



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 11 February 2014**

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

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

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 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](mailto:democraticservices@northampton.gov.uk) (if no acknowledgement is received please telephone)

### When Do I Speak At The Meeting

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

### How Long Can I Speak For?

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

### Other Important Notes

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

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Tuesday, 11 February 2014 at 6:00 pm.

**D Kennedy**  
Chief Executive

**AGENDA**

1. **APOLOGIES**
2. **MINUTES**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES**  
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
  - (A) **NEW UNIVERSITY CAMPUS & COMMERCIAL DEVELOPMENTS AT NUNN MILLS ROAD; UPDATE ON MATTERS PERTAINING TO OUTLINE PLANNING APPLICATION N/2013/0912**
  - (B) **LAND TO REAR OF 7A MILLWAY; UPDATE ON MATTERS PERTAINING TO OUTLINE PLANNING APPLICATION N/2013/1243**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
10. **ITEMS FOR DETERMINATION**
  - (A) **N/2008/1036 - FORMER UNITED TRADES CLUB BALMORAL HOUSE, BALMORAL ROAD: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 23 FLATS**
  - (B) **N/2010/0785 - 174 ST ANDREWS ROAD: DEMOLITION OF EXISTING CLASS B8 BUSINESS UNITS AND ERECTION OF 14, TWO BED AND 8, ONE BED APARTMENTS**
  - (C) **N/2013/1206 - 15 BROOK LANE: TWO STOREY SIDE EXTENSION WITH NEW WINDOW IN SIDE ELEVATION**

- (D) N/2013/1215 - 2A BROOKFIELD ROAD: DEMOLITION OF EXISTING WAREHOUSE AND THE ERECTION OF 13 TWO STOREY HOUSES AND 6 FLATS**
- (E) N/2013/1304 - NBC SURFACE CAR PARK, COMMERCIAL STREET: CHANGE OF USE OF PART OF CAR PARK TO HAND CAR WASH**
- (F) N/2014/0021 - LAND ADJACENT TO 5A LIMEHURST CLOSE: CHANGE OF USE FROM WASTE LAND INTO RESIDENTIAL GARDEN**

- 11. ENFORCEMENT MATTERS**
- 12. ITEMS FOR CONSULTATION**

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 14 January 2014

**PRESENT:** Councillor Golby (Deputy Chair); Councillors Aziz, Caswell, I. Choudary, Lane, Lynch, Mason, Meredith and Oldham

#### 1. APOLOGIES

Apologies for absence were received from Councillors Flavell, Palethorpe and N.Choudary.

#### 2. MINUTES

The minutes of the meeting held on 17<sup>th</sup> December 2013 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That under the following items the members of the public listed be granted leave to address the committee.

- **N/2013/1082** Land adjacent to 1 Adams Avenue:  
John Socha (Applicant)
- **N/2013/1243** Land to the rear of 7A Millway:  
Alan Earle (Duston PC); Dr Julia Railson; David Austin.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillors Caswell declared a potential for predetermination, regarding item 10c, N/2013/1243. Accordingly he would not take part in the debate or vote and would leave the meeting during its consideration.

Councillors Golby declared a potential for predetermination, regarding item 10c, N/2013/1243. Accordingly he would not take part in the debate or vote and would leave the meeting during its consideration.

#### 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.

The Development Manager Team Leader explained the issues around the two items that had been dismissed by the Planning Inspectorate. It was noted that in regard to N/2013/0297 the view of the Planning Committee had been supported and the appeal dismissed and no award of costs against the Council.

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

## **7. OTHER REPORTS**

None

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

None

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

None

## **10. ITEMS FOR DETERMINATION**

### **(C) N/2013/1243 - LAND TO THE REAR OF 7A MILLWAY: OUTLINE APPLICATION FOR THE DEVELOPMENT OF 3 NEW HOUSES**

It was agreed to consider the applications in the order: Item 10c; 10b; 10a.

Councillors Golby and Caswell left the meeting during Item 10c.

Councillor Lane nominated and Councillor Choudary seconded, Councillor Mason to the Chair for the consideration of Item 10c. It was agreed Councillor Mason take the Chair.

The Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The Committee's attention was also drawn to the circulated addendum. The recommendation was for approval, with the conditions set out in the report.

Mr Earle, Chair of Duston Parish Council, addressed the Committee and spoke against the application.

Dr Railson, local resident, addressed the Committee and spoke against the application.

Mr Austin, local resident, addressed the Committee and spoke against the application.

In response to questions from the Committee Mr Austin advised that the paddock in question had been used for ponies for over 20 years. Mr Austin also believed there was a covenant between the owner and Northamptonshire County Council regarding future development.

In response to the points raised by the speakers the Planning Officer advised the Committee that:

- Consultation had taken place with the Conservation Officer with regard to the views from the Churchyard and the part retention of the paddock
- Changes from the previous application included notable separation of the properties and carefully considered the height of the properties
- The Highways Authority had no objections, other than the comments on improved visibility
- The site was in a low risk flood area. Condition 6 would address surface water flooding concerns.
- Any covenant on the land was not a material planning concern

In response to questions from the Committee the Planning Officer advised:

- The Highways Authority had raised no specific objections to the access road length. Appropriate emergency access would be dealt with under Building Regulations
- There were no concerns over the root area of the trees on site being compromised
- The proposals on property height are indicative, but would not exceed 2.5 storeys. This again would be dealt with in the detailed planning application

The Committee discussed the report.

Upon a proposal from Councillor Oldham, seconded by Councillor I.Choudary it was **RESOLVED** by 4 votes to 3:

That the application be **REFUSED** on the grounds of overdevelopment and that the application does not enhance the Conservation Area, contrary to Planning Policy E26 and H6 of the Northampton Local Plan.

**(B) N/2013/1082 - LAND ADJACENT TO 1 ADAMS AVENUE: ERECTION OF 2 RESIDENTIAL APARTMENTS**

Councillor Golby resumed the Chair.

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval, with the conditions set out in the report.

Mr Socha, the applicant, spoke in favour of the application.

The Committee discussed the report.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions set out in the report.

**(A) N/2013/0889 - FORMER MILLWAY PRIMARY SCHOOL LAND:  
AMENDMENTS TO SITE LAYOUT & PLOT SUBSTITUTIONS (N/2011/0241)**

The Development Manager Team Leader outlined the report of the Head of Planning, as set out in the agenda. The Committee's attention was also drawn to the circulated addendum. The recommendation was for approval in principle, subject to the conditions set out in the report and the finalisation of a S106 agreement

The Committee discussed the report.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and S106 agreement to secure the planning obligations as stated in the report.

**11. ENFORCEMENT MATTERS**

None

**12. ITEMS FOR CONSULTATION**

None

The meeting concluded at 6:56 pm



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



**List of Appeals and Determinations – 11<sup>th</sup> February 2014**

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2013/0226</b> APP/V2825/H/13/2200032	DEL	Non illuminated display boards (8 at 5m x 4m) at first floor and infill panel together with mural at ground floor at The White Horse Public House, 25A Harborough Road	<b>AWAITED</b>
<b>N/2013/0607</b> APP/V2825/A/13/2205274	DEL	Erection of terraced dwelling at 14 Semilong Road	<b>DISMISSED</b>
<b>N/2013/0640</b> APPV2825/A/13/2210083	DEL	Change of use from dental surgery (D1 use class) into 8 no. 1 and 2 bedroom flats (C3 use class) including 2 storey rear extension, installation of balconies, rear window and doors. (revised scheme following approval of N/2013/0142 to replace approved Juliet balconies) at 40-42 Derngate	<b>AWAITED</b>
<b>N/2013/0873</b> APP/V2825/A/13/2209030	DEL	Change of use from offices (Use Class B1) into house of multiple occupation for 13no. Occupants (Sui Generis) and installation of new window to rear roof at 85 St Giles Street	<b>AWAITED</b>
<b>N/2013/0874</b> APP/V2825/E/13/2209033	DEL	Internal alterations including removal of partition walls and toilets, block up doorways and installation of new doorways, alteration of third floor window to front elevation and installation of new window to rear roof and erection of boundary wall to rear at 85 St Giles Street	<b>AWAITED</b>
<b>N/2013/0925</b> APP/V2825/H/14/2211533	DEL	Proposed hoardings and free standing flagpole signs at 25-29 Gambrel Road	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearing</b>			
		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 - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mrs Rita Bovey, Development Management Team Leader Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014

**DIRECTORATE:** Regeneration, Enterprise and Planning

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Update on matters pertaining to Outline Planning Application N/2013/0912 (New university campus and commercial developments) at Avon/Nunn Mills, Nunn Mills Road

## **1. RECOMMENDATION**

1.1 That the additional consultation responses are noted and that members agree to an additional condition requiring a foul water management strategy.

## **2. BACKGROUND**

2.1 An outline application for the redevelopment of the Avon and Nunn Mills site for a new university campus, commercial facilities, a hotel, sports facilities and various works pertaining to vehicular and pedestrian movement was approved in principle at December's committee meeting. The precise description of the development and its scale is discussed in paragraphs 2.8 – 2.30 of the Committee report presented at that meeting.

2.2 By reason of the limited time that has elapsed since December's meeting, it is not necessary to reconsider the merits of the proposal as there has been no change in material considerations.

## **3. UPDATE**

3.1 The committee report and addendum reported a variety of consultation responses and by way of mitigation, recommended a number of conditions. Since the meeting it has transpired that the observations from Anglian Water, Construction Futures and the Northampton branch of the Inland Waterways Association were not included in the report.

- 3.2 Anglian Water had no objections to the proposed development, but recommended that in the event that the application was approved, it is subject to conditions requiring the submission to the LPA of strategies for managing foul and surface water. Whilst the list of conditions reported to Committee included one addressing the matter of surface water, a similar condition seeking the management of foul water was omitted. Therefore the agreement of members is requested to include the following condition in the formal decision notice:

*“A foul water strategy shall be submitted to and approved in writing by the Local Planning Authority simultaneously with the submission and approval of the first Reserved Matters application. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the development hereby permitted and retained thereafter.”*

*Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.”*

- 3.3 Construction Futures requested Section 106 obligations for the funding and provision of training places; however, as discussed in the addendum, the scheme is marginal in viability terms. Officers have therefore concluded that that any available funds should be directed towards sustainable transport measures as agreed at the December committee meeting. Notwithstanding this, it is recommended that the University be requested to provide training and apprentice opportunities on the site through its approved contractors.
- 3.4 The representations from the Inland Waterways Association state that the organisation has no objections in principle to the development but comment upon the suitability of the bridges height; comment upon the layout; and enquire whether car parking could be made available for users of the marina.
- 3.5 The height of the bridges has been designed to ensure that there is sufficient clearance for water vessels and has been the subject of consultation with appropriate bodies, such as the Environment Agency. As this is an outline application, the layout of the development has been reserved for future consideration; however, it is considered that the combination of social facilities, academic buildings and commercial offices (including the existing Avon building) would attract a large and diverse number of people to use the riverside and has the potential to create a high quality and distinctive design. It would not be possible to secure the site’s car parking for other uses beyond that proposed in the application. Furthermore, the parking requirements for the marina would have been considered at the time that that development gained planning permission.

#### **4. CONCLUSION**

- 4.1 The additional consultation responses do not affect the principle of the proposed development; however, their content should be noted. Accordingly, it is recommended that an additional condition relating to foul water drainage be included within the decision.

