submitted is satisfactory; however, a condition covering unsuspected contamination is advised. The air quality assessment demonstrates that a satisfactory level of residential amenity can be secured.
- 6.3 **Highways (NCC)** – There are concerns regarding the level of car parking within the proposal. It is considered that manoeuvring spaces should be increased and clarification over surface treatments is sought.
- 6.4 **Northamptonshire Police Crime Prevention Design Advisor** – Access to the private amenity space should be of a secure nature. Further comments are made regarding door and window types.
- 6.5 **Environment Agency** – Would request conditions relating to unsuspected land contamination, drainage systems and interceptors to the car parking.
- 6.6 Representations from the occupiers of **7 Charnwood Avenue; 45 Conifer Rise; 31 Ferndale Road; 23 Grendon Walk; 73 High Street, Weston Favell; 17 and 36 Pine Trees** and **35 Spinney Hill Road**. Comments can be summarised as:
- There is a need for a pedestrian crossing
  - Adequate parking spaces should be provided
  - Wellingborough Road is likely to become very busy, particularly with regards to the impacts of the new supermarket and the proposed development
  - The site is in close proximity to a supermarket and bus stops
  - The proposal would provide a useful facility
  - Interested in seeing the development progress
  - An area of open space would be more preferable

- Additional comments received on the costs and availability of such a development

## **7. APPRAISAL**

### ***Principle of the Development***

- 7.1 Although the site has a long heritage of being used for commercial purposes, it is allocated within the Northampton Local Plan as being a site an existing residential site. As a result of this, as well as the prevailing character of the area it is considered that the principle of developing this site for residential purposes is acceptable subject to a satisfactory impact upon all other relevant material considerations.
- 7.2 The developer has submitted an air quality and land contamination assessments, which indicate that the proposed development would not have an undue detrimental impact upon residential amenity in line with the requirements of PPS23 – Planning and Pollution Control.

### ***Design and Appearance***

- 7.3 The proposed building, although of large proportions, reflects the prevailing vernacular within Wellingborough Road, which on the southern side can be characterised as featuring large dwellings with the gables orientated towards the highway. Furthermore, the curved glazed corner feature on the north western section of the building would add interest to the streetscene. As a result of these characteristics, it is considered that the design approach taken is appropriate to its context given the prominence of the site as being adjacent to a key route into the town and the high quality design of surrounding buildings (including adjacent dwellings and the St Johns Residential Care Home opposite).
- 7.4 The roof form of the building varies in type throughout the development, and includes pitched and flat roofs. Whilst flat roofs are not common within the environs of the application site, it is considered that this approach would mean that the proposed development would have a neutral impact upon the visual amenity of the locality by reason of the lack of prominence of such roof forms in addition to the fact that these reduce the overall bulk and massing of the proposed building.
- 7.5 Whilst there are some concerns regarding the palette of materials specified within the application and their suitability for the area in which the development is to be situated, it is considered that should the application be approved, this could be addressed via a condition in order to ensure that the materials used are in line with the objectives of Local Plan Policy E20 in this regard.
- 7.6 The use of the landscaping is considered to be satisfactory and provides a development that it is in keeping with the prevailing character as landscaping is a common feature on adjacent sites. This

landscaping also reduces the impacts upon the neighbouring properties.

- 7.7 On account of the proposed development being for the provision of apartments for elderly residents, it is considered that the level of private amenity space is proportionate to the type of accommodation proposed and therefore is in line with the requirements of PPS3 – Housing; which advocates the importance of such spaces.
- 7.8 The layout of the site is such that the proposed car parking area would be readily overlooked by a combination of residential units as well as communal areas. Furthermore, views would be possible from the street. As a result of this, it is considered that there would be sufficient natural surveillance to deter any anti-social behaviour within this space. The consultation response from Northamptonshire Police's Crime Prevention Design Advisor has recommended that if the application be approved, it be subject to a condition that would require that details of the boundary treatments to the private amenity space (including gardens) be submitted and approved by the Local Planning Authority. As a result of this, it is considered that the proposed development would be in accordance with the requirements of Local Plan Policy E40.

#### ***Impact upon Neighbouring Properties***

- 7.9 The vicinity of the application site is characterised by the provision of a number of residential dwellings, located to the north, east and south. The impacts upon those residents to the north are unlikely to be significant by reason of the separation distances involved.
- 7.10 Although of large proportions, the building has been set back from the eastern boundary of the site by 10-18m, with the only exception to this being one element that is 4-7m from the boundary. However, in the case of the latter measurement, this would be approximately 35m away from the rear elevation of the adjoining property at 608 Wellingborough Road. Furthermore, the majority of the building at this point would be two stories in height, with windows at the closest point to the boundary being relatively few in number.
- 7.11 A similar relationship exists with the rear boundary, in that the bulk of the building would be more than 20m from the sites boundary with one 2-storey element extending to within 8m of the site's boundary. This distance is in addition to the rear gardens of the properties to the south in St Peter's Gardens, which measure some 15m in length. Overall the separation distance to the dwellings to the south for the scale and type of development proposed is considered to be acceptable.
- 7.12 By reason of these characteristics and the design of the building, it is considered that the proposal would have a neutral impact upon the residents of the surrounding properties as required by Local Plan Policies E20 and H7.

### ***Highways considerations***

- 7.13 The proposal includes the provision of 23 car parking spaces. It is noted that the County Council as Highway Authority has queried as to whether this is an appropriate amount of parking given the scale of the development. It is noted that the Parking Supplementary Planning Guidance requires a maximum 1.5 spaces per dwelling rather than minimum requirement. Although the proposed parking provision is significantly less than the 75 space maximum figure, it is considered that it is acceptable given the type of development proposed and bearing in mind that the developer has substantial experience of this type of development and is likely to have a well-developed understanding of the needs of its occupiers. Furthermore, the site is reasonably sustainably located given its proximity to local services and availability to public transport.
- 7.14 Vehicular access to the site from Wellingborough Road is via the same access road that serves the adjacent supermarket and was designed with the potential residential re-development of this site in mind. It is considered that the intensification of the use of the junction that would result from the proposed development would not have an adverse impact upon highway safety. Matters such as the surface treatment of the car park could be addressed via condition. Therefore the scheme is in compliance with the requirements of PPG13 – Transport.

### ***Planning obligations***

- 7.15 The key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 7.16 By reason of the type of development proposed (i.e. a residential development in excess of 15 units of accommodation), it would normally be expected that affordable housing would be provided as well as improved public open space facilities within the vicinity to be secured by S106 Legal Agreement.
- 7.17 In the case of affordable housing, it would normally be expected that this would be provided on-site; however, in exceptional circumstances, it is possible that a financial payment be made in order to fund off-site provision. By reason of the nature of the proposed accommodation / use (i.e. for elderly residents) and bearing in mind the ongoing service and maintenance costs would be likely to be prohibitively expensive and would not be sustainable in the longer term for affordable housing.

For these reasons, in the circumstances of the case, a financial payment for off-site provision is considered appropriate in principle. In reaching a suggested figure, reference has been made to comparable past decision with indexation where appropriate.

