



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 7 May 2013**

The Jeffrey Room, St. Giles Square, Northampton,  
NN1 1DE.

6:00 pm

**Members of the Committee**

**Councillor:** Penny Flavell (Chair), Councillor Matthew Golby (Deputy Chair)

**Councillors:** Geraldine Davies, Mike Hallam, Stephen Hibbert, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

**Chief Executive** David Kennedy

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[democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) or 01604 837722

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 7 May, 11 June, 1 July, 30 July, 3 September, 1 October, 29 October, 26 November and 17 December 2013, 14 January, 11 February, 4 March, 8 April, 6 May, 10 June, 1 July and 29 July 2014.

The Council permits public speaking at the Planning Committee as outlined below:

### Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

### How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.  
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) (if no acknowledgement is received please telephone)

### When Do I Speak At The Meeting

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

### How Long Can I Speak For?

- All speakers are allowed to speak for a maximum of three minutes.

### Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.

on Tuesday, 7 May 2013

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) DEVELOPMENT MANAGEMENT ACTIVITY AND PERFORMANCE 2012-  
13**

Report of Head of Planning (copy herewith).

**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/2013/0131 - REDEVELOPMENT OF SITE TO PROVIDE A  
CONVENIENCE STORE (CLASS A1) INCLUDING ANCILLARY PARKING  
AND SERVICE AREA AT ASHTREE SERVICE STATION, 237-245 MAIN  
ROAD, DUSTON, NORTHAMPTON**

Report of Head of Planning (copy herewith)

**Ward: New Duston**

**(B) N/2013/0153 - VARIATION OF CONDITION 3 OF PLANNING APPROVAL N/2008/0521 TO EXTEND HOURS OF USE OF GATES UNTIL 21:00 TO ALLOW PEDESTRIAN ACCESS TO DELAPRE PARK AT MENCAP DAY CENTRE, DELAPRE PARK, LONDON ROAD**

Report of Head of Planning (copy herewith)

**Ward: Delapre and Briar Hill**

**(C) N/2013/0211 - CHANGE OF USE FROM DWELLING (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) FOR 5NO. OCCUPANTS AT 52 BECTIVE ROAD**

Report of Head of Planning (copy herewith)

**Ward: Sunnyside**

**(D) N/2013/0297 - ERECTION OF SINGLE-STOREY DWELLING INCLUDING DETACHED GARAGE AT LAND REAR OF 25 PENFOLD LANE, GREAT BILLING**

Report of Head of Planning (copy herewith)

**Ward: Billing**

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

**(A) N/2012/1252 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 200 DWELLINGS (INCLUDING AFFORDABLE HOUSING) INCLUDING ROAD INFRASTRUCTURE, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE AND ENGINEERING WORKS (ACCESS NOT RESERVED) ON LAND TO EAST OF HARLESTONE ROAD**

**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.”

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 9 April 2013

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors Aziz, Hibbert, Lane, Mason, Meredith, Oldham and  
Palethorpe

#### 1. APOLOGIES

Apologies for absence were received from Councillors Davies, Hallam and Lynch.

#### 2. MINUTES

The minutes of the meeting held on 5 March 2013 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Mr Brice and Councillor Hill be granted leave to address the Committee in respect of application no. N/2012/1281.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

None.

#### 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**

None.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2012/1281- SINGLE STOREY FRONT PORCH EXTENSION, FIRST FLOOR BALCONY/TERRACE TO REAR, AND DETACHED DOUBLE GARAGE (AS AMENDED BY REVISED PLANS RECEIVED ON 14 FEBRUARY AND 19 MARCH 2013) AT 5 BELFRY LANE, COLLINGTREE PARK, NORTHAMPTON**

The Head of Planning submitted a report, elaborated thereon and referred to the Addendum that set out further representations from local residents and the officer response thereon.

Councillor Hill as Ward Councillor noted that he had addressed the previous meeting of the Committee and that the minutes accurately reflected the issues of concern. He also noted that although at that time there had not been objections to the proposed balcony residents had now objected to that aspect of the application. Councillor Hill commented that despite the alterations to the garage block the applicant had made, its width remained the same and therefore the aspect to numbers 14 and 15 Belfry Lane would remain the same. He believed that the garages would be visually too prominent and thereby be an eyesore and out of keeping with the area.

Mr Brice on behalf of Collingtree Parish Council stated that the Parish Council did not often comment on planning applications, however, in this instance properties along Belfry Lane were spacious and open and there were concerns about both the proposed garages and the balcony. He noted that the design guide said that proposals such as the balcony should only be agreed if there was no detriment to neighbours and observed that children should be able to play in their own gardens without being overlooked. Mr Brice believed that the proposed garages would detrimentally affect the street scene and would be out of keeping with the area. He also believed that the applicant had made little real change and that the revisions did not change the issues; the garages would be close to or over existing flood drainage measures. Mr Brice hoped that the Committee would refuse the application as being contrary to Policy H18 of the Northampton Local Plan and that this would result in a better scheme coming forward. In answer to a question Mr Brice state that in his view a better scheme would have no garages at the front of the property bearing in mind that properties in this vicinity were valued in excess of £1m and where neighbours had garages in front of their properties they were set back so as not to be visually intrusive.

The Head of Planning commented that in respect of the balcony the separation distances with neighbours and the mitigation provided by the screen meant that this part of the proposal was acceptable in planning terms. In terms of the proposed garages the issues were the impact on neighbours and the effect on the character of the area and street scene. The revised proposal was not out of scale and the separation distances were in excess of the standards applied. The remaining issue of the effect on the street scene was more finely balanced. In answer to questions the Head of Planning commented that there were no overriding issues concerning

flooding; confirmed the position of the accuracy of the plans detailed in paragraph 8.10 of the report; confirmed that the effect on light to the neighbour at 7 Belfry Lane would be minimal; and that the proposed garages would be on the convex curve of Belfry Lane and this made them therefore, potentially more visible than some others despite being set further back within the plot. Belfry Lane was not a regimented street hence the issue of street scene being finely balanced.

The Committee discussed the application.

Councillor Lane proposed and Councillor Oldham seconded “That the proposed garage, by reason of its scale, design and siting, would represent an incongruous feature harmful to and out of keeping with the character of the street scene contrary to Policies H18 and E20 of the Northampton Local Plan.”

Upon a vote the motion was carried.

**RESOLVED:** That the application be refused as the proposed garage, by reason of its scale, design and siting, would represent an incongruous feature harmful to and out of keeping with the character of the street scene contrary to Policies H18 and E20 of the Northampton Local Plan.

**(B) N/2013/0161- APPLICATION TO EXTEND TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION N/2008/0502 FOR PROPOSED BOAT RESTAURANT, BAR AND ASSOCIATED ACCESS AT LAND AT MIDSUMMER MEADOW**

The Head of Planning submitted a report, elaborated thereon and referred to the Addendum that set out comments from the Environment Agency, Highway Authority and Wildlife Trust and set out a revised proposed condition 12.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and as amended by the Addendum as the proposed boat restaurant would enhance the River Nene valley environment with a proposal that was in keeping with its surroundings and posed little or no threat to the vitality and viability of the town centre. The ecological and flood risk impacts could be suitably mitigated to avoid any harm to users, the local or the wider environment and thus complied with policies within the adopted Central Area Action Plan and the National Planning Policy Framework.

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

None.

The Chair noted that this was the last meeting of the Committee that Frazer McGown, Democratic Services Manager, would be attending and on behalf of the Committee thanked him for his help and support over a number of years and wished him well for his retirement.

The meeting concluded at 18.37hours



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



<b>List of Appeals and Determinations – 7<sup>th</sup> May 2013</b>			
<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>E/2012/0157</b> APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close	<b>AWAITED</b>
<b>N/2012/1166</b> APP/V2825/H/13/2194528	DEL	Externally illuminated advertisement display panels at Royal Mail, 55 Barrack Road	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearing</b>			
		None	

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.planningportal.gov.uk">www.planningportal.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



**PLANNING COMMITTEE:** 7 May 2013

**DIRECTORATE:** Planning, Enterprise and Regeneration

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Development Management Activity and Performance 2012-13

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## **1. RECOMMENDATION**

- 1.1 That the contents of the report be noted.

## **2. BACKGROUND AND COMMENTARY**

- 2.1 2012-13 was a significant year for the Council's Development Planning service following the staged transfer of powers from West Northamptonshire Development Corporation (WNDC) during the previous 2 years. This process resulted in a significant increase in workload (over 25% increase in the volume of planning applications received overall) with stage I from April 2011 and significantly increased complexity and scale development proposals with stage II from April 2012.
- 2.2 2012-13 was the first year since 2005-06 when the Council has exercised all development management functions and there were notable achievements with the issuing of planning permission for applications / proposals that had been transferred from WNDC such as the new community at Pineham (up to 650 new homes, local centre, community facilities and primary school), the regeneration of the former sorting office site on Barrack Road and the new Hindu Welfare Centre on Lings Way.
- 2.3 Other noteworthy applications are the student accommodation development at St John's and the Northampton Bus Interchange. Both of these applications are major regeneration projects approved within the statutory determination period and contribute to Northampton Alive.
- 2.4 In spite of their increased quantity and complexity, the processing of the applications within all three of the DCLG categories (*Major NI157a, Minor NI157b and Other NI157c*) exceeded national targets during 2012-13, and were on target for the more demanding targets set

locally. These figures are set out in the table below.

- 2.5 2013-14 will also be a challenging year as the team continues to adapt to the increased and changing profile of workload arising from the final stage of the transition of planning powers from WNDG to determine extant proposals such as those at Upton Lodge, Upton Park and Dallington Grange as well as new applications. These include the Strategic Urban Extensions identified in the Joint Core Strategy at Collingtree and Hardingstone, the two regeneration projects for Avon Nunn Mills (Residential / Mixed use and the University relocation) and the Homes and Communities Agency's proposals at Ransome Road.
- 2.6 Appeals performance is a useful 'barometer' of the quality of decision making. At the mid-point of the year performance had declined significantly. Appeals performance is prone to significant fluctuation due to the small volumes of applications that go to appeal. It was also thought that this might be due to the impact of the National Planning Policy Framework (NPPF) on the decision-making behaviour of Planning Inspectors. However, during the second half of the year there was a marked improvement such that overall performance was on target. The impact of the NPPF will, nonetheless, be kept under review.
- 2.7 2012-13 was also a significant year in that for the first time since 2008 the Council had a Public Inquiry and also a Hearing. Both were determined in line with the Council's original decisions. The Hearing was particularly important as it was an early test of the recently adopted Northampton Central Area Action Plan and serves to illustrate the value of up to date planning policy.