## **5. BACKGROUND PAPERS**

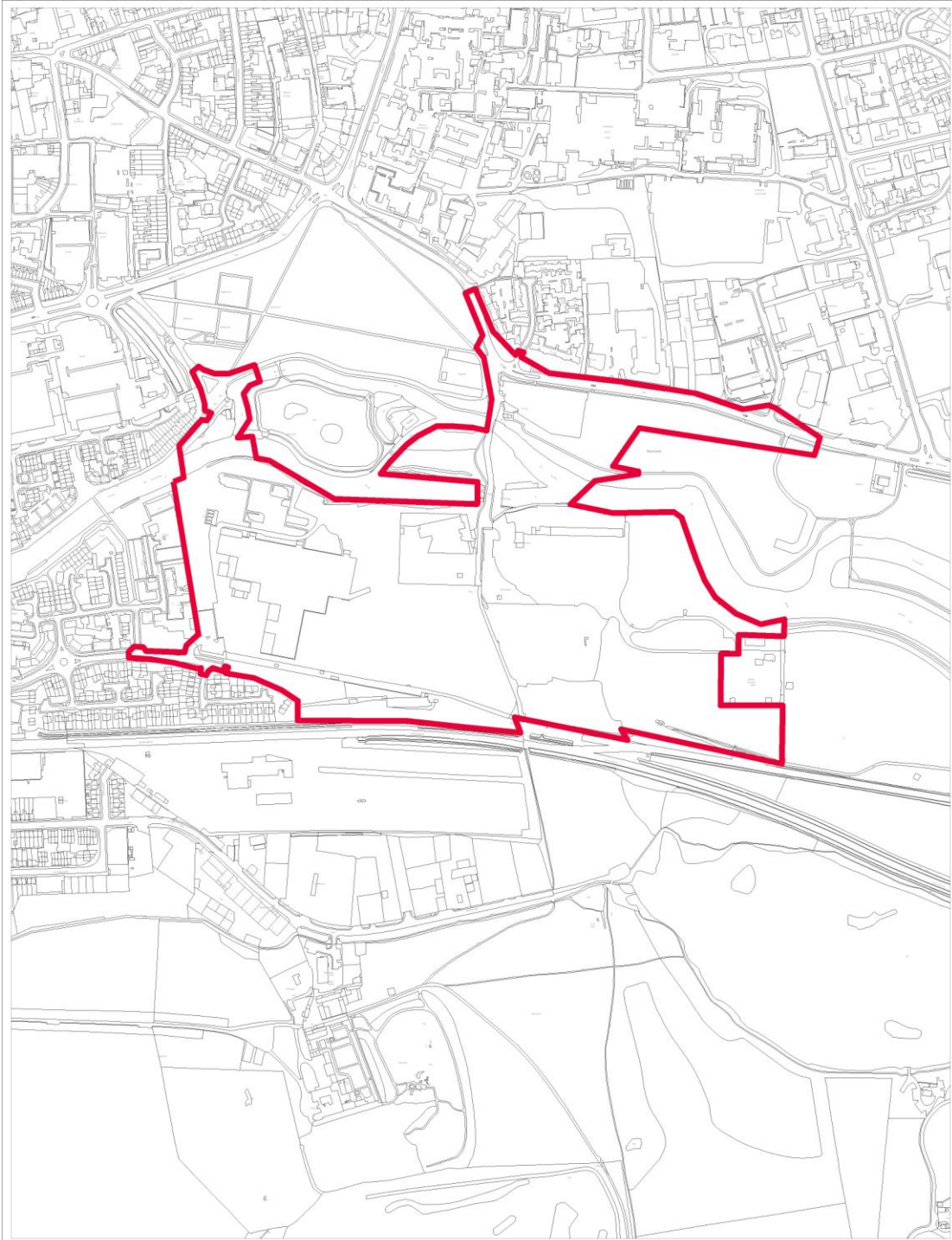
- 5.1 N/2013/0912; Item 10b from the agenda of the Committee meeting held on the 17<sup>th</sup> December 2013 and the associated addendum.

## **6. LEGAL IMPLICATIONS**

- 6.1 None

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

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



Name: Planning  
Date: 17th December 2013  
Scale: NTS  
Dept: Planning  
Project: Committee

Title

## Land for redevelopment, Nunn Mills Road

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014

**DIRECTORATE:** Regeneration, Enterprise and Planning

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Update on matters pertaining to Outline Planning Application N/2013/1243 for the development of 3 new houses including parking and new access road at land to the rear of 7A Millway

## **1. RECOMMENDATION**

1.1 That the **Reason for Refusal** be amended to read:

The proposed development would constitute an overdevelopment of the site and would be detrimental to the character and appearance of the Duston Conservation Area in non-compliance with Policies H7 (B) and E26 (A) of the Northampton Local Plan.

## **2. BACKGROUND**

2.1 The outline planning application N/2013/1243 for the erection of 3 houses including parking and a new access road at land to the rear of 7A Millway was considered by the Planning Committee on 14<sup>th</sup> January 2014. It was resolved by Members that the application be refused on the grounds that the proposed development would constitute an overdevelopment of the site and would be detrimental to the character and appearance of the Duston Conservation Area in non-compliance with Policies H6 (A) and E26 (A) of the Northampton Local Plan.

Policy H6 (A) states:

“Within the primarily residential areas identified on the proposals map, planning permission for residential development will be granted except where:

- A) The development would be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site”.

Policy E26 (A) states:

“Planning permission for development, or express consent for advertisements, in conservation areas will be granted so long as the development:

- A) Preserves or enhances the character and appearance of those areas”.

### **3. UPDATE**

- 3.1 Following the Committee’s resolution, Officers recommend that Policy H7 (B) should replace Policy H6 (A) in the reason for refusal as the site is allocated as a school site rather than a designated primarily residential area in the Northampton Local Plan.

Policy H7 (B) states:

“Outside the primarily residential areas identified on the proposals map, planning permission for residential development will only be granted where:

- (B) The development would not be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site”.

- 3.2 The purpose of this report is to seek confirmation from the Planning Committee that the reason for refusal should read:

‘The proposed development would constitute an overdevelopment of the site and would be detrimental to the character and appearance of the Duston Conservation Area in non-compliance with Policies H7 (B) and E26 (A) of the Northampton Local Plan’.

### **4. BACKGROUND PAPERS**

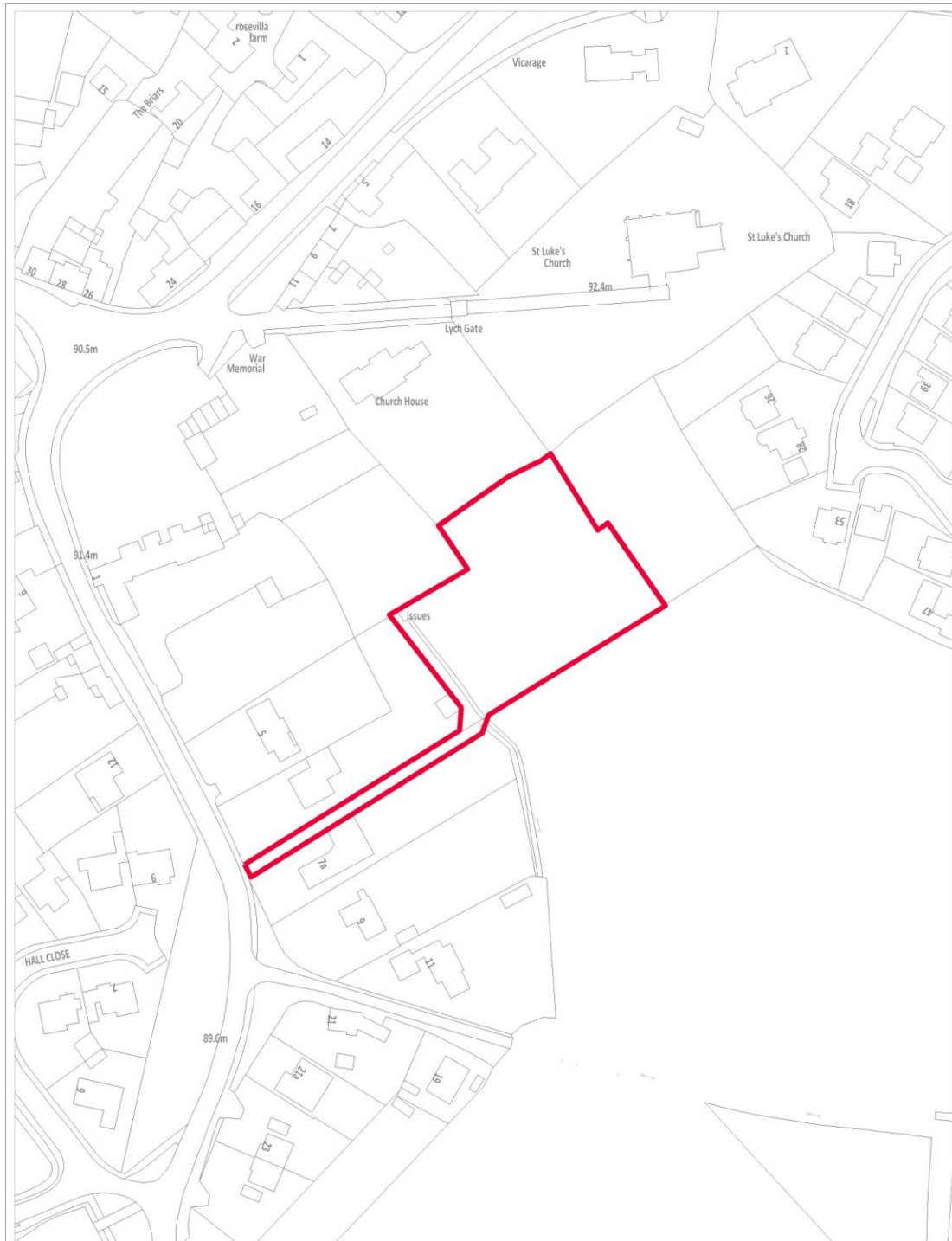
- 4.1 N/2013/1243 & Planning Agenda dated 14<sup>th</sup> January 2014.

### **5. LEGAL IMPLICATIONS**

- 5.1 None

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

- 6.1 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: **31st January 2014**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Committee**

Title  
**Land to rear of 7A Millway**

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## Addendum to Agenda Items Tuesday 11<sup>th</sup> February 2014

### 7. OTHER REPORTS

**7a**

**N/2013/0912**

**Update on matters pertaining to Outline Planning Application N/2013/0912 (New University Campus and Commercial Developments) at Avon/Nunn Mills, Nunn Mills Road**

Following discussions with the applicant regarding the likely phased approach to the development, the proposed additional condition regarding foul water drainage has been redrafted as follows:

*A foul water strategy, to include a phasing scheme for implementation of that strategy, shall be submitted to and approved in writing by the Local Planning Authority simultaneously with the submission and approval of the first Reserved Matters application. Development shall be carried out in accordance with the approved details, and in accordance with the phasing scheme, and retained thereafter.*

*Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.*

**7b**

**N/2013/1243**

**Update on matters pertaining to Outline Planning Application N/2013/1243 for the development of 3 new houses including parking and new access road at land to the rear of 7A Millway**

None.

### 10. ITEMS FOR DETERMINATION

**10a**

**N/2008/1036**

**Demolition of existing buildings and erection of 23 flats with associated access and parking at Former United Trades Club Balmoral House, Balmoral Road**

None.

**10b**

**N/2010/0785**

**Demolition of existing B8 Business units and erection of 14no. 2 bed and 8no. 1 bed apartments, formation of new access and parking areas at 174 St Andrews Road**

None.

**10c**

**N/2013/1206**

**Two storey side extension with new window in side elevation (re-submission of N/2013/0905) at 15 Brook Lane**

**Report Update** - Paragraph 3.1 of the report refers to the height of the stone boundary wall of

approximately 1.2m in height abuts the brook, Officers would like to clarify that the height of the wall is 1.55m in height nearer to the highway and then drops down to 0.94m in height nearer to the side wall of the existing building.

Further correspondence has been received from the objector at **120 Dallington Road**. This correspondence relates to the demolition of the stone boundary wall and considered that evidence of an appropriate review of the heritage significance of the wall has not been provided by the Council. The wall is considered to make up part of The Vicarage boundary wall.

Further correspondence has also been forthcoming from the objector **118 Dallington Road**. The objector is concerned about the removal of a section of the boundary wall and rubbish being deposited aside the remaining stone wall.

**Officer Response:**

It is not considered that the additional correspondence received raises any additional issues not covered within the Committee Report. As reported, the Council's Conservation Section have stated that the wall is not considered to be curtilage listed to The Vicarage and is not specifically identified as an important boundary wall in the Dallington Conservation Area Appraisal. Accordingly, the planning application being considered relates purely to the built extension works at the property as permission would not have been required for the removal of the part of the stonewall in question.

**10d  
N/2013/1215  
Demolition of existing warehouse and the erection of 13no two storey houses and 6no flats with associated parking and open space and new access to site at 2A Brookfield Road**

None.

**10e  
N/2013/1304  
Change of use of part of car park to hand car wash (Sui Generis) to include the installation of a storage container and canopy. Re-submission of planning application N/2013/1099 at Commercial Street Surface Car Park, Commercial Street**

None.