- 7.18 It is noted that the site contains a reasonable level of private amenity space; however, this is unlikely to meet all of the requirements for the future occupiers of the development. The Council's 2009 Open Space, Sports and Recreation Needs Assessment and Audit provides a qualitative and quantitative assessment of the current provision of open space within Northampton. There identifies a shortfall of facilities in this area of the Borough.
- 7.19 By reason of the likely increase in residents as a result of the proposed development (given the number and size of units proposed there would be at least 50 residents), it is considered that a payment towards the provision of open space facilities is justified in terms of national planning policy. By reason of the scale of the development and its proximity to existing areas of open space, a payment towards enhancing existing facilities is considered appropriate and necessary.
- 7.20 The developer has submitted a viability appraisal in support of their assertion that the Council's requested payments would render the scheme unviable. This appraisal has been independently assessed and at this stage it has been concluded that the submitted viability appraisal features a number of issues that mean that it cannot be supported.
- 7.21 The site valuation was carried out in excess of one year ago, however it is normal practice that valuations are subject to a validity period of significantly less. Therefore, it is considered that the values included in the submitted viability appraisal should not be relied upon as more accurate data regarding the site's value may available. Consequently the model used by the applicant to calculate the level of financial contributions uses the dated site valuation, which may differ from the existing use value. The submitted viability appraisal also includes figures that fall within the higher ranges of industry standards. Furthermore, the submitted valuation of the site is based on a scheme for 14 residential dwellings, which is of significant variance to the development proposed in this application.
- 7.22 Until these matters are adequately justified or addressed officers currently have strong concerns regarding the applicant's case re the viability of the development but will continue to work with the applicant to try to resolve these matters. Nonetheless at the time of drafting the report the applicant's agent has expressly advised that it wants the application to be reported to the meeting of the Planning Committee on 10 January 2012 notwithstanding the outstanding matters and the consequent officer recommendation to refuse.

7.22 Therefore at the time of the drafting the report, on account of it not having proved possible to agree a figure for the provision of affordable housing and open space, it is considered that the proposed development would fail secure adequate mitigation in the form of affordable housing and open space facilities that are fairly and reasonably related in scale to the development to comply with the requirements of national and local planning policies.

## **8. CONCLUSION**

8.1 Whilst it is accepted that the proposed development is of an acceptable design and would have a neutral impact upon residential amenity, the proposal fails to provide an adequate level of affordable housing and open space facilities as required by PPS1, PPS3 PPG17 and Local Plan Policy H32.

## **9. BACKGROUND PAPERS**

9.1 None.

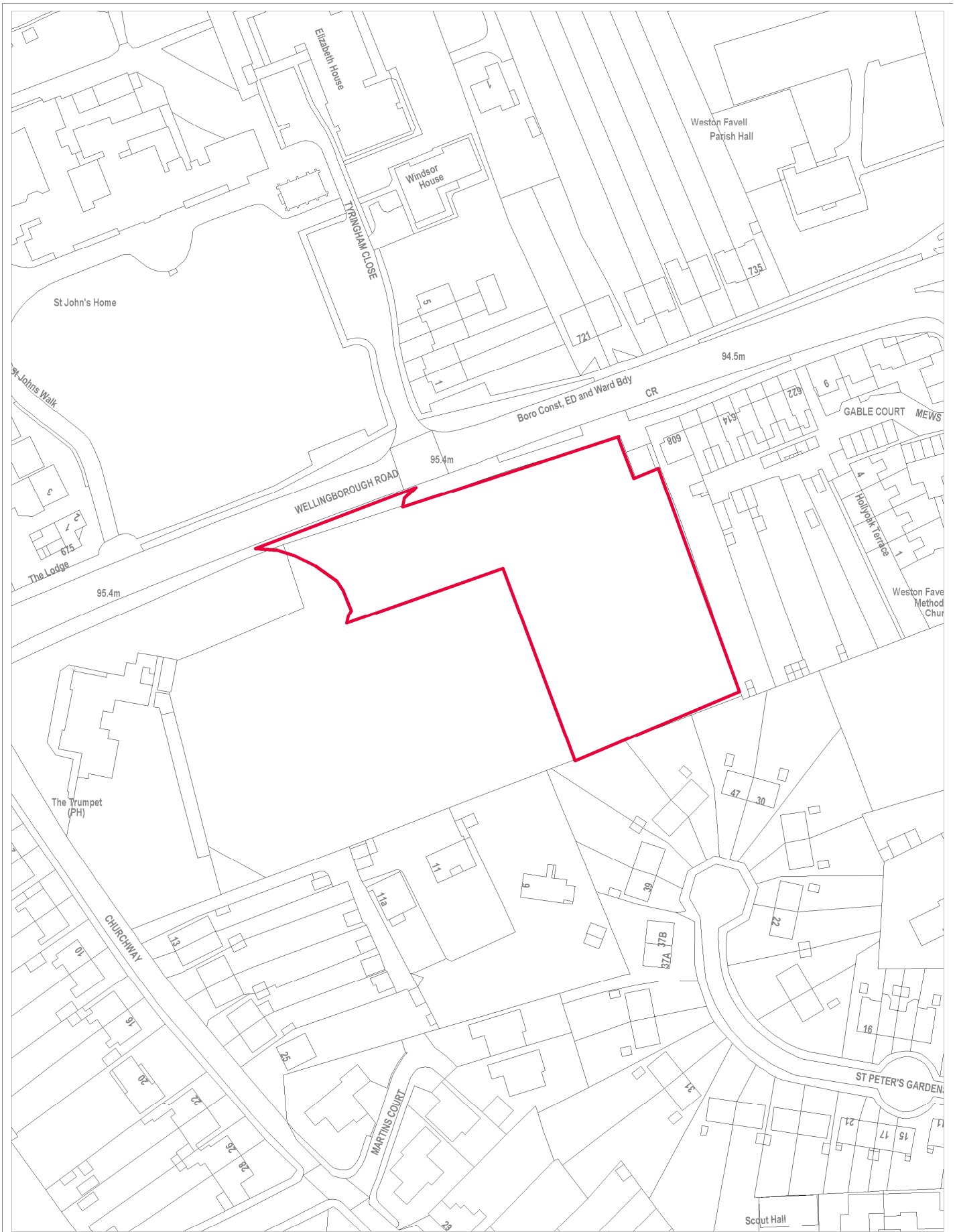
## **10. LEGAL IMPLICATIONS**

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>	Ben Clarke	23/12/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	28/12/2011



Name: Charis Holder  
 Date: 29th December 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Location Plan

Title

## 582-592 Wellingborough Road

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**PLANNING COMMITTEE:** 10 January 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1000**                      **Application for approval for reserved matters including access, appearance, landscaping, layout and scale pursuant to outline planning permission N/2006/0841 for residential development of 9 dwellings at Former St Andrews C of E Primary School, Station Road, Billing**

**WARD:**                                      **Great Billing**

**APPLICANT:**                              **Francis Jackson Estates Limited**  
**AGENT:**                                      **Paul Johnson, Berrys**

**REFERRED BY:**                              **Cllr David Palethorpe**  
**REASON:**                                      **Impact on local community and to allow Parish Council further time to consider the proposal**

**DEPARTURE:**                              **No**

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## **APPLICATION FOR DETERMINATION :**

### **1. RECOMMENDATION**

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

The proposed development is considered acceptable for this predominantly residential area without having a detrimental impact on the appearance, character and amenity of the locality or on the adjacent Conservation Area. Adequate access and parking is provided and satisfactory tree protection measures and would comply with Policies H7, L2, E12, E20 and E40 of the Northampton Local Plan, Policy 2 of the East Midlands Regional Plan and aims of PPS1, PPS3, PPS5, PPS23, PPG13 and PPG24.

## **2. THE PROPOSAL**

- 2.1 Reserved matters application for 9 residential dwellings following grant of outline permission N/2006/0841. All 5 reserved matters are applied for (scale, layout, access, landscaping and appearance). In summary the scheme includes a row of 4 two-storey houses (2 x 2 bed and 2 x 3 bed) fronting Station Road with 5 two storey-detached houses (1 x 3 bed and 4 x 4 bed) to the rear of the site served via a new access road from Station Road located to the north of the proposed row of 4 houses. All of the proposed houses have enclosed private rear gardens and off-street designated parking at a rate of more than 2 spaces per dwelling.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located to the western side of Station Road in Great Billing and is a former school site which is currently lying vacant. Opposite the site are residential dwellings mostly 2 storey in design and detached. It has an area of approximately 0.3 hectares with a red brick built 1 and 2 storey building fronting Station Road. The site boundary lies approximately 15 metres south of the boundary with the Great Billing Village Conservation Area.

