



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 10 June 2014

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

6:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Matthew Lynch (Deputy Chair)

Councillors: Iftikhar Choudary, Nazim Choudary, Penny Flavell, Michael Ford, Matthew Golby, Jamie Lane, Lee Mason, Dennis Meredith, David Palethorpe and Mohammad Aziz Rahman

Chief Executive David Kennedy

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

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 10 June, 1 July, 29 July, 2 September, 30 September, 29 October, 25 November, 23 December 2014. 28 January, 17 February and 24 March 2015.

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

Who Can Speak At Planning Committee Meetings?

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

How Do I Arrange To Speak?

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

Methods of Registration:

- By telephone: 01604 837356
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk (if no acknowledgement is received please telephone)

When Do I Speak At The Meeting

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

How Long Can I Speak For?

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

Other Important Notes

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

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

on Tuesday, 10 June 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) **ASSESSING THE WEIGHT OF SAVED POLICIES**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
 - (A) **N/2014/0470 AND N/2014-0538- TWO SIDED HOARDING ENTRANCE TO DELAPRE PARK FROM LONDON ROAD AND HOARDING SIGN WITHIN CAR PARK AREA AT DELAPRE ABBEY, OFF LONDON ROAD**
(Copy herewith)
 - (B) **N/2015/0539 AND N/2014/0573 - SINGLE SIDED NON-ILLUMINATED SIGN AT LONDON ROAD (ADJACENT TO JUNCTION WITH GLOUCESTER AVENUE) AND SINGLE SIDED NON ILLUMINATED SIGN AT LONDON ROAD (OPPOSITE JUNCTION WITH SOUTHAMPTON ROAD**
(Copy herewith)
10. **ITEMS FOR DETERMINATION**

**(A) N/2013/1143 - FORMER GAS HOLDER SITE, TOWCESTER ROAD:
OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING
STRUCTURES AND REDEVELOPMENT FOR FLEXIBLE MIXED USES
AND ASSOCIATED WORKS**

(Copy herewith)

**(B) N/2013/1263 - DEVELOPMENT LAND BETWEEN TALAVERA WAY AND
BOOTH RISE: 38 NEW DWELLINGS, WITH ASSOCIATED PARKING AND
INSTALLATION OF NEW ACCESS ROAD**

**(C) N/2014/0137 - SITES F AND G UPTON, HIGH STREET, UPTON:
ERECTION OF A MIXED USE DEVELOPMENT COMPRISING OF
CONVENIENCE STORE, RETAIL UNITS, NURSERY, CAFE
RESTAURANT, 77 APARTMENT EXTRA CARE FACILITY AND 32
GENERAL NEEDS APARTMENTS WITH ACCESS AND PARKING
SPACES**

(Copy herewith)

**(D) N/2014/0155 - DEVELOPMENT LAND, OLD TOWCESTER ROAD:
RESIDENTIAL DEVELOPMENT COMPRISING 45 APARTMENTS,
ASSOCIATED ACCESS, PARKING, DRAINAGE, LANDSCAPING AND
PUBLIC OPEN SPACE**

(Copy herewith)

**(E) N/2014/0171 - 113 ABINGTON AVENUE: CHANGE OF USE FROM
DWELLING (C3) TO HOUSE OF MULTIPLE OCCUPATION FOR 5
OCCUPANTS (C4)**

(Copy herewith)

**(F) N/2014/0214 - 37 SEMILONG ROAD: CHANGE OF USE FROM
DWELLING (C3) TO 7 BED HIMO (SUI GENERIS)**

(Copy herewith)

**(G) N/2014/0262 - 25 STANLEY STREET: CHANGE OF USE FROM
DWELLING (C3) INTO HOUSE IN MULTIPLE OCCUPATION (C4) FOR 4
TENANTS (RETROSPECTIVE APPLICATION)**

(Copy herewith)

**(H) N/2014/0263 - 47 STANLEY STREET: CHANGE OF USE FROM
DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION (C4) FOR 4
TENANTS (RETROSPECTIVE)**

(Copy herewith)

- (I) N/2014/0462 - FORMER ST CRISPIN HOSPITAL, BERRYWOOD ROAD:
APPLICATION TO VARY SECTION 106 AGREEMENT IN RESPECT OF
APPLICATION N/1997/0566 TO REMOVE THE OBLIGATION TO
PROVIDE A LINK ROAD BETWEEN BERRYWOOD ROAD AND ST
CRISPIN DRIVE**

(Copy herewith)

- (J) N/2014/0473 - EXTENSION TO EXISTING BOWLING CLUB BUILDING TO
PROVIDE CHANGING AND LOCKER ROOM AT INDOORS BOWLS
CENTRE KINGSTHORPE RECREATION GROUND HARBOROUGH
ROAD**

(Copy herewith)

- 11. ENFORCEMENT MATTERS**
- 12. ITEMS FOR CONSULTATION**
- 13. EXCLUSION OF PUBLIC AND PRESS**

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 6 May 2014

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

Sue Bridge, Head of Planning; Tracy Miller, Development Manager; Nicola Toon, Senior Planning Officer; David Rowan, Principal Planning Officer; Andrew Smith, Planning Officer; Steven Boyes Director of Regeneration, Enterprise & Planning; Theresa Boyd, Lawyer; Nathan Birch, Democratic Services Officer.

1. APOLOGIES

Apologies for absence were received from Councillor Caswell and Councillor Meredith.

2. MINUTES

The minutes of the meeting held on 8th April 2014 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/2014/0213** - Angel Street
Richard Beeby and Dave Stewart (both Northamptonshire County Council)
- **N/2013/0338** - Land to the east of Hardingstone, north of Newport Pagnell Road
Cllr Nunn; Cllr Hill; Danny Punter (Hardingstone Action Group); Kate Servant (Hardingstone Action Group); Gordon Crowe (Hardingstone Parish Council); George Dundon (LDA design) and Jonathan Tricker (Parsons Brickerhoff)
- **N/2013/1325** - Residential development via Harcourt Way
Steven Coombes; Simon Kirkby; Mike Habeib and David Joseph (Bloor Homes)

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Flavell declared a personal, non-prejudicial interest in item 10a as member of West Northamptonshire Joint Strategic Planning Committee.

Councillor Oldham declared a personal, non-prejudicial interest in item 10a as substitute member of West Northamptonshire Joint Strategic Planning Committee.

Councillor Mason declared a personal, non-prejudicial interest in item 10c as the ward member for the application area.

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

None

The Chair advised that due to the large attendance in the public gallery items 7a; 7b; 10a; 10b and 8a would be considered first and in that order.

7. OTHER REPORTS

(A) THE IMPACT OF EMERGING PLAN POLICY ON DETERMINING PLANNING APPLICATIONS

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

The Planning Policy and Heritage Manager introduced the written report and elaborated thereon.

In response to questions from members the Planning Policy and Heritage Manager explained that future reports would show the weight to be attached to the emerging Joint Core Strategy (JCS) and the National Planning Policy Framework (NPPF). Some of the Local Plan policies are now of such an age that they have been overtaken by the JCS and NPPF. When the JCS is adopted some Local Plan policies will fall away and no longer be a material consideration.

RESOLVED: That the report be noted

(B) UPDATE ON MATTERS PERTAINING TO PLANNING APPLICATION N/2013/1263: DEVELOPMENT LAND BETWEEN BOOTH RISE AND TALAVERA WAY

The Development Manager advised that amended plans had been received requiring consultation and that the report had been withdrawn from the agenda. The application would return for the Committee's consideration in due course.

(A) N/2013/0338 - LAND TO THE EAST OF HARDINGSTONE, NORTH OF NEWPORT PAGNELL ROAD: OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF A SUSTAINABLE URBAN EXTENSION TO INCLUDE UP TO 1,000 DWELLINGS AND ASSOCIATED DEVELOPMENTS

The Senior 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 in principle with the conditions set out in the report and addendum.

Councillor Nunn addressed the Committee. He declared personal interests as a member of West Northamptonshire Joint Strategic Planning Committee; a local ward member for Nene Valley; a Director Brackmills Business Improvement District (BID) and as the Council's Assistant Cabinet Member for Regeneration and Heritage Champion. He opposed the application on the grounds of the impact on Brackmills Estate and the highways issues that remained unresolved. He believed the mitigation proposed would not resolve these matters.

In response to questions from the Committee Councillor Nunn supplied the following information:

- He had concerns that the nearest secondary schools were already oversubscribed.
- He did not believe enough attention had been paid to the wider infrastructure needs.

Councillor Hill addressed the Committee. He declared a personal interest as a local ward member for Nene Valley. He opposed the application on the grounds of potential traffic issues. He added that the number of representations should be viewed as significant under the NPPF and application rejected.

Mr Punter, representing Hardingstone Action Group, addressed the Committee. He opposed the application and suggested it would result in Hardingstone losing its character and the town gaining the added infrastructure stress.

Ms Servant, representing Hardingstone Action Group, addressed the Committee. She opposed the application and highlighted that this was currently a sustainable site, which was economically viable as farmland.

Mr Crowe, representing Hardingstone Parish Council, addressed the Committee. He opposed the application and suggested there was no cohesive plan for future infrastructure.

Mr Dundon, LDA Design, addressed the Committee. He supported the application and highlighted that there were significant upfront financial contributions to highways infrastructure. He advised the Committee that many of the detailed considerations

raised as objections would be dealt with by S106 agreement and in the reserved matter application, which would include further consultation. He believed the application met the JCS and NPPF. He also advised the Committee that Government funding was dependent upon work starting on site in the near future.

In response to questions from the Committee Mr Dundon supplied the following information:

- The level of secondary education need was advised by the local Education Authority and they had proposed a S106 contribution to fund additional places off site.
- The local centre was required under JCS emerging policy N6 and the need had also been identified during the consultation process.
- An ecological impact survey had been carried out, but the existing hedgerows would be retained and in places enhanced.

Mr Tricker, Parsons Brickerhoff, addressed the Committee. He supported the application and explained his role as transport lead for the applicant. The development had adopted the nil detriment approach to traffic load, as outlined in the NPPF, and the highways mitigation proposed would achieve this aim. The developer welcomed the opportunity to further work with the Parish Council and resident groups.

In response to questions from the Committee Mr Tricker supplied the following information:

- It was acknowledged that the road network in the area was heavily used, but the mitigation model showed that nil detriment could be achieved.
- Without the highways mitigation work the current congestion would become worse, even if the development did not take place.
- The Queen Eleanor roundabout was already at capacity and due to increase. The mitigation proposed would ensure that the situation would not become any worse as forecast.

The Committee asked Graham Carr, Northamptonshire Highways (NCC), to explain the process of discussion and modelling that had taken place with the applicant. He explained NCC's role being responsible for the approach roads to any junctions and the need to ensure they flowed properly. The Highways Agency remained responsible for the trunk roads, such as the A45. After several traffic studies, under agreed national methodology, NCC had identified the four junctions that would require mitigation work.

In response to questions from the Committee Mr Carr supplied the following information:

- He was unable to comment on trunk roads traffic flow as this was the responsibility of the Highways Agency.

