



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 2 July 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: John Caswell, Iftikhar Choudary, Nazim Choudary, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 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 837356
- 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 (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, 2 July 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

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

An Addendum of further information considered by the Committee is attached.

(A) N/2011/1278 RESIDENTIAL DEVELOPMENT COMPRISING 45 NO, APARTMENTS, ASSOCIATED ACCESS, PARKING, DRAINAGE, LANDSCAPE AND PUBLIC OPEN SPACE. LAND AT OLD TOWCESTER ROAD, SOUTHBRIDGE, NORTHAMPTON

Report of Head of Planning (copy herewith).

Ward: Delapre and Briar Hill

(B) N/2012/0909 PROPOSED RESIDENTIAL DEVELOPMENT OF 142 DWELLINGS, GARAGES AND ASSOCIATED WORKS, INCLUDING NEW ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER ROAD, NORTHAMPTON

Report of Head of Planning (copy herewith).

Ward: Delapre and Briar Hill

(C) N/2013/0235 CREATION OF ADDITIONAL 1,303SQM RETAIL FLOORSACE AT MEZZANINE LEVEL AT UNIT C, NENE VALLEY RETAIL PARK, TOWCESTER ROAD

Report of Head of Planning (copy herewith).

Ward: Castle

(D) N/2013/0267 VARIATION OF CONDITION 3 OF PLANNING PERMISSION N/2010/1037 TO ALLOW THE COMMUNITY AND EDUCATION CENTRE TO OPERATE BETWEEN 10AM AND 1AM FOR A MAXIMUM OF 30 DAYS PER CALENDAR YEAR. THE CENTRE TO OPERATE BETWEEN 10AM AND 11PM ON ALL OTHER DAYS, FORMER CLICKER PUBLIC HOUSE, 1 COLLINGDALE ROAD NORTHAMPTON.

Report of Head of Planning (Copy herewith)

Ward: Westone

(E) N/2013/0445 CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5) AND CREATE 1NO. SELF-CONTAINED FLAT ON FIRST FLOOR AND SECOND FLOOR; INSTALLATION OF EXTRACTION FLUE TO THE REAR AND ALTERATION OF SHOP FRONT INCLUDING ACCESS TO UPPER FLOOR FLAT AND ALTERATION TO EXISTING ROLLER SHUTTER TO FRONT.70 KINGSLEY PARK TERRACE

Report of Head of Planning (copy herewith).

Ward: Kingsley

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

None.

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 11 June 2013

PRESENT: Councillor Flavell (Chair); Councillors Aziz, Caswell, I. Choudary, N Choudary, Lane, Mason, Meredith, Oldham and Palethorpe

1. APOLOGIES

Apologies for absence were received from Councillor Golby.

2. MINUTES

The minutes of the meeting held on the 7th May 2013 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED: That Mr Seamark be granted leave to address the Committee in respect of Item 7(a) - Review of the Local Requirements for the Validation of Planning Applications

That Councillor Stone and Mrs Lindsey-Bell be granted to leave to address the Committee in respect of application no, N/2012/0184.

That County Councillor Hope, Mr Barclay and Ms Dearsley be granted leave to address the Committee in respect of application no, N/2013/0194

That Mr Beale, Billing Parish Councillor Mr Marlow, Mr Holeman and Councillor Palethorpe, be granted leave to address the Committee in respect of application no, N/2013/0297

That Councillor Stone be granted leave to address the Committee in respect of application no, N/2013/0365

That Councillor Stone be granted leave to address the Committee in respect of application no, N/2013/0444

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Palethorpe declared "predetermination" of application no. N/2013/0297 as intending to speak against the application.

Councillor I Choudary declared a personal non-prejudicial Interest in application N/2013/0455 Item 12(a) as the former Ward Councillor having previously been in dialogue with the owners.

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

None

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) REVIEW OF THE LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

The Head of Planning submitted a report.

Mr Seamark addressed the Committee and commented that the public had not been consulted on the draft list of Local Validation Requirements and that the legislation requiring that the consultation be undertaken for a period of at least 8 weeks had been incorrectly calculated. He further commented that delegating to officers could lead to potential costly mistakes.

In response, the Head of Planning commented that a press notice would be served to allow for public consultation and that over 160 parties would be written to inviting them to make comments during the consultation period. He stated that he would re-examine the calculation of the consultation period.

RESOLVED:

- 1) That the draft Local Validation List appended at Annex A of the report be approved
- 2) Approve the proposed consultation procedure be approved.
- 3) That authority be delegated to the Head of Planning to incorporate consultation responses into the list.
- 4) That an amended final version be adopted by July 31st 2013, subject to reviewing of the length of required consultation period.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

- (A) N/2012/0909 - PROPOSED RESIDENTIAL DEVELOPMENT OF 142 DWELLINGS, GARAGES AND ASSOCIATED WORKS, INCLUDING NEW ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER ROAD, NORTHAMPTON**

It was noted that this item had been withdrawn from the agenda.

- (B) N/2013/0076 S73 APPLICATION TO VARY CONDITIONS 2 AND 35 OF PLANNING PERMISSION 10/0188/FULWNN (ERECTION OF 176 DWELLINGS,ROADS, SEWERS AND ASSOCIATED OPEN SPACE) TO ALLOW THE AMENDMENT OF HOUSE TYPE DESIGN AND STANDARDS, LAND OFF BANBURY LANE**

The Head of Planning submitted a report in respect of application no. N/2013/0076 and elaborated thereon.

The committee discussed the application.

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

(a) the prior completion of a S106 Agreement to re-secure the planning obligations in the existing S106 Agreement in respect of permission ref:10/0188/FULWNN and

(b) the planning conditions set out in the report

- (C) N/2013/0184 CHANGE OF USE OF DWELLING TO 6 HIMO (RE-SUBMISSION OF PLANNING PERMISSION N/2012/0762), 26 CLOUTSHAM STREET**

The Head of Planning submitted a report in respect of application no. N/2013/0184, elaborated thereon and referred to the Addendum that contained a statement made by the applicant, who was unable to attend.

Councillor Stone, as the Ward Councillor, commented that when examining HIMOs it was important to consider the client group and the effect on local services. She stated that she considered there to have been an existing over-development of the site and that it was not fit for purpose.

Ms Lindsey Bell addressed the Committee, as the property manager, and commented that there was a high demand of such accommodation, particularly from students. She noted that such good quality housing was in short supply.

The committee discussed the report.

RESOLVED: That the application be refused.

By reason that that the proposed use of the basement as a bedroom represents overdevelopment of the property creating an unacceptable standard of residential accommodation for future occupants due to its constrained size and limited light, outlook and ventilation contrary to Policy H30 of the Northampton Local Plan.

(D) N/2013/0194 CONTINUED ADDITIONAL USE OF LIFT TOWER FOR ABSEILING, NATIONAL LIFT TOWER, TOWER SQUARE

The Head of Planning submitted a report in respect of application N/2013/0194 and elaborated thereon. He referred to the Addendum that set out comments from Councillor Hope.

Councillor Hope addressed the Committee and noted that whilst she was not against the application per se, but would like to see a number of conditions added to the proposed application.

Following notification that someone was recording the meeting, the Chair moved that a short adjournment of the Committee was necessary whilst the Director of Regeneration, Enterprise and Planning and the Borough Solicitor advised the individual that the Council's Constitution prevents the recording of such meetings and he deleted the recording made as witnessed by the Borough Solicitor and Development Manager.

The Committee then resumed at 7.01pm.

Mr Barclay addressed the Committee and commented that he had a number of concerns with regards to the continued additional use of the lift tower, principally road safety concerns.

Ms Dearsley addressed the Committee and commented that she had undertaken an abseil herself as part of a charity fundraising event, which she stated had been well run and had proved to be a good fundraising event.

The Committee discussed the application.

RESOLVED: That a further temporary period be approved subject to conditions set out in the report.

(E) N/2013/0232 ERECTION/RETENTION OF BALL STOP NETTING (10M HIGH) FOR 100M ALONG WEST BOUNDARY OF SAINTS CRICKET AND HOCKEY CLUB, BIRCHFIELD ROAD EAST, NORTHAMPTON

The Head of Planning submitted a report in respect of application N/2013/0232 and elaborated thereon and recommended an additional condition regarding maintenance of the netting.

The Committee discussed the application.

RESOLVED: That the application be approved subject to conditions set out in the report and the following additional condition:

The proposed netting shall be kept maintained to a satisfactory condition at all times when the netting is erected.

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

(F) N/2013/0297 ERECTION OF SINGLE-STOREY DWELLING INCLUDING DETACHED GARAGE, R/O 25 PENFOLD LANE, GREAT BILLING

Councillor Palethorpe moved to the public seating in accordance with his declaration of predetermination set out at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2013/0297, elaborated thereon and referred to the Addendum where further objections had been received since the application had been withdrawn from the agenda of the Planning Committee on the 7th May 2013. It was noted that a revised plan had been submitted by the applicant and consequentially Condition 2 had been amended and an additional Condition attached.

Mr Beale addressed the Committee and spoke against the application. He commented that the impact of neighbouring properties would be immense and that should the application be approved would set precedence for other 'back garden' developments.

Parish Councillor Mr Marlow addressed the Committee and spoke against the application. He commented that residents of Great Billing wanted to keep the area the same and urged the Committee to refuse the application.

Councillor Palethorpe spoke against the application and stated that a number of new developments had been welcome in the village but that under Policy 20, it was an overdevelopment of the area,

Mr Holeman spoke in favour of the application and commented that it was not an overdevelopment of the area, and that pre-application advice had been sought and stated that there was no material planning reasons for the application to be refused.

(Councillor Palethorpe left the meeting in accordance with his earlier stated declaration of predetermination).

The Committee discussed the application.

RESOLVED: That the application be refused:

By reason of its siting and scale, the proposed development is considered to be out of character with the surrounding area and would result in an overdevelopment of the site contrary to Policies E20 and H6 of the Northampton Local Plan

(Councillor Palethorpe re-joined the meeting)

(G) N/2013/0365 CHANGE OF USE FROM SINGLE DWELLING TO HOUSE IN MULTIPLE OCCUPATION FOR FOUR PEOPLE, 6 WHITWORTH ROAD

The Head of Planning submitted a report in respect of application N/2013/0365 and elaborated thereon.

Councillor Stone spoken against the application and commented that there was a need for 'family' housing and not HIMOs. She noted that the area was already overcrowded and that parking concerns were also apparent.

The Committee discussed the application.

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

(H) N/2013/0379 VARIATION OF CONDITION 2 OF PLANNING PERMISSION 95/0468 TO INCREASE NUMBER OF LETTING UNITS FROM SEVEN TO NINE, 20 ST MICHAELS AVENUE

The Head of Planning submitted a report in respect of application no. N/2013/0379, elaborated thereon and referred the Committee to the amended condition in the Addendum.

The Committee discussed the application.

RESOLVED: That the application be approved in principle subject to the conditions set out in the report and Addendum and that the final decision on this application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee are raised by the end of the consultation period on 13 June 2013.

(I) N/2013/0444 RETENTION OF USE OF PROPERTY AS HOUSE IN MULTIPLE OCCUPATION FOR 4 TENANTS, 71 HERVEY STREET

The Head of Planning submitted a report in respect of application no. N/2013/044 and elaborated thereon.

Councillor Stone spoke against the application on behalf of the Residents Association and expressed concern about the developments of HIMOs and commented that there was a lack of 'family' housing and considered it to be an overdevelopment of the area.

The Committee discussed the application.

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

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

(A) CONSULTATION RESPONSE TO PROPOSED DELISTING OF FORMER ST EDMUND'S HOSPITAL

The Head of Planning submitted a report and elaborated thereon. He explained that English Heritage had received an application to de-list St Edmunds Hospital and that

the Borough Council had been consulted as the relevant authority. It was felt that as the building was of wider public interest members of the public and interested groups should be given the opportunity to make representations about the historic and architectural interest of the building.

The Committee discussed the consultation response.

RESOLVED:

1. That the Council advised English Heritage that it considers St Edmunds Hospital should retain its listed building status based on the architectural and historic merit of the building.
2. That the Council forwards all relevant submissions from the consultation on St Edmunds Hospital to English Heritage for consideration.

The Chair made the following statement: "As Chair of the Planning Committee, regardless of the outcome of the application to de-list the property, I would thoroughly encourage the owners of the property to engage in constructive dialogue with the Borough Council on the future use and development of the site."

The meeting concluded at 9pm

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



List of Appeals and Determinations – 2nd July 2013

Written Reps Procedure			
Application	Del/PC	Description	Decision
E/2012/0157 APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close	DISMISSED
N/2012/1166 APP/V2825/H/13/2194528	DEL	Externally illuminated advertisement display panels at Royal Mail, 55 Barrack Road	AWAITED
N/2012/1219 APP/V2825/A/13/2196964	DEL	Conversion of existing garage into a 1no. bed dwelling including front and rear dormers to roof and erection of front bay window and side porch at 9 Manor Road, Kingsthorpe	AWAITED
N/2012/1267 APP/V2825/A/13/2197666	DEL	Change of use to house of multiple occupation for up to 8 people (Use Class Sui Generis) – Retrospective at 1 Manfield Road	AWAITED
N/2012/0904 APP/V2825/D/13/2198748	PC	Two storey side extension, single storey front and rear extensions and erection of front canopy at 1 Whittlebury Close.	AWAITED
N/2012/1281 APP/V2825/D/13/2198764	PC	Single storey front porch extension, first floor balcony/terrace to rear & detached double garage at 5 Belfry Lane	AWAITED
N/2013/0131 APP/V3825/A/13/2198834	PC	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	AWAITED
Public Inquiry			
		None	
Hearing			
		None	

The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - www.planningportal.gov.uk
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mr Gareth Jones, Development Control Manager Telephone 01604 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



Addendum to Agenda Items Tuesday 2nd July 2013

10. ITEMS FOR DETERMINATION

10a

N/2011/1278

Residential Development comprising 45no. apartments, associated access, parking, drainage, landscaping and public open space
Land at Old Towcester Road, Southbridge.

NCC Development Management - confirm that they will still not be seeking Education contributions as the likelihood of the development generating pupils is minimal. They state they would still be seeking Fire and Library contributions.

Recommended additional condition in order to secure the provision and long term retention of appropriate cycle storage facilities:

22. The cycle storage facilities show on the approved drawings shall be provided in accordance these details prior to the first occupation of any of the flats within that building and shall be retain and maintained thereafter for this purposes only.

Reason – To ensure the provision of adequate cycle storage facilities in accordance with the NPPF.

