

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, 30 OCTOBER 2012 AT 6:00 PM.

D. KENNEDY
CHIEF EXECUTIVE

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST/PREDETERMINATION
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 6. LIST OF CURRENT APPEALS AND INQUIRIES
Report of Head of Planning (copy herewith)
7. OTHER REPORTS
 - (A) LA/2010/0007- VARIATION OF SECTION 106 LA/2010/0007 TO VARY THE TIMING AND EXTENT OF OBLIGATIONS AT FORMER PEARCE LEATHER WORKS, FISHPONDS ROAD
Report of Head of Planning
(copy herewith)
Ward: Billing
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/2012/0923- VARIATION OF CONDITION 2 OF PLANNING PERMISSION 10/0075/WNN TO REVISE THE POSITION FOR PRIVATE DRIVE ONTO NEW ESTATE ROAD AT WILD ACRES, WELLINGBOROUGH ROAD
Report of Head of Planning
(copy herewith)
Ward: Billing

11. ENFORCEMENT MATTERS

None.

12. ITEMS 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:-**

A7120

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 2 October 2012

PRESENT: Councillor Flavell (Chair); Councillors Aziz, N Choudary, Hallam, Hibbert, Lynch, Mason, Meredith and Oldham

1. APOLOGIES

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

2. MINUTES

The minutes of the meeting held on 4 September 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Messrs Wright and Williams and Councillor Bottwood be granted leave to address the Committee in respect of application no. N/2007/1570.

That Mr Littman be granted leave to address the Committee in respect of application no. N/2012/0010.

That Messrs Toone and Berkshire and Mesdames Watson and Hone and Councillor Subbarayan be granted leave to address the Committee in respect of application no. N/2012/0496.

That Messrs Farrar and Smart be granted leave to address the Committee in respect of application no. N/2012/0637.

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Oldham declared a Personal interest in application no N/2007/1570 as being a former member of Upton Parish Council who had been a consultee when the application had been originally submitted to WNDC.

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

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2012/0809- ERECTION OF 2X FREE STANDING, DOUBLE SIDED SIGNS AT EDGAR MOBBS WAY

The Head of Planning submitted a report in respect application no. N/2012/0809, elaborated thereon and referred to the Addendum that set out representations from the Highway Authority.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report.

(B) N/2012/0810- ERECTION OF 3NO FREE STANDING, NON -ILLUMINATED HOARDINGS AT ADVERTISING RIGHTS AT WALTER TULL WAY AND UPTON WAY

The Head of Planning submitted a report in respect application no. N/2012/0810, elaborated thereon and referred to the Addendum that set out representations from the Highway Authority.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report.

(C) N/2012/0815- 1NO FREESTANDING NON-ILLUMINATED SIGN AT RADLANDS SKATE PARK, MIDSUMMER MEADOW, BEDFORD ROAD

The Head of Planning submitted a report in respect application no. N/2012/0815 and elaborated thereon.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report.

10. ITEMS FOR DETERMINATION

(A) N/2007/1570- OUTLINE APPLICATION FOR HOUSING (UP TO 625 DWELLINGS OF MIXED TYPE AND TENURE), PRIMARY SCHOOL AND COMMUNITY RESOURCE CENTRE, LOCAL CENTRE FACILITIES INCLUDING SHOPS (CLASS A1), FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2), RESTAURANT/CAFE (CLASS A3), DRINKING ESTABLISHMENT (CLASS A4), HOT FOOD TAKEAWAY (CLASS A5), STRUCTURAL PUBLIC OPEN SPACE WITH ASSOCIATED ACCESS, PARKING, GROUND WORKS, INFRASTRUCTURE, LANDSCAPING AND ACCESS. ON LAND AT PINEHAM NORTH, BANBURY LANE

The Head of Planning submitted a report in respect of application no. N/2007/1570, noted that the site lay within Upton Ward rather than West Hunsbury Ward, elaborated upon the report and referred to the Addendum that set out comments from the Homes and Communities Agency and additional text for the "Access and Transport" section on page 46 of the agenda pack. He in particular referred to paragraphs 8.41 and 8.42 in terms of flood mitigation measures for that part of the site that was within Flood Zone 3a.

Councillor Bottwood as Ward Councillor, commented that he supported the development and commented that it was vital that infrastructure was put in place before the development of homes so as to avoid the problems that had been experienced in the development of Upton. The modal shift to public transport (anticipated by the County Council) had not happened and therefore adequate drop off and pick up points were needed for the proposed school; there also needed to be sustainable public transport solutions and he compared the situation in other parts of the Town where bus companies had withdrawn services once Section 106 funding had come to an end. Councillor Bottwood referred to the proposed health centre and noted that this had been promised before but had not happened; some residents in Upton had had to use doctors' surgeries in Bugbrooke. He also suggest that play areas should be provided throughout the site as the housing development took place to avoid the whole site from becoming a playground.

Mr Wright, on behalf the applicant, commented that Prologis had been involved in developments in Northampton for 15 years including at Pineham. They had already spent some £35m on infrastructure at Pineham North and had attracted employers such as BMW, Sainsbury's and Dalepack. This proposal was for a mixed housing, commercial, community and school development. Prologis were not house builders so they had formed a partnership with Taylor Wimpey who would be taking the application on from this point. Mr Wright commented that the application would help to fulfil the South West District Master Plan. In answer to questions Mr Wright commented that rainwater harvesting had been a feature they had incorporated into commercial developments, in principle in had no objection to drop off points being provided for the proposed school, but these issues and the phasing of development vis a vis the provision of infrastructure needed to be addressed to Taylor Wimpey.