- Nil detriment meant that following development the roads should not be at any higher capacity.
- Any highways impact during construction around the site would be controlled under the Highways Act, S278 and would constantly be monitored and reviewed.

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

- The Education Authority had not identified a need for a secondary school on site, but instead requested an offsite S106 contribution.
- Details of the proposed highways junction work would form part of any further applications.
- There was requirement to identify sites to satisfy a 5 year plan for housing need.
- While some smaller sites may be identified, they may not produce the S106 contributions required to help with mitigation of highways or future education need.
- NHS England had not identified the need for a medical facility onsite, but had requested an offsite S106 contribution.
- Sport England had withdrawn their original holding objection and was satisfied with an offsite S106 contribution.
- While Policy E6 and E7 of the Local Plan may be seen to protect the site, the emerging JCS should be a consideration for the Committee.
- There was no study on the current level of drivers using Hardington village as short cut and future predictions were very difficult.
- There would be further community engagement during the Reserved Matter Applications.
- The local centre was required under the JCS, Policy N6 and was a sustainable development in its own right.

In response to questions from the Committee the Senior Planning Officer supplied the following information:

- As the right of way was being retained on its current route the Ramblers Association had not been consulted.
- The 24% affordable housing proposed had been arrived at by negotiation. There remained the possibility of this number being amended upwards as the development progressed.

The Committee discussed the report.

Upon a proposal from Councillor I Choudary, seconded by Councillor Oldham the Committee **RESOLVED**:

That the application be **REFUSED** on the grounds that:

The development fails to comply with Policy H7 of the Northampton Local Plan and is not in conformity with the overarching intentions of the National Planning Policy Framework.

The vote in favour of the resolution being: For: 6 – Against: 2 – Abstained: 2

(B) N/2013/1325 - DEVELOPMENT LAND OFF DANES CAMP WAY: RESIDENTIAL DEVELOPMENT COMPRISING 69 DWELLINGS WITH ASSOCIATED ACCESS AND DEVELOPMENTS

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 in principle with the conditions set out in the report and addendum.

Councillor Ford addressed the Committee. He declared a personal interest as a local ward member for Delapre and Briar Hill. He raised concerns regarding the future site access, access during construction and the siting of the children's play area.

In response to a question from the Committee Councillor Ford supplied the following information:

- He was not aware who owns the land at the end of Harcourt Way that would provide the access to the site.

Councillor Glynane addressed the Committee. He declared personal interests as a local ward member for Delapre and Briar Hill and Chair of the Nene Flood Prevention Alliance. He spoke against the application and reminded members of the previous application refusal for the site in 1996. He believed that two of the three reasons for refusal then, namely loss of green space and access to the site, had not been satisfactorily resolved.

In response to a question from the Committee Councillor Glynane supplied the following information:

- He believed the land at the end of Harcourt Way that would provide the access to the site was not owned by the nearest properties.

Mr Coombes addressed the Committee and spoke against the application. He expressed reservations about the sustainability of the site given its distance from local services and the ongoing issues with access to the estate via Danes Camp Way.

In response to a question from the Committee Mr Coombes supplied the following information:

- He believed that the queuing times to access Danes Camp Way had increased over recent years from seconds to several minutes on some occasions.

Mr Coombes addressed the Committee and spoke against the application. He believed that the flood risk to the lower part of the site had not been alleviated. He believed the application was contrary to the emerging JCS Policy C2 and H1.

Mr Habeib addressed the Committee and spoke in favour of the application. He believed that none of the issues raised were insurmountable. The development provided an opportunity to resolve issues such as the access to Danes Camp Way and the siting of the play area. He believed the developer had responded to many of the resident's concerns raised during consultation.

In response to a question from the Committee Mr Habeib supplied the following information:

- The issue of traffic lights at the Danes Camp Way roundabout had been raised with the developer.
- The gradient of any walk was an issue.
- He worked as an analyst and had gathered the information on the application from the planning documents available on the Council website.

Mr Joseph, Bloor Homes, addressed the Committee and spoke in favour of the application. He suggested weight should be given to the emerging JCS and that the Local Plan, Policy E6 was not intended to be saved. He confirmed that the land at the end of Harcourt Way was owned and controlled by Bloor Homes. A Traffic Management Plan for the construction site would be implemented and the site registered with the Considerate Constructors Scheme. The development would enhance and regulate half the site as public open space.

In response to a question from the Committee Mr Joseph supplied the following information:

- The land at the end of Harcourt Way, forming the site access, was owned and controlled by Bloor Homes. The conveyance for the properties should clearly show that this land had been retained by Bloor Homes following the previous build to serve as access to any future development.
- The suitability of site access along Harcourt Way had been assessed by the Highways Authority.
- The complete build would take approximately 18 months.

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

- He had himself visited the proposed access route and the Highways Authority had undertaken a large amount of work to establish its suitability.
- The very nature of Harcourt Way, with several bends, controlled traffic speed.
- The cycle and pedestrian links would be improved to help with access to local services.
- The Police had raised no formal objections to the location of the play area.
- A new Sustainable Urban Drainage System would help combat current issues on the site. This proposal had been accepted in principle by the Environment Agency.
- The acoustic barrier was a legal requirement when near to housing, but not in regard to the open space.
- The green space policies contained within the Local Plan would be lost when the JCS is adopted.
- The new development had sufficient parking allocated.

In response to questions from the Committee the Planning Officer supplied the following information:

- It was anticipated that the 35% affordable housing would be supplied on site, but as always there was scope for future negotiation to provide an offsite element.

The Committee discussed the report.

Upon a proposal from Councillor Oldham, seconded by Councillor Golby the Committee **RESOLVED**:

That the application be **REFUSED** on the grounds that:

The development fails to comply with Policy H7 and E40 of the Northampton Local Plan and is not in conformity with the overarching intentions of the National Planning Policy Framework.

The vote in favour of the resolution being: For: 10 - Against: 0

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

(A) N/2014/0213 - NCC SURFACE CAR PARK, ANGEL STREET (PROJECT ANGEL) ERECTION OF NEW BUILDING: OFFICES & ANCILLARY ACCOMMODATION, INCLUDING CAFÉ ; 138 PARKING SPACES; CYCLE PARK; FLEXIBLE SPACE FOR PART A1, A2 OR A3 USE

The Principal 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 in principle with the conditions set out in the report and addendum.

Mr Beeby, Programme Director for Project Angel, addressed the Committee in support of the application.

In response to questions from the Committee Mr Beeby supplied the following information:

- The Fetter Street side of the development would have a widened footpath and the plan was to retain the cobbled road surface.
- The parking onsite had been limited to 138 by cost and the consideration of other parking options in the area.
- Currently options for future use were being considered for the Guildhall Road/jail block buildings. The former police station and the Council Chamber would be retained by the County Council.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE**; subject to the conditions set out in the report and addendum

10. ITEMS FOR DETERMINATION

(C) N/2014/0170 & N/2014/0189 - BILLING ARBOURS HOUSE AND OUTBUILDING, HEATHER LANE: CONVERSION OF PART EXISTING BUILDING FROM OFFICE (B1) TO 2 RESIDENTIAL DWELLINGS (C3) - BILLING ARBOURS HOUSE AND OUTBUILDING, HEATHER LANE : LISTED BUILDING CONSENT APPLICATION FOR CONVERSION OF PART OF THE BUILDING TO 2 DWELLINGS

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval of N/2014/0170 with the conditions set out in the report and approval in principle of N/2014/0189, subject to prior referral to the Secretary of State and the conditions set in the report.

The Committee discussed the report.

RESOLVED: That the application N/2014/0170 be **APPROVED**, subject to the conditions set out in the report and that the application N/2014/0189 be **APPROVED IN PRINCIPLE** subject to prior referral to the Secretary of State and the conditions set in the report.

(G) N/2014/0388 - SIXFIELDS STADIUM, WALTER TULL WAY: EXTENSION TO FRONT FACE OF EXISTING WEST STAND TO PROVIDE NEW SUITE OF DIRECTORS BOXES

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 and addendum.

The Committee discussed the report.

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

(F) N/2014/0269 - LAND TO WEST OF NORTHAMPTON COUNTY LAWN TENNIS CLUB, GRASPIN LANE: CHANGE OF USE OF LAND FOR USE AS ACCESS FOR MACHINERY AND THE STORAGE OF GRASS CUTTINGS

The Development Manager 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 and addendum.

The Committee discussed the report.

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

Given the lateness of the hour the Chair proposed and the Committee **AGREED** to defer items 10d - N/2014/0269; 10e - N/2014/0214 and 6 - List of Current Appeals and Inquiries to the next meeting.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2014/0106 - 42 BRIDGE STREET: LISTED BUILDING APPLICATION TO INSTALL STEEL BEAMS

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. He reminded the Committee that they were not giving the final approval. As the applications were related to Listed Building Consents and the Council owned the properties and was the applicant, the matter would be referred to the Secretary of State.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to prior referral to the Secretary of State and the conditions set in the report

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

The meeting concluded at 10:19 pm

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



List of Appeals and Determinations – 10th June 2014

Written Repls Procedure

Application	Del/PC	Description	Decision
N/2013/0818 APP/V/2825/A/14/2216152	DEL	Change of use of part of garden to create rear access and driveway to rear of 144 Boughton Green Road at land adjacent to 157 Ruskin Road	AWAITED
N/2013/1047 APP/V/2825/A/14/2216030	PC	Erection of detached bungalow (revision of previously approved application N/2009/0824) at Building Plot adjacent to 15 Whitehills Crescent	AWAITED
N/2013/1170 APP/V/2825/D/14/2214050	DEL	Part demolition of existing single garage and erection of double garage with pitched roof at 69 Meshaw Crescent	DISMISSED
N/2013/1235 APP/V/2825/D/14/2216069	DEL	First floor extension to convert bungalow to two storey house, together with replacement of conservatory with single storey rear extension (As amended by revised plans received 07/01/2014) at 45 Booth Lane North	DISMISSED
N/2013/1243 APP/V/2825/A/14/2204102	PC	Outline application for the development of 3 new houses including parking and new access road from Millway land rear of 7A Millway, Duston	AWAITED

Public Inquiry

		None	
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Hearing

N/2012/1093 APP/V/2825/A/14/2214518	PC	Demolition of Bective Works and Jebez House. Erection of a new student accommodation building, incorporating a retail unit and lower ground floor parking and service space, together with new vehicular access and pedestrian access and associated landscaping proposals, plus the alteration and restoration of the circa 1902 part of the Listed Building Enterprise House and its change of use to student community use at Bective Works, Enterprise House and Jebez House, Between Bective Road & Yelvertoft Road	AWAITED
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Enforcement Appeal

02/2014		Installation of 3No. roller shutters and associated boxes to the frontage of 24-28 Wellingborough Road	AWAITED
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The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - www.planningportal.gov.uk
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mrs Rita Bovey, Development Management Team Leader Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



PLANNING COMMITTEE: 10th June 2014

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: Assessing the weight of saved policies

1. RECOMMENDATION

- 1.1 Planning Committee is recommended to note the contents of the report and its implications for the purpose of determining planning applications.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of the report is to provide Planning Committee with further guidance in respect of the weight that can be given to the saved policies (from the Northampton Local Plan) in the determination of planning applications. The report does not seek to alter the weight that should be applied to Northampton Local Plan policies from that which already exists. It merely gives an officer opinion on the extent to which the policies can be given weight in the determination of planning applications taking account of other material considerations. The assessment of weight is at a broad level taking account of the whole content of the policy, it might be that specific parts of the policy hold more or less weight than the overall assessment identifies. Reports to Planning Committee on applications will outline the weight that can be attributed to policies and other material considerations in relation to the determination of planning applications.