10b

N/2012/0909

Proposed residential development of 142 dwellings, garages and associated works, including new access roundabout
Land off Lancaster Way, Towcester Road, Northampton

Comments have been received from the **Buckingham Fields Community Action Group** in respect of the Committee report. Officers' response to these points is in italics.

The access from Towcester Road referenced in Paragraph 3.2 is not closed as those that have a right to use the access can currently do so.

The purpose of the wording is to emphasis the fact that the access point is not available for public access to the site.

The dwellings to the west of the site (Paragraph 3.3) are accessed from Rothersthorpe Road

This reference was intended to cover the properties in Kingmaker Way, which are accessed from Lancaster Way. In the interests of accuracy, these are to the south west of the site. As stated above, the properties to the immediate west of the site are accessed from Rothersthorpe Road.

An area within the site has been excluded from the application as this area of the site falls outside of the applicant's control. There are other areas on the site which the

applicant does not control.

This area of the site in third party ownership has been specifically excluded from the application proposal.

The provision of open space and allotments would not retain the site's original character.

The site currently has an open character due to its undeveloped nature. The relatively low density of the development and the provision of open space and allotments would assist in the retention, in part, of this open character, but clearly this would be significantly altered with the proposed development and with that as permitted by the extant planning permission.

The phasing of the development is likely to mean that the open space at the entrance to the site would not be provided for some time as this is likely to be a storage area during construction works.

It is accepted that some of the proposed areas of open space may be utilised as a storage area during the construction process. The purpose of the Management Plan (which would be secured by condition) would ensure certainty regarding this arrangement and the timescales involved.

Details regarding the internal site boundaries should be available at this stage and not be the subject of a condition.

It is considered that a condition to control this is appropriate given the scale, nature and positions of the boundary treatments and in accordance with Government guidance on the use of conditions.

The wording of Paragraph 7.9 is questioned. It is also considered that the affected dwellings are of a poor quality design.

The report states that the proposed development would not impact upon the amenity of existing residents and yet a condition requiring the submission of details in respect of land levels has been recommended.

There is no link to Leah Bank and that it is unlikely that it would be provided.

Those with rights of access to the site have such rights from the east of the site. The proposed bollards are not acceptable. The entrance could be gated in the future.

This point is noted; however, given the prominence of this entrance to the site by reason of the level of activity that takes place adjacent to it (i.e. its proximity to Braunston Close and the path from Rothersthorpe Road), it is considered that this arrangement is acceptable.

A condition that all the land must be owned by the developer before building work can commence (to ensure completion of the development), is reasonable

No further investigation of the wells is necessary. A strategy needs to be put forward as to how these are dealt with.

The proposed condition would secure a mitigation strategy in the event that they are found to be present on site.

Contamination reports, noise assessments and a construction management plan should not be the subject of conditions.

These conditions were written with reference to the advice of consultees (such as the Environment Agency) in respect of the application. As a result of this advice it is considered that the use of conditions is appropriate and accords with Government Guidance on the use of conditions

The **Buckingham Fields Community Action Group** has commented upon the proposed Section 106 Agreement. It considers that there is sufficient policy basis to secure contributions to the fire and rescue service. It is also argued that a full contribution towards education provision should be secured.

The policy basis for Section 106 Agreements is set out within the Committee Report. It is acknowledged that the legal agreement associated with the extant permission did not include a payment towards education provision; however, the change in circumstances are detailed within Paragraphs 7.36 and 7.37.

Comments are also made regarding the suitability of the proposed boundary treatments and suitability of alternative access arrangements.

12 Mortimer Close – The proposed development would have a detrimental impact upon highway safety and generate a significant level of congestion. There is already a significant amount of traffic using Towcester Road.

196 Towcester Road – The driveway for this property is not shown on the drawings (Officers' note: it is referenced within Paragraph 3.3 of the application report). There are concerns that the boundary treatments could reduce the level of privacy at this property.

Representations have also been received from the owner of the land excluded from, but surrounded by; the application site confirming this and that there is no agreement in place to sell the land to the developer.

Cllr B. Glynane – Objecting to the development for the following reasons:

1. Complete lack of 106 payments, no education contribution and no Fire and Rescue contribution.
2. That a sewer pipe is to be moved, when the development could have been designed around it.
3. There is a lack of clarity regarding the site's boundary treatments
4. No details have been submitted on land levels, which is something that residents should comment on.
5. No details of the protection of green space
6. There has been no movement with regards to the replacement of the roundabout with a 'T' junction.
7. There is no information regarding flood attenuation. On this point alone the application should be deferred until this information can be debated by the committee and commented on by residents at risk.

Finally this application should be withdrawn or deferred until the issues that have been raised have been discussed and addressed to the satisfaction of those affected by this application.

Officers' Response:

The proposed Heads of Terms for the Section 106 Agreement include the making of a payment towards education provision. The reasons for the lack of a Fire and Rescue contribution are set out within the Committee report. The Section 106 Agreement would also secure the retention of the proposed open space for public access. The recommended conditions in respect of flood risk are a result of consultation with the Environment Agency.

Revised wording to Paragraph 7.38, which should read:

The County Council has also requested a payment for the provision of the fire services. There is no adopted development plan policy support for this and it is not clear what facilities would be secured / needs would be addressed by this requirement. The new Community Infrastructure Levy Regulations also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is considered that this request cannot be supported.

10c

N/2013/0235

Creation of 1,303sqm additional retail mezzanine floor area.

Unit C Nene Valley Retail Park St James Mill Road East Northampton.

Further Correspondence from the Applicant

The applicant has requested a minor amendment to condition 2 to allow for the flexibility to sell food and drinks from an ancillary café at the premises. The proposed wording is as follows:

*The floorspace hereby permitted shall not be used for the sale of convenience goods, including food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals and nondurable household goods, **except where such goods are sold from an ancillary cafe facility.***

Officer Response: The applicants have confirmed that the potential occupants of the unit intend to provide a small ancillary café within the building. A certificate of lawfulness has already been issued to the effect that this would be lawful and would not need a separate planning permission. Therefore, the suggested amendment to condition 2 is considered to be acceptable. It is therefore recommended that the condition be approved in the form suggested by the applicant.

10d

N/2013/267

Variation of condition 3 of Planning Permission N/2010/1037 to allow the community and education centre to operate between 10am

The Clicker 1 Collingdale Road Northampton.

Nothing to add.

10e

N/2013/0445

Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) and create 1no. self-contained flat on first floor and second floor; installation of extraction flue to the rear and alteration of shop front including access to upper floor flat and alteration to existing roller shutter to front.

70 Kingsley Park Terrace

Crime Prevention Design Officer has no objection but suggests that the door leading to the first floor level flat should be a tested and certificated secure door set to PAS 24:2007 standard and that provision is made within the ground floor lobby for the secure storage of a bike. A secure door has been added as an Informative. There is sufficient space to the rear of the premises for bike storage.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None



PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/1278: Residential Development comprising 45 apartments, associated access, parking, drainage, landscaping, and public open space at land at Old Towcester Road, Southbridge, Northampton

WARD: Delapre and Briar Hill

APPLICANT: Bellway Homes Ltd
AGENT: N/A

REFERRED BY: Cllr Ford
REASON: Over intensive development of the site. The development also requires a S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 That the application be **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 legal agreement, and conditions and for the following reason:

The proposal would represent the effective re-use of a vacant previously developed site and would not unduly impact on neighbouring amenity, highway safety or the character of the area. The proposal is therefore in accordance with National Planning Policy Framework and Policies 1, 4, 5, 9, 10 and 27 of the Central Area Action Plan.

- 1.2 That delegated authority be given to the Head of Planning to negotiate the detail of a **Section 106 Legal Agreement** to secure the provision of 5 affordable housing units on site or if a suitable Registered Social Landlord cannot be found, the provision of a commuted sum to contribute towards the provision of affordable housing off-site. The reasons for this are set out in paragraphs 7.20 – 7.23 below.

- 1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application at their discretion on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 This is an application for full planning permission to erect 45 apartments in 4 blocks of accommodation (1 block of 18 units and 3 blocks of 9 units). This will provide 5 x 1 bed units and 40 x 2 bed units at a density of 98 units per hectare.
- 2.2 The development includes the provision of 49 car parking spaces, access to which will be from the existing roundabout fronting the site.
- 2.3 Upon submission the application was supported by a Planning Statement, Environmental Management Plan, Design and Access Statement, Noise Assessment, Landscape and Visual Impact Assessment, Drainage Statement and Marketing Evidence. During the course of the application amended plans have been submitted to overcome Highway and crime prevention objections. Furthermore the requirement for satisfactory Flood Risk Assessments and Viability Assessments have resulted in considerable delay in recommending the application to Committee.

3. SITE DESCRIPTION / BACKGROUND

- 3.1 The site is located within the Southbridge Area of Northampton and falls within the Central Area Action Plan boundary. To the north of the site is the Grand Union Canal where it meets with the River Nene and to the east is the Carlsberg Social Club. West of the site is existing residential development in the form of apartments which are 3 to 4 storeys in height and to the south is Old Towcester Road. Development on the opposite (southern) side of this road consists of residential development in the form of apartments and 3 storey dwelling houses. A pedestrian route runs to the east of the site linking the canal towpath to the Old Towcester Road.
- 3.2 The site, approximately 0.43ha, is irregular in shape and comprises the former construction site compound for the surrounding residential development, enclosed by hoardings and surrounded by grass. A canal side crane, which has been reconditioned by the applicants, is located to the north of the site and provides an attractive reference to the site's industrial past. The site is roughly flat, but is raised above the canal towpath to the north. Outline planning permission was granted in 2002 for the site to be developed as a public house. Despite several attempts at marketing the site there has been no interest in developing it as a public house.

4. PLANNING HISTORY

- 4.1 **N/2011/0818** – Residential development comprising 45 apartments - Withdrawn.
- 4.2 **N/2005/118** – Variation of condition no.2 of outline planning permission consent N/2001/493 to allow extension of time for submission of reserved matters until 8 March 2007 – Approved in principle subject to prior finalisation of a S106 legal agreement to re-secure planning conditions (this was never finalised and permission was therefore not issued).
- 4.3 **N/2001/493** – Outline application for development of Public House (Class A3) and access – Approved with conditions March 2002.

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 Central Area Action Plan 2013 and the saved policies of the Northampton Local Plan 1997.

5.2 National Policies:

National Planning Policy Framework (NPPF)

- Achieving sustainable development (para. 6-16)
- Core planning principles (para. 17)
- Delivering sustainable development (para. 18-22)
- Promoting sustainable transport (para. 29-41)
- Delivering a wide choice of high quality homes (para. 47-55)
- Requiring good design (para. 56-68)
- Promoting healthy communities (para. 69-78)
- Meeting the challenge of climate change, flooding and coastal change (para. 93-108)
- Conserving and enhancing the natural environment (para. 109-125)
- Conserving and enhancing the historic environment (para. 126-141)
- Decision taking (para. 186-206)

5.3 Central Area Action Plan

Policy 1 – Promoting Design Excellence

Policy 4 – Green Infrastructure

Policy 5 – Flood risk and drainage

Policy 9 – Pedestrian and cycling movement network

Policy 10 – Parking

Policy 27 – The Waterside: Southbridge West

Policy 36 – Infrastructure Delivery

5.4 **Supplementary Planning Guidance**

Planning Obligations SPD

Affordable Housing

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NBC Housing Strategy** – made a series of comments identifying the need for 35% affordable housing provision on-site and commenting on the applicant's submission regarding viability. The most recent are: following my comments of 21st March 2013, my further stance would be to ask why 35% Affordable Housing can't be provided. What are the abnormalities that are making this non-viable? Our Policy requires 11 Social Rent Units and 5 Intermediate units, such as Shared Ownership, to make up the 35% and the 70/30 tenure split. As discussed earlier, only a commuted sum would be considered if on-site provision was not suitable and this would have to be like for like to enable the same number of affordable units to be built on an alternative site.
- 6.2 **NBC Public Protection** – The development site is situated on land that was historically industrial use and should be thoroughly investigated for contamination and remediated as necessary. Significant levels of industrial noise from the nearby Carlsberg Brewery also affect it. Recommend conditions regarding noise and contamination if recommended for approval.
- 6.3 **NBC Regeneration Manager** – need to ensure that the footpath/shared surface (Cycles) linking the Towpath to Towcester Road is completed as it is a key link. The width of the footpath/shared surface will need to be at least 1.5m wide. Needs to be either a condition or part of the S106 agreement.
- 6.4 **Environment Agency** – initially objected to the proposal, however following the submission of details including a sequential assessment and flood risk assessment the EA has no objection to the proposed development as submitted subject to conditions regarding flooding risk, surface water drainage, waste water infrastructure.
- 6.5 **Development Management (NCC)** – request financial payments towards the provision of the fire and library services. Due to the type of development state that they will not pursue an Education contribution. *Officer Comment: As these comments are received relatively early in the consultation process officers are seeking clarification for NCC that these advice is now still correct. This will be reported via the Addendum report.*
- 6.6 **Anglian Water** – no objection subject to a condition requiring a drainage water strategy/flood risk assessment.

- 6.7 **British Waterways** – No objections subject to conditions regarding crane protection and access to towpath.
- 6.8 **Highway Authority (NCC)** – initially requested a turning head at the entrance however after further review the submitted the details are content with the revised arrangement as shown in drawing number 1604-101 Rev C.
- 6.9 **Northamptonshire Police Crime Prevention Design Advisor** – refers to comments made on the previous application and considers resubmission has all the same problems. The area suffers from 2.8 crimes per month on average and in the last twelve months there has been a spate where communal entry doors were left open and internal flat entrance doors were attacked. Therefore recommends the following:
- That individual blocks should be surrounded by a perimeter treatment which provides a physical definition between public and private space. This is especially important as there are ground floor bedrooms.
 - Considers car parking has limited surveillance from inhabited rooms and some spaces are a good distance away from the block.
 - The block is excessively permeable with each block able to be attacked from all sides.
 - If the site proceeds in this form recommend that each block is built to incorporate Secured by Design accredited doors and windows with a robust access control system on each communal access door.
 - The design of the front porch needs to be altered so that the door is flush with the front building line. Recessed porches need to be altered to deter loitering and providing a means of hiding.
 - The access control system should incorporate audio visual verification, electronic lock release and there should be no trade buttons. Makes recommendations about postal delivery.
- 6.10 **National Grid (Gas)** – No comments received.
- 6.11 **Western Power (Electric)** – No comments received.
- 6.12 **Far Cotton Residents Association** – No comments received.
- 6.13 **Northampton Primary Care Trust** - No comments received.
- 6.14 **Councillor Mick Ford** (also Chairman of Far Cotton Residents Association) - request to call in the application as considers it is an over intensive development of the site.
- 6.15 **31 West Cotton Close** – concerned about lack of parking in the area and consider this development will compound the issue. Lived at property for 8 years and since that time the parking problems have

increased significantly. Consider one parking space per apartment is insufficient. Cars currently park on the pavements causing hazards for pedestrians and this will be compounded.