## **4. PLANNING HISTORY**

- 4.1 Following consideration by the Council's Planning Committee, outline planning permission was granted in 2010 under Local Planning Authority reference N/2006/0841, which establishes the principle of residential development at the site. This was granted subject to a Section 106 legal agreement which secures:
- public park improvements contribution from the applicant
  - the upgrading of footpath/cycleway in the vicinity of the site
  - 35% affordable dwellings on site should the site contain 15 or more dwellings.
- 4.2 Following the Northampton Schools re-organisation the former Great Billing Church of England Lower School became the St Andrews C of E in 2004. In 2005, St Andrews C of E Primary School moved to Ecton Brook Road and the site is now redundant from the perspective of the County Council as local education authority.

## **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

PPS5 - Planning for the Historic Environment

PPS23 - Pollution Control

PPG13 - Transport

PPG24 - Noise

Draft National Planning Policy Framework (DNPPF)

**5.3 East Midlands Regional Plan**

Policy 2- Promoting Better Design

**5.4 Northampton Borough Local Plan**

E12 - Trees

E20 – Design of new Development

E40 - Crime and Vandalism

L2 - Schools and Colleges

H7 - Residential Development outside primarily residential areas

**5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

**6. CONSULTATIONS/ REPRESENTATIONS**

**6.1 Environmental Health (Public Protection, NBC)** - the desk top study submitted with the outline includes recommendations for a further intrusive study. The further study suggested in the report is basically to look at geotechnical properties and possible contamination. The desk top study presented does not indicate contamination is likely but the section does have issues with elevated levels of arsenic and this should be investigated and reports submitted at the same time the geotechnical properties of the site are established. We would welcome sight of the intrusive investigation when it has been undertaken.

**6.2 Built Conservation (NBC)** - no objection, the former school building is of some historic interest however it lies some distance from the Great Billing Conservation Area. The proposed development is considered to have limited impact on the character and appearance of the conservation area.

**6.3 Arboricultural Officer (NBC)** – no objection, a Tree Constraints Plan has been submitted as requested and now content that original concerns have been addressed.

- 6.4 **Highway Authority (NCC)** - recommend that a condition be included for visibility splays and shared driveway being 4.5 metres around the bend in front of plots 8 and 9 for pedestrian safety. Concerning the front door of plot number 1, suggest consideration be given to revised house design to allow pedestrian access from front to Station Road.
- 6.5 **Northants Police** – Have concerns over safety and sustainability of the development in its current form. Recommend that plot 9 be rotated to allow direct surveillance of alleyway, dwellings are built in accordance with Secure by Design standards and adequate lighting be provided. Suggest conditions and informatives included which reduce crime and vandalism.
- 6.6 **Sport England** - No further comments to add to outline permission.
- 6.7 **Billing Parish Council** – Although the Parish Council are pleased to see development taking place, we are aware that there are residents living adjacent to the site who have concerns and would therefore like to have the opportunity to discuss the application at a public meeting. Have serious concerns over the adjacent footpath and would request that consideration be given to a proper railed fence being installed along the whole length of the pathway. Concern that if existing footway is left “open plan” that it could increase problems of noise, litter and bikes riding over the corner of it.
- 6.8 4 Letters have been received from **6 High Street, 2 and 4 Station Road, 49 Kingscroft Court:**
- Happy that plans are accepted and consideration should be given to street naming
  - Would be of benefit if any commuted monies could be used to fund public lighting along public footpath
  - Would assist in reducing vandalism
  - Type of design would complement the village
  - Concern over proposed terraced houses to site frontage
  - Concern over proposed alleyway between middle of houses which will look unattractive
  - Terraced houses out of keeping with area
  - Parking concerns
  - Concerns on of on-street parking resulting in unsightliness
  - Concern over drainage and where this would be connected to
  - Risk to health from vermin when school is demolished
- 6.11 **Councillor Palethorpe** - refers application to committee, concern that development may impact on local community and effect of existing footpath on future development of site

## 7. APPRAISAL

### *Main issues*

- 7.1 As this is a “reserved matters” application the principal considerations are the detailed design and layout of the application including access, landscaping and scale. The outline planning permission granted in 2010 has established the suitability of the site for residential development in principle.

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

- 7.2 The application comprises a mix of 2 storey detached dwellings which are proposed to the rear of the site behind a row of 4 proposed terraced properties fronting Station Road. The surrounding area comprises mainly detached dwellings constructed in 2 storeys although there are a number of single storey properties further to the south of the site along Station Road.
- 7.3 Whilst it is acknowledged that the proposed row of terraces are a form of development not common to the streetscene immediately in the vicinity of the site, which is characterised predominantly by detached dwellings, it is considered that in design terms they are acceptable as they would be of comparable scale and footprint to the existing school building.
- 7.4 The applicant contends that the intention is to reflect the current form and retain a strong cohesive element in the street scene and the use of arched lintels, traditional casement windows reflect the more traditional features found locally and will use these to add design variety and interest to the frontage. They also maintain that there would be an overall continuity in the scheme derived from the detailing and use of facing materials.
- 7.5 The proposed houses are of fairly simple design and would not be out of keeping with the character or appearance of the streetscene which comprises a variety of designed houses.
- 7.6 The rear garden of the proposed detached houses are of a relatively large and proportionate to the size of house proposed. Although the proposed rear gardens of the proposed terraced row of 4 houses are smaller by comparison, particularly those serving units 2 and 3, it is considered that these are nonetheless acceptable and are over 40 square metres in size. A condition is recommended to remove permitted development rights for future extensions in order to prevent over-development of these units. Subject to a further condition to control facing materials it is considered that the proposed development would have an acceptable impact on the appearance and character of the area.

- 7.7 This would comply with Policy E20 of the Northampton Local Plan which in accordance with the aims of PPS1 and PPS3 which also encourage local authorities to promote good design.

### ***Security***

- 7.8 The Crime Prevention Design Advisor has some concerns relating to boundary treatment and window / door security. They advise that the private parking area to the rear of plots 2 and 3 be gated and that appropriate boundary treatment be included to be secured by condition on any approval.
- 7.9 Billing Parish Council have concern that the existing footpath along the side of the site (immediately to the north of the site boundary) is defined by railings in order to improve security to the site. This has also been agreed with the applicant and can be secured by condition on any grant of planning permission. It is also considered that there would be adequate natural surveillance of the site's car parking offered by the proposed layout.
- 7.10 A further concern raised was that to reduce potential for anti-social behaviour associated with the existing footpath along the side of the development is that plot 9 should be rotated to face the alley to allow direct surveillance. Having considered this, it was concluded that although this would improve natural surveillance of the footpath it would also lead to direct overlooking to the rear of the existing properties on Station Mews thereby reducing privacy to these homes. Bearing in mind that overall the proposed development would result in improved surveillance of the footpath it is considered on balance that the proposed layout is acceptable in this regard.
- 7.11 A condition is also recommended requiring the applicant to agree security measures with the local planning authority in order to reduce potential for increase crime and vandalism.
- 7.12 For the foregoing reasons the proposal is considered to be in accordance with the requirements of Policy E40 of the Northampton Local Plan in this regard and advice contained within the County SPG on Planning Out Crime.

### ***Impact on living conditions of neighbouring properties***

- 7.13 Given the relationship and separation of all proposed new dwellings within the application site it is considered that there would unlikely be any significant adverse effects in terms of overlooking, overbearing, loss of outlook and overshadowing.
- 7.14 Proposed plot number 6 is sited close to the rear garden of the existing house at 4 Station Road however given the relationship and bearing in mind that the dwelling would be on the north of that neighbour it is

considered that there would be unlikely be any significant loss of amenity that would justify refusal of planning permission.