3. BACKGROUND

- 3.1 Planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise. A report outlining the impact that Government guidance and the introduction of the National Planning Policy Framework has had on the Council's saved planning policies was considered at the meeting of the Planning Committee on 6th May 2014. This report drew attention to a compatibility self-assessment checklist through which the Planning Advisory Service provided a template for local planning

authorities to attempt to assess the weight local plan policies may carry in respect of future planning application decisions.

- 3.2 The assessment highlighted that most of the saved policies were considered to be prescriptive and inflexible, contrary to the objectives of Government guidance outlined in the National Planning Policy Framework (NPPF) which was published in March 2012. The NPPF requires policies to be prepared which enable development and to take a positive approach to decision making and plan preparation.

4. SAVED POLICY ASSESSMENT

- 4.1 The detailed Officer assessment of the weight that can be attributed to each of the saved policies, referred to in the report considered by Planning Committee on 6th May 2014, is attached (Appendix A).
- 4.2 The output of the assessment is to provide a guide to the Planning Committee in respect of the level of weight that can be given to a policy. It does not imply that a policy cannot form part of a recommendation. The assessment provides justification for the use of policy; decisions will clearly need to weigh up all appropriate material evidence in determining the outcome of planning applications. It does however indicate policy consistency in respect of the NPPF and where more up to date policies should also form a part of a recommendation.
- 4.3 In respect of more up to date policies, the Council adopted the Northampton Central Area Action Plan in January 2013, which led to the deletion of a number of saved policies. Adoption of the West Northamptonshire Joint Core Strategy (JCS) would similarly supersede a further tranche of saved policies. (Appendix B provides a list of saved policies which would be replaced by JCS policies). To provide a full up to date suite of plan policies for the Borough, the Local Plan Part 2 (Northampton Related Development Area Local Plan) would complete the update of policy provision for the Borough.

5. THE IMPACT ON DECISION MAKING

- 5.1 As indicated in the 6th May 2104 report material considerations that affect the weight that can be attached to development plan policy are continually changing, both through Government guidance and the advancement of plan policy at a local level. All relevant evidence will need to be taken into account. Policies in adopted local plans should however remain the starting point for considering planning applications, unless they are out of date. The NPPF (paragraphs 215 and 216) makes clear that increasing weight can be given to a draft local plan as a material consideration, as it progresses towards adoption. The degree of weight given to each draft policy will vary, depending on whether or not the unresolved issues are significant and to what extent the policy is consistent with the NPPF.

6. LEGAL IMPLICATIONS

6.1 As set out in the report

7. SUMMARY AND LINKS TO THE CORPORATE PLAN

7.1 Regard has been given to securing the objectives, vision and priorities outlined in the Corporate Plan together with those of associated frameworks and strategies.

APPENDIX A

LOCAL PLANS AND THE NATIONAL PLANNING POLICY FRAMEWORK
 COMPATIBILITY CHECK LIST
 MAY 2014

THIS FRAMEWORK IS BASED ON AN INTERNAL ASSESSMENT OF EACH POLICY, TAKING INTO ACCOUNT THE ADVANCEMENT OF THE WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY AND THE PUBLISHED NATIONAL PLANNING POLICY FRAMEWORK. THE ASSESSMENT PROVIDES JUSTIFICATION FOR THE WEIGHT TO BE ASSIGNED TO POLICIES. DECISIONS WILL NEED TO WEIGH UP ALL APPROPRIATE EVIDENCE IN DETERMINING THE OUTCOME OF PLANNING APPLICATIONS. IT IS IMPORTANT THAT THESE RECOMMENDATIONS ARE USED AS GUIDANCE ONLY.

The following assessment has been undertaken on the saved policies of the Northampton Local Plan (1997). **SAVED POLICY WEIGHTING**

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	<p>SIGNIFICANT:</p> <p>For a saved policy to carry significant weight, it must be considered necessary to assist in determining planning applications in the absence of a strategic policy and be compliant with the spirit of the NPPF.</p>
	<p>MODERATE :</p> <p>For a saved policy to carry moderate weight, it must be considered necessary as an interim measure to assist in determining planning applications alongside strategic policy, (expected to be adopted late 2014), and to support the principles contained in relevant supplementary guidance.</p>
	<p>LIMITED:</p> <p>A saved policy would carry minimum weight, where it was considered unlikely to be in conformity with the NPPF. In addition where the strategic policy had relatively limited, or no unresolved objections and is intended to replace the saved policy the more up to date policy would further reduce the weight of the saved policy.</p>
	<p>NON -COMPLIANT OR NO LONGER RELEVANT AS THE POLICY HAS BEEN DIRECTLY SUPERSEDED BY MORE UP TO DATE POLICY/EVIDENCE OR NO LONGER REQUIRED</p> <p>For a saved policy to be non-compliant it may be directly superseded by an up-to-date evidence base/policy or be contrary to the objectives of the NPPF.</p>

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
ENVIRONMENT						
E1	Landscape and Open Space	<p>The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.</p> <p>The policy wording is likely to raise issues of concern in respect of para 14 the presumption in favour of sustainable development.</p>	Updated in the JCS through policies including BN2, BN3 and BN4	Policy 4 Planning Obligations SPD	<p>The policy seeks to resist development which is likely to be detrimental to the character and structure of the landscape</p> <p>The policy is negatively worded and non-enabling, and is likely to be contrary to the presumption in favour of sustainable development</p> <p>The emerging JCS policies consider the presumption in favour of sustainable development as a starting point and attach criteria for assessing weight to be given to environmental designations in determining applications.</p> <p>The policy carries limited weight.</p>	
E2	Riverside Landscape	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	Updates in the JCS through policies including BN1 and BN8	Policy 4	The policy is likely to be superseded by emerging JCS policies that seek to protect the strategic corridor of the River Nene, and SPA and RAMSAR sites.	
E4	Water Environment	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	Updates in the JCS through policies including BN1 and BN8	Policy 4	<p>Policy E4 seeks to manage the formation of new water areas.</p> <p>In the Central Area, CAAP Policy 4 requires new development to deliver/contribute to the provision of Green Infrastructure and includes criteria and requirements for green infrastructure.</p> <p>In other areas, the policy is likely to be superseded by emerging policies of the JCS which seek to deliver a network of green infrastructure and net gains in biodiversity.</p>	
E6	Greenspace	The policy may be consistent with the ethos of the 12 principles set	Updated in the JCS through	Policy 4	In the Central Area, CAAP Policy 4 replaces LP Policy E6. In other areas, the	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	policies including BN2, BN3 and BN4		JCS will seek to deliver a network of GI and provide net gains in biodiversity. In addition, the SUE policies identify areas of structural green-space. However, in other areas Local Plan Policy E6 continues to play an important role in identifying important green spaces of various typologies on the Proposals Map and their function in associated appendices. Until such time as these green spaces are updated further in the NRDA emerging Local Plan, the policy is considered to have medium weight.	
E7 18	Skyline development	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	Policy BN5	Policy 1 and Policy 2	The policy applies special importance to the effect of the development on the skyline and its identification of specific areas. In the Central Area, policy 1 seeks to deliver design excellence which responds to various character areas. Policy 2 provides criteria for proposals which seek to deliver tall buildings which break the skyline. Various emerging JCS policies make reference to the effects on historic environment and sensitive landscapes, in order to sustain their contribution for example in siting renewable energy technologies and in developing major sites. The NPPF (Chapter 11) seeks to protect and enhance valued landscapes. The Northampton Landscape Sensitivity Study identifies the sensitivity of landscapes in Northampton. It is expected that the NRDA will formulate policies which include design principles, including the impact on skyline. .	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
E9	Locally important landscape areas	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	Updated in the JCS through policies including BN1, BN2, BN3 and BN4	Policy 1 Policy 4	The policy identifies through Proposals Maps designation Locally Important Landscape Areas, although the information is dated, many are still relevant designations. NRDA will include details of the green infrastructure network based on more updated evidence base. Existing JCS, CAAP and NPPF are sufficient to support delivery	
E10	Hedgerows, trees and woodland	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	BN3	Policy 4	The policy sought to deliver new woodland between Great Houghton and Hardingstone along the fringes of the Brackmills Business Area. The policy has been implemented and is therefore no longer required.	
E11 19	Hedgerows, trees and woodland	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	BN3	Policy 4	The policy seeks to protect trees, hedgerows and woodland of significant value to the environment or public. In the Central Area, policy 4 of the CAAP seeks to deliver a network of green infrastructure. Chapter 11 of the NPPF seeks to protect and enhance the natural environment including through minimising impacts on biodiversity. Emerging JCS policy BN1 seeks to provide a network of green infrastructure. BN2 seeks to maintain and enhance habitats and deliver net gains in biodiversity. BN3 seeks to enhance existing, and create new woodland. The NRDA may identify important local assets such as woodlands. The policy therefore holds limited weight.	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
E12	Hedgerows, trees and woodland	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	BN3	Policy 4	<p>The policy seeks to protect trees, hedgerows and woodland of significant value to the environment or public. In the Central Area, policy 4 of the CAAP seeks to deliver a network of green infrastructure.</p> <p>Chapter 11 of the NPPF seeks to protect and enhance the natural environment including through minimising impacts on biodiversity.</p> <p>Emerging JCS policy BN1 seeks to provide a network of green infrastructure. BN2 seeks to maintain and enhance habitats and deliver net gains in biodiversity. BN3 seeks to enhance existing, and create new woodland.</p> <p>The NRDA may identify important local assets such as woodlands. The policy therefore holds limited weight.</p>	
E14	Corridors of travel	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	BN1	Policy 4	<p>The policy is unique in that it seeks to protect landscapes as viewed from main corridors of travel.</p> <p>In the Central Area, policy 1 seeks to deliver design excellence which responds to various character areas. Policy 2 provides criteria for proposals which seek to deliver tall buildings which break the skyline.</p> <p>The emerging JCS policy BN5 seeks to sustain and enhance the features which contribute to the character of the area and is sympathetic to locally distinctive landscape features, design styles and materials in order to contribute a sense of place.</p>	
E17	Nature conservation	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For	BN1, BN2, BN3, BN4	Policy 4	In the Central Area, policy 4 of the CAAP seeks to deliver a network of green infrastructure.	