7. APPRAISAL

Principle of the development

- 7.1 The site lies within a part of the Southbridge Development Site identified in the Central Area Action Plan (The Waterside, Southbridge West). Policy 27 relates to this site and outlines the potential to develop the land for leisure, residential or office uses up to three stories in height. Any development must provide strong, active frontage on to the river and ensure the continuation of pedestrian access along the riverfront itself. Flooding issues also need to be properly addressed.
- 7.2 Whilst the Council is keen to ensure that there is a variety of development fronting the canal it is important to point out that the site received planning permission for a public house back in 2002. At the time of submitting the current application 9 years had passed since the public house approval and despite evidence of marketing of the site since 2009, no serious interest has been shown. Feedback given to the applicants for lack of interest in the site has been a lack of main road frontage and the size of the site not meeting the requirements of pub operators. Furthermore there are already two existing public houses within close proximity of the application site.
- 7.3 As it has been demonstrated that there is no reasonable prospect of the site being developed as a public house and given the site's allocation in the CAAP and the character of the surrounding area, it is considered that the principle of developing this site for residential is acceptable. The development would provide sustainable development, three to four stories in height providing active frontage onto the river. Following the eventual submission of an acceptable flood risk assessment (FRA) the Environment Agency consider it is acceptable in terms of flood risk (as discussed in more detail at paragraph 7.16). The development includes the provision of a pedestrian/cycle path between the canal tow path and Old Towcester Road and therefore assists continuation of public footpath from Southbridge to the Grand Union Canal lock. The proposal therefore complies with Policy 27 of the CAAP.

Design and Appearance

- 7.4 A previous application for the development of the site for residential was withdrawn following discussions with officers. The current application has been updated and submitted taking on board officers comments which were as follows:
- Site deemed to be sufficiently large to accommodate its own architectural style and should not seek to replicate the mix of

styles currently exhibited by the surrounding phases of development

- Single access point was required from the traffic island, therefore additional access points should be removed on both aesthetic and safety grounds
- A strong link should be provided from the existing development through to the canal towpath, but not through the development to discourage anti-social behaviour
- Increase prominence of corner of building opposite the start of the Grand Union Canal by increasing to four storeys. Introduce balconies to units overlooking the canal
- Layout and landscaping to focus on Heritage Crane
- Reduction of visitor spaces in favour of loosening car parking and to increase opportunities to landscape communal space.

7.5 The overall approach to the development of the site is to complete the built frontage along the canal, creating an active frontage and natural surveillance. The design of the development will be visually distinct from the adjacent area in terms of layout and architectural style, but the scale and materials will be complementary to existing buildings and the overall character of the area.

7.6 The main apartment blocks will be three storey (10.2m in height), with a pitched roof. The corner blocks link the site with adjoining buildings, and partially enclose the internal courtyard areas from the street. The principal apartment block will be three to five storeys (9.5m in height rising up to 14.25m at the north eastern corner) with a mix of pitched and mono pitched roofs emphasising the corners fronting the canal. A feature 'loading bay' balcony will overlook the canal wharf on the eastern elevation.

7.7 It is not considered that the proposed development will cause any undue detrimental impact upon the occupiers of neighbouring properties in terms of outlook as the scale of the development is in keeping with the character of the area. The adjacent apartment block to the west does not have windows in the side elevation facing the application site so there will be no undue loss of privacy or light to the occupiers of this building. Furthermore the separation distance between the proposed development and dwellings opposite is 16 to 22 metres and is considered to be sufficient to prevent any undue loss of light or privacy to occupiers of these dwellings.

7.8 On account of the variations in land levels on the site it is considered reasonable for a condition to be applied to any permission requiring that the finished building levels are submitted to and approved by the Council prior to development commencing, to ensure that the development does not form an overbearing feature on existing neighbouring development while satisfying the requirements of the FRA.

- 7.9 The primary building material will be buff coloured brick with horizontal timber cladding and feature white render panels with detailing around windows. Windows are arranged in a regular pattern, some with Juliet balconies. In the event that the application is approved it is recommended that it be subject to a condition requiring the submission of details relating to building materials to maintain visual amenity.
- 7.10 The principal point of access into the site will be from the existing roundabout, with parking areas either side. A pedestrian footpath will link the canal with Old Towcester Road at the eastern site boundary. This will increase the permeability of the development and the surrounding area and maintain views through the site to the Grand Union Canal.
- 7.11 A detailed landscaping scheme has been submitted with the application. Within the car parking areas different materials will be used to break up the space and define vehicle routes and parking from pedestrian. The soft landscaping has been designed to be consistent with the surrounding development. Proposed planting, including trees will enhance the quality of the communal spaces, soften the built form and car parking spaces, create defensible space and contribute to biodiversity. Hedge planting will be used to enclose private from public space along the site boundaries. Planting along the eastern boundary of the site will soften the fence along the Carlsberg Social Club car park.
- 7.12 The heritage crane will be retained on site and given an attractive setting in an “operational circle” close to the Grand Union Canal and will be the focus on the main route and view from Old Towcester Road to the lock. Conditions are considered necessary to ensure the protection of the crane during and after development.

Environmental Considerations

- 7.13 An Environmental Management Plan has been submitted with the application and provides details of the Construction Management Plan for the proposed residential development. In the event that the application is approved it is recommended that it be subject to a condition requiring the development is carried out in accordance with the Environmental Management Plan.
- 7.14 In order to secure a satisfactory standard of development and with reference to the advice from the Council’s Environmental Health Officers, conditions requiring contamination investigation and remediation where necessary are considered necessary. Further conditions requiring the remediation of any unsuspected contamination are also required.
- 7.15 A noise assessment has been submitted with the application which demonstrates that ambient noise levels are low and acceptable external and internal noise levels will be achieved for residents using

appropriate window designs and acoustic ventilation. A condition to control this aspect of development is therefore considered appropriate.

- 7.16 The application was originally submitted without a flood risk assessment and objections were received by the Environment Agency (EA). They objected because the site lies within flood zone 3 and has a high probability of flooding. Without a FRA to support the application the flood risks were unknown. Furthermore the EA required that a sequential test be carried out by the Local Authority to demonstrate that there are no reasonably available alternative sites with a lower probability of flooding that would be appropriate for the type of development proposed. Following the submission of appropriate documents the EA withdrew its objection and has recommended conditions requiring the development be carried out in accordance with the FRA, the submission of a surface drainage scheme and wastewater infrastructure.

Highways and Access

- 7.17 The principal point of access into the site will be from the existing roundabout. The Highway Authority originally objected and required a turning head to be set back 25m from the roundabout with the access road to be adopted as public highway. Following the submission of an amended site plan and tracking diagram to prove that refuse vehicles could adequately access the development and return to the highway without reversing onto it, Highway Authority is satisfied that the access is acceptable.
- 7.18 The proposal includes the provision of 49 off street parking spaces which is considered to be sufficient to meet the needs of the proposed development given that cycle parking is also proposed on the site. The car parking spaces are located in communal areas within the development and overlooked by the flats. Cycle parking is secure within the main building. It is considered the proposal complies with Policies 1 and 10 of the CAAP.
- 7.19 As previously stated a pedestrian foot/cycle path will link the canal with Old Towcester Road at the eastern site boundary. This will increase the permeability of the development and provide a continuation of the footpath on the river's edge and comply with Policy 27 of the CAAP.

Planning Obligations

- 7.20 By reason of the type of development proposed it would normally be expected that 35% affordable housing would be provided (16 units) as part of the development and this is reflected in the views of Strategic Housing at paragraph 6.1. Other S106 matters would also normally include a contribution to improved public open space and community facilities within the vicinity of the site.

- 7.21 In this instance the applicants have stated that the scheme is not viable and they cannot afford to support the additional costs required. The Council requested that a viability statement be submitted in order to demonstrate this and it has taken several months to obtain sufficient information to adequately assess the scheme. Council Surveyors have now assessed the final statement and consider it is broadly correct in its costings and valuations although there are a number of variable factors.
- 7.22 To resolve the issue a meeting was held between Council officers and the applicants and it has been agreed that the applicant could provide 5 affordable dwellings on site, or if a Registered Social Landlord cannot be found who is interested in the scheme (landlords are often reluctant to manage only part of a block of apartments due to difficulties with co-responsibility with the other managing party) a contribution would be paid to help fund the provision of affordable housing elsewhere within the Borough. Due to these viability issues there are no other matters recommended to be secured by S106.
- 7.23 Further meetings are to be held with Housing Strategy Officers regarding this issue and it is therefore recommended that authority be given to the Head of Planning to obtain the appropriate requirement in terms of affordable housing.

Other issues

- 7.24 The County Council has requested financial contributions towards the funding of library and fire services however given the fact that it is not clear how such contributions would be directly related to the proposed development and as such capital costs can no longer be pooled and secured by a Section 106 agreement, it is considered that any request for a financial contribution to these matters cannot be reasonably sustained.
- 7.25 The Police Crime Prevention Design Advisor refers to the need to provide adequate security to the new dwellings including perimeter definition to provide physical definition between public and private space and the requirement for robust access control. One of the features of this and adjacent sites is that they are permeable and allow access to the canal. It is not considered appropriate to provide fencing to enclose the entire site but it is noted that the landscaping plan provides 'security planting' on parts of the boundary. A condition to deal with security measures is proposed.
- 7.26 Councillor Ford objects to the application as he considers the proposal is an overdevelopment of the site. The previous outline approval for the site was for a public house. It is not considered that the proposal for 45 apartments will be any more onerous in terms of highway movement and parking. The proposed development is in keeping with the character of the area and conforms with planning policy

8 CONCLUSION

- 8.1 The proposed development, subject to conditions and the securing of affordable housing through a Section 106 Agreement would have no greater impact on neighbouring amenity or highway safety than the use of the site as a pub. Furthermore, the development would provide a number of dwellings within a sustainable location. Flood risk issues have been resolved to the satisfaction of the Environment Agency and the proposed development includes a footpath/cycle link from the Old Towcester Road to the canal towpath. The proposal protects the waterfront area, meets the required standards of design and is therefore considered to meet policy requirements.

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 County Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, PC/0249/PL/001/Rev F, PC/0249/PL/005.1, PC/0249/PL/005.2, PC/0249/PL/006, PC/0249/PL-004/Rev A, 1604-101-C, JBA 11/213-01.

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

3. Details and/or samples of all proposed external facing materials including windows and doors 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 1 of the Central Area Action Plan.

4. Full details and specification of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The parking spaces shown on the submitted plan shall be constructed to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings hereby approved and shall be maintained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

6. Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be implemented prior to the occupation or bringing into use of the buildings and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action 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 buildings 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 their placement 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 1 of the Central Area Action Plan.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2012 and the following mitigation measures detailed within the FRA:

- a) Finished floor levels are set no lower 60.0 m above Ordnance Datum (AOD).
- b) Vehicle impact bollards to be installed along the perimeter of the car park.

The mitigation measures shall be fully implemented prior to occupation of the buildings hereby approved and in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed and future occupants in accordance with National Planning Policy Framework and Policy 5 of the Central Area Action Plan.

9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrology and hydrological contexts of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the completion of development.

The scheme shall also include:

- i) Discharge not to exceed 6l/s unless otherwise agreed.
- ii) Onsite surface water drainage should be designed to 0.5% (1 in 200) plus climate change standard.
- iii) Assessment of overland flood flow (including flows from original development site).
- iv) The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off the site in accordance with the National Planning Policy Framework and Policy 5 of the Central Area Action Plan.

10. No development shall take place until full details of a scheme, including phasing, for the provision of foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework and Policy 5 of the Central Area Action Plan.

11. Development shall be carried out in accordance with the Environmental Management Plan submitted with the application dated August 2011.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

12. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

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

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.

14. Where facades or floors of the development do not fall into NEC A, a noise insulation/protection scheme, which will require the provision of an alternative ventilation system, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the properties being occupied and retained thereafter.

The scheme shall include the following:

- Details of the alternative means of ventilation to the affected rooms, including details of noise attenuation to the inlet and outlets and, if appropriate, minimisation of cross talk between rooms.
- Details of the glazing to be used in those areas.

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

15. A minimum of 10% of the total number of dwellings shall be constructed to the Council's mobility standards and implemented concurrently with the development and retained thereafter.

Reason: In the interests of securing mixed development in accordance with the requirements of the National Planning Policy Framework.

16. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development relative to surrounding neighbouring properties that accord with the provisions of Condition 8 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance With Policy1 of the Central Area Action Plan.

17. 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 buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

18. Prior to the first occupation of the development, the footpath link connecting the Old Towcester Road to the canal towpath shall be laid out and surfaced to the satisfaction of the Local Planning Authority and shall be maintained at all times and retained for public use thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with Policies 9 and 27 of the Central Area Action Plan.