- 7.15 Whilst the neighbour at 4 Station Road is concerned that the proposed development would impact on their light to the downstairs rooms, given the orientation (i.e. the proposed development is located to the north of no 4) this is unlikely to be considered a strong concern. This would comply with Policy E20 of the Northampton Local Plan part b which seeks to provide adequate levels of residential amenity in terms of sunlight, daylight and privacy.

***Impact on Trees and landscaping***

- 7.16 The applicant has submitted a detailed Arboricultural Survey with their application detailing trees to be retained. This is considered acceptable to the Council's Arboricultural Officer and a condition is recommended for the details within the Tree Survey to be implemented during the course of the development.
- 7.17 This accords with Policy E12 of the Northampton Local Plan which seeks to protect trees as part of development layouts.

***Access and Highways***

- 7.18 Access is proposed to be taken from Station Road via a new road to the north of the row of 4 houses. All of the proposed dwellings would have their own off-street parking via a mix of detached and integral garages, driveways and courtyards providing an average of over 2 spaces per dwelling. Concerns were raised by the Highway Authority on the original plans re the width of the access road proposed through the site and advised that consideration be given to adequate visibility where the site meets Station Road.
- 7.19 Revised details have been submitted in response to these comments. Whilst the Local Highway Authority still holds some concerns over the revised details (width of access in front of plots 8 and 9 and the absence of visibility splays on the access) these have been brought to the attention of the applicant and it is anticipated that these matters will have been addressed in time for the Committee meeting. An update will be provided via the Addendum.

***Impact on appearance and character of Great Billing Conservation Area***

- 7.20 The northernmost edge of the site is located approximately 15 metres south of the boundary of the Great Billing Village Conservation Area. The Council's Conservation service has been consulted on the application and raise no objections in terms of the effect on the designated area. It can therefore be said that the proposal would accord with the aims of PPS5.

### ***Other Neighbour Concerns***

- 7.21 One of the objectors is concerned about street naming, however this is a matter that cannot be considered under planning legislation as this is a matter controlled by the Council's Building Regulations Section.
- 7.22 Regarding the concern on drainage, officers consider that this can be adequately controlled by condition on the approval to ensure satisfactory arrangement for the discharge of water.
- 7.23 Concerns have also been raised that the proposed development would generate on-street parking which be "unsightly". However, it is considered that the proposed level of parking is sufficient for the development proposed.
- 7.24 Another objection relates to the concern that the existing building would be infested with vermin and that demolition of the building could result in a health risk from this. This is a matter that is not dealt with under planning legislation. However, it is likely that the re-development of the would, in the long term, improve any environmental health issues resulting from the site being vacant.

### ***Other considerations***

- 7.25 Matters raised by the Council's Environmental Health Section on land contamination can be addressed and controlled by conditions attached to the outline planning permission.

## **8. CONCLUSION**

- 8.1 Although the proposal would see the loss of former school buildings, these are not listed and therefore there is no statutory protection. Furthermore, although the site is of limited size, it is considered that the proposed dwellings are of an acceptable standard of design and as such they would contribute positively to the visual amenity of the area. Moreover a satisfactory level of residential amenity would be secured through reasonable separation distance and private amenity space. Satisfactory access can also be achieved.

## **9. CONDITIONS**

(1) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

(2) This permission shall be in respect all matters reserved by the conditions of the outline planning permission no. N/2006/0841



dated 5 March 2011.

Reason - For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policies E12, E20, E40, L2 and H7 of the Northampton Local Plan.

(2) Full details of the method of 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. The details shall include railings to the northern boundary adjacent to the northern boundary to the east of the house at plot 9 and gates to the garage / parking area to the rear of plots 1 and 2.

Reason - To ensure that the boundaries of the site are properly treated as to secure a satisfactory standard of development to comply with Policies E20 and E40 of the Northampton Local Plan

(3) Details and 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 prior to commencement of construction work on site.

Reason - In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected to the residential development hereby permitted without the prior written consent of the local planning authority.

Reason- To prevent overdevelopment to accord with Policy E20 of the Northampton Local Plan.

(5) Prior to the and during the course of the construction / development hereby permitted the tree protection measures shall be carried out in full accordance with the submitted Arboricultural Report produced by Richard Jones dated April 2011.

Reason - In the interests of sound arboricultural practice to accord with PPS1.

(6) Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and retained thereafter

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

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no additional windows shall be installed in the side elevations of plots 5, 6, 7, 8 and 9 without the prior written consent of the local planning authority.

Reason - To safeguard the privacy of adjoining properties to accord with Policy E20 of the Northampton Local Plan.

(8) The first floor side windows in plots 6, 7, 8 and 9 shall be glazed with obscure glass prior to the first occupation of the development hereby permitted and shall be retained in that forms at all times unless otherwise agreed in writing with the local planning authority.

Reason- To safeguard the privacy of adjoining properties to accord with Policy E20 of the Northampton Local Plan.

(9) Prior to the commencement of development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and maintained thereafter.

Reason - To secure satisfactory drainage in accordance with PPS1 and PPS25.

(10) No development shall take place until further details have been submitted to and agreed in writing with the Local Planning Authority clearly showing how the applicant intends to reduce the potential for crime and vandalism as part of the scheme. These details shall be fully implemented concurrently with the development accordance with the approved details.

Reason - In the interests of security to comply with Policy E40 of the Northampton Local Plan.

(11) The proposed visibility splays adjacent to plot 1 shall be implemented prior to the first occupation of the first dwelling and shall be kept clear from obstruction at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of highway safety to comply with PPG13.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 (or any order revoking and re-enacting that order with or without modification) no garage accommodation shall be used as habitable accommodation without the prior written consent of the Local Planning Authority.

Reason - To ensure retention of adequate parking in accordance with PPG13.

(13) The dwelling at plot 1 shall have direct footway access onto Station Road as shown by the approved plan number 292-06 received on 12 December 2011 and shall be retained as such unless otherwise agreed in writing with the local planning authority.

Reason- In the interest of highway safety to comply with PPG13.

(14) No development shall take place until full details of the splayed vehicle crossover and removal of the existing access including reinstatement to residential access have been submitted to and approved in writing by the Local Planning Authority. These works shall be implemented prior to the

occupation of the first dwelling on site unless otherwise agreed in writing by the Local Planning Authority.

Reason- In the interests of highway safety to comply with PPG13.

(15) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to 2 and 4 Station Road 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.

(16) With the exception of the railings and gates identified in condition 2, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or any means of enclosure or similar structures shall be erected or constructed in front of the main wall of any dwelling or of any other principal building of the estate nor in front of the line of any flank wall of any dwelling where the flank boundary of the curtilage abuts a highway.

Reason - To ensure that the open character of this residential development is maintained in the interests of visual amenity in accordance with Policies E20 and E40 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

10.1 N/2006/0841 and N/2011/1000.

## **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	21/12/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	28/12/2011




**NORTHAMPTON**  
**BOROUGH COUNCIL**

Name: Charis Holder  
 Date: 28th December 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title  
**Former St Andrews CofE Primary School**

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**PLANNING COMMITTEE:** 10 January 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1070:** **Erection of 17 dwellings  
Robinson House Site, 11 Burrows Court,  
Northampton**

**WARD:** Brookside

**APPLICANT:** Orbit Homes (2020) Ltd  
**AGENT:** Mr. J. Pearce; Barton Willmore LLP

**REFERRED BY:** Head of Planning  
**REASON:** Major application affecting Council owned property

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the prior completion of a S106 legal agreement and conditions and for the following reason:

The proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6.