### 3. PERFORMANCE

- 3.1 The table below sets out performance data on the principal national and local indicators for the whole of the year 2012-13. The DCLG figures for the whole period in question are not yet available, however, given that overall performance has been maintained well above targets it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

Performance indicator	National Target	Local Target	Totals
% Large Major apps within 13 weeks – NI157(A)	>60%	>60%	69.2% 9/13
% Small Major apps within 13 weeks - NI157(A)	>60%	>60%	76.7% 33/43
% Minor apps	>65%	>86%	85.5%

<b>within 8 weeks - NI157(B)</b>			206/241
<b>% Other apps within 8 weeks - NI157(C)</b>	>80%	>90%	92.9% 672/723
<b>% Appeals allowed</b>	<33%	<33%	27.6% 8/29

*Summary of key performance data.*

#### 4. ENFORCEMENT

4.1 The Council has an adopted an enforcement policy and associated priorities. In summary the four priority areas are as follows:

- **Priority One:** A serious threat to health / safety or permanent damage to the environment. Where a case is categorised as Priority One immediate action will be initiated to address the breach of control.
- **Priority Two:** Building work, which is unlikely to be given planning permission without substantial modification or unauthorised uses causing severe nuisance through noise, smells, congestion etc.
- **Priority Three:** A breach causing problems, which may be resolved by limited modification, or property whose condition adversely affects the amenity of the surrounding neighbourhood.
- **Priority Four:** Breaches of a minor nature raising minimal planning concerns.

4.2 Planning Enforcement statistics for the year are set out in the table below. In summary at the start of the year there were 146 cases on hand carried over from the year 2011/12. During the course of the period 803 new cases were received and a total of 810 cases investigated and closed, leaving a total of 139 outstanding cases which have been carried over into the following quarter.

<b>Enforcement Investigations</b>	<b>TOTAL</b>
Outstanding cases as at 31.03.12	146
New cases 1.04.12 to 31.03.13	803
Cases closed 1.04.12 to 31.03.13	810
Outstanding cases as at 1.04.13	139

*Summary of enforcement caseload.*

4.3 This year the Enforcement team have issued 2 Enforcement Notices. One has been complied with and the other Notice has been appealed and the outcome is awaited (see Item 6 of this Agenda). The Council

also served a pre-emptive Injunction to prevent the use of a piece of land by travellers.

## **5. LEGAL IMPLICATIONS**

5.1 None.

## **6. BACKGROUND PAPERS**

6.1 DCLG PS1 and PS2 planning statistics.

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

7.1 In reaching the attached recommendation regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies. Monitoring performance is consistent with the objectives of securing an efficient and effective planning service.



## Addendum to Agenda Items Tuesday 7<sup>th</sup> May 2013

### 10. ITEMS FOR DETERMINATION

10A.

**N/2013/0131 – Redevelopment of site to provide a convenience store (Class A1) including ancillary parking and service area at Ashtree Service Station, 237-245 Main Road, Duston**

Additional representations from **Duston Parish Council** objecting to the development on the grounds that the proposal would pose a detrimental impact to the viability of existing businesses. There is already a large car parking and traffic problem within the vicinity of the site. Whilst the garage shuts at 6pm, the proposed store would be open for longer hours, which would add to this problem. There are concerns about increases to noise, disturbance and anti-social behaviour. It is important that the trees are retained.

Further representations from the occupiers of **258 Main Road** which raise objections on the grounds that whilst the trees on site have now been retained, this does not change the previous objections relating to safety, parking, property boundaries and disturbance that would emanate from vehicles leaving the site.

Objections have also been received from the occupiers of **94 Wrenbury Road**, which states that the current land use is appropriate and that the proposed convenience store is unnecessary as the area is already well served by such developments.

An objection has also been received from the occupier of **69 Grafton Way** as the area is already well served by retail outlets.

The **Highway Authority** has confirmed that they have no objections to provision of 12 car parking spaces and that the available manoeuvring space.

#### Officers Response:

As set out above (in the representations from the Highway Authority) and within Paragraphs 7.12-7.15 of the Committee report, it is considered that the proposed car parking provision is sufficient to meet the needs of the development and to allow for large vehicles to turn within the site. Although the store may be open for hours longer than the existing garage, as discussed within Paragraph 7.11 of the Committee Report, the garage does not have any restrictions on operating times. The impacts of vehicles leaving the property are also set out within Paragraph 7.11. The impacts on existing businesses are discussed with Paragraph 7.3 of the Committee Report, where it is concluded that the impacts upon specific existing businesses is not a material planning consideration.

As no objections have been received from the Highway Authority, it is considered that the parking provisions provided with the development is sufficient to meet the needs of the proposal, particularly given that the store is likely to serve a local market, which would be likely to operate in conjunction with trips to other facilities within the vicinity or encourage walking to the store. The availability of manoeuvring space within the site would reduce the potential for congestion to be created in Main Road as delivery vehicles would not need to stop or undertake complex manoeuvres within the highway.

<p>A <b>revised plan</b> has been submitted, which includes the provision of a security gate to the side of the store. As a result of this, a revised wording to Condition 2 is recommended to reflect the updated drawing:</p> <p>(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 04 Rev. E; 06; 07; NN5 6PR; and SCP/12239/SK002 Reason: For the avoidance of doubt and to accord with the terms of the planning application.</p>
<p><b>10B.</b> <b>N/2013/0153 – Variation of condition 3 of planning approval N/2008/0521 to extend hours to use of gates until 21:00 to allow pedestrian access to Delapre Park, Mencap Day Centre, Delapre Park, London Road</b></p> <p>Additional recommended condition, for the avoidance of doubt and to ensure consistency with previous permissions:</p> <p>(3) The conditions of planning permission N/2006/0621 continue to apply insofar as they are capable of taking effect.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with Policies E20, E26 and E40 of the Northampton Local Plan and the National Planning Policy framework.</p>
<p><b>10C.</b> <b>N/2013/0211 – Change of use from dwelling (Use Class C3) into house of multiple occupation (Use Class C4) for 5no. occupants at 52 Bective Road</b></p> <p>Representation from <b>54 Bective Road</b> (23<sup>rd</sup> April 2013): Objection to the application – the proposed use would not be suitable for this area.</p> <p>Officer Response: As concluded within the officer’s report, it is felt that the proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area.</p> <p>Comments received from Local <b>Highway Authority</b> (25<sup>th</sup> April 2013): No observations.</p>
<p><b>10D.</b> <b>N/2013/0297 – Erection of single storey dwelling including detached garage at land rear of 25 Penfold Lane, Great Billing</b></p>
<p>Item withdrawn from the agenda</p>
<p style="text-align: center;"><b>11. ENFORCEMENT MATTERS</b></p>
<p>None</p>
<p style="text-align: center;"><b>12. ITEMS FOR CONSULTATION</b></p>

## 12A.

### **N/2012/1252 – Outline application for residential development of up to 200 dwellings (including affordable housing) including road infrastructure, public open space, landscaping sustainable drainage and engineering works (access not reserved) on land to east of Harlestone Road**

A letter has been received from Pegasus Group, acting on behalf of the applicant. The letter contends that the committee report is 'misdirected in key facts'. A summary of the key points made within the letter is set out below:

- The revised heads of terms for the s.106 for affordable housing have been revised to allow up to 29% subject to viability
- No objections have been raised by NCC or the Highways Agency with regard to transportation. Contributions have been agreed with NCC in terms of public transport and the route of the future north west bypass is safeguarded
- The position with regard to education is known and it is agreed with the education authority that a contribution should be made to primary provision
- Details of noise assessments and other matters for DDC as planning authority have been covered in exchanges in respect of which NBC officers do not appear to have been briefed.

In the light of misdirection regarding the above it is requested that the committee report is revised. Discussions on the main Dallington SUE will take place shortly and the applicant has a duty not to prejudice the development of this wider SUE.

It would appear that there is scope for NBC to be involved in discussions regarding the s.106 with regard to housing nominations but the rest of the agreement will be a bilateral agreement with DDC.

#### Officer Response

Officers do not agree with the assertion that the report is 'misdirected in key facts' and are satisfied that the recommendations as presently set out. In respect of the main points:

- Whilst the revised s.106 draft allows 'up to 29%' affordable housing this is subject to viability. The tenure split is not confirmed. Therefore, at the present time the s.106 agreement is not finalised. The recommendation requests that NBC are involved with discussions on this issue for reasons that are explained in the report. This position remains unchanged. The applicant suggests that NBC may be involved with discussions regarding nominations agreements for affordable housing with all other matters being between them and DDC. Officers would reiterate the request for NBC to be involved directly with negotiations on affordable housing as per the main report.
- It is noted that the NCC and the Highways Agency do not object to the application. However, the Memorandum of Understanding with regard to the A45/M1 Access Management Strategy recognises the need for large scale SUE's, including Dallington, to contribute on a proportionate basis. This scheme is brought forward as part of the wider SUE and the impact of 200 dwellings should be recognised.
- In terms of primary education, discussions with NCC have confirmed that no agreement has been reached with the applicant over the level of contribution. The recommendation therefore remains pertinent as currently set out.
- In terms of noise levels, NBC officers have simply set out the information that was submitted in 2007 as part of the wider Dallington application and noted the discrepancies with information submitted with the current application. NBC is entitled to raise this matter as a consultee. As decision making authority DDC will need to assess the information submitted and satisfy itself on this matter.



Accordingly, officers do not recommend any changes to the report.



**PLANNING COMMITTEE:** 7<sup>th</sup> May 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0131**                      **Redevelopment of site to provide a convenience store (Use Class A1), including ancillary parking and service area at Ashtree Service Station, 237-245 Main Road, Duston, Northampton**

**WARD:**                              **New Duston**

**APPLICANT:**                      **Mr G. Hartgrove**  
**AGENT:**                              **Mr N. Teal; HTC Architects**

**REFERRED BY:**                      **Cllr. J. Caswell and Cllr. M. Golby**  
**REASON:**                              **Due to the potential impacts upon highways, parking, local businesses and the potential for alternative developments.**

**DEPARTURE:**                      **No**

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposed development is of an appropriate scale and compatible with the function of the surrounding allocated Local Centre. The proposed development would not detrimentally impact upon visual and neighbour amenity and would have a neutral impact upon the highways system. Therefore, the proposal is compliant with the requirements of the National Planning Policy Framework; Local Plan Policies E11, E20 and E40; and the Parking SPG and Planning Out Crime SPG.