19. No development shall take place until full details of a scheme for the protection of the heritage crane at the north eastern corner of the application site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as agreed unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

20. No development shall take place until full details of a scheme for the long term management and maintenance of the retained heritage crane at the north eastern corner of the application site and the associated area of public realm has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as agreed unless any variation is subsequently agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

21. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how the objectives of "Secured By Design" have been addressed in the development hereby approved. Development shall be carried out in accordance with the approved scheme.
Reason: To secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

10. BACKGROUND PAPERS

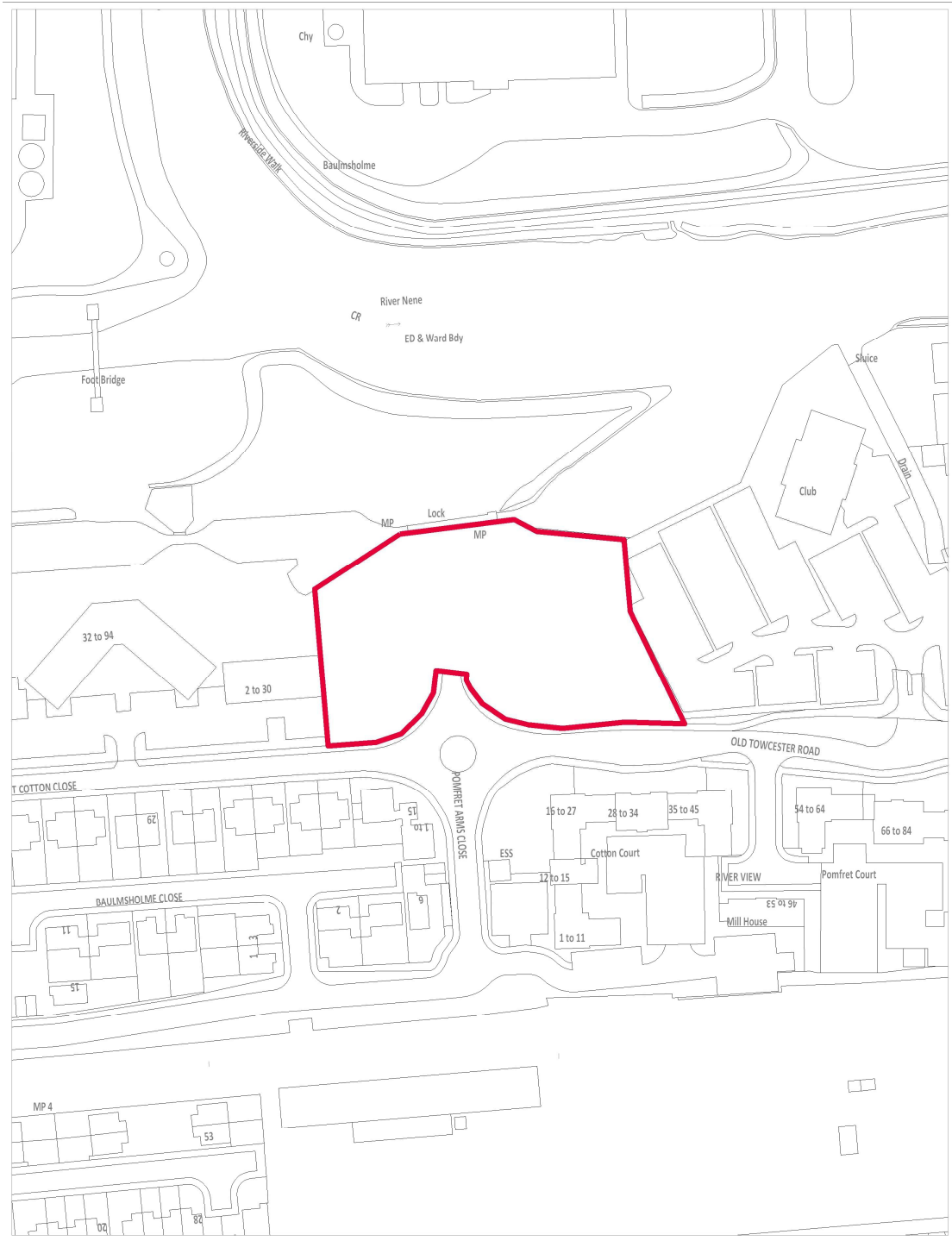
10.1 N/2005/118, N/2011/0818 and N/2001/0493.

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 June 2013**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title
N/2011/1278

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PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2012/0909: Proposed residential development of 142 dwellings, garages and associated works, including new access roundabout
Land off Lancaster Way, Towcester Road, Northampton

WARD: Delapre and Briar Hill

APPLICANT: Bovis Homes Ltd and Xcite Projects Ltd

REFERRED BY: Head of Planning
REASON: Major development requiring a S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.2 and 1.3 for the following reason:

The proposed development, subject to conditions, would result in the effective reuse of this vacant site and would not have undue adverse impact upon visual and neighbour amenity and highway safety. The proposal is therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E11, E19, E20, E40 and H8.

1.2 That delegated authority be given to the Head of Planning to negotiate the detail of a Section 106 Legal Agreement to secure the following or combination of these with a view to optimising the affordable housing provision provided on site:

- i) 35% on-site affordable housing;
- ii) Primary School Education payment;

- iii) A payment towards the increase in capacity of Queen Eleanor interchange in accordance with the A45/M1 Growth Management Scheme;
- iv) A payment towards improvements in highway capacity;
- v) A payment towards increasing public transport provision;
- vi) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
- vii) That the on-site Public Open Space and allotments are maintained in accordance with the Landscape Management Plan, dated April 2013 and received by the Council on the 9th May 2013;
- viii) Training opportunities for construction workers and associated administration costs;
- ix) A payment towards Community Development (which can include the provision and/or enhancement of off-site open space, such as Delapre Parkland);
- x) Place Making payment (which can include public realm improvements, public art and town/local centre improvements);
- xi) The Council's monitoring fee.

1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks planning permission to erect 142 dwellings, which comprise 40 two bedroom dwellings (all of which are houses except for four apartments and one flat over a garage); 59 three bedroom houses and 43 four bedroom units. The proposal also includes a number of areas of public open space and allotments. A total of 296 off street parking spaces (including garages) are proposed. The main vehicular access would be from Lancaster Way, where a new roundabout would be formed.

3. SITE DESCRIPTION

3.1 The application site is approximately 5ha in area and is allocated within the Northampton Local Plan for residential development (Policy H8). The application site has historically been used for the keeping of animals and allotments, although the use of the site has been in decline and fallen into disuse in recent years. As a result of this, the site is overgrown in places. A tree preservation order is in place to protect the mature tree adjacent to Lancaster Way. As part of the

general topography of the area, the site sloped downwards in a northerly direction with a number of undulations within the site.

- 3.2 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; and Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north and Briar Hill Walk to the east. Pedestrian access to the site is also present (albeit currently closed) by a path that runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages with access from Braunstone Close. This route then travels in a northerly direction and joins Rothersthorpe Road.
- 3.3 Lancaster Way runs adjacent to the southern boundary of the site and provides vehicular access from Towcester Road to the residential accommodation to the west. Of additional note is that there is a driveway serving 196 Towcester Road which is accessed from Lancaster Way.
- 3.4 An area within the centre of the site (with an approximate area of 770m²) has been excluded from the application as this does not fall within the applicant's ownership or control.

4. PLANNING HISTORY

- 4.1 07/0348/FULWNN – Residential development comprising 206 dwellings – Approved.
- 4.2 The above application was approved, subject to a Section 106 Agreement, in March 2012. As this permission will remain extant until March 2015 it is a material consideration in the determination of this application.

5. PLANNING POLICY

- 5.1 Paragraph 17 of the National Planning Policy Framework (NPPF) requires that new developments should be of a high quality design and secures a good standard of amenity. Paragraph 50 of this document states that mixed developments, such as by having a varied amount size, tenure and type of housing should be provided. Paragraph 32 of the NPPF requires the provision of safe and suitable means of access to developments. Paragraph 100 advises that developments should be safe and not increase flood risk elsewhere.
- 5.2 **Northampton Borough Local Plan**
E11 – Tree protection
E19 – Implementing development
E20 – New development

E40 – Crime and anti-social behaviour
H8 – Allocated Housing Sites
H17 – Housing for people with disabilities
T4 – Off-site highway improvements
L25 – Alternative use of former allotment land

5.3 **Supplementary Planning Documents:**

Planning Obligations
Affordable Housing
Parking
Planning Out Crime

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Arboricultural Officer (NBC)** – Requests that the tree protection measures are the subject of conditions.

6.2 **Environmental Health (NBC)** – Request conditions relating to the investigation of contamination, a noise assessment, refuse storage and a contamination management plan.

6.3 **Housing Strategy (NBC)** – The proposed provision of 50 affordable dwellings (which comprise 4 two bed apartments, 24 two bed houses, 21 three bed houses and 1 four bed house) is compatible with policy.

6.4 **Urban Designer (NBC)** – The concept and detailed layout is generally positive with the inclusion of a feature central square into the development layout. It also includes dwellings which are generally well related to the most positive elements of the scale, density and residential character of this area. However, the development could be further enhanced in terms of permeability and legibility.

6.5 **Environment Agency** – No objections subject to conditions relating to flood mitigation.

6.6 **Highways Agency** – No objections.

6.7 **Highway Authority (NCC)** – The scheme has been revised in order to ensure safety through appropriate kerb radii and visibility splays. In the event that the application is approved, it should be subject to obligations relating to increasing traffic capacity within the surrounding road network and improving public transport provision.

6.8 **Development Management (NCC)** – Requests payments, as part of a Section 106 Agreement towards the provision of primary education, the fire service and fire hydrants.

6.9 **Northamptonshire Police Crime Prevention Design Advisor** – Object to the provision of a link between the site and Towcester Road and Leah Bank due to the potential to encourage crime and anti-social behaviour. The open space includes boundary treatments which is a

positive. Additional details regarding the boundary treatments to the development are required. There are concerns regarding the position of some car parking spaces as they would not be routinely overlooked.

6.10 **Western Power** – No objections

6.11 **Letters of objection have been received from 50 parties** as the occupiers of neighbouring properties and the Buckingham Fields Community Action Group. Comments can be summarised as:

- The proposed dwellings are of a standard design.
- The privacy levels of existing neighbouring properties would be adversely affected.
- Questions are raised as to how the numerous walls that are proposed around the site are to be maintained.
- There would be a significant increase in traffic using Lancaster Way and Towcester Road, which would generate congestion and pollution.
- The proposed roundabout within Lancaster Way would result in a loss of green space within Buckingham Fields.
- The roundabout would be detrimental to highway safety.
- The site only has one access for emergency vehicles.
- The footpath link to Leah Bank and Towcester Road will encourage anti-social behaviour.
- An access between the development and Leah Bank would increase sustainability and remove the need to build a roundabout within Lancaster Way.
- The proposed development would place increased demands upon school places within the locality, which are already in short supply. Other infrastructure is also in short supply.
- The affordable housing is in clusters that are too large.
- There would be loss of trees and wildlife if the site were to be developed.
- There are historic wells on the site.
- The site features some contamination.
- The site is owned by a number of people.
- A number of residential developments have been permitted elsewhere and therefore the need for the development is questioned.
- The proposed allotments would be unattractive and detrimental to visual amenity.

7. **APPRAISAL**

Principle of the development

- 7.1 By reason of the site's allocation within the Northampton Local Plan, the character of the surrounding area and the presence of an extant planning permission for a greater number of dwellings within the same site, it is considered that the principle of developing this site for residential purposes is acceptable and well established, and is

therefore compliant with the aims and objectives of the National Planning Policy Framework (hereafter referred to as the NPPF) and the Northampton Local Plan.

- 7.2 The primary difference between the current proposal and the extant planning permission is that the number of dwellings has been reduced from 206 to 142. This is principally due to increased provision of public open space / allotments on-site and the replacement of flats with houses. These revisions combine to significantly reduce the density of the development (approximately 29 dwellings per hectare).
- 7.3 The proposed development would secure a relatively high level of open space and allotments that would help retain, in part, the site's original character. Whilst it is accepted that an area of existing green space would be developed in order to accommodate the proposed roundabout, this would be compensated for through the provision of two new areas of open space immediately adjacent to the site entrance. As a result of this, it is considered that accessibility to open space would not be diminished.
- 7.4 In the event that the application is approved, the Section 106 Agreement would secure that the open space is made available for public access throughout the life of the development. The Legal Agreement would also control the phasing of the open space.

Design, appearance and layout

- 7.5 The proposed access from Lancaster Way would be adjacent to two areas of public open space, one of which would include the protected tree. This layout would ensure that the site entrance has sufficient interest and enhance visual amenity. The buildings proposed to be located in this area would frame these areas of open space and, by reason of their large footprint and overall scale would have sufficient presence to form a visually strong entrance into the development. At key points within the development, the building designs utilised would include additional features such as fenestration or different materials, which would assist in creating further interest at these points.
- 7.6 A notable feature of the development is that a central area of public open space, including a play area and a retained mature tree. This space would be overlooked from the frontages of 14 dwellings, thereby offering good natural surveillance and activity within this space in line with the requirements of Local Plan Policy E40. The developer has proposed a post and rail fence to surround this area (the details of which could be secured by condition); this would ensure that this area is not used for unauthorised car parking, whilst providing road users with certainty as to where pedestrians will emerge. The roads surrounding this space would be paved, to emphasise the sense of place within this central Square.

- 7.7 The proposed layout also features a number of other areas of public open space and allotments. These reduce the built form and ensure that a number of dwellings would benefit from an attractive outlook. The majority of these areas would have between 4 and 8 dwellings that front onto them or be overlooked by flats thereby providing good natural surveillance. The exception to this is the space to the north-east of the site, as the apartments would front onto the shared parking area as opposed to the open space. However, within this building, there would be rooms that overlook this space.
- 7.8 The developer has submitted a management plan detailing how the areas of open space would be operated. In particular, the details state that all sheds and outbuildings are to be located in excess of 8m away from any boundary with residential properties. Furthermore, any such structure would not have an area in excess of 1.8m by 1.2m. A condition covering the internal boundary treatments (for the areas of open space, allotments and plot boundaries) is recommended, which would require details to be submitted and approved by the Council. For the foregoing reasons, it is considered that the proposed open space arrangements would be secured and not unduly impact upon the occupiers of neighbouring properties.
- 7.9 The layout of the development is sufficient to ensure that the occupiers of the proposed development have a suitable level of light, privacy and outlook. It is noted that there are a small number of dwellings that do not overlook their private rear gardens. Officers have discussed this matter with the development; however, the plans have not been revised. Notwithstanding this, it is considered that, on balance, as these spaces would be reasonably secured by reason of the presence of suitable boundary treatments (which would be the subject of a condition).
- 7.10 The proposed dwellings are of a variety of styles that are complementary towards the prevailing character, which is of importance due to the scale of the proposed development. The proposed house designs include a number of features to ensure that there is sufficient interest; these include bay windows, front gables and porches. The palette of materials shown includes a combination of bricks and render. In the event that the application is approved, it is recommended that it be subject to a condition requiring the submission of details relating to building materials in order to maintain visual amenity.
- 7.11 Given that that the proposed buildings (including the flats) would all be of two storeys in height (which is consistent with the character of the wider area), it is considered that the proposed development would not cause an undue detrimental impact upon the occupiers of neighbouring properties in terms of outlook as the scale of the development is sufficient to prevent any overbearing features from being created. Furthermore, the separation distances between the proposed and existing dwellings in terms of front-to-side or rear-to-side distances vary

between 14 and 25m and comply with the space around dwellings guidance contained in the Local Plan. These distances are considered to be sufficient to prevent any undue loss or privacy or light to the occupiers of neighbouring properties in line with the requirements of Local Plan Policy E20.

- 7.12 On account of the variations in land levels on the site, it is necessary and reasonable for a condition to be applied to any permission requiring that the finished building levels are submitted to and approved by the Council prior to development commencing in order to ensure that the dwellings do not form overbearing features on the neighbouring, existing properties.
- 7.13 The developer has recently submitted a plan detailing the treatments of the external boundaries of the site. This is the subject of further consultations at the time of preparing this report. Any additional consultation responses will be reported to the Committee via the addendum, which will be circulated prior to the Committee meeting commencing.