Mr Williams, on behalf of Taylor Wimpey, confirmed that they had exchanged contracts with Prologis and had a partnership arrangement with Orbit Housing. He also confirmed that a further 36 affordable housing units would be provided over and above those provided for in the Section 106 Agreement. Taylor Wimpey wanted to build a quality development: it would create jobs locally and they were looking forward to developing the site. Mr Williams commented that they were very aware of the importance of how the school would relate to the surrounding area; that parking for the school was important- there would be onsite parking and a feeder road; and that the development would be built to Code Level 3 and they would be happy to investigate rain water harvesting. In answer to questions Mr Williams commented that there was no particular issue with providing a premises to be used as a health facility the issue was whether one of the Health Trusts would be willing to take it on; that the County Council would have guidance about parking provision for schools but they were aware of the need to have an adequate entrance to the site and to provide a drop off facility: there was plenty of land within the site to do this; that the Environment Agency had signed off the project on the basis of the agreed flood attenuation measures that included raising the ground level of part of the site; that there would be phased approach to infrastructure provision: it was in their best interests to be able to advertise housing with facilities that were available: this development represented a massive investment on the part of Taylor Wimpey; and that Orbit Housing would be partner to the subsequent reserved matters application.

The Head of Planning commented that although it was important to establish the framework for the development this application was for outline approval and that matters of detail such as parking would be dealt with as part of a subsequent reserved matters application. He referred to the proposed conditions set out in the report. He noted that the timing of infrastructure delivery was important and that some aspects such as roads and cycle paths were well advanced. Proposed Condition 5 controlled the phasing and delivery of community facilities. He confirmed that rainwater harvesting could be controlled under recommended conditions 8 and 24. In answer to questions the Head of Planning commented that Health Trusts could not be forced to take on a facility: it was up to them to show an interest; and that the Environment Agency had not revised their opinion since the heavy spring rains.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to:

- (1) Prior finalisation of a S106 agreement to secure the following matters or such amendments or additional obligations as the Head of Planning may consider appropriate in the circumstances:
 - a) Education and Community Facilities Package to secure as part of the development:
 - Funding and land to deliver a one form entry primary school with the potential for it to be a two form entry primary school;
 - A Community Resource Centre providing rooms and facilities for community use and delivery of local services including health care, libraries, police, fire and rescue including a management regime

- and constitution to ensure dual use operation and full community use (including joint use of enhanced school/community hall) outside of school hours; and
 - Outdoor recreation facilities for the school and Pineham Village community;
 - b) Funding to improve existing and deliver new transport facilities supported by a Travel Plan to:
 - Enhance bus services / facilities;
 - Provide and enhance cycle and pedestrian facilities off-site to improve the development's links with the surrounding area and the town centre; and
 - Measures to prevent HGV's passing through the development;
 - c) Affordable Housing at a blended rate of 22.5% on-site provision (20% phase I and 25% phase II) of which 70% to be Social Rent and 30% Intermediate Housing. NB also see (2) below in respect of 36 units of affordable rent;
 - d) Open Space and Play Space:
 - Submit for approval a public open space and play space / equipment strategy including location, programme of delivery and management / maintenance provisions;
 - Implement approved strategy in accordance with specification and phasing; and
 - Transfer public open space and play space to management company with commitment to maintain in accordance with approved management plan;
 - e) On-site skills related training during construction works;
 - f) S106 monitoring payment; and
 - g) Phased independent re-assessment of viability and review of obligations accordingly.
- (2) Receipt by the Borough Council of documentation from the Homes and Communities Agency (HCA) that confirms it would provide grant funding to ensure the delivery of 36 affordable rent homes (additional to those to be secured via the S106 agreement obligations) as part of the development here proposed; and
- (3) The conditions set out in this report or such amendment or additional conditions as the Head of Planning may consider appropriate in the circumstances.

As the proposed development was acceptable given its location within the South West District of Northampton, an identified area for planned growth of the town. The proposed scheme would bring forward a sustainable residential community, would facilitate improved infrastructure and services in the area and would contribute towards meeting the housing needs of Northampton. The scheme was considered to be in accordance with the policies of the development plan and National Planning Policy Framework. Furthermore, any adverse impacts identified within the Environmental Statement were capable of being mitigated through appropriate design and the imposition of conditions and/or the obligations contained within the S106 agreement. Consequently the environmental impact was considered to be acceptable.

- 1.2 In the event that the S106 Agreement was not completed and signed within four months of the date of the Committee decision, the Head of Planning be granted delegated authority to be able (but not obliged) to refuse or finally dispose of the application, at their discretion, on the basis that the necessary mitigation had not been secured for the development proposed.

(B) N/2012/0010- VARIATION OF CONDITION 2 OF PLANNING PERMISSION 95/0866 TO ALLOW RETAIL SALE OF FOOD AND CONVENIENCE GOODS AND AN ANCILLARY CUSTOMER CAFE AT UNIT B JJB SPORTS SIXFIELDS RETAIL PARK, GAMBREL ROAD

The Head of Planning submitted a report in respect application no. N/2012/0010, elaborated thereon and referred to the Addendum that set out comments from Councillor Wire DL.

Mr Littman, the agent, in answer to questions commented that a site in St James had been investigated but it had been materially smaller than the proposed site that would not let the applicant have the type of store they wanted with appropriate parking. They also felt that it would be too close to their Town Centre store. The site in St James had subsequently been sold, so it was no longer available as an alternative. Mr Littman noted that no issues had been raised as a result of the transport assessment that had been made.