### **2. THE PROPOSAL**

**2.1** This is a full application to redevelop this garage site in order to erect a convenience store with a total floor space of 410.1m<sup>2</sup>, which includes a sales area of 279.7m<sup>2</sup>. The development proposes the creation of 12 car parking spaces, including two for use by customers with disabilities. The proposed layout also seeks the consolidation of the existing

vehicular entrance and exit into one single junction adjacent to the southern boundary of the site. The front elevation of the building would also feature an ATM machine.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located within an allocated local centre as defined by the Northampton Local Plan. The surrounding land uses include a variety of commercial functions, including two convenience stores, takeaways and hairdressers. The wider area predominately features residential accommodation of a variety of ages, scales and styles. The site is located on Main Road, which serves as the main route through the Duston area. The site is notable for having three ash trees adjacent to the front boundary, which are protected by a Tree Preservation Order (TPO). The TPO was made following the submission of the planning application.

### **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 the saved policies of the Northamptonshire County Structure Plan and the Northampton Local Plan 1997.

- 5.2 **National Planning Policy Framework (NPPF)** and specifically Paragraph 17, which requires that developments be of a high standard of design. Paragraph 23 directs retail development to designated centres, which is expanded upon within Paragraph 24, where it is stated that a sequential approach should be taken to the provision of retail developments. Paragraph 58 requires that development support local facilities and transport networks and provide sites that ensure community safety.

- 5.3 **Joint Core Strategy (JCS)**, which has been submitted to the Planning Inspectorate for examination and comprises the Pre-submission JCS (Feb 2011) and Proposed Changes (July 2012).

S2 – Hierarchy of Centres

S9 – Sequential approach to retail development

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

E11 – Trees and hedgerows

E20 – New development

E40 – Crime and anti-social behaviour

Appendix 15 – Schedule of Recognised Shopping Centres

5.5 **Supplementary Planning Documents:**

Parking  
Planning Out Crime

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Arboricultural Officer (NBC)** – The three ash trees on site are of significant amenity value, are of good health and have been given protection.

6.2 **Environmental Health (NBC)** – Request conditions regarding contamination, noise, deliveries and opening times.

6.3 **Urban Designer (NBC)** – The site provides an opportunity to create a more cohesive local centre; however, the proposed layout favours car-based visits. There would be a lack of activity on the elevation facing Main Road and concerns are raised regarding the loss of trees from the site.

6.4 **Northamptonshire Crime Prevention Design Advisor** – No objections, but would recommend that car park areas be lit, that the site be covered by CCTV, that the ATM be protected by bollards and that a lockable gate be installed to the side of the store. It is also recommended that the building be alarmed and security shutters be installed.

6.5 **Cllr. J. Caswell** – Requesting that the application be determined by the Planning Committee due the proposal having an adverse impact upon existing shops, the proposal impacting upon the lives of locals, that the proposal would increase traffic levels and the site could be better used for alternative developments.

6.6 **Cllr. M. Golby** – Requesting that the application be decided by the Planning Committee due to the impacts on traffic and parking.

6.7 **Duston Parish Council** – Strongly objects as the proposal would adversely affect the viability and vitality of the existing businesses. Attention is drawn to recent appeal decisions in respect of this matter. Concerns are raised regarding parking provision, which is an issue due to the existing business (such as takeaways), the proposed opening hours of the store and the level of traffic that uses Main Road. The site could become an area for anti-social behaviour, which would create additional noise. There are significant concerns regarding the loss of mature trees. Alternative uses for the site may be more acceptable.

6.8 Letters from the occupiers of **3 Bretton Close; 229-231, 256, 258 and 328 Main Road, 5 Wrenbury Road and Duston Eldean Primary School** objecting to the development. Comments can be summarised as:

- The proposal would increase traffic levels to the detriment of highway safety.
- Deliveries taking place at school drop off/pick up times would add to congestion and potentially affect the safety of school pupils.
- Vehicles leaving the site during the hours of darkness would create additional disturbance when vehicles leaves the site, which is an increase on the existing situation, where the garage closes at 6pm.
- The proposed development would unduly impact upon the viability of existing businesses, which have served the local population for a number of years.
- Local businesses are experiencing difficulties due to increased competition, the cost of business rates and changes to customer purchasing patterns. This would be exacerbated by a larger store being constructed close by.
- The removal of trees from the front boundary would adversely affect amenity and lose some of the identity of the locality
- The trees are not within the ownership of the applicant.
- There are concerns regarding the potential impacts of the development from soil contamination, noise, dirt and disruption
- The proposal would create noise from deliveries and plant and equipment operating.
- Lights will cause disturbance
- Youths could congregate outside the store causing disturbance.
- There is little information as to what would be sold within the store

- 6.9 **167 standard letters** (i.e. letters of the same content) have been received objecting to the development due to the impact upon existing businesses, the increased traffic congestion, parking problems and noise.
- 6.10 A petition, signed by **761 individuals**, has been submitted, objecting to the development due to the generation of noise and increased parking problems.
- 6.11 A petition, signed by **23 individuals**, has been submitted which calls for the retention of the ash trees to the front of the site.
- 6.12 A letter of support from the occupier of **19 Weggs Farm Road** as the proposal would enhance the area, not impact upon the town centre and provide an enhanced retail offer to the western side of the town. The site is well served by public transport, meaning that it will be accessible. The proposal is unlikely to attract significant additional traffic. Landscaping should be conditioned to secure further improvements.
- 6.13 At the time of preparing this report, the consultation period for the most recent set of revised plans had yet to conclude. Therefore any further

consultation responses will be brought to the attention of the Committee by means of the Addendum report, which will be circulated at the Committee meeting.

## **7. APPRAISAL**

### ***Principle of the development***

- 7.1 As detailed within Section 5 of this report local (in the JCS) and national (in the NPPF) policy promotes a sequential approach to site selection for retail uses. The application site is located within an allocated centre as set out within the Northampton Local Plan Appendix 15). The retail floor space is 279.7m<sup>2</sup> (which could be controlled by condition). This level is considerably below the locally set threshold of 1,000m<sup>2</sup> (within the JCS) and the threshold of 2,500m<sup>2</sup> (within the NPPF) that would trigger the requirement for an impact assessment to be submitted.
- 7.2 The relatively limited floor space of 279.7m<sup>2</sup> is likely to result in a relatively smaller range of products being sold within the store compared to other larger supermarkets. For this reason, it is likely that the proposed store, would for the greater part, be used for purchasing 'top up' items as opposed to being a retail destination in its own rights. For this reason, the proposal would only serve the market within the site's immediate vicinity and would not direct trade away from higher order centres in the allocated hierarchy of centres identified in the Northampton Local Plan and the submitted JCS. For these reasons the scale of the development is appropriate for its local centre context.
- 7.3 A number of representations have been received commenting upon the potential impact of the proposed development on the viability of existing businesses within the local centre. However, the impacts on the viability of specific existing businesses are not a material planning consideration and therefore cannot be taken into account in the determination of this application. Representations have also been made to the Council, which cite two appeal decisions (outside of the Borough), where retail developments have been refused due to the impact upon existing centres. However, the critical difference between the two cited examples and this proposal is that the application currently under consideration is situated within an allocated centre and therefore this specific application is in accordance with the provisions of the Development Plan. Moreover all planning applications must be assessed and determined on their individual merits.

### ***Design and appearance***

- 7.4 The proposed building is of a relatively low level height (approximately 7.5m to the ridge and 4m at the eaves) and features a pitched roof, which serves to reduce the massing of the building. The building would be set back from the edge of the pavement by a distance of approximately 16.5m. Therefore, it is considered that the building would not have a detrimental impact upon the quality of the streetscene

particularly bearing in mind the scale and appearance of the existing garage building.

- 7.5 The palette of proposed building materials is consistent with the prevailing vernacular, which ensures that the development harmonises with its surroundings. Furthermore, the use of glazing, brick pillars and rendered sections have the effect of breaking up the elevations of the building, which lends interest and provides an active frontage on to Main Road. Given these factors, the proposed building would not be detrimental to the quality of a streetscene and provides an appropriate response to the prevailing character. The additional landscaping created at the front of the site would also serve to soften the appearance of the proposed development.
- 7.6 The Council's Urban Designer has commented upon the possibility of further alterations to the design and layout of the building. These points have been taken in to account when negotiating the revised scheme. It is considered that the proposed development is acceptable particularly given what it would replace.
- 7.7 For these reasons, this aspect of the proposal is in accordance with the requirements of the National Planning Policy Framework and Local Plan Policy E20. In order to ensure this, conditions are proposed that would require the submission of details to the Council to enable the specific building materials to be approved.

***Impact on neighbouring properties***

- 7.8 The nearest properties to the development site are immediately to the north at 1, 1a and 1b Woodley Chase, which comprise flats over commercial units, with gardens to the south. The properties would be within 13m of the side elevation of the proposed store. Due to the limited height of the proposed building, the position of its eaves and the roof shape proposed, it is considered that this would not lead to an undue loss of amenity to these specific properties. Given the separation distances to other properties in the wider from the application site, it is likely that these properties would be unaffected by the built form.
- 7.9 The store is proposed to be open between the hours of 7am and 10pm on each day. Due to the presence of other commercial facilities within the centre, which could potentially be open for comparable hours and that the existing garage facility (which contains a small shop and undertakes vehicle repairs) does not currently have any restrictions on the hours of use, it is likely that these opening hours would not create any undue detrimental impact upon the amenities of neighbouring residents.
- 7.10 In order to maintain this neutral impact, conditions controlling the opening hours of the store, delivery times and an assessment of any external plant and equipment (such as chiller units) are recommended

in order to ensure that the development is compliant with the requirements of the National Planning Policy Framework.

- 7.11 Representations have been received commenting on disturbance from vehicles leaving the site after dark. In response to this, it should be recognised that the existing garage (including petrol station) does not currently have any restrictions on its opening times and as such could operate for hours comparable to or greater than those now proposed. By reason of this fall-back position, it is considered that the impacts of this activity would not be greater than the existing lawful use.

### ***Highways***

- 7.12 The proposed development includes the provision of 12 off street car parking spaces, which is considered to be appropriate given the scale of the development. It is also considered likely that due to the proximity of the application site to surrounding residential properties, a number of customers are likely to walk to the site, particularly if only purchasing a relatively small number of items. The two proposed disabled parking spaces are located in close proximity to the store entrance, which is likely to ensure convenience for patrons.
- 7.13 The details submitted demonstrate that there is sufficient room within the site for a large lorry to turn around. This would alleviate the need for delivery vehicles to turn within or reverse out into Main Road and prevent any undue congestion arising. A condition is proposed requiring the submission of a landscaping scheme that would ensure that sufficient visibility splays are maintained at the site's entrance.
- 7.14 The merging of the site's existing vehicular entrance and exit adds clarity to the layout as pedestrians and other road users are likely to have certainty as to where vehicles would join the highway, which would be an improvement to the current layout from a highway safety perspective.
- 7.15 It is also likely that the vast majority of trips to the existing facility are likely to involve car journeys (e.g. to purchase fuel or to collect or drop off a vehicle for servicing). Given that the proposed development would attract more patrons arriving on foot or possibly allow for linked trips with the other commercial facilities in the vicinity, it is considered that the proposal would not generate excessive traffic movements or congestion.