1.2 The **S106 Legal Agreement** shall secure that the provision of 100% of the development to be used for affordable housing. The reasons for this are set out in section 7 below (paragraphs 7.12 – 7.14).

1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, **delegated authority be given to the Head of Planning** to refuse or finally dispose of the application on account of

the necessary mitigation measures not being secured in order to make the proposed development acceptable.

## **2. THE PROPOSAL**

- 2.1 This is an application for full planning permission to erect 17 dwellings, of two storeys in height. The composition of the development is that 10, two bedroom dwellings and seven, three bedroom units are proposed. The proposed density of the development is 35 dwellings per hectare. The proposed development would include the provision of 32 car parking spaces.

## **3. SITE DESCRIPTION**

- 3.1 The application site previously contained Robinson House, a large building featuring 66 bedsits for single person occupation. This building is in the advanced stages of demolition; demolition was granted prior notification consent by the Council in July 2011. The surrounding area is residential in character, with the majority of dwellings being houses of two and three stories in height. The site contains a number of mature trees and is adjacent to Lumbertubs Way to the west, which serves as one of the main orbital routes around Northampton. The site is also adjacent to the Grade II Listed Billing Arbours House to the north.

## **4. PLANNING HISTORY**

- 4.1 N/2011/0570 – Application for Prior Notification of proposed demolition – 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:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS5 – Planning for the Historic Environment  
PPS 23 – Planning and Pollution Control  
PPS 25 – Development and Flood Risk  
PPG13 – Transport  
PPG24 – Planning and Noise

- 5.3 **Northampton Borough Local Plan**  
E11 – Trees and hedgerows  
E19 – Implementing Development  
E20 – New Development  
E40 – Crime and anti-social behaviour  
H6 – Housing Development within Primarily Residential Areas

- 5.4 **Supplementary Planning Guidance**  
Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environmental Health (NBC)** – The submitted noise assessment demonstrates that a satisfactory level of residential amenity can be secured for the future occupiers of the development. Boundary treatments to the rear of Plots 1-8 would need to be of 2m in height and continuous. It is recommended that opportunities to relocate the dwelling on Plot 9 away from the A43 due to the level of noise that would be prevalent within the garden. A condition covering contamination is also requested.
- 6.2 **Arboricultural Officer (NBC)** – There are numerous trees that could be retained. It is therefore recommended that a condition be applied to any permission requiring that the development is carried out in accordance with the requirements of the submitted arboricultural assessment.
- 6.3 **Housing Strategy (NBC)** – There is a requirement for at least 35% of the development to be used for affordable tenure types. The dwellings will meet Code for Sustainable Homes Level 3 and 10% should have a mobility design.
- 6.4 **Development Management (NCC)** – Requesting financial payments towards the provision of primary school education, the library service and the fire service.
- 6.5 **Highway Authority (NCC)** – Footpaths would need to be constructed to highways standards and tactile materials should be used for pedestrian crossings. There are concerns regarding the level of visibility to serve the dwelling on Plot 13. A standard turning head should also be included within the development. *(Officer's Note: Revised plans have been submitted in response to these comments and are subject to further consultations at the time of preparing this report. Any further comments will be reported to the Committee by means of the Addendum).*
- 6.6 **Anglian Water** – Requesting a condition that would require the submission of a surface water strategy.

6.7 **Environment Agency** – Requesting a condition that would require the submission of a scheme for dealing with foul sewerage.

6.8 **Northamptonshire Police Crime Prevention Design Advisor** – Rear boundaries should have a height of 2.1m in order to promote security; the car parking areas should have either a 1.8m fence or a foliage screen. The side boundary adjacent to Plot 14 should be extended.

## 7. APPRAISAL

### *Principle of the development*

7.1 By reason of the site's allocation within the Northampton Local Plan (existing primarily residential area), it is considered that the principle of redeveloping the site for residential purposes is acceptable. In particular, the provision of 17 houses would result in a development that is of an appropriate density which reflects and complements the character of the wider area. In addition, the proposal features the provision of family housing, including sufficient private amenity space in the form of enclosed rear gardens. Overall the proposed development would in principle represent the effective reuse of a previously development site.

7.2 Whilst it is recognised that the proposal states that the development would be used in its entirety for affordable housing, which is contrary to the guidance contained within PPS3 – Housing, which states that new developments should contain a mixture of tenure and housing types. However, weight should be attached to the former use of the site as a 60 individual bedsits. Therefore, there is little difference in the likely numbers of occupiers between the two developments and therefore, the proposed development is acceptable on this basis.

### *Design and Appearance*

7.3 It is considered that the design of the proposed dwellings is appropriate and adequately reflects the character and appearance of the surrounding dwellings. The use of rendered panels provides additional definition in terms of the treatment of the building. The orientation of dwellings with the rear elevations abutting Lumbertubs Way reflects the design and layout of existing dwellings within the vicinity.

7.4 The proposed layout would see the main elevation of the development being set back from Tonmead Road, which is perhaps not ideal in urban design terms. However, it is recognised that locating the proposed dwellings adjacent to the highway would have an adverse impact upon residential amenity as a result of noise and disturbance from traffic. On balance, it is considered that setting then dwellings back from the highway is an acceptable design solution particularly as the proposed dwellings reflect the location of the former Robinson



House building and would still offer an appropriate response to this important frontage.

- 7.4 The main section of the development would be open plan in nature, which reflects the prevailing vernacular in the locality. However, the parking area to the front of the site would feature relatively low railings, which when combined to additional landscaping and the natural surveillance secured via the layout and orientation of the development are considered to provide an appropriate response to potential anti-social behaviour, whilst maintaining the open character of the development.
- 7.5 It is considered that the rear path serving the dwelling situated at Plot 16 is somewhat sinuous in nature. Officers have discussed the possibility of resiting the dwelling with the applicant in order to overcome this matter. However, these discussions have revealed that such a resited dwelling northward closer to Billing Arbours House (a listed building) thereby potentially having an adverse impact upon its character and appearance. For these reasons it is considered that this aspect of the proposed layout is acceptable; nonetheless, the developer has agreed to the provision of lockable gates to this path and lighting, which would be subject to a condition. The development is therefore considered to be compliant with the requisites of Local Plan Policy E40.
- 7.6 By reason of the separation distances between the proposed buildings and the existing properties, there would no undue detrimental impact on the amenities of surrounding properties, in terms of consideration such as light, outlook and privacy. The layout of the proposed development would also ensure that each of the proposed buildings would have a satisfactory level of amenity, including privacy. The proposed dwellings all have suitably sized gardens, which is consistent with the objectives of PPS3 – Housing, which specifies the importance of securing gardens in instances where family housing is being proposed.
- 7.7 There are a number of trees on the site, which although not protected by planning controls, make a positive contribution to the general character and appearance of the site. The proposed development has been designed in such a way so as to prevent any significant impact upon these trees and allow for their long term retention. Therefore the development is in accordance with the requirements of Local Plan Policy E11.
- 7.8 As set out previously, the site is in close proximity to the Grade II Listed Billing Arbours House (which dates from the early-mid 19<sup>th</sup> century). Due to the separation distance between this building and the proposed dwellings, combined with the limited scale and height of the proposed development and intervening areas of landscaping proposed, it is considered that the development would have a neutral impact upon the

character and setting of the Listed Building, in line with the requirements of PPS5 – Planning for the Historic Environment.