**10f  
N/2014/0021  
Change of use from waste land into residential garden to no. 5A Limehurst Close at Land Adjacent to 5A Limehurst Close**

**Duston Parish Council** – No objections.



**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2008/1036:** Demolition of existing buildings and erection of 23 flats with associated access and parking at land at Balmoral Road

**WARD:** Trinity

**APPLICANT:** Babington Properties Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Major development requiring a Section 106 Agreement

**DEPARTURE:** Yes

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## **APPLICATION FOR DETERMINATION:**

### **1. PURPOSE OF THE REPORT**

- 1.1 This application was originally reported to the Council's Planning Committee in December 2008 and approved in principle subject to a Section 106 Agreement being completed to secure 35% of the development for use as affordable housing and a financial payment towards education provision. Whilst a significant period of time has elapsed since this committee resolution, the Section 106 Agreement has not been completed and therefore planning permission has not been granted. Officers have considered whether the application could be 'finally disposed of'; however, this course of action would not be appropriate as the landowner has made a number of endeavours in attempting to complete the agreement; however, this has not been possible for reasons outside of the control of the landowner.
- 1.2 The preparation of the Section 106 Agreement is now nearing completion. Due to the passage of time since the original committee resolution it is necessary to reconsider the application in order to ascertain whether there have been any pertinent changes in material considerations.

## **2. RECOMMENDATION**

### **2.1 APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 2.2 and 2.3 for the following reason:

The proposed development would have a neutral impact upon neighbour and visual amenity; highway safety; and the functioning of Northampton's commercial areas. The proposal is therefore in compliance with the requirements of the National Planning Policy Framework and Local Plan Policies B14, E19, E20 and H7.

### **2.2** The prior completion of a Section 106 Legal Agreement to secure:

- i) The provision of 35% affordable housing on site; and
- ii) A financial payment towards education provision.

### **2.3** 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 having 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.

## **3. THE PROPOSAL**

### **3.1** The application seeks planning permission to erect 23 flats consisting of two apartment blocks. The block to the north of the site would have a frontage onto Balmoral Road and contains 10 two-bedroom apartments and 3 one bedroom apartments. The block to the south adjacent to the existing depot contains 10 two-bedroom apartments. The proposal includes the provision of 23 car parking spaces, including the provision of three spaces for disabled residents. Vehicular access to the development would be provided from Balmoral Road.

## **4. SITE DESCRIPTION**

### **4.1** The application site is located to the south of Balmoral Road, which in the main comprises residential accommodation (typically terraced houses), with some commercial properties within the western section of this road. Kingsthorpe Road runs to the west of the site, which serves as one of the main routes into the town centre. Properties that face onto this road are generally in use for business purposes. The application site contains a building that has most recently been used as a drinking establishment (although it has been vacant since May 2009).

Historically, the site has been used for various industrial processes and is allocated within the Local Plan as being an employment site.

## **5. PLANNING HISTORY**

- 5.1 N/2004/1112 – Erection of 20 flats – Approved
- N/2007/1045 – Erection of 36 flats and associated parking, cycle and bin stores – Allowed on Appeal
- N/2008/0261 – Demolition of existing buildings and erection of 22 flats with associated access and parking – Withdrawn

## **6. PLANNING POLICY**

### **6.1 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.

### **6.2 National Policies**

Paragraph 17 of the National Planning Policy Framework (NPPF) seeks to ensure that new developments are of a good standard design and amenity. Paragraphs 21 and 22 state that a flexible approach should be taken in assessing whether sites allocated for employment uses should be retained. Paragraph 50 requires that a variety of housing types is provided.

### **6.3 Northampton Local Plan**

B14 – Non business uses  
E19 – Implementing development  
E20 – New development  
H7 – Residential development

### **6.4 Supplementary Planning Guidance**

Parking  
Planning out Crime

## **7. CONSULTATIONS/ REPRESENTATIONS**

- 7.1 **Anglian Water** – In order to provide water and waste water infrastructure, a request needs to be made to Anglian Water under the terms of the Water Industry Act.
- 7.2 **Central Networks** – No objections.
- 7.3 **Development Management (NCC)** – A financial payment is requested in order to fund education provision within the vicinity.

- 7.4 **Environmental Health (NBC)** – The current layout addresses matters pertaining to air quality. The contamination report recommends further investigation, which should be carried out. A condition is recommend regarding the provision of refuse storage
- 7.5 **Highway Authority** – No objections
- 7.6 **Housing Strategy (NBC)** – 35% of the development should be secured for the provision of affordable housing. 10% of the dwellings should meet NBC’s Mobility Standards
- 7.7 **1-5 Balmoral Road** – The design fits in with the apartments that already have Planning Permission. The problems associated with the United Trades Club are becoming worse and the redevelopment of this site will be positive for local residents.
- 7.8 **Sally Keeble** – There is concern regarding the increasing housing density and the impact on traffic congestion. There has been an increase in the number of flats that have raised concerns with regards to lack of parking and traffic congestion. *(NB. Ms Keeble was the MP for the Northampton North constituency at the time the application was submitted).*
- 7.9 The above consultation responses were received in advance of the application being reported to Committee in December 2008. By reason of the unchanged material considerations, as detailed below, it has not been necessary to repeat this process.

## **8. APPRAISAL**

### **Principle of the development**

- 8.1 It is accepted that the site is allocated for business use within the Local Plan; however, as the time of the first assessment of this application, it was determined that the development would not be contrary to the requirements of Local Plan Policy B14 (which seeks to retain land with employment allocations) due to the wider benefits that would emanate from the site’s redevelopment. It is considered that this conclusion remains reasonable.
- 8.2 Planning Policy Guidance 4 (Industrial, commercial development and small firms) and Planning Policy Statement 3 (Housing), which were material in December 2008 have since been superseded by the National Planning Policy Framework (NPPF). However, the NPPF promotes a flexible approach to such allocations in order for the planning system to better respond to changes in economic circumstances. As a consequence of this, the principle of redeveloping this site for residential purposes is in conformity with national and local planning policies. The proposed development would also contribute to meeting the identified housing need in Northampton.

- 8.3 As discussed within paragraph 3.1 of this report, the site has previously been used for industrial purposes. The application was accompanied by a contamination assessment, which made a number of recommendations for the remediation of the site in order for this to make the site suitable for residential accommodation. By reason of the passage of time that has elapsed since 2008, this report can no longer be relied upon. However, the landowner has secured an update to this report that confirms that there have been no changes in circumstances that would challenge the original conclusions.

#### **Design and appearance**

- 8.4 The design of the building is unchanged from that assessed in 2008. Whilst it is accepted that the design policies within PPS1 – Delivering Sustainable Development have been replaced by the NPPF, it is considered that due to the general conformity between the two documents in respect of design, combined with the fact that the relevant design policies within the Local Plan are still material, the proposed scale and design of the development is acceptable.
- 8.5 No major developments have taken place within the immediate surroundings of the application site since 2008. As a consequence of this, the development would still harmonise with its surroundings and provide a suitable feature adjacent to Kingsthorpe Road. Similarly, this situation ensures that there would be no undue detrimental impact upon the occupiers of neighbouring properties in terms of considerations such as light, outlook and privacy as required by Local Plan Policy E20. A condition is recommended that would ensure that the Council approves the building materials in order to ensure a positive impact upon visual amenity.
- 8.6 The design and layout of the proposal is such that there is a satisfactory separation distance between the two sets of apartment blocks to ensure an adequate amount of privacy for the future residents of the development. These separation distances together with the orientation of the blocks also ensures that there would be no significant impact on the amenities of the occupiers of surrounding properties in terms of levels of light and outlook of the existing residents.

#### **Highway considerations**

- 8.7 The development includes the provision of 23 car parking spaces. This provision is unchanged from 2008 and is sufficient to meet the likely needs arising from the development. A condition is recommended that would ensure that the parking and access road is provided prior to the first use of the development in order to ensure a satisfactory standard of development is provided. By reason of the relatively unchanged local context and the scale of the development, it is likely that the highway impacts of the development would be any greater than that assessed in 2008.

- 8.8 The 2008 resolution required a Section 106 Agreement to secure affordable housing and education provision. Circular 05/05 (which was relevant in 2008) has now been replaced by the Community Infrastructure Levy Regulations, which 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.
- 8.9 With reference to these tests, the securing of 35% of the development for affordable housing and a payment towards the provision of education remains appropriate and any approval of this application should be subject to the completion of the a legal agreement to secure these elements.

## **9. CONCLUSION**

- 9.1 In conclusion, it is considered that despite a number of planning policy changes at a national level, the principle of the proposed development remains acceptable. Furthermore, the context of the site and relevant materials considerations are unchanged from 2008 and therefore it is likely that the impacts of the development would be no greater than that previously deemed acceptable.

## **10. CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 1709/20c; 1709/21c; 1709/22b; 1709/24a; 1709/25d;1709/26d; and 1709/27b.

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

3. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



Reason: In the interests of visual amenity and to ensure that the development harmonises with Policy E20 of the Northampton Local Plan.

4. A minimum of 10% of the total number of dwellings shall be constructed to the Local Planning Authority's mobility standards in accordance with further details to be submitted to and approved in writing by the Local Planning Authority and implemented concurrently with the development and thereafter retained.

Reason: To ensure the provision and retention of dwellings suitable for use by people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

5. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option (s).

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 requirements of the National Planning Policy Framework.

6. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local

Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 requirements of the National Planning Policy Framework.

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

8. Prior to the commencement of the development, the applicant shall assess the Noise Exposure Categories of the site due to its exposure from transportation noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth in traffic over the next 15 years.

The applicant shall also submit to the Local Planning Authority for it to agree in writing a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the noise protection measures together with the resultant NEC(s) for the site.

Where façades or floors do not fall into NEC A, a noise insulation scheme, which will require the provision of mechanical ventilation, be submitted to and agreed in writing by the Local Planning Authority and implemented prior to the dwellings hereby permitted being first occupied and retained thereafter.

Reason: To protect the amenities of future occupiers of the development in accordance with the requirements of the National Planning Policy Framework.

9. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

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

10. The car parking and access road as shown on drawing 1709/21c and the site location plan shall be fully implemented prior to the first occupation of the development hereby permitted.

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

## **11. BACKGROUND PAPERS**

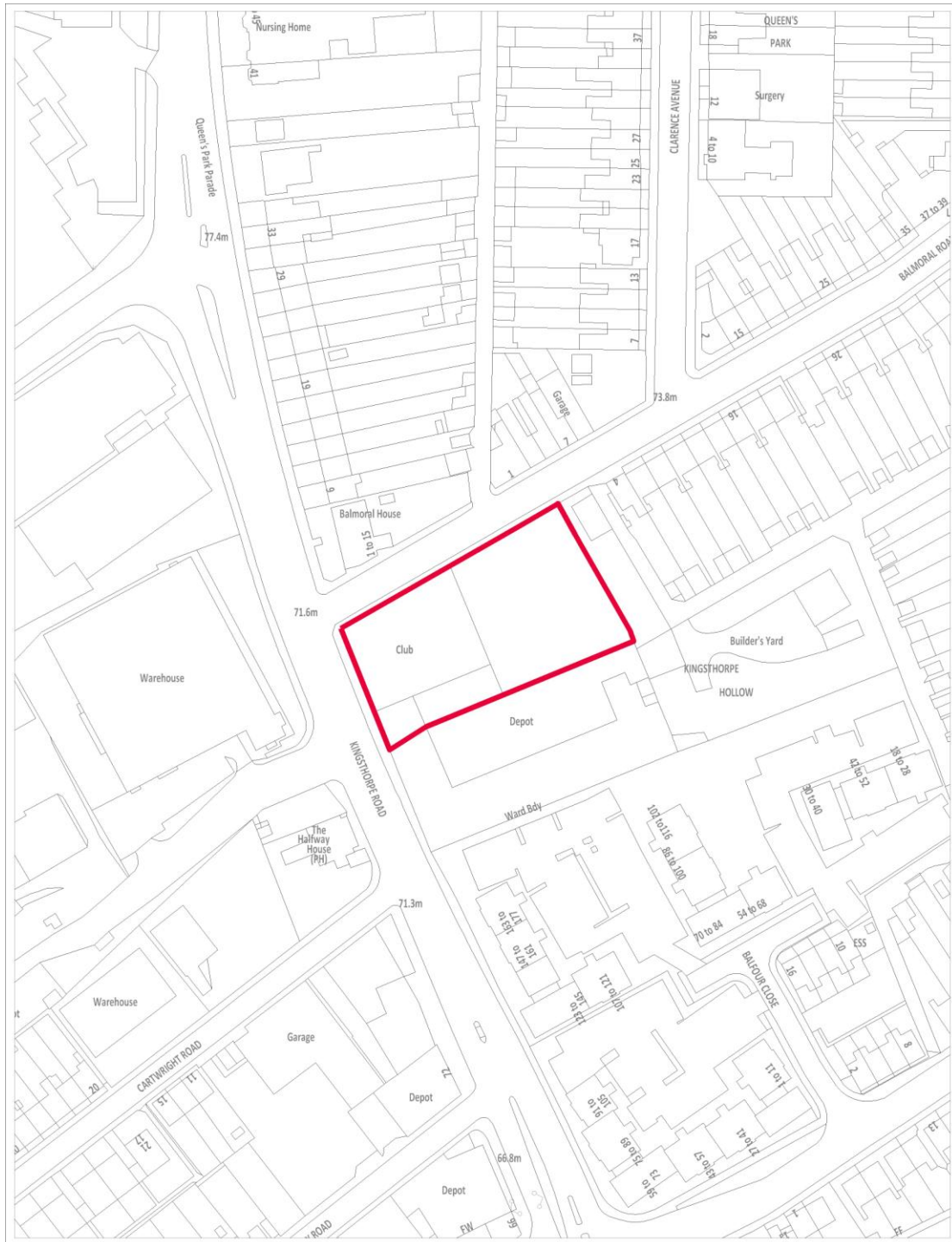
- 11.1 N/2008/1036

## **12. LEGAL IMPLICATIONS**

- 12.1 None

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

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



Name: Planning  
 Date: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**Balmoral House, Balmoral Road**