Highways and Access

- 7.14 The proposal includes the provision 296 off-street parking spaces, which is considered to be sufficient to meet the needs of the proposed development. The car parking spaces are a combination of in curtilage parking and small communal areas that are overlooked by a number of dwellings. As a result of this, it is considered that the proposed provision is also safe and likely to deter anti-social behaviour.
- 7.15 The proposed roundabout and alterations within Lancaster Way are sufficient to ensure that highway safety would not be compromised and that congestion would not be created. In the event that the application is approved, it is recommended that it is subject to a condition requiring that these highway works are carried out at an early stage in the development process. The applicant has also revised the scheme in order to provide sufficient visibility splays within the internal roads to ensure that the pedestrian and vehicular safety is unaffected.
- 7.16 In order to provide sufficient infrastructure to meet the needs of the development, it is recommended that any approval be subject to a Section 106 Agreement relating to the increasing highway capacity (such as within the Queen Eleanor Interchange in accordance with the A45/M1 Growth Management Scheme) and to improve public transport provision.
- 7.17 The proposed development features pedestrian access from Lancaster Way, which would promote non-car means of travel. It is noted that a number of representations have been submitted regarding the potential for a pedestrian access to be created to the north of the site into Leah Bank. It is considered that this would increase permeability and encourage more environmentally sustainable means of travel, which

would outweigh any potential anti-social behaviour; however, it is noted that the section of land to the north of the application site within Leah Bank is within separate ownership and as such a link between the two cannot be provided at this stage. Notwithstanding this, the developer has provided a path up to the northern boundary in order to provide the potential for such a link in the future. Therefore, it is considered that in this specific regard, the requirements of the National Planning Policy Framework have been complied with.

- 7.18 The proposal has been revised in order to provide pedestrian linkages across the development (such as the paths between Plots 48 and 70, which is to the west of the site and in front of Plots 109-112 in the site's centre). These would ensure that the development is permeable and that there are adequate linkages between the proposed dwellings and areas of public open space. These are particular noteworthy in the areas surrounding the central area of public open space that benefit from good natural surveillance and the linkages in front of Plots 97, 99, 100 and 101 to the north east of the development. For this reason, it is considered that Local Plan Policy E40 has not been breached.
- 7.19 A number of representations have been submitted in respect of the linkage with an existing path that runs from the eastern boundary of the application site towards Towcester Road. This path terminates between numbers 182 and 184 Towcester Road and lies outside the application site. Officers have held discussions with the developer regarding the possibility of closing this link. However, it would appear that a private right of access exists from this path into the application site and therefore the developer is proposing that a lockable gate be installed at this point, in order to prevent any unauthorised access. The submitted site Management Plan details that keys would be held by the company responsible for the operation and maintenance of the open space and allotments and the party with the right of access. As a result, it is considered that the proposal would comply with the requirements of Local Plan Policy E40 in this regard.

Open space, management and maintenance

- 7.20 The proposal includes the provision of areas of public open space and allotments of good quality and quantity for development of this scale and kind. In order to maintain visual amenity and to ensure that a useable space is created, a condition is recommended that would secure details of a landscaping scheme. It is also recommended that an obligation be included within the Section 106 Agreement requiring that the areas of open space are made available for public access in perpetuity.
- 7.21 Whilst the provision of allotments within this scheme helps to create an unusual and distinctive development that promotes sustainability due to their ease of access for residents of the development and the environs of the application, there are concerns that these allotments could adversely impact upon amenity if they were not be maintained. In

order to address this concern, the developer has submitted a Management Plan, which details that a regime of regular inspections and maintenance would be put in place and followed. Furthermore, this plan indicates that boundary treatments would be subject to regular maintenance, whilst there would be controls over outbuildings. These measures would ensure that the spaces are kept to a satisfactory standard.

- 7.22 Whilst it is recognised that there is a good provision of on-site open space, it is likely that this would not be sufficient to meet all the needs of future occupiers of the development. Therefore, it is recommended that the Section 106 Agreement includes a payment towards the provision of and enhancement of areas of off-site public open space. This approach is consistent with the requirements of the Council's Supplementary Planning Document on Developer Obligations and the extant Planning Permission dating from 2012.
- 7.23 A number of representations have been submitted that have commented upon the presence of wells on the site. A condition is recommended (that is consistent with the extant approval) that would require the further investigation of this matter.

Environmental considerations

- 7.24 In order to secure a satisfactory standard of development and with reference to the advice from the Council's Environmental Health Service, conditions requiring contamination investigation and remediation where necessary would be appropriate. Further conditions requiring the remediation of any unsuspected contamination are also necessary.
- 7.25 In addition to this matter, conditions are necessary requiring the submission of an assessment of noise levels and any appropriate mitigation measures to protect the development against noise. In order to ensure that the amenities of the occupiers of neighbouring properties are not adversely impacted upon during the construction process, it is recommended that a Construction Management Plan is secured by condition that would cover, amongst other measures, controls over noise and dust.
- 7.26 As a result of the requirements of the NPPF, conditions requiring the submission of a drainage scheme and the means of securing foul drainage are considered necessary in order to ensure that the proposed development is not susceptible to flooding through inappropriate drainage or cause flooding elsewhere. This is consistent with the advice of the Environment Agency.
- 7.27 A number of representations have been received commenting on the principle of building on a currently undeveloped site. The applicant has submitted an ecological survey, which identifies that no bat roosts have been found on site and that whilst the site may be used for foraging,

there are other sites within the near vicinity that are likely to be of higher value for foraging bats (e.g. Towcester Road cemetery, Delapre Golf Course and Hunsbury Hill Country Park). There are no amphibian breeding habitats within the site or within 500m of the site and as such the site is of limited value to the amphibian population. On account of the surrounding residential developments, the lack of water bodies, mature woodlands or other higher value specialist habitats it is unlikely that any unusual or rare bird species would breed or regularly occur within the site.

- 7.28 No evidence has been found that badgers are present on the site although the submitted ecological assessment does suggest that a further survey into the presence of badgers should be carried out prior to the commencement of development. A condition is recommended to this effect.
- 7.29 The site's lack of connections with mature semi-natural woodland and the historical lack of provision of this habitat within the application site mean that dormice are unlikely to be present. The nature of the existing site (i.e. dense scrub, trees and short turf) mean it is unlikely that a population of reptiles or invertebrates could be supported.
- 7.30 Whilst it is accepted that a number of trees are proposed to be removed from the site, these are trees over which there are no statutory means of protection and are not worthy of a Tree Preservation Order. As such their retention could not be reasonably insisted upon.
- 7.31 A further consideration in respect of ecological matters is that the site benefits from a planning permission, which would necessitate the clearing of a very large section of the site. As this permission is extant, it clearly carries a significant amount of weight in the determination of the current application.
- 7.32 For the foregoing reasons and with reference to the fact that an existing, extant planning permission is in place for the site, it is considered that the principle of developing this site is acceptable and unlikely to adversely harm the quality of the natural environment. In any event, this assessment would not override any statutory protection afforded to certain species in the event that they are found on site.

Legal Agreement

- 7.33 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and

iii) Fairly and reasonably related in scale and kind to the development.

- 7.34 In addition to the obligations described within Paragraphs 7.16, 7.20 and 7.22 of this report, affordable housing is normally required to be provided at a rate of 35%. This equates to 50 dwellings and would comprise a combination of two, three and four bedroom properties.
- 7.35 As the development would provide 142 family dwellings, payments for the provision of off-site open space enhancement within the vicinity of the site are considered justified to respond to the needs of occupants of the development. This approach is consistent with the obligations of the extant planning permission. The final decision on the precise location of where this money is spent would be made with reference to the legal tests specified within Paragraph 7.33 of this report.
- 7.36 A request has been received from the County Council for a payment to be made for education provision. It is noted that the proposed development would provide a number of large houses, which can be reasonably assumed would be occupied by families with school age children. It is also acknowledged that there is currently very limited capacity within the primary schools closest to the application site.
- 7.37 However, it should also be recognised that the extant permission (which was approved in 2012) did not include an education payment within its associated S106 Agreement. As a result of this, officers have sought clarification from the County Council as to the change in circumstances that have led to the request at this stage. It would appear that at the time that the previous application was determined, the capacity within the neighbouring primary schools was generally within the upper years. These students have now moved onto secondary education, whilst any space capacity has been taken by larger intakes within the lower years. For this reason, it is considered that there has been a material change and therefore this request accords with the statutory tests with regards to planning obligations.
- 7.38 The County Council has also requested a payment for the provision of the fire services. There is no adopted development plan policy support for this and it is not clear what facilities would be secured / needs would be addressed by this requirement. The new Community Infrastructure Levy Regulations also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is not considered that this request cannot be supported.
- 7.39 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.

8. CONCLUSION

- 8.1 The proposed development, subject to conditions and the securing of mitigation through a Section 106 Agreement would not have undue adverse impact upon neighbour and visual amenity and highway safety. Furthermore, the development would provide a number of houses within a sustainable location. Therefore, it is considered that the proposed development is compliant with the requirements of 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: 30154 HT-44 Rev. A; 30154 HT-45 Rev. A; 30344 01 Rev. K; 30344 02 Rev. A; 30344 03 Rev. A; 30344 04 Rev. A; 30344 05 Rev. A; 30344 05 Rev. A; 30344 06 Rev. A;

30344 100; 30344 101; 4186:01 Rev. B; 704/Tr Svy/1; AGD2; AGD2/FH; AGS2A; AST2; HTPD_A402 01; HTPD_A444 (special); HTPD_AF05 A2 A; HTPD_A4/1 01; HTPD_A444/2; HTPD_C431; HTPD_P202; HTPD_P202 (special); HTPD_P302 A; HTPD_P401v; HTPD_P404 (special); HTPD_P404 01 A; HTPD P202 (special); HTPD_P303 (special) HTPD_P303/1; HTPD_S241; HTPD_S461; HTPD_P306 (special); HTPD_P401 (special); HTPD_S351; TOWH/02/110; TOWH-02-2000; S2000/02 Rev. A; and Contextual Street Scenes

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

3. Full details of the method of the treatment of the internal boundaries (including for the areas of open space and allotments) of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

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

4. The development hereby permitted shall be carried out in accordance with the external boundary treatment details shown on drawing TOWH-02-2000, which shall be fully implemented prior to the first occupation of the dwellings 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.

5. Details and/or samples of all proposed external facing materials including windows and doors 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.

6. Full details of the proposed surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

7. 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.

8. 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.

9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrology and hydrological contexts of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 0.5% plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to the substantial completion of development.

The scheme shall also include:

- i) Detailed design for each element of the proposed attenuation system, including storage and flows controls.
- ii) Details of how the scheme will be maintained and managed after completion.
- iii) Supporting drawings and calculations.

Reason: To prevent the increased risk of flooding, both on and off the site in accordance with the National Planning Policy Framework.

10. Prior to commencement of development, a scheme, including phasing for the provision of mains foul water drainage on and off the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the dwellings hereby permitted.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

11. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site; and
- Routing agreement for construction traffic

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

12. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

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

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.

14. Prior to the commencement of development, the applicant shall assess the noise levels of the site due to its exposure from transportation noise, with reference to the World Health Organisation guidelines for Community noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years, which shall be submitted to and approved in writing by the Local Planning Authority.

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

15. The approved noise assessment shall include, where the World Health Organisation guidelines for Community noise has not been complied with, a noise mitigation strategy, which should include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant noise exposure levels. Where noise protection measures for the site are impractical or do not reduce the noise exposure levels for all amenity areas, floors or façades, a noise insulation scheme, including the provision of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

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

16. Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter 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.

17. No development shall take place until the roundabout and works within Lancaster Way as shown on drawing 30344 01 Rev. J have been carried out.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety in accordance with the requirements of the National Planning Policy Framework.

18. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E11.

19. A minimum of 10% of the total number of dwellings shall be constructed to the Council's mobility standards and implemented concurrently with the development and retained thereafter.

Reason: In the interests of securing mixed development in accordance with the requirements of Local Plan Policy H17.

20. Prior to the commencement of development, a full survey and assessment of the site shall be undertaken and the details submitted to the Local Planning Authority to ascertain the existence and location of historic wells on site. If, as a result of the survey, any wells are found, a further statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the wells shall be dealt with. Development shall be carried out in accordance with the approved details.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

21. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development relative to surrounding neighbouring property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

22. Prior to the commencement of development, a pre-construction survey into the presence of badgers and any mitigation measures 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 securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

10. BACKGROUND PAPERS

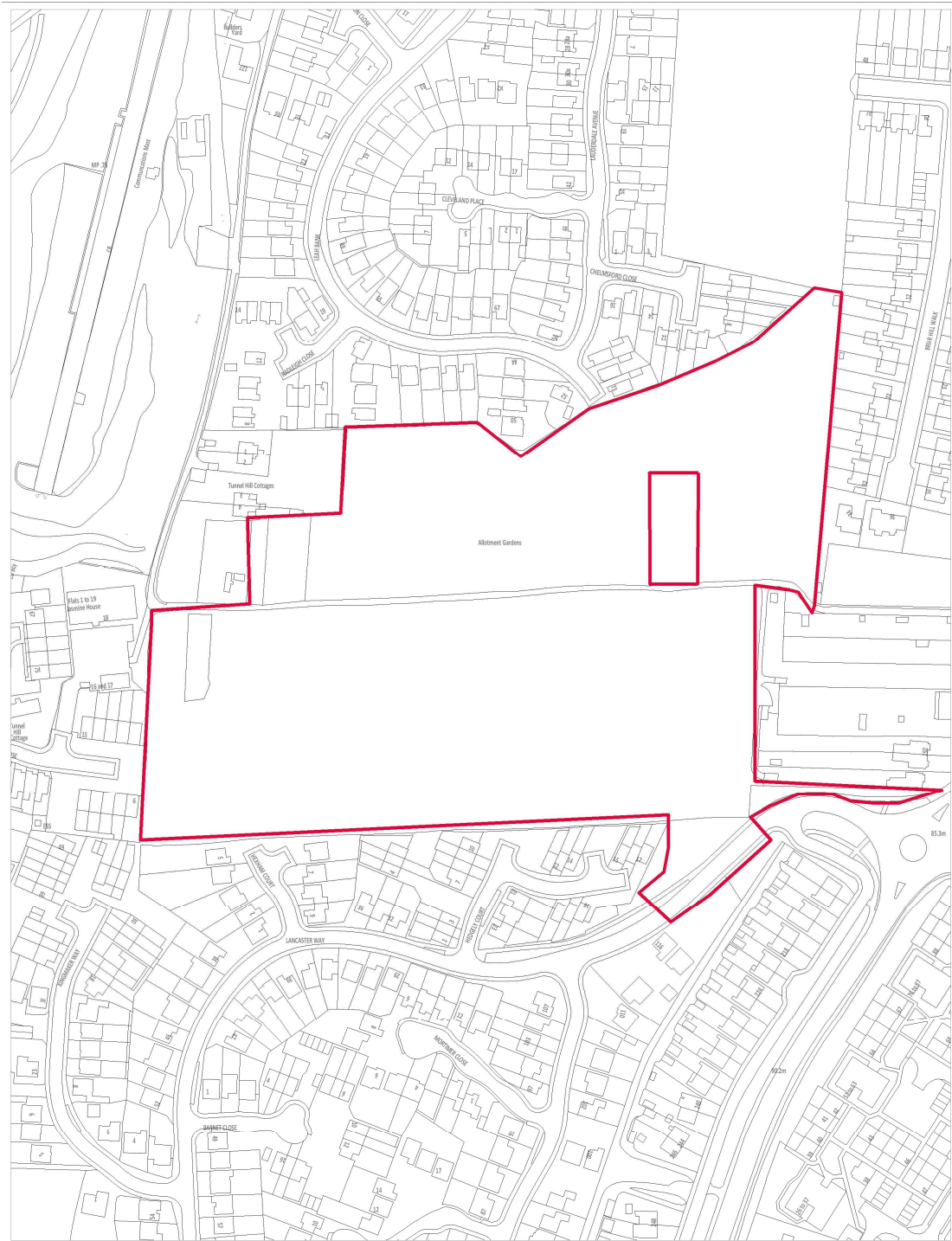
10.1 07/0348/FULWNN and N/2012/0909.