### ***Other considerations***

- 7.16 A number of representations have been made regarding the removal of three trees that are located within the site on the grassed area adjacent to the front boundary. The scheme has been amended to ensure that the three trees (that are protected by TPO) are retained. As these trees make a significant contribution to the character of the surrounding area,



it is considered that their retention would ensure that the development complies with the requirements of Local Plan Policy E11.

7.17 The car parking areas would benefit from natural surveillance due to their proximity to the street. Visibility would also be present from the footpath that runs adjacent to the southern boundary of the site. For these reasons, it is also considered that the proposed ATM machine would be sufficiently overlooked to prevent this from becoming a target for anti-social behaviour. In the interests of securing a good standard of development (in line with the requirements of Local Plan Policy E40), a condition is recommended to secure details of the anti-ram raid bollards.

7.18 Whilst a contamination assessment has been submitted as part of the application, with reference to the advice of the Council's environmental health officers, it is considered that this should be expanded in order to provide a method statement as to how the underground petrol tanks would be decommissioned and remediated. Condition is recommended to the address this point.

7.19 Representations have also been received commenting on alternative uses for the site that may be more appropriate. Whilst such schemes may have their individual merits, it is incumbent upon Local Planning Authorities to make a decision based on the scheme that has been submitted and therefore the potential for an alternative scheme for the site cannot be taken into consideration.

## **8. CONCLUSION**

8.1 In conclusion, it is considered that the proposed development represents an appropriate development (in terms of scale and type) in an allocated local centre and would not unduly impact upon the viability and vitality of the established hierarchy of centres within the Borough. It is considered that the proposed development would have a neutral impact upon neighbour and visual amenity in addition to highway safety and as result is compliant with national and local planning policies.

## **9. CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 04 Rev. C; 06; 07; NN5 6PR; and SCP/12239/SK002

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

3. The sales area within the store hereby permitted shall not exceed 279.7 square metres.

Reason: In the interests of maintaining the viability and vitality of the hierarchy of centres in accordance with the requirements of the National Planning Policy Framework.

4. The store hereby permitted shall only be open to customers between the hours of 7:00am and 10:00pm on any single day.

Reason: In the interests of securing a satisfactory standard of development in terms of impacts upon residential amenity in accordance with the National Planning Policy Framework.

5. All deliveries to the store shall take place between the hours of 7:00am and 8:00pm only.

Reason: In the interests of securing a satisfactory standard of development in terms of impacts upon residential amenity in accordance with the National Planning Policy Framework.

6. The parking and manoeuvring space as shown on drawing 01 Rev. S shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter. The manoeuvring space shall also be kept clear throughout the life of the development.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

7. 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.

8. 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 Policy E20 of the Northampton Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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 Policy E20 of the Northampton Local Plan.

10. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in the National Planning Policy Framework

11. Notwithstanding the details submitted, a method statement for the decommissioning of the fuel storage tanks, the investigation into any contamination arising from these tanks and a strategy for any remediation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on site.

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 the National Planning Policy Framework.

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

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 the National Planning Policy Framework.

13. Notwithstanding the details submitted, full details of CCTV, protective bollards to the ATM, external lighting and security shutters shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The development shall only be carried out in accordance with the approved details and retained thereafter.

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

14. Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.

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

15. Notwithstanding the details submitted, an external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interest of securing a satisfactory standard of development in terms of neighbour amenity and crime prevention in accordance with the requirements of the National Planning Policy Framework and Local Plan Policy E40.

16. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E11 of the Northampton Local Plan.

17. Notwithstanding the details submitted, prior to the commencement of development, a statement detailing the technical specification of and the construction methods of the parking area shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E11 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

### 10.1 N/2013/0131

## **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: 18th April 2013  
 Scale: 1:1250  
 Dept: **Planning**  
 Project: **Committee**

Title

## 237 - 245 Ashtree Service Station, Main Road

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**PLANNING COMMITTEE:** 7<sup>th</sup> May 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0153:** Variation of condition 3 of planning approval N/2008/0521 to extend hours of use of gates until 21:00 to allow pedestrian access to Delapre Park at Mencap Day Centre, Delapre Park

**WARD:** Delapre and Briar Hill

**APPLICANT:** Northampton Mencap  
**AGENT:** None

**REFERRED BY:** Scheme of Delegation  
**REASON:** Council Owned Land

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposal would have no undue adverse impact on the character and appearance of the Conservation Area or on the amenities of adjoining occupiers and would provide a suitable level of security for the site. The proposal would thereby comply with Policies E20 and E40 of the Northampton Local Plan and National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 Variation of condition to allow use of the pedestrian gate providing access into Delapre Abbey grounds until 21:00 hours rather than 18:00 hours.

### 3. SITE DESCRIPTION

3.1 Recently developed day care centre adjacent to Delapre Abbey.

### 4. PLANNING HISTORY

<b>N/2004/0157</b>	PROPOSED DAY CENTRE FOR MENCAP NORTHAMPTON.	APPROVED	26-07-2004
<b>WN/2006/0083</b>	NEW HQ AND SOCIAL CENTRE - SINGLE STOREY BUILDING/ ASSOCIATED CAR PARKING AND CROSSOVER	WITHDRAWN	24-03-2006
<b>N/2006/0621</b>	NEW HQ AND SINGLE STOREY SOCIAL CENTRE BUILDING FOR MENCAP WITH ASSOCIATED CAR PARKING AND VEHICULAR ACCESS.	APPROVED	21-02-2007
<b>N/2008/0521</b>	NON COMPLIANCE WITH CONDITION NO. 9 OF PLANNING PERMISSION N/2006/0621 TO ALLOW PEDESTRIAN ACCESS TO DELAPRE PARK FROM THROUGH THE BOUNDARY FENCE.	APPROVED	04-07-2008

## **5. PLANNING POLICY**

### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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

E20 Design  
E26 Conservation Areas  
E40 Crime and vandalism

### **5.4 Supplementary Planning Guidance**

Planning Out Crime in Northamptonshire SPG 2004

## **6. CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** – No observations.

6.2 **Conservation** - It is considered that the extended use of the gate will have a neutral impact on the heritage assets and their setting.

6.3 **Police Crime Prevention Design Adviser** - has no objections to the application in its present form.

6.4 Letters were sent to neighbouring residents and a site notice was posted, no representations were received.



## **7. APPRAISAL**

- 7.1 The main issues to consider are the impact on adjoining occupiers and on the character and appearance of the listed building and the wider conservation area.
- 7.2 The gate was approved by means of a variation of condition application in 2008, which allowed for it to be inserted into what was previously to be a fence. The reason for this was to allow access to the Abbey grounds for users of the centre.
- 7.3 In providing this access the main issue was the potential for noise and disturbance to the occupiers of the few houses within the Abbey grounds.
- 7.4 Discussions with the applicants indicate that the centre is used by Mencap members including social clubs and a youth club on one night per week. At weekends the centre is used during the day.
- 7.5 The use of the centre is defined by the 2006 permission as a “Day Centre” and therefore any use outside this definition would be unauthorised. The gate would therefore only lawfully be used by day centre users.
- 7.6 The number of users of the centre is not defined by the permission, however in practice this is limited by the size of the building and it is considered that whilst a large number of people may on occasion pass through the gate in quick succession, the duration and frequency of this would be limited and not such as to cause a significant impact.
- 7.7 The gate would not provide access to the general public between Ransome Road and the Abbey grounds, this is provided elsewhere and casual access is prevented by the gates to the Mencap centre on the Ransome Road frontage.
- 7.8 In terms of the impact on the listed building, the gate already exists as a physical feature and the hours of its use have no impact on this or the wider conservation area.
- 7.9 Previously a condition was imposed requiring details of the security of the gate, including a requirement for a self-closing, self-locking mechanism. This has not been installed, however comments from the Police Crime Prevention indicate that this is not now seen as necessary. This condition has not, therefore, been repeated.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed extended hours for the use of the gate would not have any significant adverse impact on the occupiers of adjacent premises.

## **9. CONDITIONS**

(1) The access gate hereby approved shall at no time be used to accept deliveries to the building.

Reason: In the interests of security and the amenities of the adjoining occupiers, to comply with policies E20 and E40 of the Northampton Local Plan.

(2) The access gate hereby approved shall only be used between the hours of 0900 to 2100 and shall be kept locked and not used at any other time.

Reason: In the interests of security and the amenities of the adjoining occupiers, to comply with policies E20 and E40 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

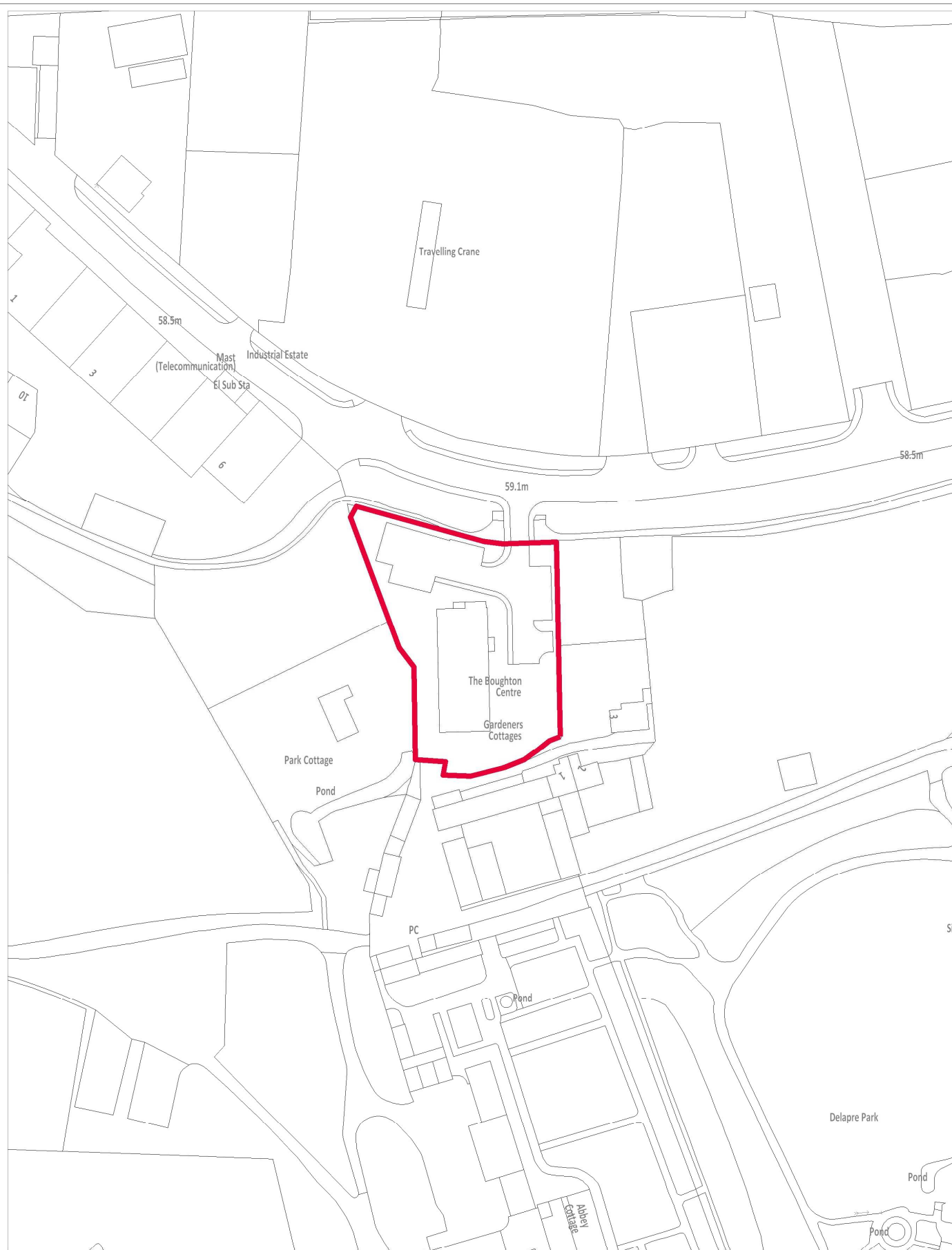
10.1 N/2006/0621, N/2008/0521, N/2013/0153.