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise & Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0785:** Outline application for the demolition of existing B8 business units and erection of 14 two bedroom and 8 one bedroom apartments, formation of new access parking areas at 172-174 St Andrews Road (as amended by revised plan received on 9 November 2010)

**WARD:** Semilong

**APPLICANT:** Mr. M Brown  
**AGENT:** Mr. B Waine

**REFERRED BY:** Head of Planning  
**REASON:** Major development requiring a Section 106 Agreement

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. PURPOSE OF REPORT**

1.1 This application was originally reported to the Council's Planning Committee in March 2011 and approved in principle subject to a Section 106 Agreement being completed to secure 35% of the development for use as affordable housing and a financial payment towards alternative transport infrastructure provision. Whilst a significant period of time has elapsed since this committee resolution, the Section 106 Agreement has not been completed and therefore planning permission has not been granted. Officers have considered whether the application could be 'finally disposed of'; however, this course of action would not be appropriate due to the various endeavours of the landowner over this time to complete the agreement. Due to the passage of time since the original committee resolution it is necessary to reconsider the application in order to ascertain whether there have been any pertinent changes in material considerations.

## **2. RECOMMENDATION**

### **2.1 APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 2.2 and 2.3 for the following reason:

The principle of residential use on a site allocated within a primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The layout, scale and access to the site are considered acceptable and would not be detrimental to residential amenity or highway safety and the flood mitigation measures proposed are acceptable. The proposal is in accordance with Policies H6, H11, H17 & H32 and E20 & E40 of the Northampton Local Plan and the requirements of the National Planning Policy Framework.

### **2.2** The prior completion of a legal agreement to secure the provision of:

- i) 35% affordable housing;
- ii) a financial contribution to fund alternative transportation infrastructure.

### **2.3** 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.

## **3. THE PROPOSAL**

### **3.1** The application proposes the demolition of the existing warehouse units and the erection of 22 apartments with a new vehicular access and parking areas. This is an outline application with the appearance of the residential units and landscaping reserved for future consideration. The apartments are proposed to be contained in two blocks with a vehicular access situated between them with 22 parking spaces and secure cycle storage to the rear. The illustrative drawing submitted with the application shows the blocks to be three storeys high with third floor accommodation in the roof.

## **4. SITE DESCRIPTION**

### **4.1** The site consists of six commercial units in various states of disrepair and situated around a yard used for parking and servicing. The site has an area of 0.17 hectare and measures 51m wide and 30m deep with frontage to St Andrews Road and the Brampton Nene river to the rear. On the opposite side of St Andrews Road lies the Semilong residential

area. Immediately to the north there is a car dealership, which forms an open yard beyond which is a large residential development of two blocks of flats. To the south is a commercial garage. The frontage to St Andrews Road currently contains two advertisement hoardings. The majority of the site lies within Flood Zone 2 with the rear boundary of the site lying in Flood Zone 3.

## **5. PLANNING HISTORY**

- 5.1 Outline planning permission for four industrial units has been approved on this site on several occasions, the last being in May 2005 (ref N/2002/1238). The corresponding reserved matters was refused in July 2008 on the grounds of their dominant appearance, lack of highway visibility and insufficient parking provision (N/2008/0589). This application was allowed on appeal. However, the outline planning permission has since expired.

## **6. PLANNING POLICY**

### **6.1 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.

### **6.2 National Policies**

NPPF paragraphs:

17 - Core Planning Principles  
22 - Protection of employment sites  
49 - Presumption in favour of sustainable residential development  
56 – Design  
103 – Flood risk  
120 - Pollution

### **6.3 Northampton Local Plan**

H6, H11, H17 & H32 – Residential Development  
E20 – New Development  
E40 – Crime and Vandalism

### **6.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004  
Planning Obligations SPD (2013)

## **7. CONSULTATIONS / REPRESENTATIONS**

- 7.1 **NCC Highways Authority** - request 1.25 spaces per residential unit and a financial contribution towards the alternative transport infrastructure.

- 7.2 **NCC Planning** – request a Waste Audit.
- 7.3 **NCC Archaeological** - unit request a condition relating to the protection of any heritage assets.
- 7.4 **NCC Police** - no objections.
- 7.5 **NCC Planning** - request financial contribution towards library and fire and rescue.
- 7.6 **NBC Environmental Health** - no objection with conditions relating to the control of contaminated land, traffic noise and air quality.
- 7.7 **Anglian Water** - no objection subject to conditions.
- 7.8 **Environment Agency** - no objection subject to conditions.
- 7.9 **Central Networks** - no objection.
- 7.10 **Wildlife Trust** - no objection demolition of buildings may result in disruption of protected species of birds or bats.
- 7.11 **NBC Housing** - no objection with requirement of 35% affordable units.
- 7.12 **102 Baker Street** objection as the proposed development would:
  - a. Affect sunlight and have a detrimental impact on their garden
  - b. Result in overlooking and restrict privacy
  - c. Put more pressure on parking
  - d. Result in an increase in traffic
- 7.13 **Highgrade Motors St Andrews Road (now Combined Motors Ltd)** - have no objection to this but would request that no habitable windows face the boundary of their property in case they wish to develop it.
- 7.14 The above consultation responses were received in advance of the application being reported to Committee in March 2011. By reason of the unchanged material considerations, as detailed below, it has not been considered necessary to repeat this process.

## **8. APPRAISAL**

### **Principle of Development**

- 8.1 The site is located within an area allocated as a primarily residential area in the Local Plan and therefore the principle of a new residential development is acceptable. National policy has been superseded by the National Planning Policy Framework since the application was last reported to Committee. The NPPF advises that housing applications should be considered in the context of a presumption in favour of



sustainable residential development and the proposal is therefore considered to accord with these requirements. The site presently contains buildings in a poor state of repair and is located in a mixed character area with predominantly terraced dwellings to the east and non-residential uses to the north and south. This development would not only provide extra residential accommodation and contribute to meeting the identified housing need in Northampton but would also enhance the appearance of the area. Similar residential redevelopment of commercial premises as apartments has been brought forward in recent years on land to the north of the application site.

### **Siting and layout**

- 8.2 The proposed development is designed to have two blocks sited close to the St Andrews Road frontage with a single point of access located in between. The development has been designed in this way to ensure that the distance away from the river is maximised with the risk of flooding minimised. The siting in this location will compliment the existing residential development to the north and enhance the appearance of the area compared to the existing commercial yard. The layout would also result in the parking and bin storage areas being hidden from view of the public highway but well overlooked by the development itself. The two blocks are to be sited further back from the road than the existing buildings to provide a more open aspect to the site and complement the existing residential development to the north.

### **Impact on amenity**

- 8.3 There are residential properties on the opposite side of St Andrews Road. These are predominantly orientated to Baker Street albeit that nos. 99 and 102 Baker Street do have windows facing St Andrews Road. A minimum separation distance of some 14 metres between the nearest houses on the opposite side of St Andrews Road and the nearest part of the proposed development would be provided. This separation distance combined with the orientation should ensure that there would be no significant impact on the amenity of those properties. Any detailed issues can be dealt with during the reserved matters application for the external appearance of the buildings.

### **Transportation issues**

- 8.4 The Highway Authority required an increase in the distance between the two blocks and better visibility at the junction of the access road with St Andrews Road to ensure highway safety. This has been achieved following negotiation and the submission of a revised layout plan. Parking of 1.25 spaces per unit was also requested as the originally submitted scheme showed 24 units with 20 spaces. The revised plan shows 22 spaces for 22 units. This is considered

acceptable, as it is identical with the provision secured for the recently completed residential development to the north in line with Highway Authority advice. Moreover, the development is situated on a bus route and close to the local centre in Semilong to the east.

- 8.5 A financial payment has been requested by the Highway Authority to improve the local infrastructure for cycling and pedestrians originally contained within the NCC Northampton Cycling Development Plan which has now been subsumed in to the Northampton Town Transport Strategy. It is considered that a payment would be justified to finance the implementation and refurbishment of advance stop lines and associated markings at the junctions with Kingsthorpe Road and Spencer Bridge Road as part of the planned cycle link from Kings Heath to Black Lion Hill adjacent to the railway station identified in the County Council's Northampton Cycling Development Plan (scheme ref. F49).

#### **Environmental and Other Issues**

- 8.6 A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency has no objections to this proposal but require conditions to be attached to ensure that the appropriate works are carried out to prevent the development from flooding. The site remains predominantly within Floodzone 2 as previously reported to Committee and the mitigation measures proposed within the FRA regarding finished floor levels are in line with updated policy requirements.
- 8.7 The Wildlife Trust has requested a condition be attached to enable a survey to be completed to determine the possible presence of birds or bats in the existing buildings. However, although the aims of such a condition are supported, as the buildings could be demolished without planning permission, a condition is not justified. Therefore an informative rather than a condition is recommended.
- 8.8 The proposed development could have a detrimental impact on any archaeological deposits present in the site and a watching brief is required to ensure their protection in line with the advice of the County Archaeologist's advice to be secured via condition.
- 8.9 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development and the fact that it is not clear how such contributions would be directly related to the proposed development as required by the Community Infrastructure Levy Regulations, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

#### **9. Planning Obligations**

- 9.1 The 2011 resolution required a Section 106 Agreement to secure affordable housing and alternative transportation infrastructure. Circular 05/05 (which was relevant in 2008) has now been replaced by the Community Infrastructure Levy Regulations, which 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.
- 9.2 The securing of 35% of the development for affordable housing and a payment towards the provision of education remains appropriate and any approval of this application should be subject to the completion of the a legal agreement to secure these elements.

## **10. CONCLUSION**

- 9.1 This proposal is considered to provide a positive benefit to the locality by way of improving the street scene with the removal of relatively unattractive commercial buildings and the redevelopment of the site with a modern residential scheme.

## **10. CONDITIONS**

- (1)** Approval of the details of the external appearance of the buildings and the landscaping of the site (“the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- (2)** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

(4) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

**Reason:** To ensure adequate provision is made for people with disabilities in accordance with the guidelines contained within Policy H17 of the Northampton Local Plan and NPPF.

(5) 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 satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(6) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation or bringing into use of the buildings and thereafter maintained.

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

(7) Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

**Reason:** To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan and NPPF.

(8) The submission of reserved matters shall include the provision of a minimum of one on site car parking space per unit.

**Reason:** To ensure that adequate parking facilities are maintained in accordance with Policy H6 of the Northampton Local Plan.

(9) Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room on the [exposed] facades due to transportation noise. This must take into account, the likely growth of traffic over the next 15 years.

Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of  $L_{Aeq,8\text{ hour}}$  30 dB, with the window open, a Noise

Insulation Scheme shall be submitted to the Local Planning Authority for written approval that protects those rooms, and will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather. The Noise Insulation Scheme shall be implemented in accordance with the approved details prior to the occupation of any of the rooms affected and maintained in perpetuity.

**Reason:** In the interests of residential amenity in accordance with the advice contained in NPPF.

**(10)** Prior to the commencement of any development on the site the impact of air quality in the vicinity of the site shall be assessed in accordance with current good practice. The findings of the assessment shall be used to inform the design of any remedial measures deemed necessary to ensure compliance with current air quality standards.

**Reason:** To protect the amenities of future occupiers of the apartments in accordance with the guidelines contained within NPPF.

**(11)** Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposed of the preferred option(s).

**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 NPPF.

**(12)** Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetables of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**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 NPPF.

**(13)** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

**(14)** No development shall take place within the area indicated until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF.

**(15)** No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings 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 NPPF.

**(16)** The development permitted by this planning permission shall only be carried out in accordance with the approved BCAL Consulting Flood Risk Assessment (FRA) dated July 2010 Revision A, reference number 4420R001A FRA and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 62.46m Above Ordnance Datum (AOD).

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the NPPF.

## **10. LEGAL IMPLICATIONS**

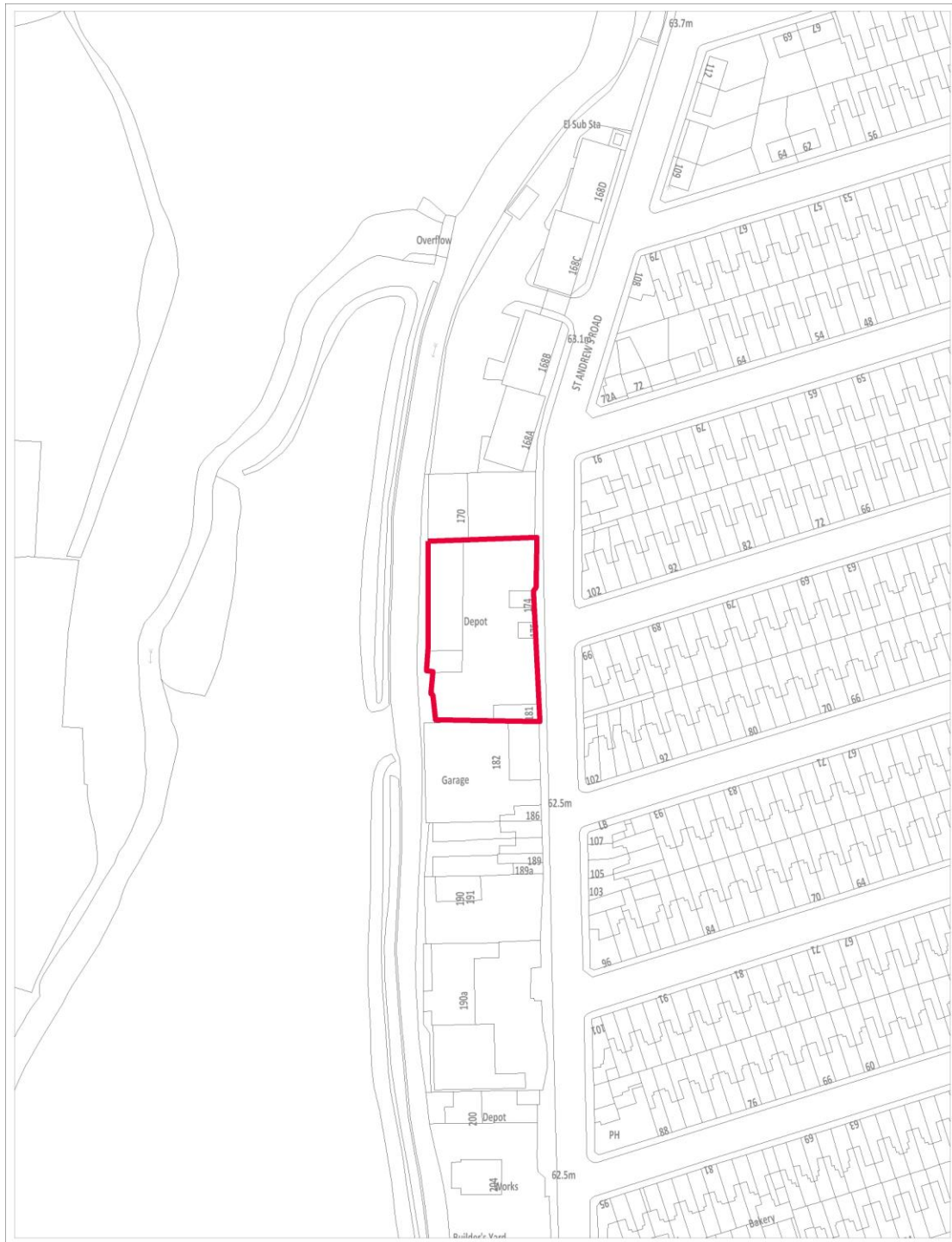
10.1 None.

## **11. BACKGROUND PAPERS**

11.1 N/2010/0785.

## **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: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**174 St Andrews Road**

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/1206:** Two storey side extension with new window in side elevation (re-submission of N/2013/0905) at 15 Brook Lane, Dallington

**WARD:** Spencer

**APPLICANT:** Steve McDonnell  
**AGENT:** Joby Simpson

**REFERRED BY:** Head of Planning  
**REASON:** Called in by Cllr Gareth Eales due to conservation implications and concerns around land ownership

**DEPARTURE:** NO

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The impact of the proposed development upon the character and appearance of the Dallington Conservation Area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, E26 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

### **2. THE PROPOSAL**

2.1 The proposals are for the erection of a two-storey side extension. 2no. new front-facing velux windows are proposed in addition to a new first-floor side-facing window. The ridge height and roof pitch of the newly proposed element would match the existing 1 ½ storey dwellinghouse. The extension is proposed to cover a rectangular footprint of 3.6m in

width (when measured along the Brook Lane frontage) and 7.5m in length (when measured along the side elevation).

- 2.2 A previous planning application (N/2013/0905) was approved at the site for a 2no. storey side extension. This new application represents a re-submission and slight enlargement of the previously approved scheme. The consented extension was of the same height and general appearance, only covering a smaller footprint area of 3m in width by 7m in length. Construction has commenced on site, therefore this new application is part-retrospective.

### **3. SITE DESCRIPTION**

- 3.1 The site constitutes a 1 ½ storey semi-detached property located within the Dallington Conservation Area. It exhibits a mixture of buff brick and rendered elevations with a concrete tiled roof. There is also a front-facing dormer window in existence. Dallington Brook runs the western side of the site whilst a stone boundary wall of approximately 1.2m in height abuts the brook and also runs the western side of the site. A part of this stone wall has been knocked through to allow space for the newly extended footprint of the extension.

### **4. PLANNING HISTORY**

- 4.1 N/2013/0905 Two-storey extension with new window in side elevation (Approved subject to conditions).

### **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.

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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

E20 – New Development  
E26 - Conservation Areas  
H18 - Extensions

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

Residential Extensions and Alterations Design Guide SPD

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 Consultation of local neighbours and consultees has been undertaken, representations received are summarised as follows:
- 6.2 **NBC Conservation:** There were no objections to the previous application on the basis that the development was considered to have a neutral impact upon the conservation area. Although the proposed extension is larger than the previously consented scheme, it is not considered to have an additional visual impact. The enlarged extension has necessitated the removal of part of the stone wall to the west of the property. The wall forms a boundary feature to Dallington Brook and is of historic origin. It is not however identified as an important boundary wall in the Dallington Conservation Area Appraisal and is not considered to be curtilage listed to The Vicarage. There are no substantive objections from a conservation perspective.
- 6.3 **Canal & River Trust:** The application falls outside of the notified area for its application scale.
- 6.4 **Objections** have been received from **7 Hamlet Green; 6 St. Margarets Garden; 29, 53, 55, 69 Brook Lane; 19 Park Drive; 106, 118, 120 Dallington Road; 12 Dallington Park Road.** Their objections can be summarised as follows:
- The applicant has failed to comply with the original application and plans, which retained the ironstone boundary road.
  - The boundary wall that has been demolished is historic; its removal has an adverse impact upon the character and appearance of the Dallington Conservation Area.
  - There would not appear to be room to reinstate the wall once building works are complete.
  - The ironstone wall forms part of the boundary of the Grade 2 Listed Vicarage and should be rebuilt accordingly. The Council's Conservation Officer should examine the listing of the Vicarage to ascertain if the ironstone wall is part of the listing.
  - The part-removal of the boundary wall could lead to the destabilisation and collapse of the remainder of the wall.
  - There have been flooding issues associated with the brook in the past.
  - The siting of the extension is not appropriate adjacent to the brook, building inspectors have not inspected the works.

- The building appears to encroach into the garden of No. 120 Dallington Road. This property has possessive title to the land adjacent to the boundary wall.
- The planning application form has been accepted with material inaccuracies. Work has commenced and there is nothing to prove that the entire site falls within the ownership of 15 Brook Lane.

## 7. APPRAISAL

### *Design & Conservation Area*

- 7.1 The property is a mid-20<sup>th</sup> century development that lies within the Dallington Conservation Area; its contemporary appearance reflects the age of the property. The extension would have a neutral impact upon the character and appearance of the conservation area by virtue of its sensitive siting and scaling to the immediate side of the existing dwelling house. It would take forward a complimentary palette of materials to reflect the existing appearance. It is considered that the relationship between the proposed extension, the host dwelling and the surrounding area has not been adversely impacted upon by the slight 0.6m increase in width and 0.5m increase in length proposed when compared to the originally consented scheme (N/2013/0905).
- 7.2 A number of representations have been received from local residents, the majority of which raise comments / objections in respect to works that have already been carried out to the stone wall that is positioned to the south-western boundary of the application site. The originally consented scheme has no impact upon this wall. However, the newly proposed scheme has necessitated the demolition of a short stretch of this wall so as to accommodate the newly expanded footprint of the extension.
- 7.3 The demolition of the wall does not require planning permission, notwithstanding the site falls within a conservation area. The Council's Conservation Officer has commented that the wall is not identified as an important boundary wall in the Dallington Conservation Area Appraisal and is not considered to be curtilage listed to The Vicarage (Grade II Listed).
- 7.4 It has been suggested via the consultation process that the applicant does not hold full ownership of the application site. However, the applicant has submitted - as part of the application - a signed Certificate of Ownership (Certificate A) declaring full ownership of the site. This corresponds with a red line location plan that extends around the entirety of the proposed works (including the area of wall affected by the scheme). The application should proceed on this basis, particularly in the absence of any evidence to suggest alternative ownership of the land and wall in question. The issue of land

ownership constitutes a private civil matter to be resolved by the affected parties outside of the planning process.

- 7.5 There is no evidence to suggest that the removal of a section of the wall would lead to the subsequent destabilisation and removal of further sections of this wall. As a further note, it is evident from an inspection of the wall on site that various repair works have already been carried out in the past and that these works have involved the use of modern building materials such as bricks.

#### *Residential Amenity*

- 7.6 The proposals would have no detrimental impact upon residential amenity in the area. The area of the proposed works is relatively secluded to the side of an existing dwelling. The existing side elevation of the property is already afforded non-obscure window openings. The newly proposed side facing window to the proposed extension would not therefore provide views that are not already available from within the dwelling.

#### *Parking & Highways*

- 7.7 The proposed extension would be positioned upon the existing side driveway of the property. However, there would remain adequate driveway to the frontage of the property to accommodate 1 no. car off-street. There are also on-street car parking opportunities available in the immediate area. In this context it is felt that the application is acceptable.

#### *Flood Risk*

- 7.8 The proposals constitute householder works within Flood Zones 2 and 3. In accordance with the Environment Agency's Standing Advice, the applicant has confirmed that the floor levels within the proposed development shall be set no lower than existing levels and has provided details of flood risk mitigation / resilience measures to be incorporated including the installation of a new cavity tray as part of the ground level building works. The scheme is considered to be acceptable in a Flood Risk context.

## **8. CONCLUSION**

- 8.1 The impact of the proposed development upon the character and appearance of the Dallington Conservation Area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, E26 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Plans & Elevations (01); Proposed Plans & Elevations (02).