- 7.9 The proposed development includes almost two car parking spaces per dwelling (i.e. 32 designated spaces for 17 dwellings) and there would also be some on-street parking capacity, which is considered sufficient given the type of the development and the requirements of the Supplementary Planning Guidance – Parking. The application has been amended to increase the size of the turning head within the development and increase the visibility to the parking contained within the curtilage of the dwelling situated on Plot 13 as requested by the Highway Authority. Therefore, it is considered that the proposed development has an acceptable layout in highway safety terms and is in accordance with the requirements of PPG13 – Transport. In terms of the level of traffic generated to the proposed development; this is unlikely to be materially different to the situation with regards to the former Robinson House and therefore there would be a neutral impact upon the pattern of road usage within the environs of the site.
- 7.10 The Council’s Environmental Health service has requested that the dwelling situated on Plot 9 be relocated to the opposite side of the site. However as a satisfactory noise assessment having been submitted and the site’s boundary treatment would provide protection to the site’s gardens, although preferable from an environmental health perspective this is not considered to be necessary. Furthermore, the relocating the dwelling in this manner would have an adverse impact upon the setting of the Grade II Listed Billing Arbours House. Therefore, on balance, it is considered that the layout is acceptable and would not give rise to an adverse impact upon residential amenity.
- 7.11 A condition has been recommended that would require the carrying out of a contamination assessment. Given the previously developed nature of the site, it is considered that such a condition is necessary and reasonable and would ensure that the proposal complies with the requirements of PPS23 – Planning and Pollution Control.

***Planning obligations***

- 7.12 The key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 7.13 It is noted that the County Council has requested a financial payment towards the provision of primary school education within the vicinity.

Whilst it is considered that this request would normally satisfy the tests as set out above if the development were to be a conventional private sector development, the developer has indicated that such a contribution would render the scheme unviable. Moreover in this case the scheme proposed is not a private development but rather provides entirety affordable accommodation. Consequently residents for the scheme would be drawn from the Council's Housing List and therefore those occupiers would already be residents of Northampton, with places within the education system where appropriate and therefore the development would not lead to a net increase on demands on the local education system. Therefore, provided that the applicant enters into a legal agreement to ensure that the entire development would be retained for affordable housing in perpetuity it is not considered that the education payment would be necessary. Therefore it is recommended that the legal agreement secures 100% affordable housing rather than the normal 35% requested. This approach is consistent with other recent decisions of the Council when determining applications of this nature.

- 7.14 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

## **8. CONCLUSION**

- 8.1 The proposed development represents the effective reuse of the former Robinson House and would provide a source of affordable accommodation within the town. Furthermore, the proposed development is an acceptable design and would not lead to an adverse impact upon the amenities of surrounding properties.

## **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. 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. Prior to the commencement of development, details of the on-site surface treatments of all internal roads, access ways, parking areas and footpaths including gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

4. 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, safe and secure standard of development in accordance with Policies E20 and E40 of the Northampton Local Plan and to protect the houses from highway noise in accordance with PPG24.

5. No development shall take place until a desk top 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 in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. No development shall take place until details of a scheme, including phasing, for the provision of mains foul water drainage on and off the site has been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained thereafter.

Reason: To prevent flooding and pollution in line with the requirements of PPS25 – Development and Flood Risk.

7. No development shall take place until a surface water strategy has been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained thereafter.

Reason: To prevent flooding and pollution in line with the requirements of PPS25 – Development and Flood Risk.

8. Notwithstanding the details submitted, full details of lighting and lockable gates to serve the rear access to Plot 16 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the first occupation of the dwelling and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies E20 and E40 of the Northampton Local Plan.

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

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies E20 and E40 of the Northampton Local Plan.

11. The parking spaces as shown on the submitted plans shall be constructed prior to the first occupation of the building hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with PPG13 – Transport.

12. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the requirements of the submitted Environmental Noise Assessment (reference: HHACY/50570/01/NB, dated 8<sup>th</sup> July 2011).

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of PPG24 –

## Planning and Noise.

13. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried in accordance with the requirements of the submitted Arboricultural Report as carried out by Acorn Environmental Management Group and dated 8<sup>th</sup> June 2011. Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy E11 of the Northampton Local Plan.

Informative: Northamptonshire Police recommends that All doors to the houses should meet Pas 23/24 2007 or equivalent standard, which is the minimum requirement for door security. Windows should meet BS 7950 standard, which is the minimum requirement for window security all ground floor glazing should be laminated to 6.4mm and Lighting should comply with BS5489 and have uniformity (no dark/light spotting).

## 10. BACKGROUND PAPERS

10.1 N/2011/1070

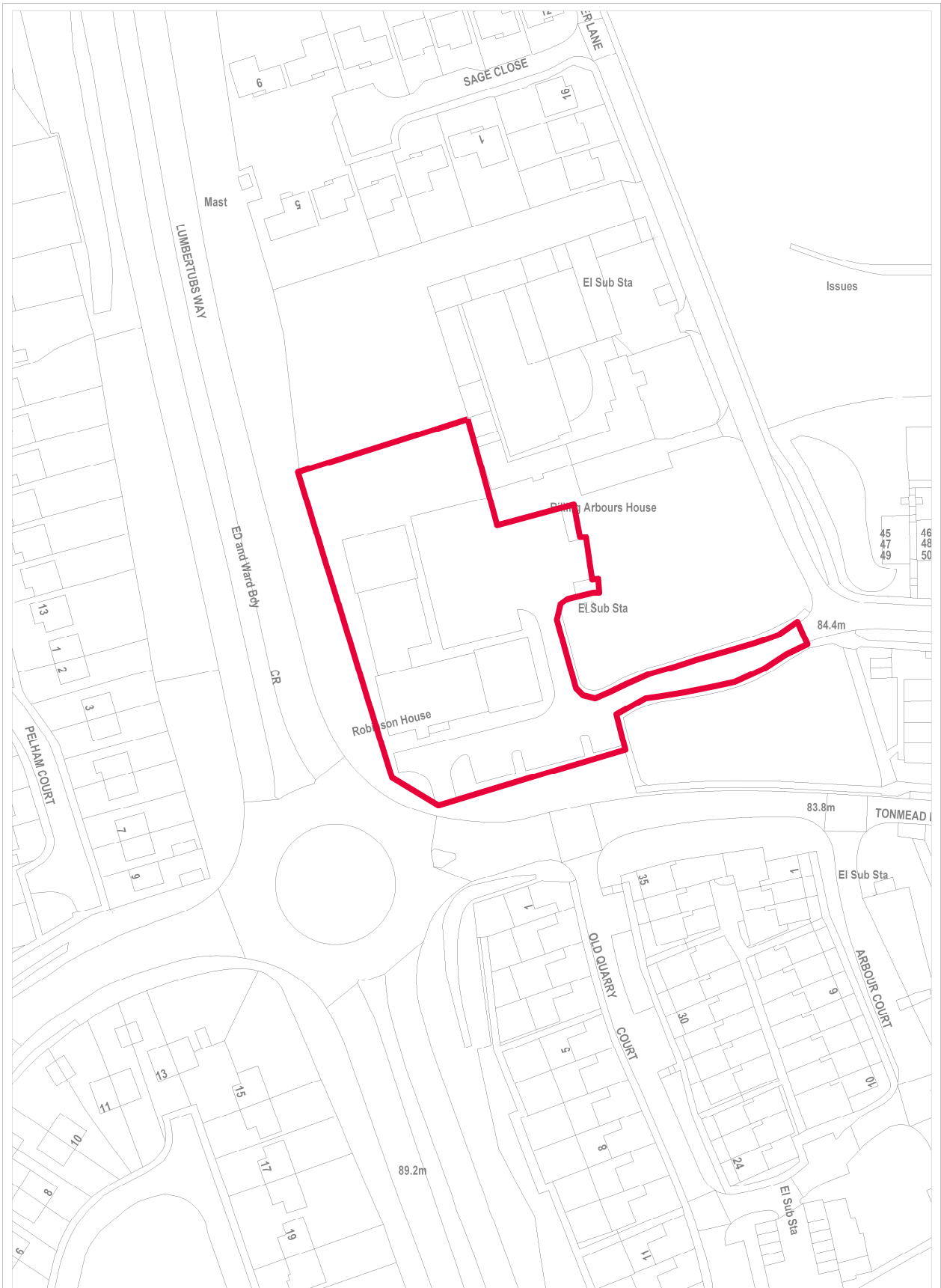
## 11. LEGAL IMPLICATIONS

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>	Ben Clarke	21/11/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	28/12/2011



Name: **Chris Holder**  
 Date: **28th December 2011**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Site Location Map**

Title  
**Robnson House, 11 Burrows Court**

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# Agenda Item 10d



**PLANNING COMMITTEE:** 10 January 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1134:** Change of use from Offices (Use Class A2) to Thai Spa Massage Clinic (Use Class D1)  
34 York Road

**WARD:** Castle

**APPLICANT:** Mrs Supatra Rees  
**AGENT:** None

**REFERRED BY:** Cllr. Winston Strachan  
**REASON:** Concerns about parking as site is on a busy road with double yellow lines on both sides.