## **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: **18th April 2013**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Committee**

**Title**

## **Delapre Park, Mencap Day Centre**

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**PLANNING COMMITTEE:** 7<sup>th</sup> May 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0211**                      **Change of use from dwelling (use class C3) into house of multiple occupation (use class C4) for 5no. occupants. 52 Bective Road, Northampton**

**WARD:**                              **Sunnyside**

**APPLICANT:**                      **Mr Barry Cayton**

**REFERRED BY:**                      **Head of Planning**  
**REASON:**                              **Called in by Cllr Yates due to concern regarding over-concentrations of HMOs in this area**

**DEPARTURE:**                      **No**

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policy H30 of the Northampton Local Plan.

1.2 As this recommendation was been formulated shortly before the expiry of the formal consultation period on 25 April 2013 it may be subject to change in light of any additional representations received. Any change or update will be reported to Committee via the Addendum report to be circulated at the Committee meeting.

### **2. THE PROPOSAL**

2.1 Permission is sought for the change of use from a single dwelling to a

house in multiple occupation for up to 5no. people. Planning permission is required due to the property falling within an area affected by an Article 4 Direction. This direction came into force in March 2012; it removes permitted development rights for such changes of use. Were it not for the Article 4 Direction planning permission would not be required for this proposal.

### **3. SITE DESCRIPTION**

- 3.1 The site constitutes a 2no. storey semi-detached dwelling house located within a primarily residential area of the town. The property is served by both a rear garden area and an external amenity area to the street frontage. There is unrestricted on-street car parking available along Bective Road.

### **4. PLANNING HISTORY**

- 4.1 None relevant specifically to this property. The site and wider area are subject to an Article 4 Direction as explained in paragraph 2.1 above.

### **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 for this area comprises the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

- 5.2 **National Policies:**  
National Planning Policy Framework (NPPF).

- 5.3 **Northampton Borough Local Plan**  
E20 – New Development  
H30 – Multi-occupation within a dwelling

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

- 6.1 **NBC Public Protection:** The development represents an intensification of the use of the premises and therefore noise conditions should be considered; i.e. a scheme to ensure that internal sound insulation complies with current Building Regulations and a scheme to ensure that noise and vibration from mechanical services is avoided.
- 6.2 **NBC Private Sector Housing:** No comments received.
- 6.3 **NCC Highways:** No comments received.
- 6.4 **Cllr John Yates:** The local residents' association are against this and

so am I; we have too many HMOs in the local area.

- 6.5 Letters of notification were sent out to nearby residential occupiers, no responses have been received to date. It should be noted that the formal consultation period expires on 25<sup>th</sup> April 2013 – Members shall be updated at the Committee meeting (via the Addendum) report of any forthcoming representations.

## **7. APPRAISAL**

### **Policy background**

- 7.1 The National Planning Policy Framework (NPPF) does not offer specific guidance to Local Planning Authorities (LPAs) in respect to dealing with applications for the change of use from a dwelling to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50).
- 7.2 Saved policies contained within the Northampton Local Plan continue to constitute part of the Development Plan; consequently the proposed use should be assessed against Policy H30 which states that permission for such a use should be granted as long as the property is of sufficient size. Policy H30 continues to stipulate that proposals should not result in an over-concentration of similar uses that would be detrimental to the amenities of neighbouring residents in the locality, and should not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect. The specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

### **Size of property**

- 7.3 It is apparent from the submitted plans that the property will be used to provide 5no. separate bedrooms. 3no. en-suite shower/toilets would be provided (2no. to be shared between 2no. bedrooms each and the other to serve a single bedroom). In addition, a shared kitchen, lounge and toilet would be provided at ground floor level. The property also benefits from a rear garden in addition to an outdoor area to the frontage. It is considered that the property is of sufficient size to accommodate the proposed use. All of the proposed bedrooms appear to be appropriately proportioned (all measuring approximately 10-11 sq. m in area) whilst a communal living area would also be provided. The property is able to acceptably accommodate up to 5no. people.

### **Over-concentration of use / Neighbour amenity**

- 7.4 From recent data collected, such as Council Tax records, it is evident that there is already a notable presence of HIMO properties along Bective Road – although such properties do not predominate the

residential stock along this road (in summary based on the OS maps of the street there are some 120no. properties located on Bective Road of which combined Planning, Private Sector Housing and Council Tax records indicate that there are some 11no. recorded HIMO's in the Road). It is therefore considered that the character of this street already reflects the proposed use and that the addition of a further HIMO would not adversely harm the existing character of the surrounding area.

- 7.5 The site is afforded amenity areas to both its front and rear, which could be readily used for the storage and placement of refuse and recyclables. The applicant has stated a commitment in their submitted Management Plan to supervise appropriate refuse management with receptacles being stored to the rear of the premises on non-collection days. Further, a monthly inspection of the property shall be undertaken by the landlord to ensure that its condition is properly maintained.
- 7.6 In terms of potential noise disturbance, the submitted Management Plan states that a contact number is to be provided to surrounding neighbours to call in the event of disturbance whilst tenants shall be briefed upon the importance of containing noise levels. The Council's Environmental Health Officer has requested details of internal noise insulation and any mechanical services to be installed – given the very limited scale / nature of proposed internal conversion works (i.e. creation of new en-suite areas) it is not considered that additional information is required from the applicant in this instance. They have confirmed in their Management Plan that any additional mechanical installations shall comply with current Building Regulation standards.
- 7.7 It is considered that the proposed maximum of 5no. occupants would not represent substantial intensification in comparison to how the property is currently used as a family home. It is therefore considered that potential disturbance would be unlikely to be significant.

### **Car Parking**

- 7.8 Bective Road is afforded unrestricted on-street car parking opportunities. A visit to the site during daytime hours indicated that there is spare capacity and the area would not appear to be experiencing notable difficulty in terms of accommodating demand for on-street car parking. The site is also located in close proximity to Kingsthorpe Centre, which is well served by a range of retail and community facilities including bus services. The proposals are considered to be acceptable in this context notwithstanding the potential for some additional demand to be created by the proposed use.

## **8. CONCLUSION**

- 8.1 The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and

would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policy H30 of the Northampton Local Plan.

## **9. CONDITIONS**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (CH5717); Existing Ground Floor; Existing 1<sup>st</sup> Floor; Proposed Ground Floor; Proposed 1<sup>st</sup> Floor.

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

(3) The premises shall be used as a house in multiple occupation for a maximum of five residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy H30 of the Northampton Local Plan.

(4) The development hereby permitted shall be carried out in full accordance with the approved Management Plan.

Reason: In the interests of safeguarding residential amenity in accordance with Policy H30 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