In answer to a question, the Head of Planning commented that the retail impact of the current application and that of Barrack Road and Wootton applications considered by the Committee at its July meeting had been considered cumulatively. Together with this application the retail assessment advice to the Council was that all three were just within what was acceptable. He noted that proposed premises were already a shop albeit limited to non-food sales; what was different was the addition of

convenience foods; the character of the area would not be changed given that there was already a large superstore, Sainsbury's in close proximity. He noted that his advice would have been that the site in St James would have been sequentially preferable had it been available.

The Committee discussed the application.

RESOLVED: That the application to vary the condition set out in the report be approved as the proposed variation of condition to allow retail sales of food as well as a customer café was acceptable due to the limited impact on the town centre and the absence of any available sequentially preferable sites. The proposal therefore complied with guidance in the National Planning Policy Framework.

(C) N/2012/0496- DEMOLITION OF EXISTING GARAGE AND ERECTION OF 1NO TWO-BED DETACHED DWELLING AT LAND TO REAR OF 97 THE HEADLANDS

The Head of Planning submitted a report in respect of application no N/2012/0496, elaborated thereon and referred to the Addendum that set out amendments to paragraphs 7.1 and 7.3 of the report.

Councillor Subbarayan, as Ward Councillor, stated that he supported the recommended refusal of the application because the proposal would not match the building line of Beverley Crescent and its effect on the amenity of neighbours and in particular its effect of the amenity of the garden of 99 The Headlands.

Mrs Watson, the next door neighbour, commented that she objected to the application; six neighbours had objected to it as well and was pleased that it was recommended for refusal. She believed that the proposal would be out of scale with the existing houses, over prominent and would affect the amenity of adjoining residents. Furthermore, the amenity of the proposal itself would be poor. She noted that the applicant's agent had cited examples, in what he believed were similar circumstances, where planning permission had been granted but she did not think that they were similar in terms orientation or separation distances that were all greater than in this application.

Mrs Hone, a neighbour, stated that she believed that there were four issues to be considered; firstly, overdevelopment- the gardens of the host property and the proposal would be very small; secondly, building line- the proposal would be in front of the existing garages and properties in Beverley Crescent; thirdly, parking- there were existing problems with parking and the proposal would remove two garages without any compensating off street parking being provided; and fourthly, amenities- there was an access to the sewer serving neighbouring properties on the proposal site and whilst there had not been problems previously she did not want there to be problems in the future. Mrs Hone understood that that the owner rented the house out and did not live in the area. She hoped that the Committee would refuse the application. In answer to a question, Mrs Hone stated that she had not been consulted by the applicant.

Mr Toone, the agent, commented that the area of the proposal site in paragraph 7.2 of the report should read 160 square metres. He stated that the applicant had had a positive pre application discussion with Planning Officers. He believed that this site was similar to the two examples he had given in Beech Avenue and Elmhurst Avenue. He had not observed any parking problems in Beverley Crescent; there were no issues of overlooking and he asked the Committee to approve the application particularly in light of the two other approved schemes he had highlighted.

Mr Berkshire, the applicant, stated that he had been minded to make an application following visiting the Beech Avenue property previously referred to and pre application discussions where he had been advised to submit an application. He was confused as to why the application was now recommended for refusal. In answer to questions Mr Berkshire commented that he had given drawings to Mr and Mrs Watson and other neighbours who had discussed their reaction to them amongst themselves; and that he had not tried to ride rough shod over the neighbours.

The Head of Planning confirmed that Mr Toone's comments about the size of the plot were correct and thanked him for bringing it to the attention of the Committee. He commented that whilst there were some parallels between the examples given by Mr Toone and the application there were also some notable differences where the separation distances in the examples were greater, the site areas were greater and relationship to the building line where the proposal would be 3 metres in front of it. There was no suggestion of loss of privacy or overlooking. He noted that all applications had to be considered on their individual merits.

The Committee discussed the application.

RESOLVED: That the application be refused:

1. By reason of its siting, and design, the proposed dwelling would result in an intrusive feature unrelated to other dwellings in Beverley Crescent which would be detrimental to the street scene and character of the locality contrary to Policies H6 and E20 of the Northampton Local Plan.
2. By reason of its mass, height and siting, adjacent to the boundary with No. 99 The Headlands, the proposed dwelling would have a detrimental impact on the outlook and amenity of the occupiers of that property contrary to Policies H6 and E20 of the Northampton Local Plan.

(D) N/2012/0637- TWO STOREY SIDE/REAR EXTENSION AT 32 ROSEMOOR DRIVE

The Head of Planning submitted a report in respect of application no N/2012/0637 and elaborated thereon.

Mr Farrar, a neighbour commented that the original application had been refused by virtue of its size and massing and detrimental effect on the street scene. He believed that this application was overbearing and noted that the original planning case officer had not been happy with it and he did not think that the changes that had been made were sufficient to merit an approval. Mr Farrar believed that the application still had

the same form and massing. There had been no consultation and he hoped that the Committee would refuse the application.

Mr Smart, a neighbour, commented that the owner had said to him that he was going to undertake a project but since then he had not heard anything. He had not heard anything from the Planning Office. The extension was huge and he believed that it could be used as a self-contained unit. He believed that it would impact on highway safety and its scale was not in keeping with the area. Mr Smart did not think that the fall in the land level in comparison with his property and boundary had been considered. In answer to questions Mr Smart commented that he had only received one letter originally from the Planning Office to which he had replied and had not thought that he had needed to reply further.

The Head of Planning commented that the changes that had been made to the proposal since the previous application were sufficient to recommend approval; that Officers had rechecked the Council's records and no correspondence had been received from Mr Smart in response to the current application; and if the property were to be split it would require a separate planning permission. He reminded the Committee that it needed to consider the application as it currently stood.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the siting, size and design of the extension and its impact on residential amenity were considered acceptable in accordance with Policies H18 and H20 of the Northampton Local Plan and the Residential Extensions and Alterations Design Guide SPD.