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LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
21		example through contributing to the conservation and enhancement of the natural environment and by reducing pollution. However, the policy is likely to relate to a variety of designations some only of local significance which require greater flexibility than is allowed in the policy, e.g. off-site mitigation.			Chapter 11 of the NPPF seeks to protect and enhance the natural environment including through minimising impacts on biodiversity. Emerging JCS policy BN1 seeks to provide a network of green infrastructure. BN2 seeks to maintain and enhance habitats and deliver net gains in biodiversity. BN3 seeks to enhance existing, and create new woodland. Policy BN4 seeks to ensure that new development does not adversely affect the Upper Nene Valley Gravel Pits SPA and Ramsar site. The NRDA may identify important local assets such as woodlands. The policy therefore holds limited weight. The emerging green infrastructure implementation plan will help inform the NRDA and update this policy.	
E18	Sites of acknowledged conservation value	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	BN1, BN2, BN3, BN4	Policy 4	In the Central Area, policy 4 of the CAAP seeks to deliver a network of green infrastructure. Chapter 11 of the NPPF seeks to protect and enhance the natural environment including through minimising impacts on biodiversity. Emerging JCS policy BN1 seeks to provide a network of green infrastructure. BN2 seeks to maintain and enhance habitats and deliver net gains in biodiversity. BN3 seeks to enhance existing, and create new woodland. Policy BN4 seeks to ensure that new development does not adversely affect the Upper Nene Valley Gravel Pits SPA and Ramsar site. The NRDA may identify important local assets such as woodlands. The policy therefore holds limited weight.	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
					The emerging green infrastructure implementation plan will help inform the NRDA and update this policy.	
E19	Implementing development	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants – however it does not provide any additional locally specific focus than that contained within NPPF.	INF1 and INF2	Policy 37 Planning Obligations SPD CIL in progress	In the Central Area, CAAP policy 1 sets criteria to deliver design excellence. In addition, policy 36 requires the delivery of new infrastructure through developer contributions. The Planning Obligations SPD provides further guidance on infrastructure requirements and the role of developer contributions. Emerging JCS policy S10 sets out a broad range of principles to ensure proposals deliver sustainable development. In addition, policies INF1 and INF2 indicate the authorities' approach to delivering infrastructure through developer contributions. The Council is currently working up a CIL to deliver strategic infrastructure through developer contributions.	
22						
E20	New development (design)	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants – however it does not provide any additional locally specific focus than that contained within NPPF	S10	Policy 1	CAAP policy 1 sets out criteria to deliver design excellence. Emerging JCS policy S10 sets out a broad range of principles to ensure proposals deliver sustainable development. Updated evidence base will be used to inform design principles to be applied within the new local plan.	
E26	Conservation Areas: development and advertisements	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through conserving heritage assets in a manner appropriate to their significance. – however it does not provide any additional locally		Policy 1	In the Central Area, CAAP policy 1 sets criteria to deliver design excellence. Place-specific policies (17-35) set out development principles, including in places designated as Conservation Areas. Emerging JCS policy BN5 seeks to sustain and enhance the features which contribute	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		specific focus than that contained within NPPF paragraph 135			to the character of the area including conservation areas. Chapter 12 of the NPPF provides additional guidance for the determination of planning applications in historic environments. This policy is considered to carry limited weight.	
E28	Use of upper floors and other commercial premises	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. However, it provides no locally specific aspect that would differentiate it from broad policies in the NPPF.		Policy 1	Permitted development rights are likely to provide opportunities for residential development and other appropriate uses to take place in the upper floors of vacant and under-used shops. NPPF chapter 2 recognises the importance of residential development in promoting the vitality of town centres.	
E29	Shopping environment: new or replacement shop fronts	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. It identifies specific criteria that will be assessed in the determination, thus provides some local distinctiveness compared to NPPF.		Policy 1 and Policy 13 Shopfront Design Guide SPD	This policy is still required as a policy hook for the SPD until such time as it is replaced by the new local plan	
E30	Shopfront: external security protection	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. It identifies specific criteria that will be assessed in the determination, thus provides some local distinctiveness compared to NPPF.		Policy 1 and Policy 13 Shopfront Design Guide SPD	This policy is still required as a policy hook for the SPD until such time as it is replaced by the new local plan	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
E35	Advertisement in conservation areas	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through conserving heritage assets in a manner appropriate to their significance, but does not provide a locally specific element that would differentiate it from general policy in NPPF.		Policy 1 Shopfront Design Guide SPD	In the Central Area, CAAP policy 1 seeks to preserve and enhance the character, appearance and setting of the central area's heritage assets. The NPPF provides further guidance in chapter 12 through sustaining and enhancing heritage assets. Emerging JCS policy S10 sets out principles for sustainable development, including through conserving heritage assets. Emerging policy BN5 seeks to protect and enhance the historic environment, including through minimising harm to heritage assets. This policy is considered to carry limited weight.	
E36 24	Advertisement hoardings: express consent	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants; and through conserving heritage assets in a manner appropriate to their significance but does not provide a locally specific element that would differentiate it from general policy in NPPF.		Shopfront Design Guide SPD	The policy acknowledges the positive contribution advertisements can make in screening derelict or vacant sites, whilst noting the harm that can be caused by some adverts. The NPPF provides further guidance, seeking an approach which is efficient, effective and simple in concept and operation. The Shopfront Design Guide SPD provides additional guidance. CAAP policy 1 requires all new development to positively contribute to the character of an area. The policy therefore carries limited weight.	
E38	Historic landscapes: nationally important ancient monuments /	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by	BN5		Some key areas of archaeological and historic landscapes have been identified. Until such time as updated evidence base is available to inform the new local plan, this policy is necessary and is considered to carry medium weight.	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	landscapes	reducing pollution.				
E39	Renewable energy	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through supporting the transition to a low carbon future in a changing climate. However the focusses on mitigation rather than provide clear directions on a wide ranging set of measures and considerations. but does not provide a locally specific element that would differentiate it from general policy in NPPF	SN10 and SN11	Policy 1 Energy Efficiency and Design Guide SPD is in progress	The lack of a locally specific relevance means that the NPPF and the JCS are sufficient to guide planning applications. In addition, Policy 1 of the CAAP, to an extent, will provide the necessary guidance for the town centre and its adjoining area	
E40	Crime and vandalism	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17 and identified in paragraph 58. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	S10		In the Central Area, the CAAP seeks to reduce crime through the regeneration of Northampton. This is explored in more detail in some of the site-specific policies. The emerging JCS seeks to ensure high quality safe environments in Policy S10 and bring about community regeneration through policies RC1 and N11, including through reducing crime. The NPPF provides further guidance in chapter 8: promoting healthy communities. The policy is therefore considered to hold limited weight.	
25						
HOUSING						
H1	Sites for major new residential development	The policy provides clarity on areas that will meet housing need. However, it is particularly aged. In the context of the April 2014 assessment of 5 year housing supply it can however be regarded as out of date – nevertheless for those allocations that have not been built, it can be seen as	Together with SUEs, supports Policy S3, S4 and S5	Policy 16, IDP and Planning Obligations SPD	The policy identifies sites for major new residential development. Remaining undeveloped land (including at Upton, Berrywood and Kings Heath) continues to provide opportunities for new housing development. However those remaining sites are identified within the boundaries of SUEs by the JCS. Development of those sites is expected to	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		supporting the requirement to meet objectively assessed housing needs.			be delivered in accordance with the emerging policies of the JCS, and new infrastructure, services and facilities should be provided in accordance with the IDP and Planning Obligations SPD. The policy is therefore not required.	
H4 26	Sites for major new residential development	The policy is locally specific; nevertheless the inclusion of the list of facilities within an Appendix diminishes the weight that can be attached to them. The age of the policy also has implications for the relevance of facilities sought.	Together with SUEs, supports Policy S3, S4 and S5	Policy 16, IDP and Planning Obligations SPD	The policy seeks to provide new community facilities and infrastructure to support development of Upton and Berrywood. Those remaining sites are identified as SUEs by the emerging JCS. New facilities and infrastructure are expected to be delivered in accordance with the policies of the emerging JCS, IDP and Planning Obligations SPD. It is likely that the policy has been superseded by more up-to-date evidence and is therefore not required.	
H5	Sites for major new residential development	The policy is locally specific; nevertheless the age of the Plan means that certain aspects of the policy are no longer relevant having been overtaken by events.	Together with SUEs, supports Policy S3, S4 and S5	Policy 16, IDP and Planning Obligations SPD	The policy includes site-specific criteria and additional facilities and infrastructure for the development of King's Heath site. The site is identified as an SUE by the emerging JCS. Development of the site and new facilities and infrastructure is expected to be delivered in accordance with the policies of the emerging JCS, IDP and Planning Obligations SPD. The policy is therefore not required.	
H6	Other housing development: within primarily residential area	The policy is locally distinctive in that residential areas are identified, however the date of the Plan and generic content of the policy provides no significant differentiation from the content of the NPPF.	S3, S10	Policy 1	In the Central Area, CAAP Policy 1 provides criteria for promoting design excellence. There is potential that policy H6 could conflict with CAAP Policy 1. Therefore in the Central Area, policy H6 should be considered superseded by CAAP Policy 1. In other areas, policy H6 continues to be relevant in shaping the character, scale	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
					and amenity of new development. Development management policies to be set out by the NRDA and emerging JCS Policy S10 will replace policy H6, in due course.	
H7 27	Other housing development: outside primarily residential areas	The generic content of the policy provides no significant differentiation from the content of the NPPF and as such could be viewed as being contrary to the NPPF's presumption in favour of sustainable development.	S3, S10	Policy 1	In the Central Area, CAAP Policy 1 provides criteria for promoting design excellence. There is potential that policy H7 could conflict with CAAP Policy 1. Therefore in the Central Area, policy H7 should be considered superseded by CAAP Policy 1. In other areas, policy H7 continues to be relevant in shaping the character, scale and amenity of new development, with the exception of the parking standards and Highway Design Guide (superseded by Northamptonshire Parking Strategy (2013) and Northamptonshire Highway Development Management Strategy (2013)). Development management policies to be set out by the NRDA and emerging JCS Policy S10 will eventually replace policy H7.	
H8	Other housing development: list of sites	Whilst it is locally specific in identifying sites appropriate for housing, the policy is particularly aged, particularly in the context of the April 14 5 year housing supply.	S3, S10	Policy 16 and site specific policies	The policy identifies sites for development, sites with planning permission and sites approved in principle. Many of the sites are likely to have been developed or in an active alternative use. The CAAP identifies locations and opportunities for new residential development. Therefore in the Central Area the policy is considered to be superseded by the CAAP. In other areas, remaining undeveloped sites may continue to offer a suitable location for development. Regard should	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
					be had to the policies of the emerging JCS and the NPPF.	
H10	Backland development	The policy is likely to be compliant with NPPF para. 53. However it is not locally specific and therefore in reality adds little to the policies related to the presumption of sustainable development.			This policy is in conformity to para 53 of the NPPF which seeks to resist inappropriate development of residential gardens, if, for instance, they would cause harm to the local area. This carries medium weight because it will be required until the new local plan is progressed	
H11	Other housing development: commercial property in primarily residential areas	This policy supports the spirit of para 51 of the NPPF, which seeks to approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in the area.	S10	Policy 1	Within the Central Area the policy is superseded by the CAAP, which provides a range of policies for employment and residential development. In other areas the policy may have limited weight. However para 51 of the NPPF provides further guidance on how this issue can be resolved through the development management process	
H14	Residential development, open space and children's play facilities	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.		Policy 4, Planning Obligations SPD	The policy seeks to bring about children's play facilities in association with residential development. The policy is superseded by the Planning Obligations SPD which includes formulae for calculating open space and recreation by typology.	
H16	Housing for the elderly	Compliant with para 17 (bullet point 3) Section 6. Delivering a wide choice of high quality homes" The evidence base to support the type, amount and location of such dwellings does not currently exist.	H4		The NPPF seeks to deliver housing which meets the needs of older people in "Delivering a wide choice of high quality homes". Emerging JCS policy H4 seeks to provide housing which meets the needs of specific groups, including older people. The policy therefore has limited weight.	
H17	Housing for people with disabilities	In principle, the policy is not dissimilar from the requirements of the NPPF. However due to the age of the policy, it may not reflect up-to-date evidence of housing	H4		The NPPF seeks to deliver housing which meets the needs of disabled people in "Delivering a wide choice of high quality homes". Emerging JCS policy H4 seeks to provide housing which meets the needs of	