10.1 N/2013/0211

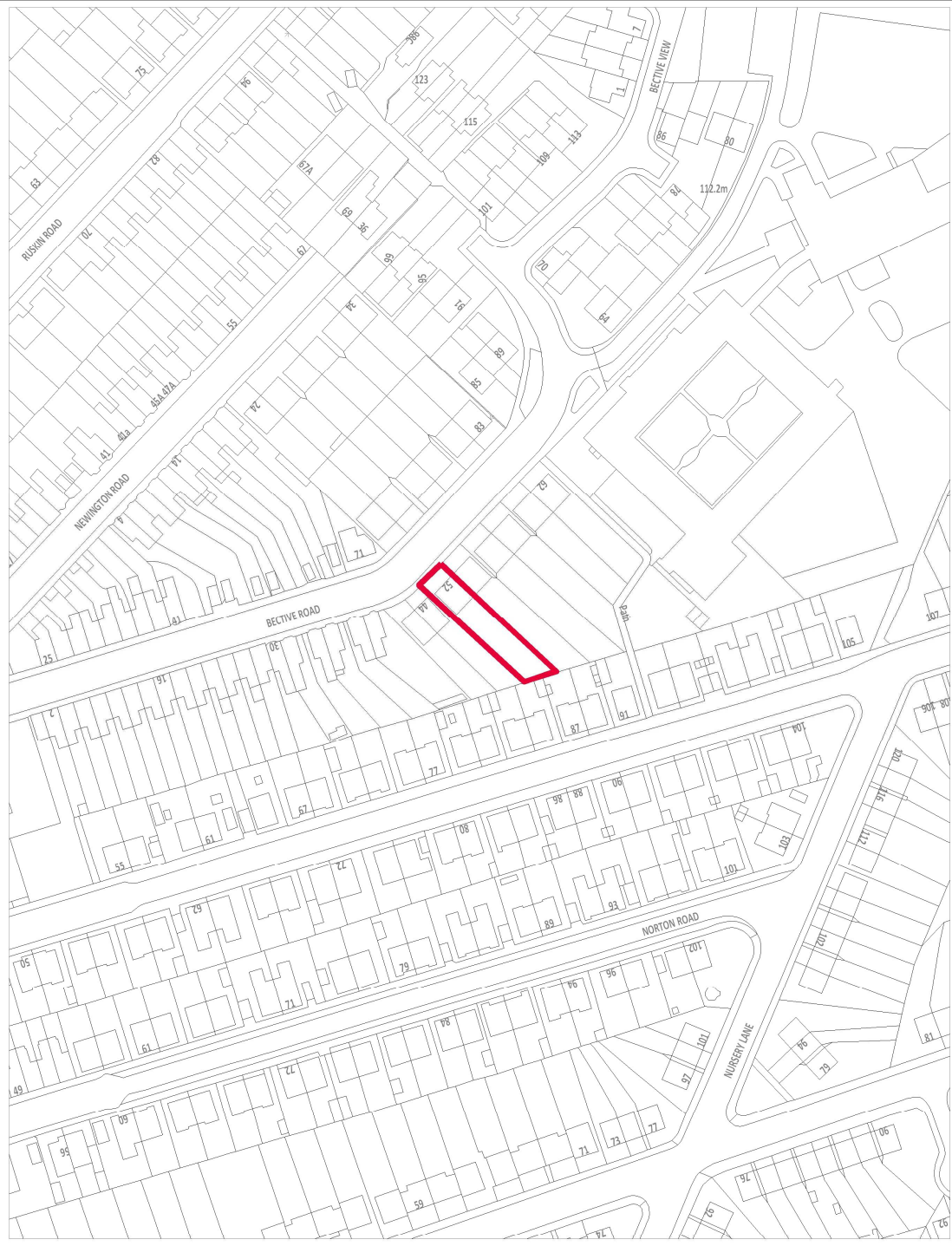
## **11. LEGAL IMPLICATIONS**

11.1 None for the Council as Local Planning Authority.

## **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: **18th April 2013**  
Scale: **1:1250**  
Dept: **Planning**  
Project: **Committee**

Title

## 52 Bective Road

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setback approximately 8m from the Penfold Lane boundary broadly in line with neighbouring properties. The footprint of the property would roughly resemble an 'H' with 2no. gable ends being proposed to both its eastern and western sides with dual-pitched roof designs. A standalone single garage is proposed to the southern side of the site. A new vehicular access, driveway and pedestrian access would be created on Penfold Lane involving the removal of 8.5m of existing low-level stone wall and planting immediately behind the wall.

### **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a notable part of the rear garden area of No.25 Penfold Lane. No. 25 is located at the junction of Penfold Lane and Lady Winefride's Walk such that its principal elevation actually faces Lady Winefride's Walk to the south. The rear garden area in question abuts the western side of Penfold Lane (running a distance of 27m to the boundary with No.27 Penfold Lane) where a low-level stone wall is in existence with a mature hedgerow and landscaping located immediately behind. The garden stretches back (to the west) a distance of 32m when measured from the Penfold Lane boundary.
- 3.2 The existing dwelling at No.25 Penfold Lane is a bungalow setback approximately 8m from both its Penfold Lane and Lady Winefride's Walk frontages. It is afforded vehicular access leading to a single integral garage on Penfold Lane. Surrounding residential properties are typically 1½ storeys in built height (i.e. there is living space above the ground floor level with roofs served by either dormer or gable end windows), there are also examples of 2no. storey properties located to the opposing eastern side of Penfold Lane.

### **4. PLANNING HISTORY**

- 4.1 None relevant specifically to this property.

### **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**

National Planning Policy Framework (NPPF)

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

E20 - New Development

H6 - Housing Development within Primarily Residential Areas

H10 - Backland Development

## **6. CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NBC Access Officer:** No comments received.
- 6.2 **NBC Public Protection:** No comments received.
- 6.3 **Cllr David Palethorpe:** The proposals represent an overdevelopment of the site, are out of keeping with the area and adjoining existing properties. Also consideration needs to be given to Penfold Lane access.
- 6.4 Letters of notification were sent out to nearby residential occupiers, no responses have been received to date. It should be noted that the formal consultation period expires on 3<sup>rd</sup> May 2013 – Members shall be updated at the Committee Meeting (via the Addendum Report) in respect of any forthcoming representations.

## **7. APPRAISAL**

### ***Principle***

- 7.1 As detailed within the NPPF (para 49) housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within a primarily residential area as designated by the Northampton Local Plan (1997) – Policy H6 of the Local Plan dictates that planning permission shall be granted for residential development subject to compliance with specific criteria as discussed below. Consideration of the development's scale, density, character and highway implications shall be covered in the following sections of the report, but the principle of residential development is considered to be acceptable on this site.

### ***Design & Visual Impact***

- 7.2 It is considered that the proposed design would harmonise with the character of the area and would respect the visual appearance of nearby dwellings. The proposed low-level, single-storey scale of the proposals (4.5m ridge height) would aid this assimilation with the area and would help to ensure that the scheme would not result in an over-intensive development of the site. The use of varying dual-pitched roof elements and the two gable-ended frontages provides visual interest and feeds off the design cues offered by neighbouring properties.
- 7.3 It is not considered that the scheme would result in an overdevelopment of the site notwithstanding a notable reduction in the size of the rear garden area serving No.25 Penfold Lane. This rear garden is particularly generous in its dimensions relative to other rear gardens in the vicinity and would still measure in excess of 100 sq m following the implementation of the proposed scheme. It is felt that the urban grain of the area would be respected – the proposed dwelling's

footprint would be positioned on a similar alignment to adjacent properties running the western side of Penfold Lane and would allow the property to be afforded both front and rear garden areas in accordance with the character of the area.

- 7.4 The proposed plans indicate a palette of materials that would match surrounding dwellings – this would constitute concrete interlocking roof tiles, light-coloured brickwork and UPVC window and door openings. Brick coursing would be provided above window openings and under-eaves to the gable ends. Full material samples shall be secured via planning condition. It is felt that the proposals are acceptable in this context.

***Residential Amenity, Boundary Treatments, Landscaping***

- 7.5 Policy H10 of the Local Plan refers to the development of residential backland and states that planning permission shall not be granted unless it can be shown that the siting and layout would not be detrimental to the amenity of the locality and would not adversely affect the privacy of adjoining dwellings. The preamble to this Policy (para 3.18) suggests that backland development is problematic when the development consists of one house immediately behind another sharing the same access. In this case the proposed bungalow would front on to and be accessed directly from Penfold Lane.
- 7.6 The proposals would not be overbearing nor cause undue overshadowing by virtue of their single-storey stature. The dwelling would be setback 1.5m from the northern boundary of the site (abutting No. 27 Penfold Lane) and would be set far enough forward within the site so as to avoid directly opposing the side-facing window opening of No. 27. It should be noted that this boundary would also be afforded a 1.8m high close-boarded fence treatment to protect privacy.
- 7.7 To the southern side of the site a further 1.8m close-boarded treatment would be installed, which would form the boundary with the existing No.25 Penfold Lane. This would be set a minimum distance of 5m from the built extent of No.25 and would guard against any potential sensitive overlooking concerns.
- 7.8 To the western side of the site is located the grounds of No.2 Lady Winefride's Walk – this is a 1 ½ storey dwelling with an obscure-glazed dormer window opening located to the property's east-facing roof slope. It is not felt that the privacy of the occupiers of this property would be prejudiced by these proposals. In any event, the newly proposed west-facing openings (at ground floor level) would be set at an oblique angle (at least 45%) to the dormer window and existing mature coniferous landscaping is to be retained both along the western boundary of the site and within the rear garden area of the application site. Potential overlooking would be further mitigated as the proposed dwelling would be single storey.

- 7.9 The Penfold Lane frontage would be amended to allow for the introduction of both a new vehicular access (width of 7.5m) and a new pedestrian access (width of 1m). This would result in the loss of approximately 8.5m of the existing low-level stone walling that runs the western side of Penfold Lane in this area. Although it is considered that it would be preferential for this walling to be retained in a visual sense, it is noted that the removal of the wall is essential to allow the new dwelling to be served by its own independent access. 8.5m constitutes a short length of walling in the context of its full length (which is already interrupted by various other access and entry points along Penfold Lane); it is not felt that its removal would be to the detriment of the underlying character of the area. It should be noted that the applicant would be able to remove the walling in question without planning permission in any event.
- 7.10 Existing shrubbery and trees would be partly retained and trimmed back to the Penfold Lane frontage; there would also be selected removals to allow room for the development to be undertaken within the site. The Penfold Lane frontage would continue to be afforded a buffer of landscaping in the interests of visual amenity and additional planting could also be secured by condition.

#### ***Highways & Parking***

- 7.11 The proposals involve the creation of a new vehicular crossover to Penfold Lane – a private drive would be positioned adjacent to the existing driveway serving No.25 and would be afforded 2m x 2m pedestrian visibility splays on either side in accordance with the Local Highway Authority's (LHA) Standing Advice. A new single garage would be located directly at the end of the new driveway, which would also be afforded a new vehicular turning head to its eastern side. It is felt that this level of off-street parking provision is acceptable to serve a new standalone dwellinghouse and the proposals would not compromise the existing off-street parking provision of the host property.
- 7.12 The details of the proposal are in compliance with the LHA's Standing Advice, i.e. in terms of junction position, access width, etc. It is felt that planning conditions should be imposed, in accordance with the Standing Advice, to secure drainage and hard surfacing details to ensure that both surface water and loose material do not discharge on to the public highway.

#### **8. CONCLUSION**

- 8.1 The impact of the proposed development on the character of neighbouring properties and the wider area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, H6 and H10 of the Northampton Local Plan (1997).

## 9. CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: As Existing (13/H156/2); Location Plan & Proposed Floor Plans and Elevations (13/H156/1B).

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

- (3) Details and/or samples of all proposed external facing materials including the new pedestrian access gate to Penfold Lane 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 Policies E20 and H6 of the Northampton Local Plan.

- (4) Prior to the commencement of development, details of hard bound surfacing to the vehicular access hereby permitted shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

Reason: In the interests of highway safety and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

- (5) Prior to the commencement of the development, details of a positive means of drainage to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

Reason: To ensure that surface water from the vehicular access does not discharge onto the public highway in the interests of highway safety in accordance with National Planning Policy Framework.

- (6) 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 Policy E20 of the Northampton Local Plan.