(E) N/2012/0802- ERECTION OF FRONT PORCH INCLUDING RAMPED ACCESS AT 28 COVERACK CLOSE

The Head of Planning submitted a report in respect of application no N/2012/0802 and elaborated thereon. In answer to a question he commented that whilst generally speaking the construction of a porch would be permitted development, planning permission was required in this instance because of its size.

The Committee discussed the application.

RESOLVED: That the application be approved subject to the conditions set out in the report as the impact of the proposed development on the character of the original building, street scene and residential amenity was considered to be acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan.

(F) N/2012/0843- CHANGE OF USE FROM RETAIL (CLASS A1) TO ACTIVITY CENTRE FOR PEOPLE WITH LEARNING DISABILITIES (CLASS D1) AT 140-142 ST JAMES ROAD

The Head of Planning submitted a report in respect of application no. N/2012/0843, elaborated thereon referred to the Addendum that set out an alternative resolution to take account of the consultation period not having expired.

The Committee discussed the application.

RESOLVED: That the Head of Planning be delegated to approve the application in the terms set out in the report provided that no material objection raising matters not addressed in the report are received prior to the expiration of the consultation period.

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

The meeting concluded at 20.36 hours.

Directorate: Planning and Regeneration
Head of Planning: Susan Bridge



List of Appeals and Determinations – 30th October 2012

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2011/1002 APP/V2825/A/11/2166759	DEL	Erection of new dwelling. Re-submission of application N/2011/0554 at 1A Arnold Road.	AWAITED
N/2011/1071 APP/V2825/A/12/2176757	DEL	Demolition of boiler house and construction of single storey extension at Church Of St Mary The Virgin, High Street, Great Houghton.	AWAITED
N/2011/1201 APP/V2825/A/12/2176731	DEL	Erection of two 1 no. bed dwellings at 141 Adnitt Road.	AWAITED
N/2012/0058 APP/V2825/A/12/2179314/NWF	COM	Application for variation of condition 3 of planning permission N/2011/0588 to allow the pharmacy to be open to customers between the hours of 07:30 to 22:30 on Mondays to Friday, 08:00 to 22:30 on Saturdays and 08:00 to 18:30 on Sundays, Bank Holidays and Public Holidays at Abington Health Complex, 51A Beech Avenue.	AWAITED
N/2012/0080 APP/V2825/A/12/2175017/NWF	DEL	Conversion of storage/garage to single dwelling including alterations and first floor extension at 110 Adams Avenue.	AWAITED
E/2012/0157 APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close.	AWAITED
N/2012/0232 APP/V2825/D/12/2182083	DEL	Vehicular crossover to front at 449 Kettering Road	AWAITED
N/2012/0318 APP/V2825/A/12/2177724	DEL	Change of use of pavement area to outside seating area at 5 Mercers Row.	AWAITED
N/2012/0449 APP/V2825/D/12/2180152	DEL	First floor side extension over existing garage and alterations to the front entrance and balcony at 484 Kettering Road.	AWAITED
N/2012/0456 APP/V2825/A/12/2181330	DEL	Conversion and extension of existing garage into two storey 1 bed dwelling at garage adjacent to 1 Ardington Road	AWAITED
N/2012/0515 APP/V2825/A/12/2182304/NWF	DEL	Replacement of existing public telephone kiosk with kiosk combining public telephone service and ATM service at Telephone Box, O/s 52 Wellingborough Road.	AWAITED
N/2012/0518 APP/V2825/D/12/2181979	DEL	Two storey rear extension and installation of first floor side window at 78 Beech Avenue.	AWAITED
N/2012/0548 APP/V2825/H/12/2181268	ADV	Erection of 48 sheet advertisement hoarding (retrospective) at Sainsbury Superstore, 20 Gambrel Road.	AWAITED
Public Inquiry			
		None	
Hearing			
The Address for Planning Appeals is		Appeal decisions can be viewed at -	
Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.		www.planningportal.gov.uk	
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed		Author and Contact Officer Mr Gareth Jones, Development Control Manager Telephone 01604 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE	



PLANNING COMMITTEE: 30 October 2012

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: Proposed variation to S106 Legal Agreement LA/2010/0007 associated with residential development at Former Pearce Leatherworks, Fishponds Road, Northampton

1. RECOMMENDATION

- 1.1 That the Committee agree to the variation of the Section 106 agreement as set out in this report.

2. BACKGROUND

- 2.1 Lagan Homes is currently developing the site at the former Pearce Leatherworks for residential use. The development consists of 126 residential dwellings as well as works to secure refurbishment and occupation of the existing listed office building and Power House building.
- 2.2 This development was approved by WNDC on 14 October 2010 (10/0027/FULWNN) following completion of a section 106 agreement dated 13 October 2010.
- 2.3 Under the terms of the Section 106 Agreement, the landowner (Lagan Homes Limited) has a legal obligation not to occupy more than 50% of the dwellings (63 dwellings) until works to the listed building works have been practically completed. This is to ensure that the listed buildings are safeguarded and attempts are made to secure a use for these existing buildings.