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposal would not harm the character and appearance of the Boot and Shoe Conservation Area and by reason of its location, would not lead to any adverse impact on the vitality and viability of the town centre or have any adverse impact in terms of demand for parking or highway congestion, or any impacts on nearby commercial or residential premises. The proposal therefore complies with saved Policies E20 and E26 of the Northampton Local Plan and PPS1, PPS5 and PPG13.

### 2. THE PROPOSAL

2.1 The proposal is to change the use of the vacant property from Office (Use Class A2) to a Thai Massage Clinic (Use Class D1). An original description for the application was submitted for change of use from Retail (Class A1) however during the course of assessing the



application it was identified that the Class A1 shop retail use (although lawfully permitted) had never been implemented. The existing lawful use of the premises therefore remains Use Class A2 (Financial and Professional Services).

- 2.2 The proposed opening hours are Monday – Saturday 10am – last booking 8pm, Sunday 10am – last booking 6pm.
- 2.3 There are no proposed alterations to the external appearance of the property.

### **3. SITE DESCRIPTION**

- 3.1 The application site is situated on the east side of York Road, between Abington Square and St Edmunds Road within Northampton's Boot and Shoe Conservation Area. It consists of a two/three storey, mid terraced property that is currently vacant. Properties adjoining the application site consist of a jewellers (No. 33) and a nail studio (No.35). Other properties in this section are a restaurant, a café, a hair and beauty parlour and a photo studio. Of the twelve properties in this section of York Road, five are currently empty.

### **4. PLANNING HISTORY**

- 4.1 N/2010/0551 – Lawful Development Certificate issued for the proposed change of use from Use Class A2 to Use Class A1.
- 4.2 Planning permissions granted in 1972,1976, 1982 and 1984 for extensions to insurance office.

### **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  
PPS4 – Planning for Sustainable Economic Growth  
PPS5 - Planning For the Historic Environment  
PPG13 – Transportation  
PPG 24 - Planning and Noise

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

E20 – New Development  
E26 - Conservation Areas

5.4 **Supplementary Planning Guidance**

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

6. **CONSULTATIONS / REPRESENTATIONS**

- 6.1 Proposal advertised by site and press notices and nearby occupiers notified. At the time of writing the report comments had not been received to re-consultation on the amended application description. The comments received below relate to a change of use of the premises as initially publicised from Retail (A1) to Massage Clinic (D1). Some of the comments only relate to the proposed use and are therefore still considered to be relevant. Any amended / additional comments will be reported verbally to Committee.
- 6.2 **NBC Built Conservation** - Objects as follows – “The obscure shopfront makes an interesting contribution to the character and variety of this terrace of commercial properties. Ideally this would be refurbished so that it can facilitate a successful reuse of the property. I feel that it would be better to retain this property within an A1, A2 or B1 use class. The use of this building for a purpose which has no natural active frontage would detract from this row of shops”.
- 6.3 **NBC Town Centre Manager** – No comments received.
- 6.4 **Northamptonshire Police** – No formal objection to the application provided that the premises operate as described.
- 6.5 **Town Centre Conservation Committee** – the Committee noted that the extension to Steffans Jewellers had the potential to regenerate this row of shops and that this property could benefit. The Committee therefore felt that the premises should remain in retail usage in order to promote the vitality and character of the area.
- 6.6 **33 York Road:** “I feel I must object to change of use to the property adjacent to mine. I feel I must object to the change of use from a retail shop into a massage clinic as I do not feel this is befitting the area.” Considers York Road has always been a retail street and that there are still retail shops which need support from other retail shops. States that his business has been there since 1969 and that he is striving to continue trading. Believes that the Council wishes to encourage shoppers to the Town Centre and therefore does not consider permission should be granted for a shop to be changed to another use. Can see no benefit to surrounding businesses from this type of service and disgusted at the proposal to place a massage clinic next to one of the oldest, most traditional established businesses in the town.

## **7. APPRAISAL**

- 7.1 Whilst the application site falls within the Central Area in both the Local Plan and the Draft Northampton Central Area Action Plan it does not fall within the Town Centre boundary or form primary or secondary retail frontage. In these areas outside of the Town Centre Boundary efficient use of land is encouraged by a mix of land uses in order to increase the vitality and vibrancy of an area and a wider range of choice for users.
- 7.2 The premises are not listed but are situated within the Boot and Shoe Conservation Area. In designated conservation areas there is a requirement to ensure that the special character of the area is protected. PPS5 and the accompanying Good Practice Guide requires Planning Authorities to apply development control policies flexibly and imaginatively in order to achieve long term conservation objectives. PPS5 Policy HE7 requires planning authorities to identify and assess the particular significance of any element of the historic environment that may be affected and the need to take into account the desirability of new development towards making a positive contribution to the character and local distinctiveness of the historic environment. Local Plan policies also seek to ensure that the special character of the conservation area are protected.
- 7.3 The application property has been vacant since 2006 but prior to that it had a history of commercial use. PPS5 recognises that the best way to preserve a building is for the building to be used. The proposed change would be beneficial in ensuring that the building is kept in economic use. Whilst the Council's conservation officers have expressed concern re the proposed change of use it is not considered that a D1 use would provide a less active frontage than the lawful existing A2 use. Furthermore Conservation Officers consider the façade of the premises should be refurbished but as the proposal does not include external alterations to the property this is not a consideration. Despite the comments of the Conservation Officer it is not considered that the character and appearance of the Boot and Shoe Conservation Area would be unduly harmed by the proposal nor that there would be any conflict with the Policies of PPS5 arising from the proposal.
- 7.4 With regard to the impact on amenities the premises are located close to the commercial part of York Road and Abington Square. The impact of noise and disturbance to surrounding occupiers would be limited by existing ambient noise levels. The applicant is proposing that the premises remain open to the last booking at 8pm, Monday to Saturday and until the last booking at 6pm on Sunday. As the applicant has stated that treatments take between half to two hours long it could be 10pm before the premises close during the week and 8pm on Sundays.

It is considered that to protect the amenities of nearby residents an hours of use condition should be attached to any planning permission limiting opening hours to normal working hours. This was the stance taken for a recent application for a change of use from D1 to B1 at 37a York Road (N/2011/1057 refers).

- 7.5 No off street parking facilities are proposed and concerns have been raised about highway safety, as there are double yellow lines on both sides of this section of York Road. Whilst Highway Authority has not commented on the application, it is not considered that the proposed use will generate any more traffic / parking issues than the existing lawful use (Class A2) or the permitted shop use (Class A1). It is noted that there are public car parks within close proximity of the application site (Chapel Place and St, Michael's Road). Given the small scale nature of the use within a town centre location this is considered acceptable and in accordance with PPG13.