- (7) 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 Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 N/2013/0297

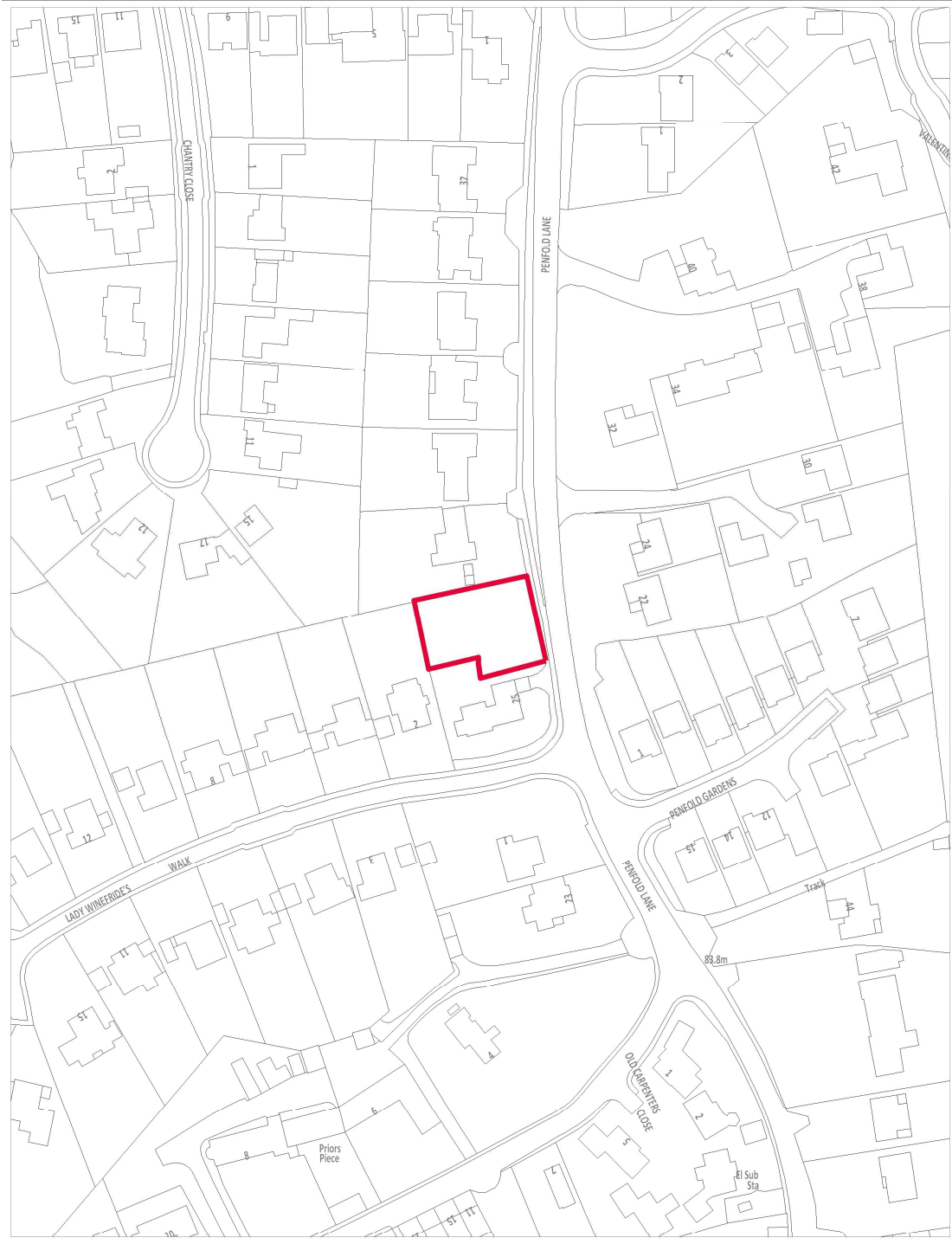
## **11. LEGAL IMPLICATIONS**

- 11.1 None for the Council as Local Planning Authority.

## **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: 18th April 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**25 Penfold Lane**

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**PLANNING COMMITTEE:** 7<sup>th</sup> May 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/1252:** Outline application for residential development of up to 200 dwellings (including affordable housing) including road infrastructure, public open space, landscaping, sustainable drainage and engineering works.

**WARD:** Situated within Daventry District

**APPLICANT:** Persimmon Homes/ Barratt Homes.  
**AGENT:** Pegasus Group

**REFERRED BY:** Head of Planning

**REASON:** The proposal relates to a major housing scheme adjoining the Borough boundary with direct links to the Dallington Grange (Kings Heath) Sustainable Urban Extension (SUE).

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## **CONSULTATION BY DAVENTRY DISTRICT COUNCIL:**

### **1 INTRODUCTION**

- 1.1 This report relates to an outline application submitted to Daventry District Council for the development of up to 200 dwellings on a site east of Harlestone Road, referred to as the 'Dallington Gateway'. The land forms a small part of the Kings Heath Sustainable Urban Extension (SUE) allocation in the emerging West Northamptonshire Joint Core Strategy as submitted to the Planning Inspectorate and under examination at the time of drafting this report. The Inspector's report is scheduled to be published later this year. The remainder and greater part of this proposed SUE sits within the Borough.
- 1.2 The intention of the applicants is to bring forward the Gateway site as a first phase, in advance of the larger allocation. Therefore, the decision on this application is important for NBC in that it sets the context for the future development of the Dallington Grange site. The application is

submitted in outline, with all matters reserved for later approval apart from access. Officers are satisfied that the principle of residential development is acceptable but have a number of concerns with regard to the s106 agreement, as currently drafted, and particularly the approach to affordable housing and infrastructure provision put forward by the applicants. These matters are set out fully in the report below.

## 2 RECOMMENDATION

2.1 That the Borough Council **OBJECTS** to the application on the basis that the s106 agreement, as currently proposed, would fail to address the infrastructure needs of the development or provide an adequate quantum or level of affordable housing. In particular:

- The current level of affordable housing proposed is 15% of the total number of dwellings. The split of affordable housing by tenure is not known at this stage. DDC's Affordable Housing SPD requires a provision of 29% unless justified through a viability appraisal. No such appraisal has been disclosed to NBC.
- As the site sits within the Northampton Related Development Area (NRDA) the affordable housing provision will meet the housing needs of Northampton Borough. Consequently, NBC requests full input into the negotiation and drafting of the s106 with regard to affordable housing, including any discussions relating to financial viability.
- As part of the wider Dallington Grange SUE, the proposal should make a proportionate contribution towards strategic infrastructure, including education and highway improvements. NBC requests that no decision is taken until agreement is reached with NCC regarding the primary education contribution. The s106 should also recognize the proportionate contribution of the development (as part of the greater SUE) towards secondary education and the A45/M1 Access Management Strategy, as set out in the memorandum of understanding between Local Planning Authorities and the County Council.
- In the absence of appropriate s106 contributions, as set out above, it is considered that the proposal forms an unsustainable, stand-alone, scheme that fails to recognise the affordable housing needs of the area and the wider infrastructure needs of the Dallington Grange SUE. As such it is inconsistent with Policy N7 of the submission West Northamptonshire Joint Core Strategy and paragraph 14 of the NPPF.
- Request that DDC clarify the future noise levels associated with the North-West bypass to ensure that a satisfactory level of residential amenity can be achieved for proposed dwellings along its route. In particular, reference is made to the noise assessment within the Environmental Impact Assessment submitted with the Dallington Grange application and the disparity with the noise report submitted with the current scheme.

### **3. THE PROPOSAL**

- 3.1 The proposal is an outline application for up to 200 dwellings, with all matters reserved except for access. An indicative layout has been provided showing a housing layout at 38 dwellings per hectare with subsidiary open space, footpath/ cycleways and flood attenuation areas.
- 3.2 Access to the site would come from a new spur connecting to the Harlestone Road/ Sandy Lane relief road roundabout. This 200 metre stretch would form the first element of the Northampton north-west bypass which will skirt around the northern edge of the Dallington Grange development.

### **4. SITE DESCRIPTION**

- 4.1 The site is a roughly triangular parcel of agricultural land situated to the east of Harlestone Road, just outside the Borough boundary, to the north of the Lodge Farm industrial estate. The site runs adjacent to Harlestone Road from the northern edge of Lodge Farm up to Harlestone Firs, its northern extremity is marked by the new roundabout at the junction with the Sandy Lane relief road (New Sandy Lane).
- 4.2 The woodland at Harlestone Firs is located to the north and east of the site. The eastern boundary abuts the woodland, some of which will need to be cleared to gain access to the larger section of the Dallington Grange site which is a few hundred metres further east.
- 4.3 Vehicular access to the site would come from a new road linking to the roundabout at the Harlestone Road New Sandy Lane junction.

### **5. PLANNING POLICY**

#### ***Development Plan***

- 5.1 The Development Plan for the area comprises the saved policies of the Daventry District Local Plan. The site is allocated as a green wedge under Policy EN10. The aim of this policy is to provide a buffer between built up areas, particularly on the edge of Northampton.

#### ***Emerging Policy***

- 5.2 **West Northamptonshire Joint Core Strategy (Submission draft)**  
The site is identified within the Northampton Related Development Area and within the Kings Heath SUE identified under Policy N7. Under previous proposals a Park and Ride site was identified under Policy N7 on the site of the current application. However, on confirmation that this is no longer needed, the site is now allocated as part of the wider SUE allocation, which makes provision for up to 3,000 houses in total.

***National Policies:***

- 5.3 **National Planning Policy Framework (NPPF).** The NPPF replaced the previous suite of Planning Policy Statements/ Guidance Notes on 27<sup>th</sup> March 2012. Key relevant sections are:
- **Achieving sustainable development** (paragraphs 6-16)
  - **Core planning principles** (paragraph 17)
  - **Delivering sustainable development** (paragraphs 18- 22)
  - **Promoting sustainable transport** (paragraphs 29- 41)
  - **Delivering a wide choice of high quality homes** (paragraphs 47- 55)
  - **Requiring good design** (paragraphs 56 – 68)
  - **Promoting healthy communities** (paragraphs 69- 78)
  - **Conserving and enhancing the natural environment** (paragraphs 109- 125)
  - **Conserving and enhancing the historic environment** (paragraphs 126- 141)
  - **Decision taking** (paragraphs 186 – 206).

**6. APPRAISAL**

- 6.1 The proposed development is submitted in outline form and seeks consent for the principle of residential development at the site. The layout submitted is for indicative purposes only and seeks to demonstrate how the proposed number of dwellings could be accommodated at the site. Whilst NBC will expect to be consulted on any detailed proposals at a future stage, in responding to the current consultation the key issues insofar as the scheme affects Northampton are considered to be:
- Whether the principle of residential development is acceptable in advance of fully detailed proposals for the wider Dallington Grange site.
  - Whether the proposal constitutes a sustainable stand-alone scheme vis-à-vis the approach to infrastructure delivery and affordable housing provision.
  - Whether the proposals pay due regard to the wider Dallington Grange site with regard to environmental matters.

***Principle of Development***

- 6.2 In planning policy terms it is recognised that the Daventry District Local Plan is out of date with regard to housing provision and that the provisions of the NPPF with regard to housing supply are a significant factor in favour of the proposed scheme. Northampton Borough Council's 'Five Year Housing Land Supply Assessment, dated April 2012' identified a current supply of 2.32 years. This assessment included sites outside NBC's administrative boundary that are within the Northampton Related Development Area (NRDA) i.e. those sites required to deliver the growth related to Northampton's needs. The application site sits within the NRDA and is therefore required for

Northampton's growth. It would not contribute towards DDC's 5 year housing land supply.