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LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		need and has not taken account of changes to building regulations.			specific groups, including disabled people. The policy therefore has limited weight.	
H18	Extensions	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. The policy is not locally specific, is perhaps overly prescriptive in relation criteria 2 and adds little to the high level NPPF interpretation of what is sustainable development.	S10	Policy 1	Changes to permitted development rights means that many household extensions do not require planning permission. In the Central Area, Policy 1 seeks to deliver design excellence in new development. In other areas, the NPPF seeks to secure high quality design and a good standard of amenity. The policy therefore holds limited weight.	
H21 29	Conversion to flats	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. However it is insufficiently clear and open to wide range of interpretation and in the context of the presumption in favour of development could be seen as too restrictive.	S10	Policy 1 Policy 16	The policy seeks to resist the conversion of houses to flats. The approach taken by the policy may not be compliant with the NPPF's presumption in favour of sustainable development. In the Central Area, such proposals should be determined in accordance with the policies of the CAAP. In other areas, the emerging JCS provides sustainable development principles and the NPPF provides guidance on good design.	
H23	Conversion to flats	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. However, it's unclear of the evidence base that was used to justify the policy. Changes to the GDPO effectively allow smaller dwellings than allowed through the	S10	Policy 1 Policy 16	Changes to permitted development rights and a more positive approach to residential applications mean that this policy is no longer as relevant	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		policy, which effectively means that in reality the interpretation of the policy will be on the assessment of whether a suitable residential environment can be obtained.				
H24	Conversion to flats	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	S10	Policy 1	The policy includes criteria for the development of flats in basement areas. Limited weight should be applied to the policy, as more up-to-date policies promoting good design and sustainable development are provide by the CAAP, NPPF and emerging JCS.	
H26	Conversion to flats – flats above shops	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. Nevertheless, the majority of development that falls in this category is allowed through permitted development rights.	S10	Policy 1	Change of use to provide up to two flats above a shop are permitted development. For other development proposals, CAAP, NPPF and emerging JCS policies relating to good design and sustainable development should be referred to. The policy should therefore be given limited weight in decision-making.	
H28	Hostels	The policy may be prescriptive and inflexible, and open to wide interpretation which may be contrary to the NPPF's presumption in favour of sustainable development.	H4	Policy 1	The policy includes criteria for the development of hostels in residential areas. Limited weight should be applied to the policy as up-to-date policies promoting good design and sustainable development are provided by the CAAP, NPPF and emerging JCS.	
H29	Residential institutions	The policy is probably inconsistent with equalities legislation, may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	H4		The JCS policy and NPPF are sufficient to assist with determining planning application	
H30	Multiple occupation with a single	In principle, the policy is not dissimilar from the requirements of the NPPF. However due to the	H6	Policy 16 of the CAAP seeks the	Although the JCS policy and NPPF are sufficient to assist with determining planning application, this policy has a role	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	dwelling	age of the policy, it may not reflect up-to-date evidence of housing need. Therefore the policy may not be compliant with the NPPF.		provision of a mix of dwelling types and tenures.	in providing the necessary policy hook for the preparation of a HiMO SPD	
H31	Cumulative effect	The policy approach may conflict with the presumption in favour of sustainable development.	H6		The policy prevents the development of C1 and C2 use classes in certain streets. The evidence to support such a policy approach, if it ever existed is almost certainly out of date. The policy approach may conflict with the positive approach advocated by the NPPF.	
H32	Affordable housing	In principle, the policy is not dissimilar from the requirements of the NPPF. However due to the age of the policy, it may not reflect up-to-date evidence of housing need. Therefore the policy may not be compliant with the NPPF.	H1 and H2	Policy 16	An Interim Planning Policy Statement on Affordable Housing has been approved by the Council's Cabinet, which provides further guidance on affordable housing based on Policy H32 and more up-to-date evidence base on local needs. This policy is therefore still required but carries limited weight because the Joint Core Strategy policy contains policies that are consistent with the requirements of the NPPF, particularly around setting the amount of affordable housing and take account of viability.	
31						
H34	Gypsy caravan sites	In principle, the policy is not dissimilar from the requirements of the NPPF. However due to the age of the policy, it may not reflect up-to-date evidence of housing need. Therefore the policy may not be compliant with the NPPF.	H7		The emerging JCS policy H7 indicates a requirement for additional pitches for Gypsies and Travellers. Local Plan policy H34 includes criteria relating to the impact on character and amenity. It is likely that the CAAP, emerging JCS and NPPF provide an adequate policy framework in addressing those issues. A Gypsy & Travellers site local plan will be prepared. This policy therefore carries some limited weight in the absence of that plan.	
H35	Childcare	The policy is likely to be compliant		Policy 1	The policy relates to the provision of new	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	facilities	with the NPPF through planning positively for facilities and services.			childcare facilities, and is concerned with maintaining amenity. It is likely that policies of the CAAP, NPPF and emerging JCS provide a robust framework for assessing the impact on amenity (alongside other relevant issues).	
BUSINESS AND INDUSTRY						
B1	Land allocations for business and industry: proposed business areas	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development. However, it conforms to the spirit of the NPPF in the sense that it seeks to allocate sites for business uses which will contribute towards building a strong, competitive economy.	E1, E2, E3, E8	Policy 15	This policy is required to identify the sites which should be safeguarded for employment in the new local plan. New evidence through a revised employment land assessment will demonstrate which sites should be retained and which can be released.	
B2	Land allocations for business and industry: existing business areas	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development. However, it conforms to the spirit of the NPPF in the sense that it seeks to allocate sites for business uses which will contribute towards building a strong, competitive economy.	E1, E2, E3, E8	Policy 15	This policy is required to identify the sites which should be safeguarded for employment in the new local plan. New evidence through a revised employment land assessment will demonstrate which sites should be retained and which can be released	
B3	Land allocations for business and industry: business developments	The policy is inflexible and is contrary to the NPPF's presumption in favour of sustainable development.			This policy is not required because it is restrictive and does not support the need to support existing business sectors if required – in line with Para 21 of the NPPF	
B4	Land allocations for business	The policy is generally consistent with the presumption in favour of development – but has no locally	S10, C2	Policy 1	This policy is essentially about securing a business use that is acceptable in design and highway terms. The NPPF, the CAAP	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	and industry: sites less than 1 ha	specific aspects that would differentiate it from the NPPFs general presumption in favour of development.			and the JCS are sufficient to address these issues and this policy is not considered necessary	
B5	Development policies for proposed business areas: Brackmills, Milton Ham and Pineham	The policy sought to meet specific employment needs through that were relevant at the time, with the exception of Milton Ham these have been predominantly developed for these purposes.	E1, E2, E3, E8, S10	Policies 1 and 15	This policy is required to identify the sites which should be safeguarded for employment in the new local plan. New evidence through a revised employment land assessment will demonstrate which sites should be retained and which can be released	
B6	Support services	The policy is consistent with the NPPF in that it sets out facilities required to support a good business environment, based on evidence at the time the plan was made. This has been delivered through S.106 agreements in terms of reserving the land, however as yet there have not been any commercial take up.			The policy has essentially been delivered through S.106 obligation – commercial interest is the main issue in terms of delivery.	
33						
B7	Brackmills: height consideration	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. Nevertheless it is prescriptive when without up to date evidence a greater emphasis is likely to be on visual impact and the likely harm caused.	N6, S10		Emerging JCS policy will supersede this requirement. . The NPPF guidance on requiring good design, combined with the JCS policy, is considered sufficient to guide design considerations in this area.	
B8	Northampton Cattlemarket	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.			Site is developed for non-cattlemarket uses so no longer relevant	
B9	Pineham and	The policy may be consistent with	BN1, S10		The new local plan will include details of	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	Milton Ham: landscaping zone	the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants. Nevertheless, the 50metres could be considered arbitrary when the real test would be the harm caused should it be of a lessor width.			the green infrastructure network based on more updated evidence base. Existing JCS, CAAP and NPPF should be sufficient to support delivery. However, as this relates to specific sites, the requirements are bespoke to the areas and are therefore considered to carry, in the case of Milton Ham at least, moderate weight	
B11	Milton Ham: height considerations	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	S10		As this relates to a specific site, the requirements are bespoke to the area but still considered relevant given the proximity to residential development	
B13 34	Satisfactory residential environment	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	INF1 and INF2	Planning Obligations SPD CIL in progress	Although it is NPPF compliant, it is not considered necessary because more up to date mitigation measures and infrastructure delivery policies are in place	
B14	Delivery of non-business uses in business areas	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development. It is also based on evidence base that is out of date.	E1, E2, E3, E8, S10	Policies 1 and 15	This policy is required to identify the sites which should be safeguarded for employment in the new local plan. This would be compliant with para 51 of the NPPF. New evidence through a revised employment land assessment will demonstrate which sites should be retained and which can be released. This policy is still useful in determining planning applications.	
B17	Use of land for open storage, salvage and recycling	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	E1, E2, E3, E8, S10	Policy 1	The policy adds little to what can be considered 'good planning'/sustainable development in the NPPF.	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
B19	Existing business premises in primarily residential areas	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	E1, E2, E3, E8, S10, BN9	Policy 1	Taking account of the NPPF and the emerging it is considered that the policy has limited weight.	
B20	Working from home	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants occupants and the general requirement to secure economic growth and job creation.			The policy can be regarded as 'good planning' however it is difficult to see what it adds to normal development management considerations and sustainable development as set out in NPPF.	
B22	Small businesses: up to 200 sq.m	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.			This policy is considered to be too prescriptive and unnecessary, particularly as the NCC Car Parking SPG superseded this	
B23	Repair and maintenance of vehicles	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	E1	Policy 1 and 15	This policy is required to identify the sites which should be safeguarded for employment in the new local plan. New evidence through a revised employment land assessment will demonstrate which sites should be retained and which can be released. This policy therefore carries limited weight. This also relates to parking provision, and the standards have been replaced by NCC's Parking SPG.	
B31	Environmental impact of business development: new locality	The policy focusses on mitigation rather than providing clear direction on a wide ranging set of measures and considerations. The policy may not be compliant with the NPPF.	BN9		It is difficult to try to understand what this policy is seeking to achieve and it is not considered necessary	
B32	Environmental impact of business	The policy focusses on mitigation rather than providing clear direction on a wide ranging set of measures	BN9	NBC Planning Obligations	Both policy BN9 and the SPD are considered sufficient to deal with these matters. This policy adds nothing and is	