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

- (2) The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building and preserves the character and appearance of the Dallington Conservation Area in accordance with Policies E26 and H18 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

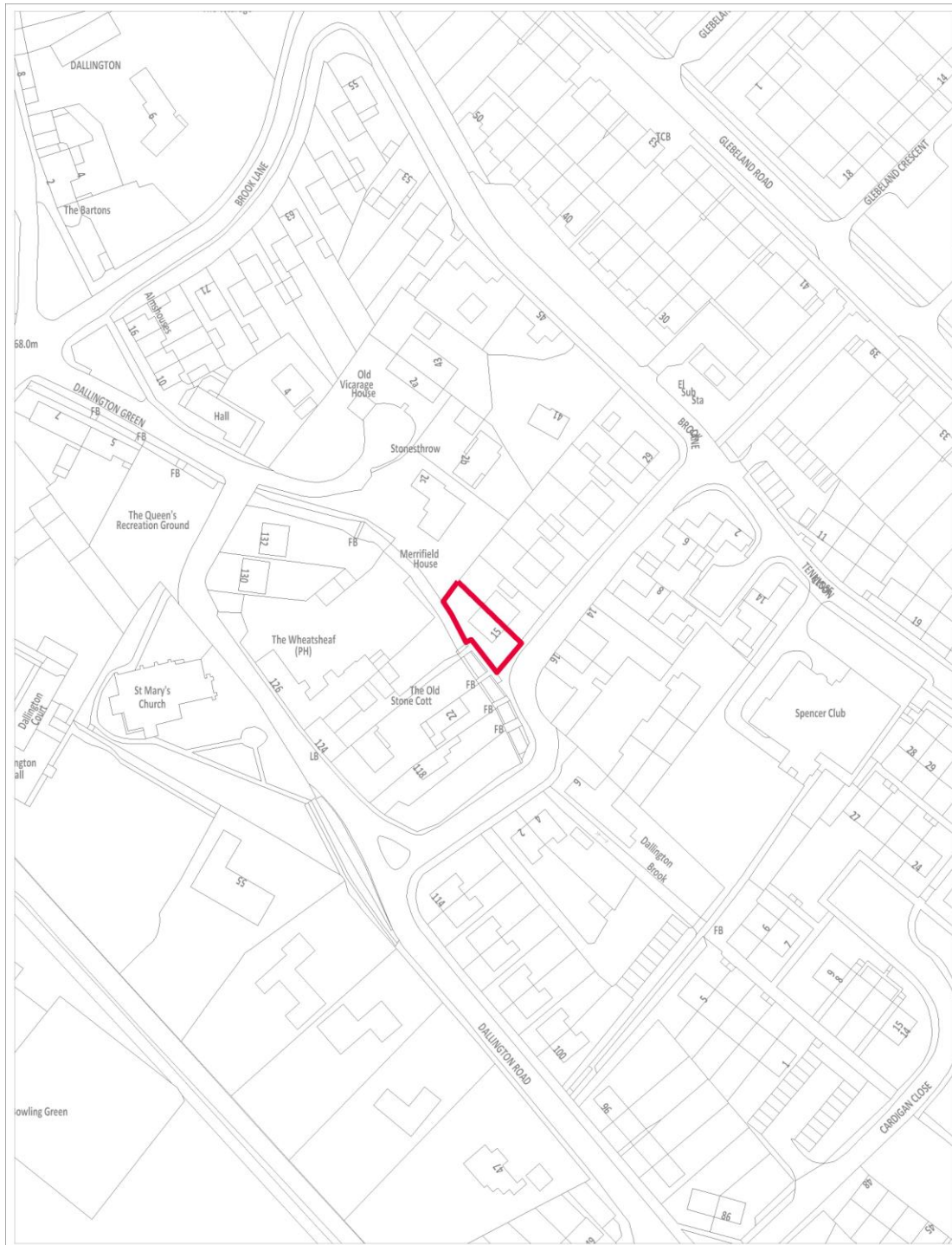
- 10.1 N/2013/1206 & N/2013/0905

## **11. LEGAL IMPLICATIONS**

- 11.1 None for the Council as Local Planning Authority.

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

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



Name: Planning  
 Date: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**15 Brook Lane**

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/1215:** Demolition of existing warehouse and the erection of 13no. two storey houses and 6no. flats with associated parking and open space and new access to site at 2A Brookfield Road

**WARD:** Kingsley

**APPLICANT:** Nottingham Community Housing Association  
**AGENT:** Pelham Architects

**REFERRED BY:** Head of Planning  
**REASON:** Major development and Section 106 agreement required

**DEPARTURE:** NO

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINICPLE** subject to the following:

a) The prior finalisation of a Section 106 agreement to secure 100% on site affordable housing, with 10% to be built to mobility standards.

b) The conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the removal of a non-conforming commercial use within a primarily residential area as identified in the Northampton Local Plan. The development would provide for 100% affordable housing, for which there is a recognised need. The development would therefore be in accordance with with Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the National Planning Policy Framework.



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

## **2. THE PROPOSAL**

- 2.1 Demolition of existing warehouse and the erection of thirteen two storey houses (10 x 2 bedroom and 3 x 3 bedroom) and six one bedroom flats in a three storey block.
- 2.2 A total of 17 off-street car parking spaces will be provided through a new access road from Brookfield Road.

## **3. SITE DESCRIPTION**

- 3.1 The existing site comprises a large single storey warehouse which has been vacant for a number of years.
- 3.2 The surrounding area comprises largely of terraced houses and there is a warehouse located immediately to the east of the site.
- 3.3 Opposite the site is a recently constructed three storey block of flats known as "Poets Court".

## **4. PLANNING HISTORY**

- 4.1 An outline application ref. N/2006/399, with all matters reserved, for residential development on the site was approved in June 2006 by the Planning Committee subject to a S106 agreement, however this was never signed and the application was subsequently disposed of.
- 4.2 A further application was submitted under reference N/2008/0045 for the development of 24no. dwellings. This was again approved by Committee and a Section 106 agreement was completed and the decision being issued on March 2<sup>nd</sup> 2009. The permission was not implemented and has since expired.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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

## 5.2 **National Policies**

National Planning Policy Framework

## 5.3 **Northampton Local Plan**

E20 – New Development

E19 – Implementing Development

H6 – Housing Development within Primarily Residential Areas

H17 – Housing for people with disabilities

H32 – Affordable housing

## 5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

## 6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **County Council Development Management** – Contributions will be required towards education, fire and rescue, libraries and broadband.

6.2 **Police Crime Prevention Design Adviser** – No formal objection, would recommend that all routes to the rear amenity space are gated. Recessed doorways are fine but should not be set back more than 600mm.

6.3 **Environment Agency** – No objections subject to a condition requiring details of main sewage infrastructure on and off site.

6.4 **Environmental Health** – Noise from the relocated substation is a potential issue, further sampling for contamination will be required. Conditions to address this are suggested.

6.5 **Local Highway Authority** – No objections; will require adoption of the access road, footpath and parking. Visibility splays will be required for the parking bays at flats 15 and 16. Parking bays within private land cannot be allocated to a particular flat or the proposal will not fall within the private rented category. (This was clarified as meaning that lower parking standards would apply if the site is used for affordable rather than private housing).

6.6 **Arboricultural Officer** - There are no arboricultural reasons why this application should be refused. It is recommended that a detailed landscaping scheme is conditioned and should include a post planting maintenance programme.

6.7 **Urban Designer** – Concerns raised as to the detail of the design.

6.8 The application was notified to adjoining occupiers and the following representations were received from the adjoining occupier at **2 Brookfield Road**:

- The design of the substation is not shown and question whether the development will blend in with their property.
- The rear corner adjacent to 2 Brookfield Road has been built up, concerned this will result in additional drainage to rear garden.
- the existing large conifers will be removed prior to commencement of building works and requested that a close boarded fence is erected to reduce noise and dust.

## 7. APPRAISAL

7.1 The issues to consider are the principle of the proposal, the impact of the proposed development in visual terms, the impact on neighbouring occupiers, living conditions for future occupiers and parking.

### Principle of the proposal

7.2 The application site is currently occupied by a vacant warehouse building.

7.3 The site is located in a primarily residential area as defined in the Local Plan and therefore residential use of this site is considered acceptable in principle and has been the subject of previous planning permission for residential development. The principle of residential use of this site is therefore well established.

### Impact on the street scene

7.4 The site is currently occupied by a large warehouse building, dating from the 1970s, which is a functional building and of no architectural merit. The surrounding area comprises of terraced and semi-detached houses generally of two-storeys high and the residential development of this site would, therefore, be much more in keeping with this character and would enable the removal of the unsightly warehouse building.

7.5 The proposed buildings are generally two-storeys in height and whilst the larger of the building providing the flats would be three storeys, it is considered that this would be in keeping with the general area, within which there are buildings of variant size and height.

7.6 The proposed buildings would be in brick construction with tiled roofs but would be of a contemporary design with areas of render and balconies. The design is intended to take its cues from the surrounding areas, particularly the terraced streets which feature some rendered

properties and some which retain their original brick facing. It is considered that such features add interest to the design.

- 7.7 A substation is proposed at the front of the site adjacent to no. 2 Brookfield Road. Whilst no detailed elevations were submitted, due to the small scale of the structure, it is not considered that the proposed substation would have undue adverse impact on the street scene. Subject to suitable external treatment the proposed structure is considered acceptable. A condition requiring the details of facing materials is proposed.
- 7.8 Trees along the north-western and north-eastern boundaries of the site are shown to be removed. These are large conifers which currently place the neighbouring garden in significant shadow and it is not considered that the retention of these trees is desirable either in terms of the impact on the street scene or on the adjoining occupiers. The general appearance of the site would be improved by suitable alternative landscaping and a condition to this effect is proposed.
- 7.9 Concerns have been raised by the Urban Designer as to the detail of the design. Following further discussion, it has been agreed that these issues can be addressed by means of conditions relating to materials, boundary treatment and details of the proposed substation.

#### Impact on adjoining occupiers

- 7.10 The application site is adjacent to no. 2 Brookfield Road to the west. The proposed development would have a separate distance of 11m from this house and 7m from the boundary with the house's rear garden.
- 7.11 Currently the garden of this property is overshadowed significantly by the tall conifers on the site. These would be removed and the proposed houses would be set back from the boundary. It is not considered that the proposed development would create unacceptable overshadowing effect on this property.
- 7.12 In respect of overlooking, there would be some impact from the proposed houses on plots 1 to 7, however given that the first floor rooms facing towards this neighbour are the second bedrooms to the houses, this impact would be lessened. Conditions are proposed for suitable boundary treatment and landscaping, which will further offset any adverse impact. Whilst there would be a residual impact, on balance it is considered that the impact on this neighbour would be acceptable, when considered against the existing non-conforming use currently on site.
- 7.13 Plot 8 is closer to the boundary with this neighbouring garden, and has been designed with no first floor windows facing in this direction, other than a single bathroom window. As this is the rear elevation of the house such windows could be installed in the future under permitted

development rights, and a condition preventing this is therefore proposed.

- 7.14 Due to the relatively small size of the gardens and the proximity to the boundary, a condition is proposed preventing any extensions or further outbuildings.
- 7.15 Concerns have been raised by the prospective purchaser of the adjoining property regarding drainage of the site into her garden. In order to address this point a condition is recommended requiring details of a surface water drainage strategy to be submitted for approval.
- 7.16 To the rear of the site are the gardens of houses on Raeburn Road. The proposed houses on Plots 9, 10 and 11 towards the rear of the application site would be separated from the rear boundary with these by a distance of a minimum of 11m, which would place these further from the boundary than the warehouse and would provide sufficient distance to prevent overlooking of the gardens of these neighbours. The houses have long gardens, with the houses being in excess of 25m from the rear boundary, minimising any overlooking between these houses.
- 7.17 The other neighbouring property is a warehouse, which is adjacent to the rear of plots 11 to 16. As this warehouse has a blank wall it would be unaffected by the development, other than by the demolition of the existing warehouse, which forms the boundary of the parking area of these premises. It is considered that this impact can be overcome, by means of a suitable boundary treatment to provide for security, which would be required by condition.
- 7.18 On the opposite side of Brookfield Road is Poets Court, a two-storey block of flats. It is not considered that the occupants of this block would be adversely affected by the proposal and the removal of a non-conforming use would improve the local environment.
- 7.19 The three storey block at the corner of Brookfield road and Chaucer Street has been designed with balconies facing Chaucer Street. These would face along the street and would not affect neighbouring residents as there is a separation distance of over 80m from these properties.
- 7.20 The neighbouring properties at 93 and 96 Junction Road, opposite the proposed flats, would not be affected by overlooking as their windows do not face towards the proposed block.