## **8. CONCLUSION**

- 8.1 It is considered that the principle of changing this site to a D1 use is acceptable due to its allocation in the Local Plan and due to its location within the Town Centre, close to public car parks and public transport routes. It is not considered that the proposal will unduly impact on the character of the surrounding Conservation Area or impact on neighbouring land uses. In conclusion therefore it is considered that the proposed development can be permitted subject to conditions.

## **9. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Act 1990.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order amending, revoking or re-enacting that Order with or without modification, the development approved under this permission shall be used solely for the purposes of massage clinic use as defined within Class D1.  
Reason: For the avoidance of, doubt, in order to define the permission and to allow the local planning authority opportunity to assess the impact of an alternative use within the same use class of the property in the interests of residential and general amenity in accordance with saved Policy E20 of the Northampton Local Plan and PPS1.
3. The premises shall only operate between the hours of 08:30 and 18:30 (Monday to Sundays) unless otherwise approved in writing by the local planning authority.  
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of

premises/dwellings in the vicinity and to accord with saved Policy E20 of the Northampton Local Plan and PPS1.

**10. BACKGROUND PAPERS**

10.1 N/2010/0551 and N/2011/1057.

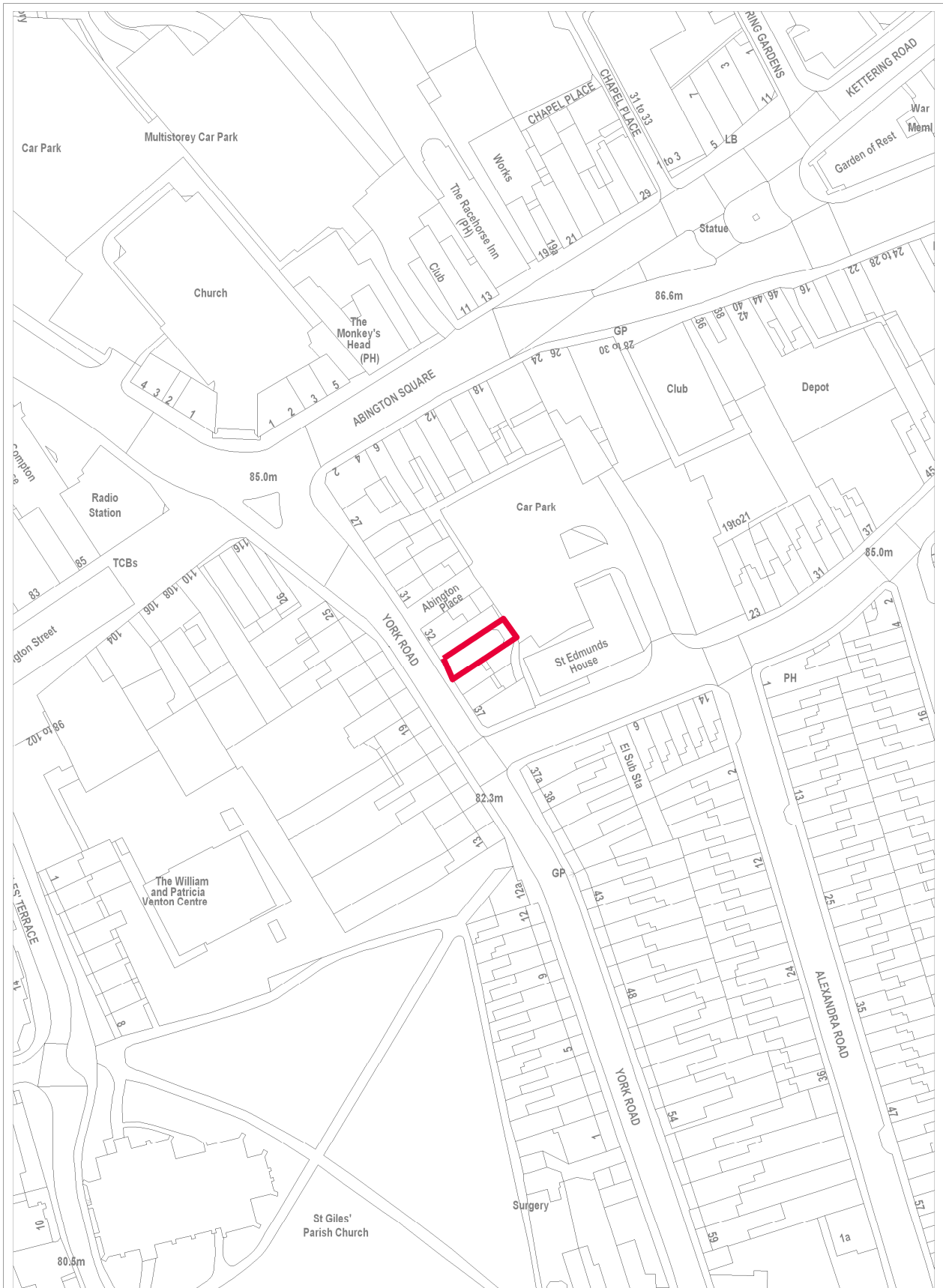
**11. LEGAL IMPLICATIONS**

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>	Rowena Simpson	20/12/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	21/12/2011



Name: **Charis Holder**  
 Date: **28th December 2011**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Site Location Map**

Title  
**34 York Road**

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**PLANNING COMMITTEE:** 10 January 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1156**                      **The siting of a container used for the storage of machinery for the maintenance of the Pocket Park.  
Land situated between 78 and 80 Valley Road**

**WARD:** Billing

**APPLICANT:** Little Billing Pocket Park Volunteer Group  
**AGENT:** N/A

**REFERRED BY:** Head of Planning  
**REASON:** Land owned by the Borough Council

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

Due its limited scale combined with its siting and appearance, the container will not be detrimental to visual or residential amenity in accordance with Policies E20 and L1 of the Northampton Local Plan and PPG17.

### **2. THE PROPOSAL**

2.1 A metal storage container 3m long and 2.4m and 2.6m high wide to be sited on open land owned by the Borough Council at the entrance to the playground and pocket park in Little Billing as accessed off Valley Road.

2.2 The container is to be situated adjacent to an existing electricity sub-station and to the rear of no. 78 Valley Road.

### **3. SITE DESCRIPTION**

- 3.1 Grassed entrance to the playground and pocket park situated between Nos. 78 and 80 Valley Road, Little Billing. The park and entrance are identified as Existing Recreational Land in the Local Plan.

### **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  
L1 – Existing Recreational Land

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

- 6.1 No comments received.

### **7. APPRAISAL**

- 7.1 The proposed container is to be located on grassland adjacent to an electricity sub-station with the boundary of no 78 Valley Road to the rear. This location is considered acceptable as it is screened by the hedge and trees on this boundary and sited in a corner, the furthest distance from the footpath to the pocket park. The proposed container is to be metal and painted green, and whilst this is not similar in appearance to the adjoining brick built electricity sub-station, the siting will ensure it does not appear as an intrusive feature in the entrance to the pocket park. The container will be used to store material and equipment to support the upkeep and maintenance of the pocket park in accordance with the aims and objectives of Local Plan Policy L1 and PPG17.

- 7.2 Due to the temporary nature of the container, the permission should be conditioned for a three period only to ensure the proposed container does not start to become dilapidated and in a poor state of repair.



## **8. CONCLUSION**

- 8.1 The proposed container is required for the storage of machinery for the maintenance of the nearby Pocket Park and due to its small size and siting away from the footpath, is considered acceptable.

## **9. CONDITIONS**

- 9.1 The container hereby approved shall be removed and the land restored to its former condition on or before 31 January 2015.

## **10. BACKGROUND PAPERS**

- 10.1 N/2011/1156

## **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>	Geoff Wyatt	19/12/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	21/12/2011



Name: **Charis Holder**  
 Date: **28th December 2011**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Site Location Plan**

Title  
**Land between 78 & 80 Valley Road**

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