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	development: amelioration	and considerations. The policy may not be complaint with the NPPF.		SPD NCC Planning Obligations SPG	considered to be no longer relevant, if it ever was.	
B33	Environment al impact of business development: hazardous development	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	BN9		The Health and Safety Executive provides standing advice on hazardous development which is sufficient to address the determination of planning applications. The new local plan may include policies which will amplify policy BN9. Until the JCS is adopted, this policy carry limited weight	
TRANSPORT						
T4 36	Proposals for main distributor and primary roads: impacts of major developments	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	Policies on sustainable urban extensions (policies N1, N2, N3, N4, N5, N6. N7. N8/ N9. N9A) have been examined and some have already had planning applications / masterplans submitted. Policies INF1 and INF2 are also relevant	CAAP Policy 36 CIL in progress	Major development sites have been identified in the JCS. This policy is somewhat outdated and irrelevant and is superseded by current evidence base used to inform emerging policies. Although the JCS policies are yet to be adopted, some planning applications have come forward and major developments can be considered in light of the NPPF and existing evidence base	
T5	North West Bypass and	The policy may be consistent with the ethos of the 12 principles set	N7, INF1, INF2		Planning application has been submitted. New evidence base informed the	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	town centre link	out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.			formulation of Policy N7 which has now been examined. However, this policy is still considered necessary to support the delivery of the SUE	
T11	Commercial uses in residential areas	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	S10, BN9		Whilst the policy is intended to protect residential amenity, it is unnecessary to have a specific policy when a high level policy that covers either highway safety or existing amenity would suffice. This will be replaced by JCS policies	
Policy T12	Development requiring servicing	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	INF1		This policy is a generic sensible development management /highways transport policy which can be covered by NPPF. It carries limited weight because of this and the fact it will be superseded by JCS Policy INF1	
T14 37	Public transport – rail corridors	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.	C1	Policy 8	This policy has been superseded in part by CAAP Policy 8. Outside the Central Area there are redundant train lines, but these are in the ownership of NCC as transport authority or Sustrans – nevertheless the policy is considered to be of relevance and have weight unless replaced through the Local Plan.	
T16	Taxi services	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	C1		This policy is too specific and is not considered to be effective. The NPPF and the JCS policies focus on a range of alternatives to the private car and changing behaviours. The preparation of a new local plan will include the use of more updated evidence base to formulate policy.	
T22	Provision for people with a disability	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.			This policy is superseded by new legislation (Equalities Act) and the NCC Parking Standard SPG.	

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RETAIL						
R5	Town centre: change of use	The policy takes a significantly different approach from the NPPF in that it does not plan collectively for town centre uses, and does not include requirements for sequential tests or impact assessments. The policy may not be complaint with the NPPF.		Shopfront Design SPD	The changes to the Permitted Development Rights regulations supersedes part of the policy. This policy is also superseded by the adopted CAAP (Policy 11)	
R6	Town centre: primary shopping frontages	The policy takes a significantly different approach from the NPPF in that it does not plan collectively for town centre uses, and does not include requirements for sequential tests or impact assessments. The policy may not be complaint with the NPPF.			Superseded by Policy 13 of the adopted CAAP, which provides updated guidance on primary shopping frontages in order to improve the town centre's retail offer	
R7 R8	Town centre: secondary shopping frontages	The policy takes a significantly different approach from the NPPF in that it does not plan collectively for town centre uses, and does not include requirements for sequential tests or impact assessments. The policy may not be complaint with the NPPF.			Superseded by Policy 13 of the adopted CAAP which provides updated guidance on primary shopping frontages in order to improve the town centre's retail offer	
R9	District Centres: change of use from shops	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through seeking high quality design and a good standard of amenity for all existing and future occupants.	S2		The new local plan will determine the boundaries of the hierarchy of centres referred to in policy S2. In the meantime, this policy is still considered necessary to aid the determination of planning applications.	
R11	Shopping facilities / local centre in major residential development	The policy seeks to create sustainable development by providing new housing areas with appropriate levels of retail facilities.	N3, N4, N5, N6, N7, N8, N9, N9a		The developments outlined within this policy have been delivered with the local centres identified or in the case of Upton a S.106 that delivers the facilities. Policy N7 in the emerging Joint Core Strategy addresses the need at King's Heath.	
R15	Car	The policy may be prescriptive and			This policy is not considered effective as	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	showrooms	inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.			planning applications for car showrooms will be assessed on their impacts on the surrounding areas in any case and in line with the NPPF and JCS locational policies. This policy is not therefore considered necessary, irrespective of the fact that newer policies are not yet adopted.	
R16	Retail sales from petrol filling stations	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development. The sequential approach applies to retailing.			The NPPF and sequential and impact assessment approach to retailing takes precedence over this policy. Most petrol stations either have links to supermarkets so is unlikely to provide retail sales which will jeopardise the main retailer or the service area is not large enough to accommodate retail sales which would be deemed to be a threat to the town, district or local centres	
CR17 CO	Retailing from industrial premises	The policy may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development. The sequential approach applies to retailing, whilst ancillary retailing is permitted development.			The NPPF and sequential and impact assessment approach to retailing takes precedence over this policy.	
LEISURE AND TOURISM						
L1	Existing recreational facilities	The policy is likely to be compliant with the NPPF through planning positively for facilities and services but in reality offers nothing significantly different from considerations normally associated with determining a planning application in accordance with the NPPF.	BN1	Planning Obligations SPD	The policy is based on sound principles; nevertheless the protection sought for local communities will be sufficiently covered in emerging policies in the JCS. There are many updated studies to help inform the NRDA, so this list is not current and therefore carries limited weight	
L2	Community use of existing	The policy is likely to be compliant with the NPPF through planning positively for facilities and services	RC2	NBC Planning Obligations	The policy is based on sound principles; nevertheless the protection sought for local communities will be sufficiently covered in	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	schools and colleges	but in reality offers nothing significantly different from considerations normally associated with determining a planning application in accordance with the NPPF..		SPD NCC Planning Obligations SPD	emerging policies in the JCS. Updated studies are in place to inform the NRDA. SPDs are in place. On this basis the policy has limited weight..	
L3	Other existing local open space	The policy is likely to be compliant with the NPPF through planning positively for facilities and services but in reality offers nothing significantly different from considerations normally associated with determining a planning application in accordance with the NPPF.	RC2	NBC Planning Obligations SPD	JCS policies are based on updated evidence base. Updated studies are in place to inform the preparation of a new local plan. SPD is based on updated open space and recreational assessment. On this basis the policy has limited weight.	
L4 40	New recreational land	The policy is likely to be compliant with the NPPF through planning positively for facilities and services. However, it is dated and inflexible.	RC2, BN1	NBC Planning Obligations SPD	JCS policies are based on updated evidence base. Updated studies are in progress to inform the preparation of a new local plan. SPD is based on updated open space and recreational assessment. In this context the policy is outdated and has limited weight.	
L6	Maintenance of open space	The policy is likely to be compliant with the NPPF through planning positively for facilities and services, but the circular it refers to is no longer relevant.	BN1	NBC Planning Obligations SPD	The 40 years set out in the policy on the basis of decisions elsewhere is considered to be unreasonable, placing too greater burden on developers. Generic policies related to infrastructure provision in the JCS will replace this policy.	
L10	Bradlaugh Fields	The policy is likely to be compliant with the NPPF through planning positively for facilities and services, however is also inconsistent with paragraph 14 with regards to the presumption in favour of sustainable development.	RC2, BN1	NBC Planning Obligations SPD	The policy relates to land that was in private ownership at the time the Plan was drafted; subsequently this land has passed to NBC. Updated studies are in place to inform the preparation of a new local plan. SPD is based on updated open space and recreational assessment. On the basis that generic policies related to recreational/greenspace and landscape	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
					are being advanced in the JCS, this policy is considered to have limited weight.	
L12	Motor sports and motorised water sports	The policy is not locally specific and does not go beyond the strategic issues associated with what can be regarded as sustainable development in the NPPF and in terms of its wording is of limited flexibility.	S10, E5, BN8, BN9		As identified the policy adds little to generic assumptions associated with sustainable development in NPPF. A generic development management policy will replace this type of policy	
L13	Local community facilities	Whilst it seeks to meet NPPF objectives of supporting communities, the policy is very prescriptive and inconsistent with the NPPF as each case would have to be dealt with on its merits and the harm that would be caused by the loss of the community facility.	RC2	NBC Planning Obligations SPD NCC Planning Obligations SPD	This policy due to its age and inconsistency with NPPF holds limited weight. It will be superseded by policy contained in the JCS, the SPDs and more up to date studies.	
L16	River Valley Policy Area	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution. Nevertheless it is inconsistent with paragraph 14 the presumption in favour of sustainable development.	BN1, BN8	Policy 4 and some site specific CAAP Waterside policies	Whilst it is positive is setting out appropriate uses, the policy is inconsistent with paragraph 14. Policies in CAAP and the emerging JCS have / will replace this policy and hold greater weight.	
L17	Use of river and canal	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution.	BN1, BN8	Policy 4, Policy 25	Superseded by CAAP policies in the central area, whilst it adds little if anything to the general policies of NPPF	
L20	Managed countryside recreation:	The policy is likely to be compliant with the NPPF through planning positively for facilities and services.			Implemented	

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	Upton Country Park					
L24	Allotment gardens	The policy is likely to be compliant with the NPPF through planning positively for facilities and services. It has a locally specific aspect in identifying sites – however a comprehensive evidence base to support the use of the allotments is not available.	RC2	NBC Planning Obligations SPD	The Plan identifies allotments, but will be superseded by JCS policy together with updated Local Plan allocations taking account of more updated open space, sport and recreation study	
L25	Alternative use of allotment land	No longer relevant as the sites have been redeveloped for alternative uses.			Redeveloped for other uses.	
L26 42	Leisure proposals: site specific	The policy is likely to be compliant with the NPPF through planning positively for facilities and services, however the reference to development for any other purpose not being permitted is unreasonable especially in the context of the presumption in favour of development.	RC2	NBC Planning Obligations SPD	Will be superseded by JCS policy, NBC SPD and more updated open space, sport and recreation study. Also, the policy is considered to be worded in a prescriptive and inflexible manner	
L29	River Valley Policy Area: provision of new facilities	The policy may be consistent with the ethos of the 12 principles set out in NPPF para. 17. For example through contributing to the conservation and enhancement of the natural environment and by reducing pollution. Nevertheless, the river valley policy area is essentially undefended zone 3 flood zone, so there would be a presumption in NPPF against development in this area.	BN1, BN8, E7		The policy is in conflict with the NPPF by promoting development in the floodplain. In addition when looking at the policy justification it is doubtful that the types of facilities identified would be consistent with more recent regulations related to planning obligations. In addition it has been / will be superseded by JCS policies and updated studies	
DEVELOPMENT POLICIES						
D1	Land adj	The policy has some locally			Implemented	