#### Living conditions for future occupiers

- 7.21 The proposed flats are considered to provide a good standard of accommodation. The houses would have their own private garden area, of around 35m<sup>2</sup>. Rear private amenity space would be provided for the flats, together with an area of “doorstep play space”.

- 7.22 The majority of the houses and flats are of a conventional layout, however plots 11 and 12 are very close to the boundary with the existing neighbouring warehouse and therefore has been designed with no main windows on the rear elevation and with gardens to the sides. It is considered that these would provide a satisfactory living environment.

#### Parking

- 7.23 Seventeen parking spaces would be provided on site. This represents less than one space per dwelling, however it is considered that this is sufficient in this location and given that parking standards are set at maxima, it is considered that this level of parking is acceptable.

#### Contamination of site

- 7.24 Although a desktop study in respect of contaminated land was included with the application, comments from Environmental Health officers indicate concerns with this and a condition requiring a further study is proposed.

#### Section 106 Contributions

- 7.25 Comments from the County Council Development Management Section request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.26 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity. It is considered that this request would normally satisfy the tests as set out above if the development were to be a conventional private sector development. However, in this case the scheme proposed is not a private development but rather provides entirely affordable accommodation.
- 7.27 Therefore, whilst the houses will be occupied by children, who will require education, these will be drawn from housing waiting lists and therefore these will be children already in education in the Borough and in need of housing. There will, therefore, be no net gain in the requirement for education provision as a result of these children being relocated into more suitable residential accommodation.
- 7.28 Consequently, provided that the applicant enters into a legal agreement to ensure that the entire development would be retained for affordable housing in perpetuity it is not considered that the education payment would be necessary. Therefore it is recommended that the legal agreement secures 100% affordable housing rather than the normal 35% requested. This approach is consistent with other recent decisions of the Council when determining applications of this nature.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed development would represent an enhancement to the street scene due to the removal of a non-conforming use in a residential area, in the form of a derelict warehouse, and would have no detrimental impact on adjoining occupiers..
- 8.2 The proposal would provide for much needed affordable housing, making use of grant funding and contribute towards the Borough's housing land supply.

## **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: 2116 / P00b, 2116 / P01, 2116 / P02c, 2116/P03b, 2116 / P04b, 2116 / P05b, 2116/P06b, 2116 / P07c, 2116 / P08a, 2116 / P09a,

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

(3) Notwithstanding the submitted plans, prior to the commencement of any work on site full details shall be submitted to the Local Planning Authority setting out the full details of the elevational treatment of the proposed substation which shall be constructed 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.

(4) Details and/or samples of all proposed external facing materials, including those to be used in the substation, 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.

(5) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including

phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building 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 NPPF.

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

Reason: To secure satisfactory drainage of the site and to prevent any adverse impact on adjoining occupiers, in accordance with Policy E20 of the Northampton Local Plan and the NPPF.

(7) Before the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise from the proposed electricity substation and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the NPPF.

(8) 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 NPPF.

(9) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and



approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

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

(10) No development shall take place until a landscaping scheme has been submitted to and approved 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 E20 of the Northampton Local Plan.

(11) 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.

(12) Notwithstanding the submitted plans pedestrian visibility splays of 2m x 2m shall be provided on either side of parking bays 16 and 17. The splays shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.

Reason: In the interest of highway and pedestrian safety, in accordance with the NPPF.

(13) Full details of the security measures to be incorporated into the development, which shall incorporate lockable gates to all rear passageways, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The security measures shall be incorporated into the development in accordance with the approved details.

Reason: In the interests of the security of future occupiers of the site, in accordance with Policy E20 of the Northampton Local Plan.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the north-western elevation of Plot 8 of the proposed development without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

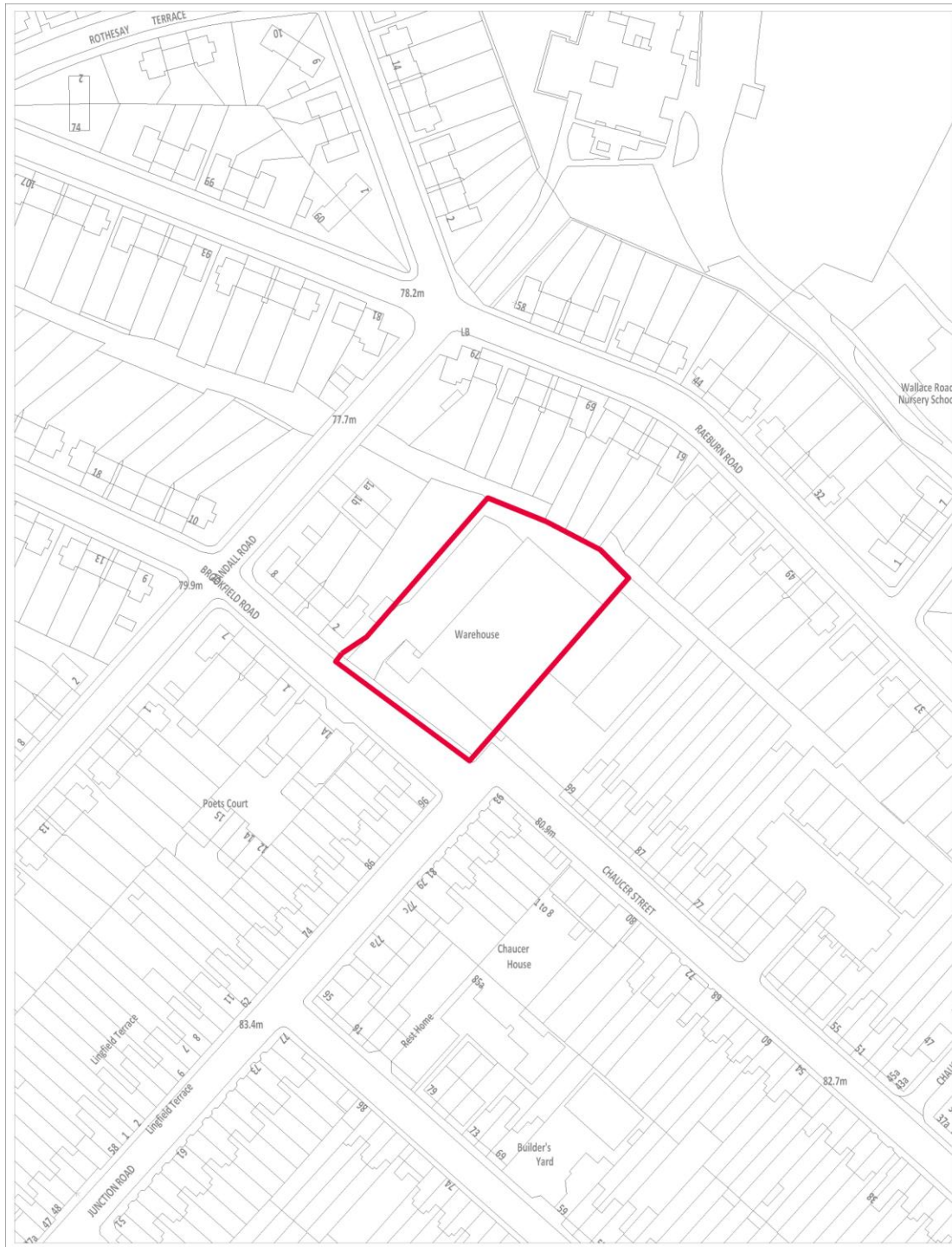
10.1 Application File N/2013/1215

## **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: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**2A Brookfield Road**

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/1304:** Change of use of part of car park to hand car wash (Sui Generis) to include the installation of a storage container and canopy. Re-submission of planning application N/2013/1099 at Commercial Street Car Park, Commercial Street

**WARD:** Castle

**APPLICANT:** Mr. Ben Lleshi  
**AGENT:** Dr. Richard Post

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

**DEPARTURE:** NO

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** for the following reason:

1.2 The proposed development is considered acceptable as a temporary expedient and would not prejudice the future comprehensive redevelopment of the wider site and would allow the Local Planning Authority to monitor the impact on highway safety in compliance with Policy 1 of the Central Area Action Plan and the guidance contained within the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 The proposals are for the change of use of a small area of the existing Commercial Street surface car park (totalling 70 sq. m) to a hand car wash operation together with the installation of a storage container

(measuring 2m x 5m in footprint and 2m in height) and a canopy (measuring 5m x 7m in footprint and 2m in height).

- 2.2 The proposals represent a resubmission of application N/2013/1099, which was for the same facility but located in a different position adjacent to St. Peters Way at the southern edge of the car park. This drew concerns as regards to visual prominence of the facility and the application was subsequently withdrawn.

### **3. SITE DESCRIPTION**

- 3.1 The scheme relates to a small area of a surface car park owned by Northampton Borough Council. The car park is bound by St. Peters Way, which curves the south western side of the site. Commercial Street runs from St. Peters Way and provides an access into the car park.

- 3.2 The scheme would take up 6no. existing car parking spaces located a minimum of 15m from the south-western boundary of the car park. A storage container would occupy 1no. of these spaces whilst a canopy would be sited to provide cover to 3no. of the spaces (including to the storage container).

### **4. PLANNING HISTORY**

- 4.1 N/2013/1099 Change of use of part of car park to hand car wash (Sui Generis) to include the installation of a storage container and canopy (application withdrawn).

### **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 and the Central Area Action Plan.

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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

E20 – New Development

#### **5.4 Northampton Central Area Action Plan**

Policy 1: Promoting Design Excellence

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environment Agency:** The proposals have relatively low environmental risk. No further comments.
- 6.2 **NBC Arboriculture:** The latest proposals to locate the container on the existing parking surface are acceptable as is the location for the canopy. It is unlikely that any facilitation pruning will be required, but if it is, it should be undertaken in line with appropriate British Standards.
- 6.3 **NBC Public Protection:** No objection to the proposals. The applicant intends to connect drainage to the storm sewer, this is not acceptable. Effluent can only be discharged to a foul water sewer with the consent of Anglian Water. It needs to be demonstrated that such consent can be obtained.
- 6.4 **Anglian Water:** No comments received.
- 6.5 **Local Highway Authority:** No observations.
- 6.6 In addition a site notice was erected adjacent to the site, no responses were received.

## 7. APPRAISAL

### Principle

- 7.1 The application site and the wider car park are located within the town's Enterprise Zone and are therefore anticipated to come forward for comprehensive redevelopment in the future.
- 7.2 In light of this Enterprise Zone status, it is expected that the site will perform an important regenerative role for the town in the forthcoming years. It is therefore important to ensure that any piecemeal development of the site is guarded against in the interests of safeguarding the development opportunity of the wider area. It is felt that any consent for the change of use from car parking to a hand car wash should only be limited to a temporary time period.

### Design & Visual Impact

- 7.3 The scheme involves the installation of a storage container and a canopy. They will be sited at least 15m from St. Peters Way, which is an important vehicular gateway link to the town centre. The siting away from the boundary would reduce visual prominence when viewed from St. Peters Way. However, as these installations are of a temporary nature, any permission should therefore be restricted to a temporary period of one year only. This would also safeguard the long-term redevelopment opportunities of the site.

- 7.4 The Local Highway Authority has submitted no observations upon the scheme. Only 6no. car parking spaces would be lost. Separate visits to the site during both morning and afternoon hours have indicated that the southern side of the car park is not operating at full capacity. The car wash would be sensibly located in the context of where the accesses to the car park are located, i.e. queuing vehicles would not impede access into the site given the distances involved. To grant a temporary planning permission would also allow the Council to monitor the effects of the scheme upon the circulation of the wider car park.

#### Residential Amenity

- 7.5 The site is not located within close proximity to any residential or noise-sensitive uses, there are no concerns in a noise context, particularly given the immediate presence of a busy dual-carriageway adjacent to the site.