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:
 Date: 11th June 2013
 Scale:
 Dept:
 Project:

Title

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PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0235: Creation of additional 1,303m² retail floorspace at mezzanine level at Unit C, Nene Valley Retail Park, Towcester Road

WARD: Castle

APPLICANT: Ravenside Investments Ltd.
AGENT: Savills (Commercial) Ltd.

REFERRED BY: Head of Planning
REASON: Major development involving S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the terms of the unilateral undertaking that has been submitted by the applicants (S106) to limit the increase in the overall level of mezzanine floorspace at the park and secure a payment towards the improvement of the Gas Street round-a-bout and the conditions set out in section 9 below and for the following reason:

The mezzanine floorspace proposed is located within an existing retail unit within an out of centre location. However, it is considered that there are no sequentially preferable sites that are available, viable and suitable for the proposed development and the restriction of sales to 'bulky goods' (as set out in the attached conditions) will ensure that the scheme will not result in any significant adverse impact upon the town centre or district / local centres within the area. Furthermore, under the terms of the unilateral undertaking, the proposal will not result in an increase in the level of mezzanine floorspace at the retail park over and above that approved under application reference N/2012/0540. The identified highway impact resulting from increased vehicular trips can be adequately mitigated through off-site highway improvements secured through a unilateral undertaking. Consequently, it is

considered that the proposal is compliant with the aims and objectives of the National Planning Policy Framework and Policy 11 of the submission version of the Central Area Action Plan.

2. THE PROPOSAL

- 2.1 The proposal is for the insertion of 1,303m² mezzanine floorspace within Unit C1 of the Nene Valley Retail Park. The unit is currently vacant but was formerly occupied by Comet. An existing mezzanine of 375m² would be replaced by the new structure, resulting in an increase to the overall floorspace of 1,678m². However, it is important to note that the overall level of floorspace at the park would not increase as a result of the current scheme. Application N/2012/0540 was approved by members in December 2012 and this scheme proposed an additional 2,200m² at mezzanine level within units 3a and 3b (units within the same terrace as the current proposal). That scheme has not yet been implemented. In response to demand from specific retailers, the owners of the park now wish to install mezzanine space in unit C1. As part of this scheme, they have submitted a legal undertaking to the effect that the overall level of mezzanine floorspace would not go beyond the 2,200m² previously approved. In simple terms, the 1,303m² proposed in this application would be transferred from the previous approval into Unit C1 such that there would be no net increase in floorspace beyond that approved by Committee in December 2012. Therefore, if the current scheme was implemented it would have the effect of limiting any further mezzanine floorspace within Units 3a and 3b up to the overall limit of 2,200m².
- 2.2 No external alterations are proposed. The submitted plans show the mezzanine floor covering a substantial proportion of the internal space within the buildings with the exception of a small area adjacent to the entrance foyer that would remain open to the full ceiling height.
- 2.3 The end user is not currently known. However, as part of discussions with the applicants it has been agreed that a condition restricting the sales from the mezzanine floorspace would be imposed to prevent the sale of any items other than 'bulky goods'. A further condition is put forward by the applicants to prevent the sale of food.

3. SITE DESCRIPTION

- 3.1 The Nene Valley Retail Park is located off Towcester Road, accessed from the round-a-bout which also serves the B&Q store. The Park is comprised of two large retail terraces on an L-shaped plan with car parking to the front. Unit C1 is the closest unit to Towcester Road – the gable end of the unit faces the road, opposite from the car park to the B&Q store. As stated above, the unit was previously occupied by Comet.
- 3.2 The retail park was approved in 1987 as a 'non-food' retail park. Aside from food, the consent allows for the sale of a full range of goods within

Use Class A1.

4. RELEVANT PLANNING HISTORY

- 4.1 86/0994 – Outline application for non-food retail park with associated leisure uses. Approved in 1987.
- 4.2 89/1409 – Planning application including alterations to and subdivision of unit 3. The approval created two independent planning units at 3a and 3b.
- 4.3 N/2011/0248 – Certificate of Lawfulness confirming that units 3a and 3b could sell an unrestricted range of goods within use class A1.

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 Central Area Action Plan 2013 and saved policies of the Northampton Local Plan 1997.

5.2 National Policies:

National Planning Policy Framework (NPPF)

5.3 Northampton Central Area Action Plan

Policy 11 – Town Centre Boundary

Policy 14 – Meeting Retail Capacity

Policy 36 – Infrastructure Delivery

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environment Agency.** No objection as all work is internal and above the flood level.
- 6.2 **Highway Authority.** NCC notes that the Gas Street Roundabout is operating above capacity and that the proposed development would increase the number of trips on that junction. Consequently, they seek of £50,000 towards improvement works at the roundabout. The applicant has accepted the need for a contribution and submitted a unilateral undertaking to make the payment. Subject to this, the Highway Authority has raised no objection.
- 6.3 There have been no representations from surrounding neighbours/ occupiers of other retail units.

7. APPRAISAL

- 7.1 The proposed mezzanine will have no impact upon the external

appearance of the area and raises no issues with regard to the amenity of surrounding properties. The key issues in this case are considered to be those relating to retail impact and traffic generation. These matters are discussed below. However, when assessing the application it is important for members to recognise that the current proposal is accompanied by a unilateral undertaking from the applicants to ensure that any increase in mezzanine floorspace would not go beyond the 2,200m² approved in relation to application N/2012/0540. In effect, the current application would transfer some of that floorspace to Unit C1. In this sense, the current proposal would not result in an increase in floorspace at the park over and above that already approved. As a consequence, officers are satisfied that the impact of the scheme on the town centre and other established centres will be no greater than the current fallback position.

Retail Impact/ Compliance with Local and National Planning Policy.

- 7.2 The National Planning Policy Framework (NPPF), like its predecessor PPS4, recognises that town centres are ‘at the heart of their communities’ and sets out policies to support their vitality and viability. Local Planning Authorities (LPA’s) are required to apply two key tests to proposals for retail development – a sequential test and impact assessment.
- 7.3 Paragraph 24 of the NPPF states that LPA’s should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The site is in an out of centre location and the applicants carried out an assessment of alternative sites within the town that may be able to accommodate the development, taking account of the type of goods to be sold and the operational needs associated with the use. This assessment was made in relation to application N/2012/0540 and has been referred to in the current scheme. The Central Area Action Plan is similar in nature and defines the town centre boundary and Primary Shopping Area. Policy 11 states that the town centre will be the preferred location for main town centre uses, with the exception of retail provision where the primary shopping area will prevail. The sites examined by the applicant include those identified for retail development within the Central Area Action Plan.
- 7.4 Based upon the exercise that has been undertaken, and local knowledge of other sites, officers are satisfied that there are no sequentially preferable sites available for development of the type proposed i.e. bulky goods retail, within or on the edge of an existing centre within the town. On this basis, officers are satisfied that the requirements of the sequential test have been satisfied. Importantly, this conclusion is made on the basis that the sales from the mezzanine floorspace would be ‘bulky goods’ items only and not unrestricted A1 retailing. The CAAP allocates sites for retail expansion, primarily the Grosvenor Centre, and these sites are expected to come forward. A

general retail consent for the amount of floorspace proposed here would therefore conflict with the sequential test. However, it is not expected that the sites within the town centre boundary will be suitable for bulky goods sales, either from an operational perspective or from the needs of the customer. In this context, the sequential test is only considered to be met for the specific type of retailing proposed and the restrictions on sales set out within the recommended conditions (Section 9) are therefore an essential element in reaching this conclusion.

Retail Impact

7.5 Paragraph 26 of the NPPF relates to the impact assessment for out of centre retail proposals that are not in accordance with an up to date Local Plan, as is the case in this proposal. In such situations, LPA's are required to seek an impact assessment covering the following issues:

- The likely impact upon existing, committed and planned public and private investment in a centre, or centres in the catchment of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

7.6 Policy 11 of the CAAP requires that impact assessments are submitted for out of centre developments of more than 1,000m². No detailed assessment has been submitted with the current scheme but links to the assessment undertaken in relation to application N/2012/0540 are referenced. NBC sought specialist retail advice in relation to that scheme and were satisfied that the impact on existing centres would be acceptable subject to restrictions on the type of goods sold from the mezzanine level. Given that the current application does not involve an increase in floorspace above that previously approved (as secured by the unilateral undertaking) officers are satisfied that the previous assessment remains valid.

Traffic/ Highway Impact

7.7 In responding to the application, the Highway Authority raised concerns over the impact of the development on the surrounding road network, particularly the Gas Street roundabout which is operating over its design capacity. Consequently, it has sought a payment to deliver improvements to this roundabout based on a calculation of the number of additional vehicular visits to the store as a result of the increased floorspace. The applicants have accepted this approach and submitted a unilateral undertaking which would oblige them to make a payment that is proportionate to the level of mezzanine floorspace that is installed.

7.8 A unilateral undertaking is a S106 agreement that is submitted by a single party i.e. the applicant. It has the same legal status as other

bilateral or multilateral S106 agreements but is more straightforward in that the only obligation is on the applicant, in this case to make the required payment. It is considered that the agreement is necessary, directly related to the development and proportionate to the scale of development proposed, thus complying with regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 7.9 The contribution will mitigate the impact of additional traffic and the Highway Authority has raised no objections to the scheme on the basis of the submitted legal agreement.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the impact of the additional retail floorspace would be acceptable subject to the imposition of conditions controlling the type of goods that may be sold from the mezzanine. Members will be aware that a number of retail applications have been submitted and approved in recent years and concerns have been raised regarding the potential impact of out of centre schemes on the performance of the town centre. These concerns are valid and careful consideration is required when assessing and determining out of centre retail schemes.

- 8.2 Equally, each application must be considered on its own merits and the specific nature of the current proposal is such that it is not expected to compete directly with the town centre. In effect, the Nene Valley Retail Park operates as a bulky goods destination and the current proposal is consistent with this. The proposal is not expected to have a significant impact upon the town centre subject to the controls/ mitigation recommended and, as such officers recommend that the scheme is approved.

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 floorspace hereby permitted shall not be used for the sale of convenience goods, including food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals and non-durable household goods.

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

3. The additional retail floorspace at mezzanine level hereby permitted shall only be used for the sale of the following goods:

- DIY and garden centre goods;
- Electrical goods and associated components;
- Furniture;
- Household textiles, soft furnishings and homewares;
- Floor and wall coverings;
- Motor and cycle parts and accessories;
- Pets, pet food and all pet related products
- Office furniture; and
- Sports equipment

Reason: To ensure that the range of goods that may be sold from the mezzanine floorspace are appropriate to the nature of the unit in order to protect the vitality and viability of Northampton Town Centre in accordance with the aims and objectives of the NPPF and Policies 11 and 14 of the Northampton Central Area Action Plan (submission version).

10. BACKGROUND PAPERS

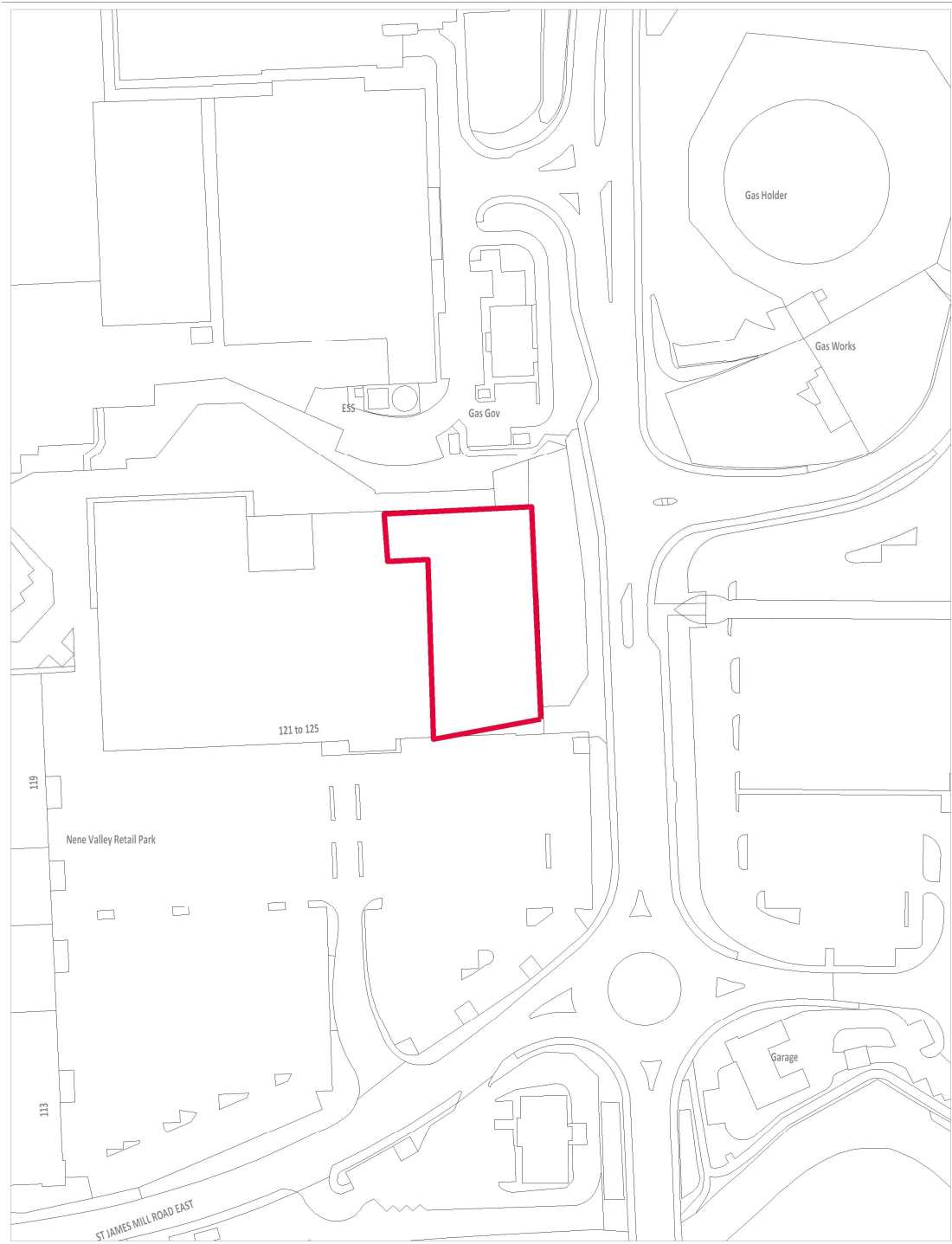
10.1 86/0994, 89/1409, and N/2012/0540.