3 CURRENT SITUATION

- 3.1 The listed office building is currently being marketed for commercial use in accordance with the current planning and listed building consent, however due to the depressed commercial property market an end user has not yet been secured. Lagan Homes is due to progress works (details of which have been submitted as Phase A) to demolish the factory elements of the building and build a new end wall to secure the office section of the building in a wind and watertight condition in

order to safeguard against deterioration. Lagan Homes do not wish to carry out precise internal refurbishment works until an end user has been secured as any works carried out before this time could be abortive (i.e. the occupier may have different operational needs and therefore require a different fit out). In order that the delivery of the new dwellings on site is not delayed until an end user is found for the listed office building, Lagan Homes is requesting that the residential occupancy restriction in the S106 agreement is amended from 50% to 80%.

- 3.2 Furthermore, the current planning and listed building consents allow for the refurbishment of the Power House Building to provide 6 large apartments for private sale. As these are unviable in all but the strongest market conditions, an application has recently been submitted to convert the powerhouse to 15 units, 6 of which would be affordable. It is proposed to implement the refurbishment of the Power House as soon as consent is granted.
- 3.3 It is therefore now proposed to vary the timing and extent of the S106 obligation having regard to the existing situation. It is considered that the percentage of residential units should only be for the new-build units (i.e. exclude the units to be formed in the Powerhouse conversion, in light of the proposal to re-plan this part of the development as detailed above).

4 PROPOSED VARIATION

- 4.1 To submit a detailed scheme of works to the listed office building to be completed as part of Phase B (similar to that submitted for Phase A) prior to 50% of occupation (60 dwellings) and approved in writing by the Local Planning Authority prior to the commencement of the works.
- 4.2 Not to occupy or permit to be occupied more than 80% of the dwellings (96 dwellings) until the Listed Building and Powerhouse works (Phase B) have been practically completed.

5 CONCLUSION

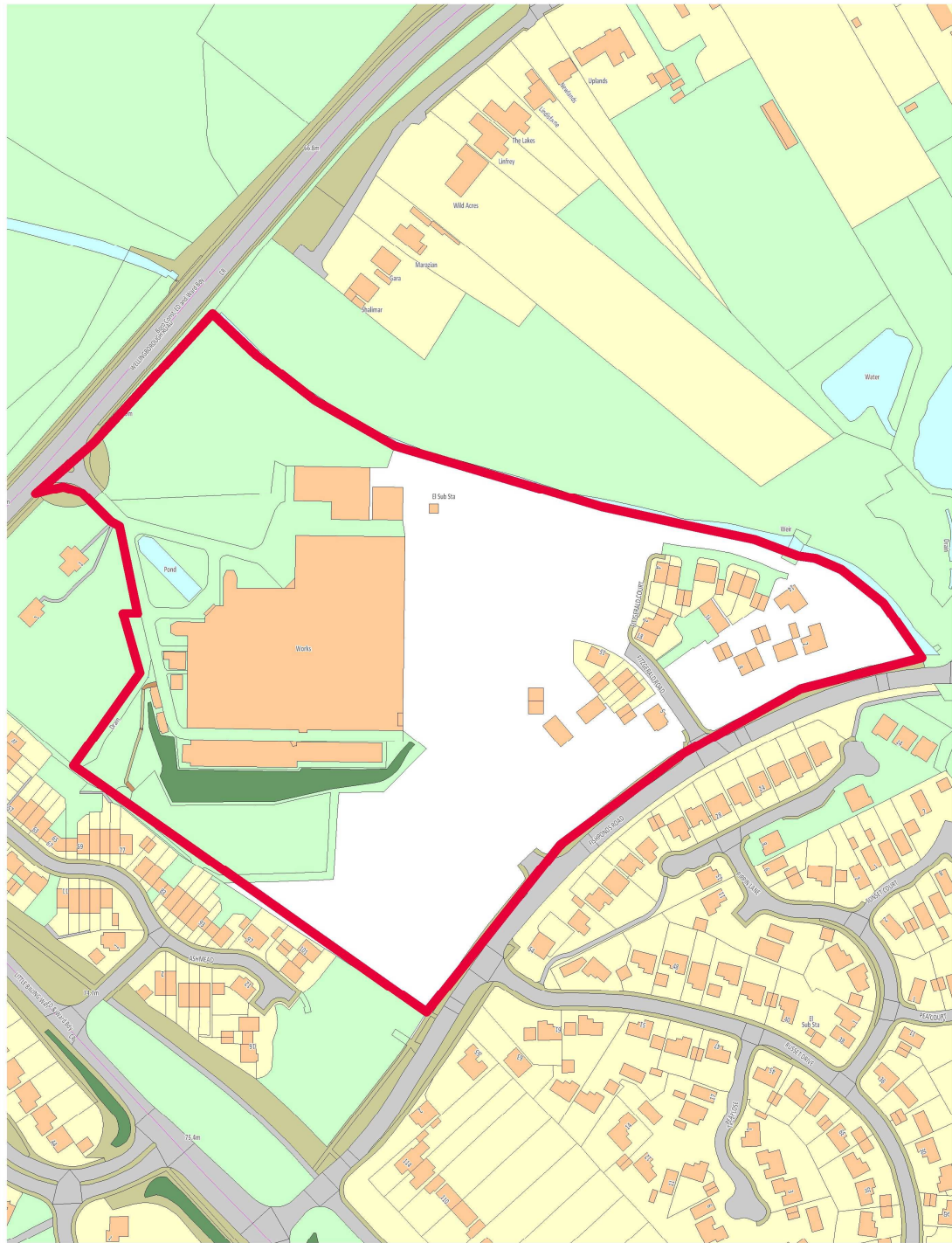
- 5.1 It is considered the current proposals would reasonably protect the listed buildings from deterioration and avert the delay in delivery of new housing on the site. As an aside, members may also wish to note that the proposed re-plan of the Powerhouse would also secure additional affordable housing on the site. Members are therefore requested to agree the variation of the s106 agreement.