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	Bedford Road and Liliput Road, Brackmills: employment	relevant elements that differentiate it from the NPPF general presumption in favour of development. B1 uses (as offices) are main town centre uses so would be subject to the sequential approach.				
D4	Crow Lane (north)	Leisure is a NPPF main town centre use and so should be subject to the sequential approach. Some of the site is also within the undefended floodplain, so is inconsistent with the sequential approach to development allocations in floodplains.	E1		The site falls foul of NPPF in respect of the leisure use proposed and the fact that some of it is in the undefended floodplain. In these respects it is considered that it should have limited weight.	
D6	Delapre Abbey	The policy is inconsistent with the NPPF in that it promotes a main town centre use in an out of centre location.	BN5		The policy is inconsistent with the NPPF. In any case circumstances which required the policy have been superseded by more updated studies and funding approvals	
D7	Duston Mill, Duston Mill Lane	The policy is not in conformity with the NPPF as it promotes a main town centre use in an out of town location.			The policy is very old and inconsistent with the town centre first approach advocated by the NPPF. The site however has consent for a hotel.	
D9	M1 Junction 15a / A43	The policy has some locally specific elements, but nevertheless may be prescriptive and inflexible, which may be contrary to the NPPF's presumption in favour of sustainable development.	S10, C2		The policy is of its time, the height and emphasis on landscaped frontages are however very prescriptive and do not take into account assessment of impact of any proposal based on its merits. This carries limited weight because any proposals that come forward will need to be compliant with NPPF para 58 and policies S10 and C2 of the JCS	
D12	Land north west of Kings Heath	Although the policy is positive in identifying land available for development, it essentially provides no greater detail than the high level assessments of what can be considered to be sustainable	E1, N7		Required to support employment land reviews but carries limited weight because it will be superseded by JCS policy N7	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
		development as set out in the NPPF..				
D13	Overstone Scout camping ground	The policy is positive in identifying uses appropriate, nevertheless in terms of the uses appropriate is very dated. Hotels are a main town centre use, so the policy in this respect is incompatible with the NPPF's sequential approach. .	S3, S4, E7		The site has been developed for residential purposes, but is heavily wooded and has been retained by the scouts as a camping area. In other respects in promoting a hotel it is incompatible with NPPF.	
D14	Pineham	The policy is positive, so accords with the presumption in favour of development. The emphasis on B1 however is contrary to the sequential approach. Para 17 (bullet point 3), para 21 and the residential element will deliver paras 47 and 50	SN4, S7, S3, S4, E1		Required to support employment land reviews, to meet NPPF para 22. Carries limited weight as some areas are already implemented / being implemented	
D16 D4	St Edmunds Hospital	The policy is positive with regards to identifying the site for development and adds to the NPPF's general presumption in favour of development by identifying a comprehensive approach being needed for the site..	BN5		The policy has an internal conflict, requiring a comprehensive redevelopment, whilst identifying the listed status of buildings on site which NPPF and statute would seek to preserve and enhance.	
D17	Southbridge Area and power station site	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 28	Superseded by CAAP, Enterprise Zone designation and updated planning approvals	
D20	Tweed Road (Pioneer Aggregates)	The policy is so vague that it adds nothing to the general presumption in favour of sustainable development in the NPPF.	E1		Required to support employment land reviews, to meet NPPF para 22	
D22	Angel Street / Bridge Street	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 21 and Policy 22	Superseded by adopted CAAP policies	
D23	Castle Yard,	Not part of the development plan -			Carries no weight because exercises	

LOCAL PLAN: POLICY	TOPIC	NPPF COMPLIANCE	JCS POLICY REFERENCE	CAAP AND RELEVANT GUIDANCE	COMMENTARY	WEIGHT
	St Andres Road	superseded by CAAP Policies			undertaken as part of the Enterprise Zone and Station development indicate that development on this site is subject to constraints which are difficult to overcome	
D26	Freeschool Street	Not part of the development plan - superseded by CAAP Policies		CAAP Policy B15	Superseded by adopted CAAP policy	
D27	Lower Mounts	Not part of the development plan - superseded by CAAP Policies			Development for education on part of site. This policy is no longer considered necessary	
D28	St Andrews Street	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 24	Superseded by CAAP	
D29	St Johns car park	Not part of the development plan - superseded by CAAP Policies			Implemented (student accommodation)	
D30	British Gas land	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 26	Superseded by CAAP policy and Enterprise Zone designation	
D31	Victoria Street car park	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 17	Superseded by CAAP policy	
D32	Western Island	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 17	Superseded by CAAP policy	
D33	Wellington Street	Not part of the development plan - superseded by CAAP Policies		CAAP Policy 12	Superseded by CAAP policy	
D35	York Road	Not part of the development plan - superseded by CAAP Policies	S2	In preparing the CAAP, the site was not considered for re-allocation and this conforms to para 22 of the NPPF.	The allocation has been superseded by the policies in the CAAP.	

APPENDIX B

NORTHAMPTON ADOPTED LOCAL PLAN SAVED POLICIES: POLICIES WHICH WILL BE REPLACED BY WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY POLICIES

(Extracts from West Northamptonshire Joint Core Strategy Part 1 – Tracked Changes version including Proposed Modifications January 2014)

Saved Policies in the Adopted Northampton Local Plan 1997		Replacement Policy Number and Title in the Core Strategy	
E1	Landscape and Open Space	BN2	Biodiversity
		BN5	The Historic Environment
E2	Riverside Landscape	BN8	The River Nene Strategic River Corridor
E4	Water Environment	BN1	Green Infrastructure Connections
		BN4	Upper Nene Gravel Pits Potential Special Protection Area
		BN7	Flood Risk
		BN8	The River Nene Strategic River Corridor
E6	Greenspace	BN1	Green Infrastructure Connections
		BN5	The Historic Environment
		BN8	The River Nene Strategic River Corridor
		RC2	Community Needs
E10	Hedges, trees and woodland	BN3	Woodland Enhancement and Creation
E11	Hedges, trees and woodland	BN3	Woodland Enhancement and Creation
		BN5	The Historic Environment
E12	Hedges, trees and woodland	BN3	Woodland Enhancement and Creation
		BN5	The Historic Environment
E14	Corridors of travel	BN1	Green Infrastructure Connections
		C3	Strategic Connections
E17	Nature Conservation	BN2	Biodiversity
		BN3	Woodland Enhancement and Creation

		BN5	The Historic Environment
E18	Sites of acknowledged conservation value	BN2	Biodiversity
		BN4	Upper Nene Gravel Pits Potential Special Protection Area
E19	Implementing development	INF1	Approach to infrastructure delivery
		INF2	Contributions to infrastructure requirements
E38	Historic Landscapes: nationally important ancient monument / landscapes	BN5	The Historic Environment
E39	Renewable Energy	S10	Sustainable Development Principles
		S11	Renewable Energy
E40	Crime and vandalism	S10	Sustainable Development Principles
H1	Sites for major new developments	S1	The Distribution of Development
		S5	Sustainable Urban Extensions
		S10	Sustainable Development Principles
		N7	Northampton Kings Heath SUE
		N9	Northampton Upton Park SUE
		N9a	Northampton Norwood Farm / Upton Lodge SUE
H4	Sites for major new developments	S5	Sustainable Urban Extensions
		S10	Sustainable Development Principles
		N9	Northampton Upton Park SUE
		N9a	Northampton Norwood Farm / Upton Lodge SUE
H5	Sites for major new developments	S1	The Distribution of Development
		S5	Sustainable Urban Extensions
		S10	Sustainable Development Principles
		N7	Northampton Kings Heath SUE
H6	Other housing development: within primarily residential area	H1	Housing density and Mix and Type of Dwellings
H7	Other housing development: outside primarily residential area	H1	Housing density and Mix and Type of Dwellings
H8	Other housing development: list of sites	S1	The Distribution of Development

H32	Affordable Housing	H2	Affordable Housing
H34	Gypsy Caravan sites	H7	Gypsies, Travellers and Travelling Showpeople
B1	Land allocations for business and industry: proposed business areas	E1	Existing Employment Area
		E2	New Office Floorspace
		E3	Technology Realm, SEMLEP Northampton Waterside Enterprise Zone
		N2	Northampton Central Area
B2	Land allocations for business and industry: existing business areas	E1	Existing Employment Area
		E3	Technology Realm, SEMLEP Northampton Waterside Enterprise Zone
		N2	Northampton Central Area
B3	Land allocations for business and industry: business developments	E1	Existing Employment Area
		E2	New Office Floorspace
B4	Land allocations for business and industry: sites less than 1 hectare	E1	Existing Employment Area
		E2	New Office Floorspace
B13	Infrastructure related to business use Satisfactory Residential Environment	INF1	Approach to infrastructure delivery
		INF2	Contributions to infrastructure requirements
T4	Impacts of major developments on highway infrastructure	C2	New Developments
		INF1	Approach to infrastructure delivery
		INF2	Contributions to infrastructure requirements
T5	Kings Heath development and requirements on the local road network	INF1	Approach to infrastructure delivery
		INF2	Contributions to infrastructure requirements
		N7	Northampton Kings Heath SUE
L1	Existing recreational facilities	RC2	Community Needs
L3	Other existing local open space	RC2	Community Needs
L4	New local recreational land	RC2	Community Needs
L6	Maintenance of open space	RC2	Community Needs
L16	River Valley Policy Area	BN8	The River Nene Strategic River Corridor
L17	Use of river and canal	BN8	The River Nene Strategic River Corridor

L20	Managed countryside recreation: Upton Country Park	N9	Northampton Upton Park SUE
L29	River Valley Policy Area: provision of new facilities	E7	Tourism, Visitor and Cultural Facilities
D1	Bedford Road, Brackmills	N2	Northampton Central Area
D7	Duston Mill, Duston Mill Lane	N2	Northampton Central Area
D14	Pineham: business and housing	E1	Existing Employment Areas



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0470: Two sided hoarding sign at entrance to Delapre Park from London Road

N/2014/0538: Hoarding sign within car park area of Delapre Abbey, off London Road

WARD: Delapre and Briar Hill

APPLICANT: Northampton Borough Council
AGENT: None

REFERRED BY: Head of Planning
REASON: Council application and Council owned land

DEPARTURE: NO

APPLICATIONS FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions in Paragraphs 8.1 and 8.2 of the report.

2. THE PROPOSAL

2.1 N/2014/0470 – This proposed advertisement takes the form of a double sided hoarding sign (2.44m x 1.22m and 2.49m above ground level) at the entrance to Delapre Park from London Road.