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 June 2013**
Scale: **NTS**
Dept: **Planning**
Project: **Committee**

Title
N/2013/0235

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PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0267 Variation of Condition 3 of Planning Permission N/2010/1037 to allow the Community and Education Centre to operate between 10am and 1am for a maximum of 30 days per calendar year. The Centre to operate between 10am and 11pm on all other days.
Former Clicker Public House, 1 Collingdale Road

WARD: Westone

APPLICANT: GEM Trust
AGENT: Mr. A. Abduallah

REFERRED BY: Cllr. M. Lynch
REASON: Due to the detrimental impact upon residential amenity

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal, by reason of the limited number of days involved and subject to conditions, would have a neutral impact upon residential amenity and therefore is in compliance with the requirements of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks to vary Condition 3 of the 2010 Planning Permission, which limits the operating hours of the centre to between 10am and 11pm on any given day. It is proposed that on a maximum

of 30 days per year, the centre could operate between 10am and 1am, with it being open between 10am and 11pm on all other days.

3. SITE DESCRIPTION

- 3.1 The application site is located within a primary residential area as identified within the Northampton Local Plan. The surrounding residential properties include bungalows to the north of the site and two storey flats and houses to the south. A car park, containing 45 spaces is located to the south of the building. The car park can be accessed via entrances in Collingdale Road and Silverdale Road. Prior to the existing use, the site was utilised as a public house. The site includes an attached dwelling.
- 3.2 Planning permission was granted by the Council in 2011 for the change of use of the building from a public house to a community and education centre. This was subject to a number of conditions, including one relating to opening hours. The current permitted opening hours of the centre are 10am to 11pm on any one day.

4. PLANNING HISTORY

- 4.1 NR/50/171 – Proposed outline for a public house – Approved
N/2010/1037 – Change of use from Public House (use class A4) to a Community and Education Centre (use class D1) – Approved
N/2012/0520 – Variation of Condition 3 of Permission N/2010/1037 to allow for the premises to be open between the 10am and 1am during the period of July 19th 2012 and August 18th 2012 – Approved
- 4.2 The most recent planning permission (N/2012/0520) was approved as a temporary measure between the 19th July and 18th August 2012. After this period elapsed, the permitted opening hours of the centre reverted to those specified in permission N/2010/1037 (i.e. 10am to 11pm).

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 part of the Borough comprises of the saved policies of the Northampton Local Plan 1997.
- 5.2 **National Policy**
National Planning Policy Framework - Paragraph 17 requires mixed use developments and seeks to ensure that sufficient community facilities and services are provided in locations that are sustainable
- 5.3 **Northampton Local Plan**
E20 – New development

E40 – Crime and anti-social behaviour

5.5 **Supplementary Planning Documents:**

Parking

Planning Out Crime

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Environmental Health (NBC)** – No objections.

6.2 **Highway Authority** – No observations

6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections.

6.4 **Cllr. M. Lynch** – Requesting that the application be determined by the Planning Committee due to the potential detrimental impact upon residents.

6.4 **16 letters of objection** have been received. Comments can be summarised as:

- The proposal would detrimentally affect residential amenity as a result of increased noise (e.g. from cars moving, doors being opened and closed, etc).
- The proposal would increase traffic to the property.
- There is currently insufficient parking
- Activities associated with the increased opening hours may cause disturbance, such as cooking odours

6.5 **83 letters of support**, including 79 standard letters (i.e. of the same content) have been received. Comments can be summarised as:

- The extended opening hours are for a limited period`
- Extended opening hours have been granted in the past.
- The former public house historically had extended opening hours
- The centre supports the community.

7. **APPRAISAL**

Scope of application

7.1 This application seeks a variation to a previously approved condition from Planning Permission N/2010/1037. Condition 3 and its associated reason are:

*“Unless otherwise agreed by the Local Planning Authority, the premises shall only operate between the hours of 10am and 11pm.
Reason: In the interests of residential amenity in accordance with PPG24 – Planning and Noise” (NB. PPG24 was superseded by the National Planning Policy Framework in 2012).*

- 7.2 As a result of the wording of this condition, the principal matter for consideration when assessing this application is whether the proposed revised opening hours (for a maximum of 30 days per calendar year) would pose an undue detrimental impact upon residential amenity. Therefore, whilst it is noted that some representations have been made that have commented upon the loss of the public house use, this is a matter that cannot be given any weight as that change of use has already occurred in accordance with planning permission reference N/2010/1037.

Principle of the variation

- 7.3 The proposed variation seeks permission to operate the centre between the hours of 10am and 1am for a maximum of 30 days per calendar year. Outside of these days, the centre would operate between 10am and 11pm.
- 7.4 Given the time of day during which the additional opening hours are sought, it is likely that the majority of activities would take place within the building (which would be maintained by Condition 4), which would provide adequate noise screening. An additional consideration is that conditions were applied to Planning Permission N/2010/1037, which required the installation of a noise attenuation scheme and a mechanical ventilation scheme. The continued retention of this mitigation would negate the need for windows and doors to be open during the centre's operating hours, which would provide mitigation during the proposed extended opening hours.
- 7.5 It is accepted that noise may emanate from patrons entering or leaving the premises between 11pm and 1am, which are times where background noise levels are unlikely to be high. Nonetheless, the total number of people using the centre is unlikely to be excessive by reason of the limited scale of the building and therefore noise levels associated with arrivals and departures is unlikely to be detrimental to neighbour amenity. A further consideration is that permission is only sought for a maximum of 30 days per calendar year (which could potentially in one group) and therefore, within this context, the overall change in impacts is unlikely to be significant.
- 7.6 No objections to the proposed revised opening hours have been received from the Council's Environmental Health section. In order to ensure a satisfactory standard of development, it is recommended that any approval be subject to conditions in order to ensure that all activities take place within the building and that the noise mitigation and ventilation systems are retained in order to ensure satisfactory impact upon neighbouring properties.
- 7.7 It is also noteworthy that the centre operated for a month during the summer of 2012 with hours which are consistent with those sought within this application in accordance with planning permission N/2012/0520 (see paragraph 4.2 above). Officers are not aware of any

complaints or any enforcement action within this period under planning or environmental health legislation.

Other considerations

- 7.8 As the application under consideration does not represent a change of use proposal, it is likely that the centre would not feature any significant increases in the level of traffic arriving at the centre and therefore it is likely that the proposal would not lead to any undue adverse highways impact. Further to this point, no objections have been received from the Highway Authority.

8. CONCLUSION

- 8.1 It is considered that, subject to conditions, the limited scope of the application would prevent there from being an unacceptable detrimental impact upon residential amenity and therefore for the foregoing reasons the proposal is in accordance with the requirements of the National Planning Policy Framework and the relevant policies of the Northampton Local Plan.

9. CONDITIONS

(1) The premises shall only operate between 10am and 1am for a maximum of 30 days per calendar year. Outside of these periods the premises shall only operate between the hours of 10am and 11pm on any one day only. The Local Planning Authority shall be notified in writing at least seven days in advance of any day where the centre will operate until 1am.

Reason: In the interests of residential amenity in accordance with the National Planning Policy Framework

(2) The property shall only be used as a community and education centre and no other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to allow the Local Planning Authority opportunity to full assess the impacts of any alternative Class D1 use in the interests of general amenities in accordance with the National Planning Policy Framework

(3) The use shall operate fully in accordance with the submitted Noise Assessment (dated the 25th January 2011; reference MDR/J1957a), and any associated mitigation measures shall be retained throughout the life of the development.

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in the National Planning Policy Framework.

(4) No community or education events or activities shall take place outside of the building.

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

(5) The use shall operate in accordance with the mechanical ventilation scheme submitted to the Local Planning Authority on the 3rd November 2011, and any associated mitigation measures shall be retained throughout the life of the development.

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in the National Planning Policy Framework

10. BACKGROUND PAPERS

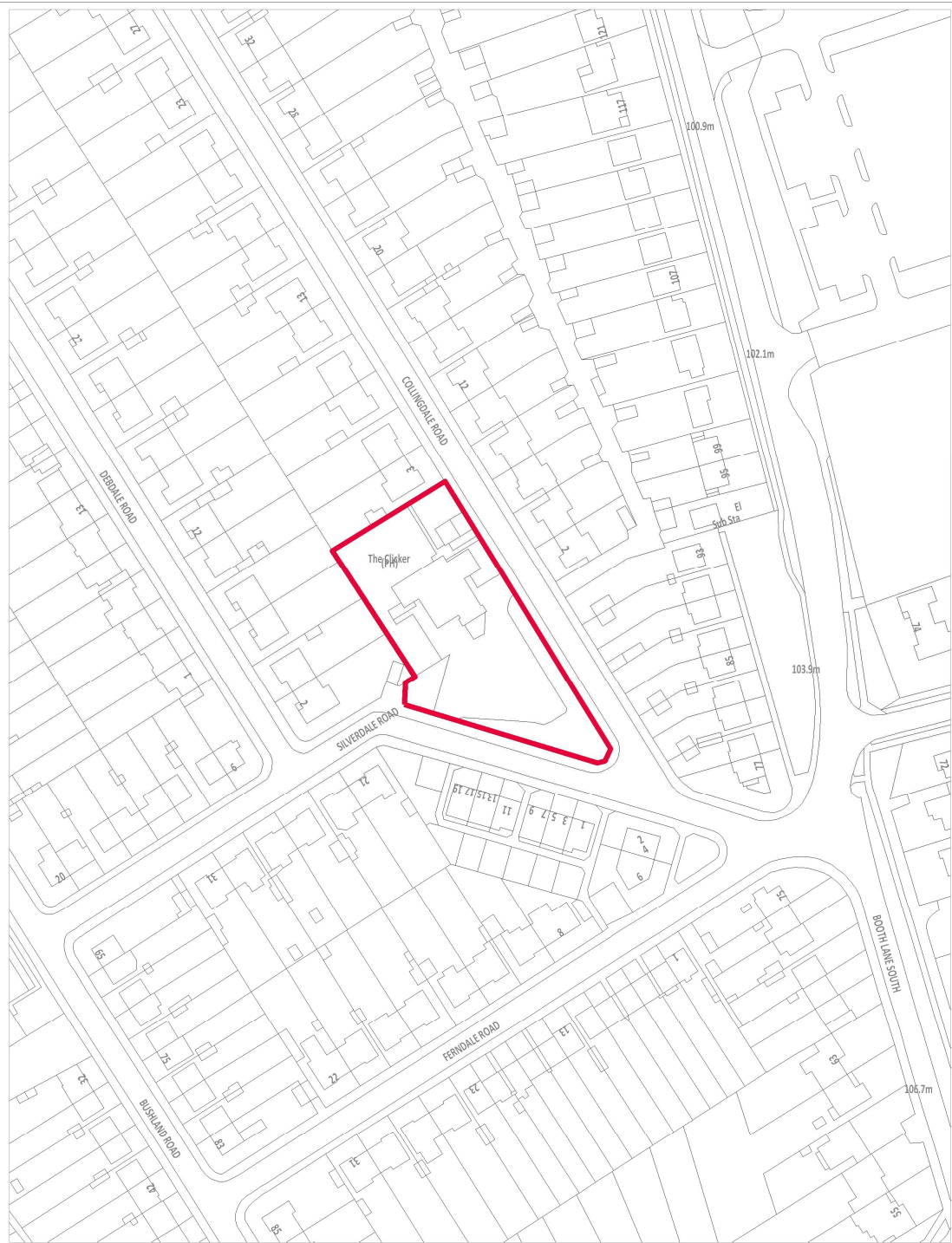
10.1 N/2010/1037 and N/2012/0520

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 June 2013
 Scale: NTS
 Dept: Planning
 Project: Committee

Title
N/2013/0267

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PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0445 **Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) and create 1 no. self-contained flat on first floor and second floor; installation of extraction flue to the rear and alteration of shop front including access to upper floor flat and alteration to existing roller shutter to front.**

WARD: Kingsley

APPLICANT: Mr E Ismailanji
AGENT: N/A

REFERRED BY: Cllr Mennell
REASON: Impact on amenity arising from potential litter from the premises

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

Whilst the change of use of the premises to a hot food takeaway would result in the loss of a shop use within the Local Centre there would remain a sufficient number of units and frontage in retail use within the locality such that the shopping character of the Local Centre would be retained. The proposal would bring back into use a vacant premises on a prominent shopping frontage in line with government objectives to encourage economic growth. Sufficient parking provision is available such that highway conditions would not be adversely affected and subject to the conditions proposed surrounding amenity would not be adversely affected and would also allow for suitable residential accommodation on the upper floors of the premises. The proposal is therefore in accordance with Policy R9, Policy H7 and Policy H26 of

the Northampton Local Plan and NPPF paragraphs 17, 18, 19 & 49 and is considered acceptable.

- 1.2 The statutory consultation period does not expire until 26 June. Any additional comments received will be reported to Committee as an addendum.