#### Drainage

- 7.6 The applicant has confirmed in their submission that all end products from the proposed use are non-toxic and are permitted to drain to the storm sewer that is located on site. Correspondence from Anglian Water has been submitted by the applicant, which confirms in principle that Anglian Water has no objection to a connection being made to the foul sewer (subject to a formal application being made to Anglian Water under Section 106 of the Water Industry Act). The Environment Agency has confirmed that the proposals have relatively low environmental risk. An informative will be added to any permission to advise the applicant to seek permission from Anglian Water.

#### Tree protection

- 7.9 The site is positioned adjacent to 2no. mature trees, which are located next to where the canopy and container are proposed to be installed. The Council's Tree Officer has stated that the location for the container and canopy are acceptable. An informative should be added to any permission to ensure that any minor pruning works required are completed in accordance with the appropriate British Standard.

## **8. CONCLUSION**

- 8.1 The proposed development would be acceptable as a temporary expedient. It would not prejudice the future comprehensive redevelopment of the wider site and would not cause undue impact on highway safety in compliance with Policy 1 of the Central Area Action Plan and the guidance contained within the National Planning Policy Framework.

## **9. CONDITIONS**

1. The use hereby permitted shall be discontinued and the storage container and canopy shall be removed and the land restored to its former condition on or before the date of one year forward of the date of this permission.

Reason: So as not to prejudice the future comprehensive redevelopment of the wider site and in the interests of amenity as the Local Planning Authority consider the use is only acceptable as a temporary expedient in accordance with Policy 1 of the Northampton Central Area Action Plan and the guidance contained within the National Planning Policy Framework.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan & Site Plan (17004-L02 Rev A).

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

3. The proposed storage container and the canopy hereby permitted shall have a grey colour finish as confirmed in the applicant's agent e-mail dated 28<sup>th</sup> January 2014.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework.

## **INFORMATIVES FOR APPLICANT**

(1) Any tree pruning required to accommodate the canopy on site should be kept to a minimum and should be undertaken in line with 'British Standard BS3998:2010 Tree work – Recommendations'.

(2) Consent is required from Anglian Water under Section 106 of the Water Industry Act to connect to the foul sewer.

## **10. BACKGROUND PAPERS**

- 10.1 N/2013/1099 & N/2013/1304

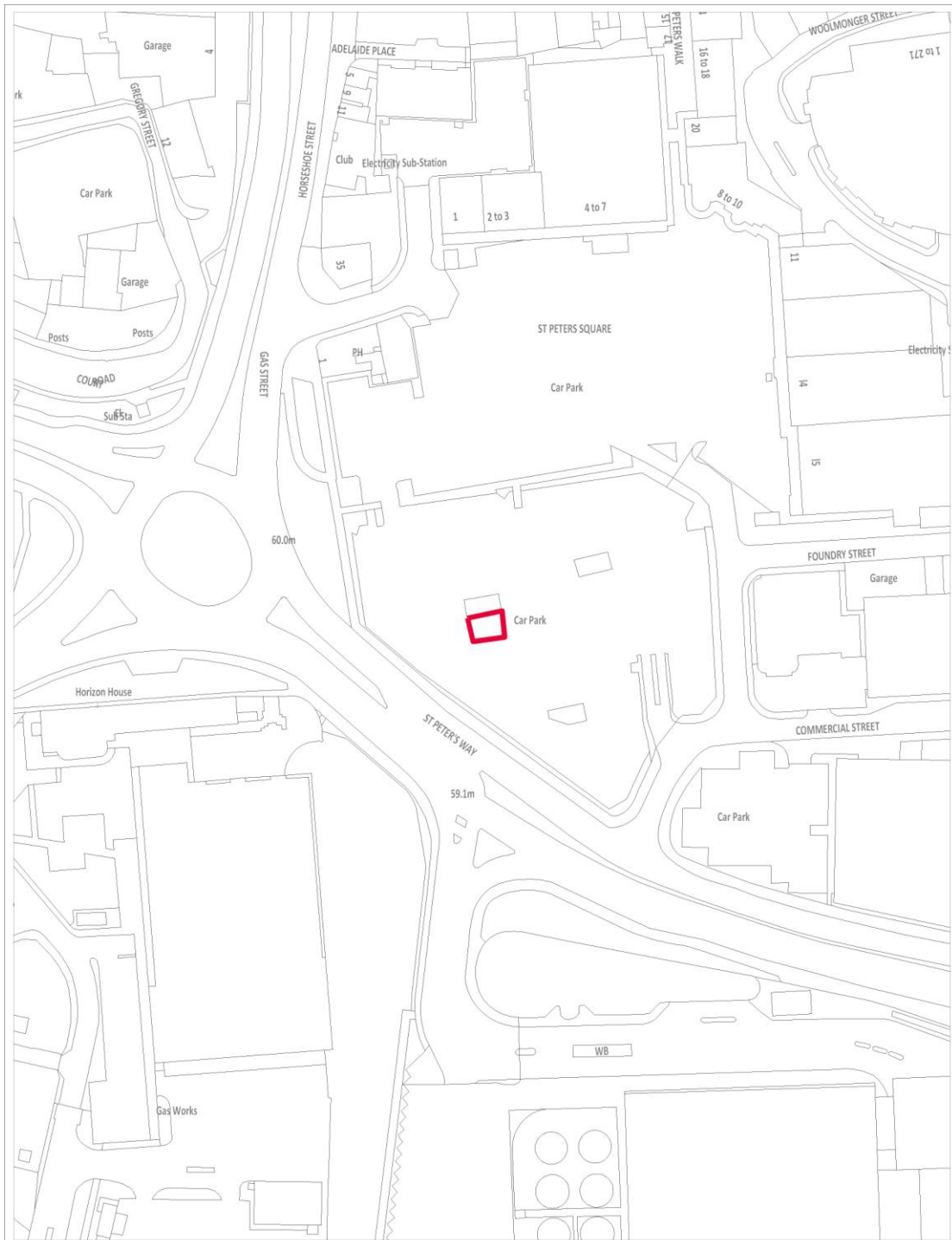
## **11. LEGAL IMPLICATIONS**

- 11.1 None for the Council as Local Planning Authority.

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

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





Name: Planning  
 Date: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**NBC Surface Car Park**

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**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2014/0021:** Change of use from wasteland into residential garden, land adjacent to 5a Limehurst Close

**WARD:** New Duston

**APPLICANT:** Mr M. Sharland

**REFERRED BY:** Head of Planning  
**REASON:** Development affects Council owned land

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposed development will not adversely affect the character of the street scene or residential amenity and is considered to be acceptable in accordance with the National Planning Policy Framework and Policies E20 and E40 of the Northampton Local Plan.

### **2. THE PROPOSAL**

2.1 The application seeks permission to change the use of a strip of wasteland that runs parallel to the side of a garage court. It is proposed that the use of this land be changed so that it can form part of the garden of the adjacent property at 5a Limehurst Close. The applicant proposes that the space be paved.

### **3. SITE DESCRIPTION**

3.1 The application site is currently a strip of land that runs to the rear (east) of a garage court. The dimensions of the strip of land are 24.45m

by 1.32. This separates the garages from the boundary of 5a Limehurst Close and is partly overgrown and not in a tidy state. The surrounding area is characterised by other residential accommodation.

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

4.1 None

#### **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.

##### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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

E20 – New Development

E40 – Crime and anti-social behaviour

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

6.1 18 Whitefield Road – The proposal represent an improvement as the land has been untidy and misused for some time.

6.2 At the time of preparing this report, the consultation period had yet to conclude. Therefore any further responses will be reported to the Committee by means of an addendum, which will be circulated prior to the meeting commencing.

#### **7. APPRAISAL**

7.1 The land in question does not currently serve any particular purpose and is not in a tidy state, the change of its use to garden space would lead to an improvement of the character and appearance of the site and its surrounding. Furthermore, the inclusion of the land as part of residential garden for no. 5a Limehurst Close would eliminate any risk of the site becoming the target for anti-social behaviour. The proposal is therefore in accordance with the requirements of Local Plan Policy E40.

7.2 The strip of land is already enclosed by fencing to the north and south, which is consistent with the boundary treatments used at 5a Limehurst Close. It is considered that the change of use would not cause any detrimental impact upon visual amenity in accordance with Policy E20

of the Local Plan. The inclusion of the site into private garden would not affect neighbour amenity as it would represent a complimentary land use.

## **8. CONCLUSION**

- 8.1 Due to the small scale and position, the proposed change of use is considered acceptable and would not impinge upon neighbour and would potentially improve the visual amenity of the area.

## **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 plan: proposed site plan.

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

## **10. BACKGROUND PAPERS**

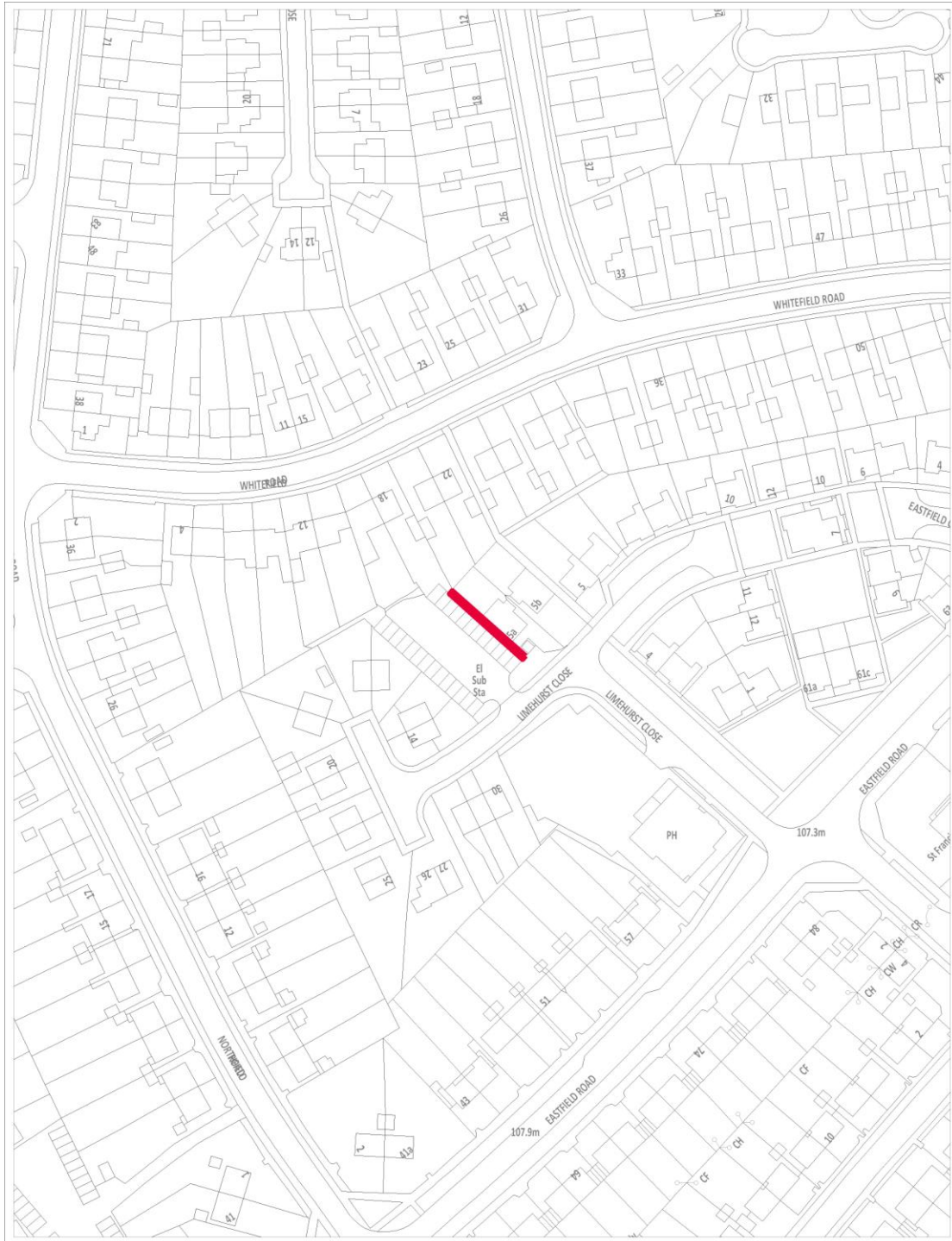
- 10.1 N/2014/0021

## **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: 31st January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**Land adjacent to 5A Limehurst Square**

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