6 LEGAL IMPLICATIONS

- 6.1 As set out in the report.

7. SUMMARY AND LINKS TO CORPORATE PLAN

- 7.1 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.



Name: **Becky Gittins**
 Date: **18th October 2012**
 Scale: **1:2000**
 Dept: **Planning**
 Project: **Location Plan**

Title
Former Pearce Leatherworks

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Addendum to Agenda Items Tuesday 30th October 2012

7. OTHER REPORTS

ITEM 7A

LA/2010/0007

Variation of Section 106 LA/2010/0007 to vary the timing and extent of obligations at former Pearce Leather Works, Fishponds Road

Nothing to add.

10. ITEMS FOR DETERMINATION

ITEM 10A

N/2012/0923

Variation of condition 2 of planning permission 10/0075/WNN to revise the position for private drive onto new estate road at Wild Acres, Wellingborough Road

An objection has been received on behalf of the occupier of **Marazian**, which includes an assessment by a highways consultant. This assessment states that due to the scale of the development at peak times, the number of vehicles queuing to enter Wellingborough Road would be five. This would extend past the revised junction to the west of the application site and would prevent drivers from turning right from Apple Blossom Crescent. Vehicles waiting within Apple Blossom Crescent would create a hazard for vehicles leaving Wellingborough Road. Furthermore, the approved distance of 24.5m cannot accommodate the safe stopping distance for vehicles travelling at 30mph. The proposed revision reduces the visibility distance for left turners from Wellingborough Road from 38m to 32m, which means that a safe stopping distance cannot be achieved. It is probable that cars would park within Apple Blossom Crescent, which would create a further hazard.

Further comments are made regarding the nature of Wellingborough Road, which is a fast and busy road and serves as one of the main routes to the Weston Favell Centre, that traffic entering the site would not expect traffic to brake to turn right and that vehicles travelling northwards on Apple Blossom Crescent would not expect traffic to join the road from the left, which would in part be created by the acute angle of the proposed junction. Concerns are raised regarding the impact upon the protected trees.

Officers response:

The submitted highways assessment has been considered by the Highway Authority, which has concluded that the views expressed within the assessment are not sufficient for them to change their previous advice. It is therefore considered that the proposed

revision represents a safe layout.

The impacts upon trees are considered within the Committee report (paragraphs 6.2 and 7.4) and for the reasons stated therein, there would be no adverse impacts upon the adjacent trees.

An objection has been received from the occupiers of **Shalimar**, which states that the occupier was aware of the residential development when they first occupied their property (11 years ago) and were satisfied with the highway layout. The revised route would mean that vehicles using the access road would be meet with fast moving traffic in a short distance. The current temporary layout does not provide enough space to manoeuvre a vehicle safely onto the estate road. The original layout allowed for safe egress in addition to allowing a connection with the opposite service road. The developer would have been aware of the planning conditions when purchasing the land.

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 Planning Department
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 NORTHAMPTON
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For the Urgent Attention of Ben Clarke

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Our Ref TDW.pk.212717.1
 Date 30 October 2012

URGENT

Dear Sir

**SECTION 73 PLANNING APPLICATION: N/2012/0923 - GREAT BILLING PARK WILD ACRES
 WELLINGBOROUGH ROAD**

PLANNING COMMITTEE MEETING 30 OCTOBER 2012

We refer to our letter of 25 October and the earlier objection lodged with your Council to the above application by Wilbraham Associates Limited on 18 October 2012.

We are extremely concerned to note that despite our previous correspondence relating to enforcement action and this firm's obvious interest in the outcome of the current Section 73 Planning Application, we have received absolutely no notice of the Planning Committee Meeting this evening.

Further, we are extremely concerned to note that the report to Members of the Planning Committee does not refer to or analyse any of the objections received to this Application.

The indecent haste in which this matter has been referred to Planning Committee despite the very material concerns raised on highway safety (supported by the report of an independent Highway Consultant), is unacceptable and does not provide Members with a full and comprehensive analysis of all material considerations upon which to base their decision.

We also understand on speaking to the Planning Committee Clerk earlier this afternoon that we have no right of audience before the Planning Committee tonight and we must therefore insist that a full copy of this letter and our letter of 25 October 2012 (together with the letter from Wilbraham Associates Limited dated 18 October 2012 and the independent expert report of Mr Jones) are provided to Members of the Committee before any decision is made on this Application.

We would also urge Members to defer consideration of this Application until such time as they have had an opportunity to carry out a site visit. This is particularly important given the highway safety concerns raised and the fact that despite this being a new Application (albeit a variation of an existing condition) no evidence has been provided by the Applicant which justifies the variation of the approved application details.

Indeed, Members should be aware that the principle of development on this site was secured on appeal and the Planning Inspector made it quite clear that the minimum highway safety margins referred to in Condition 2 of the existing permission should be adhered to for highway safety reasons.

In the circumstances, we should be grateful if you would confirm that this letter will be circulated to Members at the Planning Committee tonight and that the Application will be deferred for a site visit.

Yours faithfully



SHOOSMITHS LLP

Ben Clarke

From: Laurence [Laurence@wilbrahamassociates.co.uk]
Sent: 30 October 2012 16:51
To: Ben Clarke
Cc: tim.willis@shoosmiths.co.uk
Subject: URGENT Application N/2012/0923

Dear Mr Clark

We have just received a copy of the committee report and see our objections on behalf of Mr Shah are not referred to. In view of the concerns expressed by our highways consultant and comments on previous applications at this site from the Highways Authority which stipulated a minimum distance between the raised arm of the service road and Wellingborough Road I find it incomprehensible that the Highway Authority are not raising any objections to this application.