2. THE PROPOSAL

- 2.1 The application proposes the conversion of the existing shop to a hot food takeaway and the conversion of the first and second floor above to living accommodation including a home office. The shop front would be altered to insert a new front door providing separate access to the flat and the existing roller shutter reduced in size. A flue, approximately 4.6m in height would be installed to the rear of the property for the extraction of cooking odours. Two parking spaces would and an area for refuse storage would be available to the rear of the property. Proposed hours of use would be Monday to Saturday 8am to 11pm and Sundays and Bank Holidays 8.30am to 10.30pm with two full time employees.
- 2.2 Details have been submitted with the application advising that the property has been marketed since September 2012 with the previous owner having marketed the property for six months prior to this. After eight months of marketing there has been no interest shown in using the premises for retail use.

3. SITE DESCRIPTION

- 3.1 The application site forms part of a row of retail and commercial premises fronting onto Kettering Road within Kingsley Local Centre. No. 70 is a 3-storey property currently vacant but previously used as a shop at ground floor with ancillary storage and office on the upper floors. A parking area to the rear of the premises is accessed via Shelley Street serving the application site and the adjoining shops with two parking spaces allocated to No. 70. A bus stop is located directly to the front of the premises on Kettering Road. The immediate adjacent uses are a shop and Chinese takeaway. Properties on the opposite side of Kettering Road are predominantly residential interspersed with some commercial uses.

4. PLANNING HISTORY

- 4.1 74/0475 – Change of use of part ground floor and upper floors from residential to office. Approved 31.07.74.

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 Northampton Local Plan 1997.

5.2 **National Policies:**

National Planning Policy Framework (NPPF):

- Paragraph 17 – Core Planning Principle
- Paragraphs 18 & 19 – Economic growth
- Paragraph 49 - Housing

5.3 **Northampton Borough Local Plan:**

R9 – Retail

H7 – Housing

H26 – Flats above shops

5.4 **Supplementary Planning Guidance:**

Northampton Shopfront Design Guide

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** - a tall stack will be an essential part of an extraction system, the visual amenity of which will be a point for consideration. Conditions are suggested requiring the agreement of schemes in relation to the identification and control of external and internal noise sources on the site, the control of cooking odours, disposal of fats, oils and grease, refuse storage and the restriction of “bottling out” times.

6.2 **Highway Authority** - no objection.

6.3 **Councillor Mennell** - expresses concern regarding the proximity of a hot food takeaway to the bus stop which is directly outside the premises and the potential for rubbish to be dropped littering the street. If the application is approved the new shop owners should be required to put new waste bins outside.

6.4 A letter has been received from the occupier of No. **72 Kingsley Park Terrace** together with a **petition containing the signatures of 213** shopkeepers, residents and customers objecting the to the proposal as follows:

- There are already numerous hot food takeaways, restaurants and coffee shops on the Kingsley front. It would be nice to see a diversity of shops rather than another food shop.
- There is limited parking for existing customers causing parking on side roads and at the bus stop directly outside No. 70.
- There seems to be a lot of litter on the Kingsley front which would be exacerbated by another food takeaway.
- Concern regarding waste disposal. Our waste is collected from Shelley Street twice a week however there have been problems with refuse vehicles gaining access to Shelley Street due to cars parked on the junction resulting in waste not being collected on time and bins left causing obstruction. Another bin would be a further obstruction.

- Concern regarding anti-social behaviour. There have been numerous groups of teenagers hanging around the bus stop outside No. 70 which at times is very stressful to passers-by and customers. A fast-food takeaway at No. 70 would perhaps encourage a 'hangout' area at the bus stop.

6.5 The consultation period has not expired at the time of writing this report. Any additional consultation responses or representations will be reported to Committee via the Addendum report which is circulated at the Committee meeting.

7. APPRAISAL

7.1 The main issues for consideration are the impact on the retail character of the Local Centre as a shopping area, impact on neighbouring amenity and existing highway conditions, the principle of residential use and the impact on the appearance of the existing property and surrounding area from the proposed external alterations.

Impact on retail character of Local Centre

7.2 A Core Planning Principle of NPPF is to proactively drive and support sustainable economic development. Paragraphs 18 & 19 highlight the government's commitment to securing this advising that significant weight should be placed on the need to support economic growth with planning operating to encourage and not act as an impediment to growth.

7.3 Retail Policy 9 of the Local Plan seeks to protect the shopping character of District and Local Centres by ensuring that non-shop uses within a total frontage do not increase to an unacceptable proportion of the total frontage such that the shopping character of the area is adversely affected. The impact of the proposal on traffic conditions and the amenity of neighbouring properties and the area as a whole should also be considered.

7.4 No. 70 Kingsley Park Terrace forms part of a terrace of 11 units (Nos. 56-80). The use of these units currently comprises of six shops (A1) including the application site, one pub (A4), two estate agents (A2), one restaurant (A3) and one takeaway (A5). In broadening this assessment to include the frontage of the terraced blocks either side of and including the application site in the wider Centre (i.e. from Kingsley Park Methodist Church to the Tesco's store) there are currently three hot food takeaways, one pub and a restaurant with a further four units occupied by estate agents and a betting shop (A2) and the remaining 16 units in use as shops (A1) out of a total of 26 units.

7.5 Whilst the proposed takeaway use would sway the balance towards non-shop uses along the immediate section of frontage adjoining the application site, the overall frontage including the adjoining terraces which form the central body of the Local Centre would as a whole

remain predominantly shop uses retaining 61% of the units in retail use.

- 7.6 On balance, the overall shopping character of the Local Centre would be retained whilst bringing back into use a vacant property on this prominent frontage. The proposal is in line with the government's aims to encourage business development and economic growth and subject to acceptable impact on amenity and highway conditions the use of the premises as a hot food takeaway is considered to comply with policy and is therefore acceptable.

Impact on neighbouring and local amenity

- 7.7 Residential uses are predominantly concentrated on the opposite side of Kettering Road although some of the upper floors of premises adjacent to the application site are in residential use and therefore impact on residential amenity is a material consideration particularly with regard to noise and odours arising from the proposal.
- 7.8 The proposed hours of use are not considered unreasonable in view of adjacent uses and the site's location within the Local Centre where a greater degree of activity is to be expected. Some details of odour control, including a flue to the rear of the premises, have been submitted and an area for refuse storage is available to the rear of the premises. Further specific details for the control of noise, cooking odours and the management of refuse can be agreed by condition as recommended by Environmental Health to ensure that the proposal does not lead to any significant adverse impact on adjacent residential amenity.
- 7.9 Concerns have been raised about the potential for the proposed takeaway use to generate litter problems within the vicinity of the premises and the adjacent bus stop. There are three litter bins within the vicinity of the site along this terrace of shops with additional litter bins located along the remainder of Kingsley Park Terrace which is considered sufficient for both the proposed and surrounding uses.
- 7.10 A condition requiring the submission of details for the storage of refuse is recommended to ensure satisfactory waste disposal.
- 7.11 The comments of the Crime Prevention Officer are awaited regarding the proposed use and concerns raised about anti-social behaviour and will be reported as an addendum to this report.

Impact on highway conditions

- 7.12 The premises has two parking spaces to the rear for use by the occupiers with general parking available on Kettering Road where there are designated on-street bays. The site is located in a sustainable location on a main road with good access to public transport. The Highway Authority has no objection and it is not considered that the

proposal lead to any significant highway impacts in addition to those of the previous use.

Principle of residential use

- 7.13 NPPF paragraph 49 advises that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy H7 allows for residential development outside of primarily residential areas providing a satisfactory residential environment can be achieved and there are no highway concerns. Policy H26 promotes the use of upper floor above shops for residential uses. The proposed residential use is in a sustainable location with good access to local facilities and public transport. Sufficient parking is available to the rear. Whilst details of a flue system have been submitted a condition is proposed for further details to be submitted to ensure a suitable extraction system is installed that would protect both the proposed and neighbouring amenity.

Impact on appearance

- 7.14 The proposed alterations to the existing shopfront to insert a new doorway would have minimal impact on the appearance of the frontage and predominantly retain an active frontage to the street.
- 7.15 The proposed flue would be sited to the rear of the property sitting below the ridge line and would not be visually prominent from any public vantage points.
- 7.16 None of the alterations proposed would not have any significant adverse impact on the character or appearance of the existing building or the surrounding area and are considered acceptable.

8. CONCLUSION

- 8.1 It is considered that the proposed change of use would not lead to any significant impact on the shopping character of the Local Centre as a whole. The site has sufficient parking provision such that existing highway conditions would not be adversely affected and, subject to the conditions proposed, both existing and proposed residential amenity and the general amenity of the area would be protected.

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 premises shall be open only between the hours of 8am to and 11pm Monday to Saturday and 8.30am to 10.30pm Sundays and Bank Holidays.

Reason: In the interests of the amenity of the area and to comply with the requirements of Policy R9 of the Local Plan.

- (3) Notwithstanding the submitted details before the A5 (hot food takeaway) use hereby permitted commences a scheme shall be approved in writing by the Local Planning Authority that specifies the external and internal noise sources on the site and the provision for their control. The scheme shall be implemented in accordance with the approved details, confirmation of which should be sought by Environmental Health, prior to the commencement of the use hereby permitted and maintained throughout the life of the use hereby approved.

Reason: In the interests of the amenity of the area and to comply with the requirements of Policy R9 of the Local Plan.

- (4) The practice of “bottling out” (i.e. the tipping of empty bottles or cans into refuse bins), shall not take place between the hours of 23:00 and 08:00.

Reason: In the interests of the amenity of the area and to comply with the requirements of Policy R9 of the Local Plan.

- (5) Notwithstanding the submitted details before the A5 (hot food takeaway) use hereby permitted commences a scheme shall be submitted to and agreed in writing with the Local Planning Authority that specifies the provision to be made for:

1. The collection, treatment and dispersal of cooking odour.
2. The on-going maintenance of the odour abatement plant.
3. The provisions to be made for the collection, treatment and disposal of fats, oils and grease (e.g. by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of the plant.

The scheme shall include information in accordance with the requirements of Paragraph 10 of Annex B and a detailed assessment in accordance with Annex C of the Defra Guidance on the ‘Control of Odour and Noise from Commercial Kitchen Extract Systems’. The scheme shall be carried out in accordance with the approved details and maintained throughout the life of the use hereby permitted.

Reason: In the interests of the amenity of the area and to comply with the requirements of Policy R9 of the Local Plan.

- (6) Notwithstanding the submitted details before the A5 (hot food takeaway) use hereby permitted commences details for the provision for the storage of refuse and materials for recycling shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be carried out in accordance with the approved details and maintained throughout the life of the use hereby permitted.

Reason: In the interests of the amenity of the area and to comply with the requirements of Policy R9 of the Local Plan.

Informative:

With regard to Conditions 3 external noise and internal noise sources might include but are not exclusively air conditioning units or extract fans, music, factory processes. Where the site shares a party wall with an adjacent site this then the provision for improving sound insulation should be specified.

10. BACKGROUND PAPERS

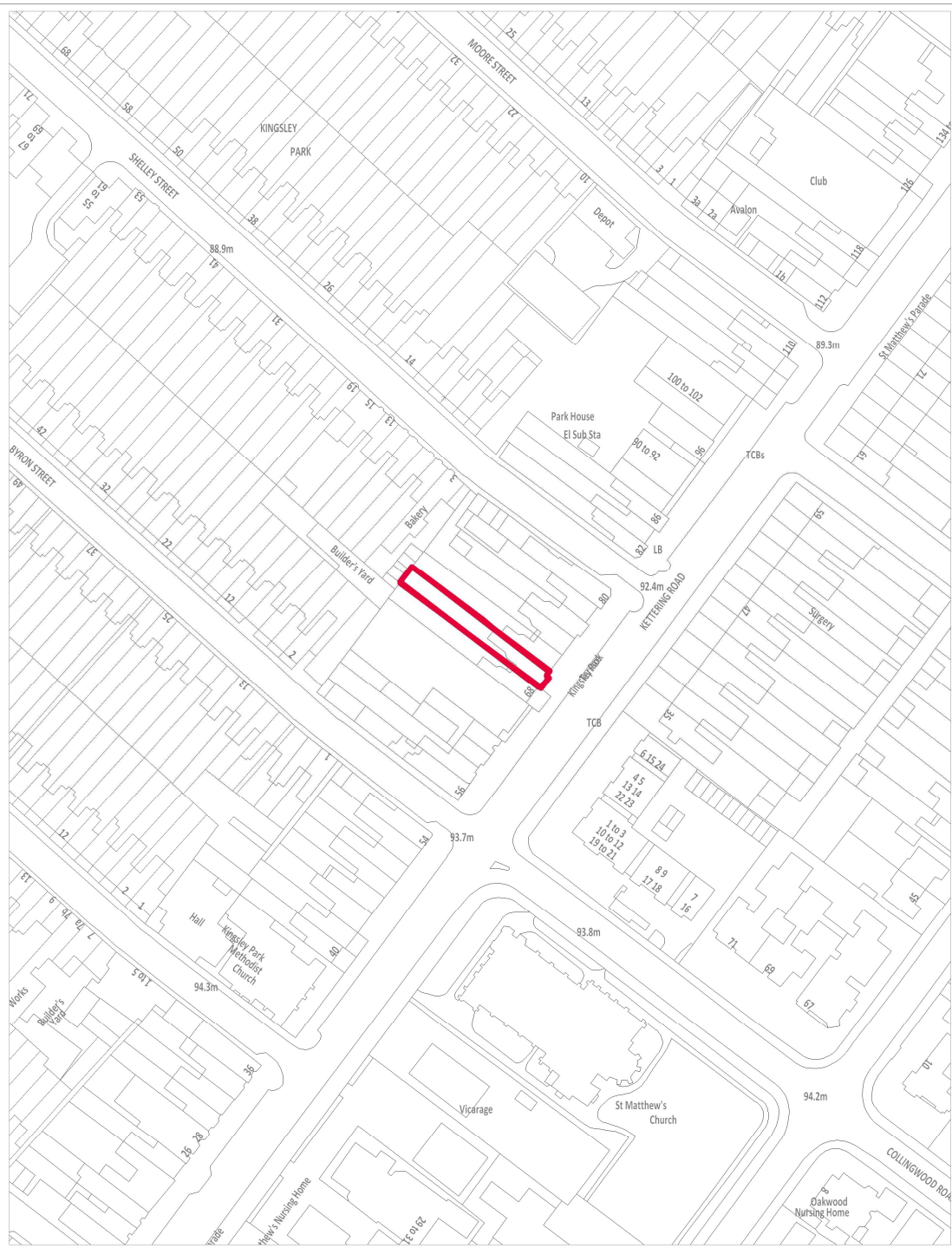
10.1 N/2013/0445.

11. LEGAL IMPLICATIONS

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 June 2013
 Scale: NTS
 Dept: Planning
 Project: Committee

Title
N/2013/0445

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