- 6.3 Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.
- 6.4 Given the emphasis within the NPPF and the relatively advanced stage of the West Northamptonshire Joint Core Strategy (WNJCS), it is considered that appropriate weight should be attached to emerging policy in this case. Policy N7 of the WNJCS allocates the site as part of the Kings Heath SUE. NCC's requirement for a park and ride site has been removed and the submission version of the WNJCS includes the 'gateway' site as part of the SUE. Therefore, in principle, emerging policy recognises that the principle of development at the site is appropriate. Given the stage of the WNJCS and the thrust of the NPPF officers are satisfied that the principle of development is acceptable and sufficient to outweigh the intentions of saved Policy EN10 of the Daventry District Local Plan which allocates the site as part of a 'green wedge' skirting the perimeter of Northampton.
- 6.5 Whilst the principle of development is accepted it is clearly essential that any scheme coming forward in advance of the bulk of the SUE allocation is planned in a manner that does not prejudice the delivery of the overall scheme. In physical terms, the gateway site is somewhat detached from the main site with a section of Harlestone Firs in-between. To gain access to the remainder of the site, the bypass/access road will need to punctuate the woodland. Nevertheless, the scheme will form a gateway to the main site at one of its key entrances. The indicative layout is based on good design principles, with buildings responding to key frontages and viewpoints, and the green infrastructure network provides for footpath and cycle connections through to future phases of the scheme. Subject to full details at the reserved matters stage it is considered that the scheme would provide an appropriate entrance to the wider development.
- 6.6 Notwithstanding the above, the current proposal is coming forward well in advance of the development of the main site. Discussions are ongoing with regard to the wider scheme but the planning application, submitted in 2007, still remains undetermined. Discussions are proceeding with the applicant but a revised submission will be required due to the passage of time and change to material considerations. In order to be viewed as a sustainable 'stand-alone' scheme it is essential that the current proposals take account of the wider infrastructure needs of the development as a whole and make a proportionate contribution to delivering necessary infrastructure. Without this, the gateway scheme will fail to assist in delivering the wider project and would appear as a relatively isolated housing development, devoid of appropriate facilities. In other words, officers do not consider that the

scheme represents sustainable development unless appropriate provision is made for necessary affordable housing, education, open space and sustainable transport measures. These matters are considered below.

### ***Approach to Infrastructure Provision and Affordable Housing***

- 6.7 Given the close proximity and relationship with the Kings Heath SUE site and the Borough boundary officers requested to be involved closely with discussions on the application. However, to date, NBC officers have not been involved in any meetings relating to the s106 agreement or infrastructure needs of the scheme. At the time of writing, a draft s106 has been presented which makes provision for the following:
- 15% affordable housing (with an undefined tenure mix)
  - Completion of the bypass extension, up to the site access (200m in to the site from the round-a-bout)
  - A £200,000 contribution towards off-site highway works/ public transport provision
  - Provision of play areas/ open space within the development
  - Submission of a travel plan
  - Primary school contribution (figure not defined)
- 6.8 Officers have a number of concerns with regard to these heads of terms.

### ***Affordable Housing***

- 6.9 Sites within the NRDA are being brought forward to meet Northampton's growth needs including those parts that lie outside the Borough. Accordingly, agreement has been reached with Daventry and South Northamptonshire Council's that the allocation of affordable housing units will prioritise those with local need in Northampton. A nominations cascade has been agreed which therefore gives priority to residents within the NRDA or those with a local connection to the NRDA. Due to the constraints of the Borough's administrative boundary Northampton is unable to meet its own housing need without relying on sites outside its boundary but within the NRDA located close to the Borough boundary. As such it is imperative that appropriate levels (and tenures) of affordable housing provision are secured through s106 agreements for housing development within the NRDA.
- 6.10 Daventry District Council's Affordable Housing Supplementary Planning Document (adopted December 2012) states that on developments of 15 dwellings and above 29% of dwellings shall be affordable. In terms of tenure split, the SPD seeks two-thirds rented/ one-third intermediate (for example, shared ownership) units. Where developments cannot achieve this on grounds of viability, the SPD requires that full viability appraisals are submitted and reviewed. Given that the housing is to meet the needs of Northampton, NBC's planning and housing teams would expect to be fully engaged in this process.

In this case, the current heads of terms for the s106 agreement propose a level of affordable housing at 15%. The tenure split is currently unknown. The applicants cite the cost associated with the access arrangements which will form the first phase of the north-west bypass as the reason why 29% affordable housing is unviable. However, no financial information has been submitted to NBC to support this claim. On this basis, the negotiations have not followed the procedure required and the 15% level of affordable housing cannot be supported or substantiated.

- 6.11 Given the importance of affordable housing in Northampton, it is essential that NBC is involved in these discussions. Consequently, it is recommended that an objection is sent to DDC until such time as the level and mix of affordable housing has been properly discussed and justified. As background, NBC's housing team request that the level of provision should be 29% with a 70/30 split in favour of rented accommodation. The preference is to split the rented accommodation 50/50 between 'affordable rent' and 'social rent'.

#### ***Education Provision***

- 6.12 At the time of writing, no agreement has been reached between the developer and NCC with regards to the education contribution from the development. NCC is not requesting a contribution towards secondary education on the basis that there is currently a surplus of secondary education places. Their immediate need is focussed on primary education. Whilst 2 primary schools would be required to serve the wider development these are not anticipated to be developed within a timescale that would serve the needs of the gateway site. Consequently, NCC has requested a contribution towards additional primary places within the Duston catchment. As yet, this contribution has not been accepted by the applicant and further discussions are expected. It is considered essential that the development makes adequate provision for education provision, commensurate with its scale and impact. Until such time as the arrangements have been agreed with NCC officers it is recommended that no decision should be issued.

#### ***Transport***

- 6.13 As with education, NCC is responsible for setting out and negotiating requirements in terms of local transport provision. In order to gain access into the site the applicants are required to construct an extension to the relief road, which will be constructed as part of the North-West Bypass running from the Harlestone Road roundabout. This is agreed and provided for in the draft s106 heads of terms. In addition, the draft s106 identifies a contribution of £200,000 towards off-site junction works and public transport provision. It is not clear whether this is sufficient to mitigate the impact of the development and NCC has yet to publicly confirm its position in this respect.



- 6.14 In terms of public transport, it is considered to be essential to maintain and enhance services between the site and Northampton. It is poorly connected in terms of shopping and leisure facilities and, without public transport provision, those without use of a car would be isolated. As with education, it is expected to be a significant period of time before the retail facilities in the SUE are available. Consequently, officers recommend that the importance of public transport and access arrangements are stressed in NBC's response on the application.
- 6.15 In addition to local transport matters, members will be aware of the A45/M1 Access Management Strategy which identifies a number of interventions required on the strategic road network in order to facilitate growth in the town. A memorandum of understanding has been signed between the Highways Agency, NCC, NBC, DDC and SNC relating to the delivery of this strategy. The strategy anticipates contributions from each of the SUE's on a proportionate basis. No contribution has been sought by the HA from this planning application, despite the site being part of the Kings Heath SUE. Officers are of the opinion that the scheme should contribute on a proportionate basis as part of the SUE. At the least, the proportionate impact of the scheme should be recognised in future discussions relating to the remainder of the SUE. This needs to be resolved at this stage prior to determination.
- 6.16 Therefore, at the present time, officers are not satisfied that the s106 provisions are sufficient to mitigate the impact of the scheme. Without key contributions in relation to affordable housing, education and transport the development is considered to be unsustainable and unacceptable in planning terms. The proposal would not comply with the requirements of emerging policy N7 of the WNJCS which requires infrastructure provision to be phased alongside the delivery of development. If the scheme is to come forward in advance of the main site, appropriate s106 measures are essential to mitigate the impact and provide an acceptable scheme. Similarly, without this mitigation, the scheme is considered to be unsustainable and the presumption in favour of sustainable development within paragraph 14 of the NPPF does not apply.

#### ***Environmental Issues***

- 6.17 The application is for large scale major development and the access road forms part of a much larger proposal for the Northampton North-West bypass. As such, NBC officers consider that an Environmental Impact Assessment should have been submitted with the application. Nevertheless, it is accepted that the screening of planning applications is a matter for the local authority concerned. Although no EIA was undertaken, a number of 'Environmental Reports' were submitted with the scheme.
- 6.18 Officers are concerned that the content of the noise assessment is inconsistent with that submitted in the EIA for the Dallington Grange application. The current noise assessment refers to the first phase of

the North-West bypass as 'a site access road' and no reference is made to the future status of the road as a bypass. Future noise assessments, projected at 2032 do not include the finished bypass as a scenario. This is considered to be a fundamental issue which could impact on future residential amenity of residents and have implications for any future planning application for the north-west bypass.

- 6.19 The noise assessment undertaken for the Dallington Grange application provided an analysis of the impact of the completed bypass. This assessment identified a strip of land either side of the bypass within Noise Exposure Category D (unsuitable for residential development) and a wider strip within NEC C where mitigation would be required. The proposed mitigation included bunding with acoustic fencing above. No such measures are put forward in the current application and officers strongly recommend that DDC consider this matter fully prior to determining the application to consider any implications for layout and mitigation requirements.

## **7. CONCLUSION**

- 7.1 To conclude, officers consider that the principle of bringing forward the site in advance of the wider SUE would be appropriate, providing adequate provisions are made with regard to s106 to secure necessary affordable housing and infrastructure. Without these essential components the scheme would be unsustainable and unacceptable in planning terms. At the current time, the draft s106 agreement fails to make adequate provision for affordable housing, transport or education provision. No viability assessment has been submitted to demonstrate why the levels of provision fall below that required by local policy. NBC officers have requested that the Borough is fully involved in discussions relating to affordable housing given that the provision within the scheme is necessary to meet Northampton's needs.
- 7.2 In addition, there are concerns that the environmental reports carried out in relation to the scheme look at the proposal in isolation and do not take account of the future impact of the north-west bypass or the additional development at Dallington Grange. The lack of an Environmental Impact Assessment which examines the cumulative impact of the larger scheme is problematic, particularly in relation to future noise levels along the north-west bypass. Without a proper assessment officers do not feel that DDC are in a position to determine the scheme.
- 7.3 Consequently, it is recommended that Members raise objections to the proposal being determined at the present time until these matters have been satisfactorily resolved.

## **8. LEGAL IMPLICATIONS**

- 8.1 There are no specific legal implications of this consultation response.

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

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