Under the circumstances I would request that the Highway Authority be advised of our highway consultant's analysis against current highway standards and be asked to reconsider their position.

I also note that your council's website does not provide details of the current application which seeks a variation of the 2010 application. The original application sought permission to vary Condition on outline permission of 1999, this caused us some confusion which led to a delay in formally responding to the application. This is another reason why the application should be reconsidered by the Highway Authority.

Laurence Wilbraham

Wilbraham Associates Limited

Tel: 01788 562233

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PLANNING COMMITTEE: 30th October 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0923: Variation of Condition 2 of Planning Permission 10/0075/S73WNN to revise the position for private drive onto new estate road at land at Wild Acres, Wellingborough Road, Northampton

WARD: Billing

APPLICANT: Taylor Wimpey East Midlands

REFERRED BY: Head of Planning
REASON: Due to the complex planning history of the site and development, the existing breach of planning control and the potential highway safety implications

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed revision would have a neutral impact upon highway safety, visual amenity and the surrounding trees. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework and Local Plan Policies E11 and E20.

2. THE PROPOSAL

2.1 Although the planning history for the development / site is complex, in summary planning permission exists for residential development, which is currently on-going and served exclusively via a vehicular access from Wellingborough Road. This access road would form the principal estate road for the new residential development but also serve the

existing the dwellings (known as Gara, Marazian and Shalimar) located to the west of the application site. These three houses access Wellingborough Road via a private access road, which forms a junction with the new estate road. The alignment of the private road and the position / details of this junction are controlled by Condition 2 of planning permission 10/0075/S73WNN.

2.2 Condition 2 of Planning Permission 10/0075/S73WNN states:

'No house building works shall take place until the access from Wellingborough Road including the provision of all road marking and the revised arms of the service road, has been completed to a distance of not less than 38 metres back from the east channel line of Wellingborough Road, all in accordance with the approved details including the additional white lining in Wellingborough Road associated with the retention of the existing access only detailed on drawing number P739/400A.'

The reason for this condition is:

'In the interests of highway safety'.

- 2.3 The applicant seeks to vary this condition to allow for an alternative private access road (to serve Gara, Marazian and Shalimar) to be constructed instead of that required by the condition. It is proposed that the access road be re-orientated so that it would follow a more direct alignment compared to that of the approved route (as required by Condition 2). The realigned road would therefore join the estate route at a shallower angle and closer to junction of the estate road and Wellingborough Road.

3. SITE DESCRIPTION

- 3.1 The application site is currently being developed for residential purposes (notwithstanding the provisions of Condition 2 of Planning Permission 10/0075/S73WNN). The surrounding area features a number of individual dwellings, which are set back from Wellingborough Road. In order to facilitate the development, the original dwelling at Wild Acres has been demolished.

4. RELEVANT PLANNING HISTORY

- 4.1 **98/0393** – Residential development/estate road (outline application) – Allowed on appeal.
99/0131 – Residential development and estate road – Refused, dismissed upon appeal.
N/2000/0879 – Construction of estate road junction with Wellingborough Road – Approved.
N/2002/0758 – Residential development of 94 dwellings with associated roads, sewers and ancillary works – Reserved Matters

applications pursuant to Outline Planning Permission 98/0393 – Approved.

N/2005/0588 – Application for Certificate of Lawfulness for existing operation development – Allowed upon appeal.

N/2006/0258 – Residential development – application for a Certificate of Lawfulness for a proposed development – Allowed upon appeal.

08/0024/FULWNN – Construction of estate road junction with Wellingborough Road – Approved.

10/0075/S73WNN – Application for variation of Condition 6 attached to Outline Planning Permission 98/0393 dated the 11th June 1999 for residential development and an estate road with all matters reserved other than the means of access – variation to keep open the existing access from Wellingborough Road – Approved.

- 4.2 Outline planning permission was granted upon appeal in 1999, with the associated reserved matters application being approved in 2002. A small amount of work was thereafter undertaken, which was sufficient to implement the approved development and resulted in a successful application for a Certificate of Lawfulness for the continued implementation of the residential development in 2006. The approved layout included a reconfiguration of the private service road that runs parallel to Wellingborough Road so that it was diverted away from the junction of the new, main estate road with Wellingborough Road. The layout of the estate road has been varied during subsequent applications, although the obligation to provide these works has remained as set out in paragraph 2.2 of this report.
- 4.3 House building commenced in 2011, without complying with the requirements of Condition 2 of the 2010 planning permission. In essence, the arm of the service road serving the three dwellings to the west of the estate road has not been constructed in accordance with the approved details.

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:

Paragraph 32 of the National Planning Policy Framework advocates the creation of safe and suitable access for all people, whilst Paragraph 35 requires that developments should be located and designed, where practical, to create safe layouts that minimise conflicts between traffic, pedestrians and cyclists.

- 5.3 **Northampton Borough Local Plan**
E11 – Tree protection
E20 – New Development
H6 – Housing Development within Residential Areas

6. **CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Highway Authority** - revised access arrangements shown on the Banners Gate drawing (P739/420B) are acceptable to the Local Highway Authority.
- 6.2 **Arboricultural Officer (NBC)** – It is not anticipated that the removal of the earth would have any further impact upon the health of trees.
- 6.2 **Gara, Wellingborough Road** – The revision is necessary (providing that there are no loss of trees/foliage) as the current arrangement is unsatisfactory.

7. **APPRAISAL**

- 7.1 On account of the reason for Condition 2 of Planning Permission 10/0075/S73WNN being to ensure a satisfactory impact upon highway safety, the key material consideration within this application is whether the revised layout would create an access that would have a harmful impact on highway safety.
- 7.2 In support of their application, the developer has submitted documentation that demonstrates that large vehicles, such as refuse lorries, can enter the revised vehicle entrance in a satisfactory manner without obstruct to other traffic or pedestrians. Therefore, it is considered that the proposed layout is acceptable in principle.
- 7.3 In order to secure a satisfactory standard of development, it is recommended that, should this application be approved, it be subject to a condition requiring that the revised route of access road be surfaced with a hard bound material, in order to prevent any loose materials being dragged onto the public highway, which would be detrimental to highway safety.
- 7.4 The proposed works are located away from the trees that form a boundary between the existing dwellings and Wellingborough Road. With reference to the advice of the Council's arborist, it is considered that the proposed development is in accordance with the requirements of Local Plan Policy E11.
- 7.5 By reasons of the nature of the proposal (in terms of scale and type), it is considered that the proposed amendment would not impact upon the amenities of the occupiers of neighbouring properties.

8. CONCLUSION

- 8.1 The proposed development would have a neutral impact upon neighbour amenity, highway safety and the health of trees. As such, the revised layout is in accordance with the requirements of national and local planning polices.

9. CONDITIONS

1. Within 3 months of the date of this consent the access from Wellingborough Road shall have been fully completed in accordance with the approved details shown on approved drawing number P739/420B, including the provision of all road marking and the revised arms of the service road, and surfaced with hard bound material.

Reason: In the interests of highway safety in accordance with the NPPF.

10. BACKGROUND PAPERS

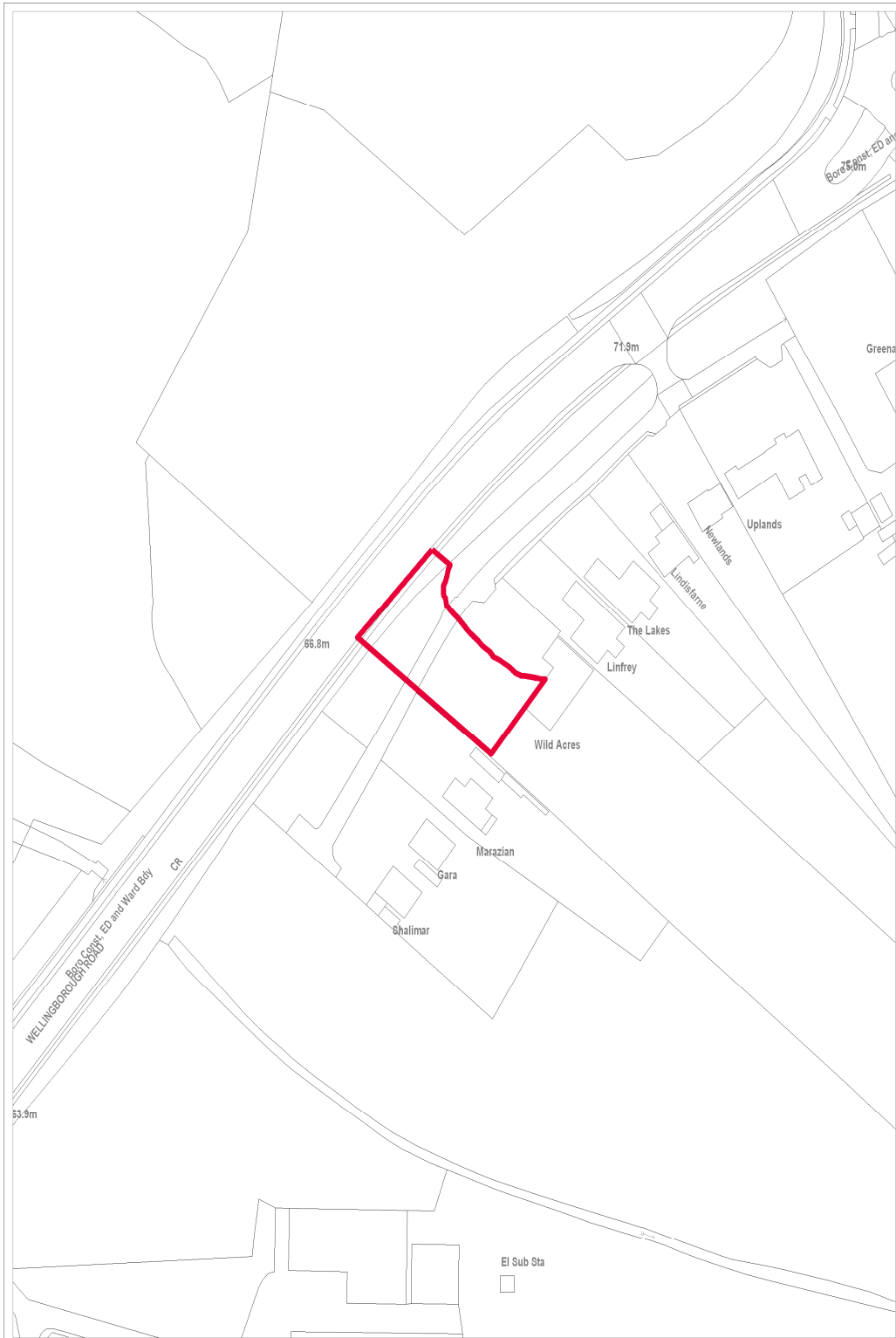
- 10.1 N/2012/0923 and 10/0075/S73WNN.

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.



Name: **Planning**
 Date: 17th October 2012
 Scale: 1:1250
 Dept: **Planning**
 Project: **Location Plan**

Title
Wild Acres, Wellingborough

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