2.2 N/2014/0538 – This application proposes a hoarding sign which would be positioned within the car park area of Delapre Abbey. This sign would set out in detail the works being undertaken to the Abbey. The size of the sign is 4m x 1.5m and 2.52m above ground level.

3. SITE DESCRIPTION

- 3.1 The first sign (N/2014/0470) would be located at the entrance to Delpare Park off London Road. There is an existing double sided sign near the entrance which would be replaced by the current proposal. There are residential properties across the road off Delapre Crescent.
- 3.2 The second sign (N/2014/0538) would be located within the existing car park area over 100m from the main entrance to the Abbey, a Grade II listed building.
- 3.3 Both of the application sites fall within the boundary of the Delpare Park Conservation Area.

4. PLANNING HISTORY

- 4.1 No history of advertisement applications.

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

Paragraph 67 of the National Planning Policy Framework states that applications for advertisement consent should only be considered in terms of the impacts of amenity and public safety, as established by the Advertisement Regulations. Furthermore, the same paragraph states that poorly placed advertisements can have a detrimental impact upon the quality of the built and natural environment.

5.3 Northampton Local Plan

E20 – New Development: Design to adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

E26 – Conservation Areas: Consent for advertisements in conservation areas will be granted so long as the development preserves or enhances the character and appearance of those areas.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 At the time of writing this report, the period of consultation is ongoing and therefore the recommendation for approval is made subject to no

objections being received. The consultation period ends prior to the Committee meeting and responses received will be reported to Committee by means of an addendum and the recommendation may be varied in light of comments received.

- 6.2 **Conservation** - No objection to any of the signs on the basis that they are for temporary consents.

7. APPRAISAL

- 7.1 As set out within Paragraph 5.2 of this report, the two relevant material considerations for the determination of applications for advertisement consent are the impacts upon amenity and public safety.
- 7.2 In respect of visual amenity, the principal considerations are that the signage would be within the grounds of Delpare Abbey, a Grade II listed building, and also within the Delapre Conservation Area.

N/2014/0470

- 7.3 The proposed sign at the entrance to the Abbey grounds would be of a size which is considered to be consistent with its function in indicating to potential visitors the location of the Abbey and setting out in broad terms the works which are being undertaken. It is considered that this sign would be appropriate for its location and would not have any detrimental impact on the conservation area or the setting of the listed Abbey. The proposed sign, due to its location and size, is not considered to cause undue impact on visual amenity or public safety.

N/2014/0538

- 7.4 The larger signage adjacent to the car park would have the function of setting out in more detail the nature of the works being undertaken to the Abbey. It is considered that a sign of this size would not be appropriate in the longer term but that this is appropriate for the duration of the works being undertaken and would not adversely impact on the setting of the listed building or the conservation area as a temporary installation.
- 7.5 It is not considered that the sign would have any adverse impact in respect of highway and pedestrian safety.
- 7.6 Both signs are proposed to be removed once the renovation works on Delpare Abbey have been completed. A condition requiring this is proposed.

8. CONDITIONS

- 8.1 The following conditions will apply to both of the applications:

(1) No advertisement is to be displayed without the permission of the

owner of the site or any other person with an interest in the site entitled to grant permission.

(2) No advertisement shall be sited or displayed so as to:

- a. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b. Obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- c. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

(6) The advertisements hereby permitted shall be removed and the land restored to its former condition within 6 months of the completion of the Phase 1 HLF restoration works to the Abbey, or within five years of the date of this consent, whichever is sooner.

Reason: In the interests of visual amenity and the preservation of the historic character of the listed building, as the signs are not considered to be acceptable on a permanent basis, in accordance with the NPPF.

9. BACKGROUND PAPERS

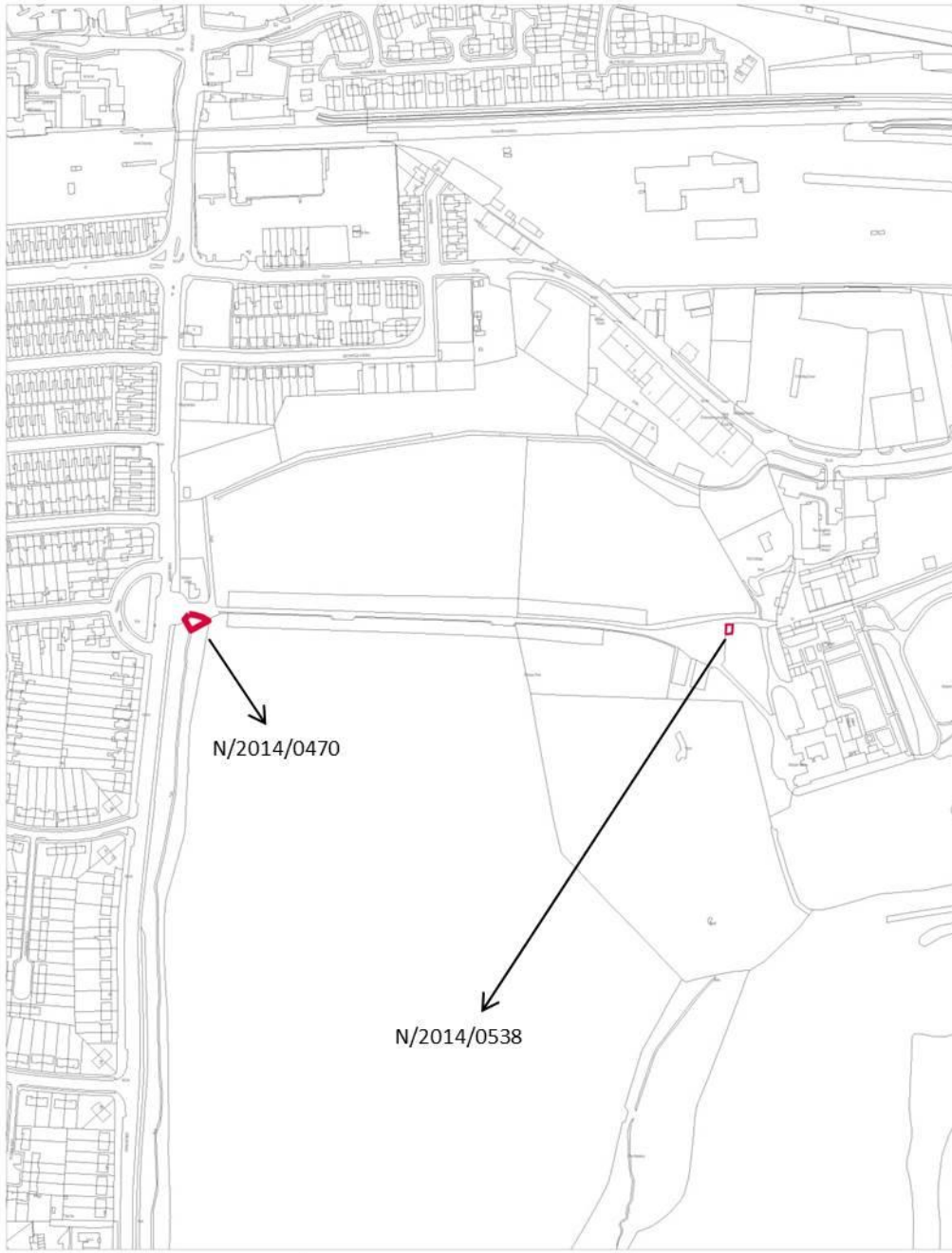
9.1 Application files N/2014/0470 and N/2014/0538

10. LEGAL IMPLICATIONS

10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Planning
Date: 30th May 2014
Scale: NTS
Dept: Planning
Project: Committee

Title:

N/2014/0470 & N/2014/0538

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0539: Single sided non-illuminated sign at London Road (adjacent to junction with Gloucester Avenue)

N/2014/0573: Single sided non-illuminated sign at London Road (opposite junction with Southampton Road)

WARD: Delapre and Briar Hill

APPLICANT: Northampton Borough Council
AGENT: None

REFERRED BY: Head of Planning
REASON: Council applications and Council owned land

DEPARTURE: NO

APPLICATIONS FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions in Paragraph 8.1 of the report.

2. THE PROPOSAL

2.1 Each advertisement consent application proposes a hoarding sign 2m x 1m and 2.2m above ground level. One of these would be positioned within the highway verge whilst the other would be within the grounds of the Delapre Abbey.

3. SITE DESCRIPTION

3.1 One sign (N/2014/0539) would be located on a highway verge near to the junction between London Road and Gloucester Avenue. There are residential properties to the west and with Delpare Park located to the east across London Road.

- 3.2 The second sign (N/2014/0573) would be located on land within the grounds of Delapre Abbey opposite to the junction with Southampton Road. There are residential properties located across the road on the opposite side. The site has mature trees in the background and 1.4m high palisade fencing to the front. The location of the sign is on the edge of the Delpare Park Conservation Area.

4. PLANNING HISTORY

- 4.1 No history of advertisement applications.

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

Paragraph 67 of the National Planning Policy Framework states that applications for advertisement consent should only be considered in terms of the impacts of amenity and public safety, as established by the Advertisement Regulations. Furthermore, the same paragraph states that poorly placed advertisements can have a detrimental impact upon the quality of the built and natural environment.

5.3 Northampton Local Plan

E20 – New Development: Design to adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

E26 – Conservation Areas: Consent for advertisements in conservation areas will be granted so long as the development preserves or enhances the character and appearance of those areas.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 At the time of writing this report, the period of consultation is ongoing and therefore the recommendation for approval is made subject to no objections being received. The consultation period ends prior to the Committee meeting and responses received will be reported to Committee by means of an addendum and the recommendation may be varied in light of any comments received.

- 6.2 **NBC Conservation** – no objection to the proposed sign at the edge of the Conservation Area under application N/2014/0573.

7. APPRAISAL

- 7.1 As set out within Paragraph 5.2 of this report, the two relevant material considerations for the determination of applications for advertisement consent are the impacts upon amenity and public safety.

N/2014/0539

- 7.2 In respect of visual amenity, this sign will be viewed in the context of a major road and against the backdrop of some existing trees and hedges to the front of properties on Gloucester Avenue. As such it is considered that it would not result in significant visual impact to the street scene. It is also not considered that the sign would significantly affect the amenities of nearby residents as it would be screened by the existing planting.
- 7.3 It is not considered that the sign would have any adverse impact in respect of highway and pedestrian safety, due to the limited size of the sign and non-illuminated nature.

N/2014/0573

- 7.4 This proposed sign would be set back from London Road behind the existing fencing. It is not considered that the proposed sign would adversely impact on visual amenity or highway safety. Although this sign would be within the grounds of Delapre Abbey, a Grade II listed building, it would be distant from the Abbey itself and it is not considered that the sign would detract from the setting of the building, or its grounds, due to the small size of the sign in the context of the overall site.

8. CONDITIONS

- 8.1 The following conditions will apply to both of the applications:

(1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(2) No advertisement shall be sited or displayed so as to:

- a. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b. Obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- c. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair

the visual amenity of the site.

(4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

9. BACKGROUND PAPERS

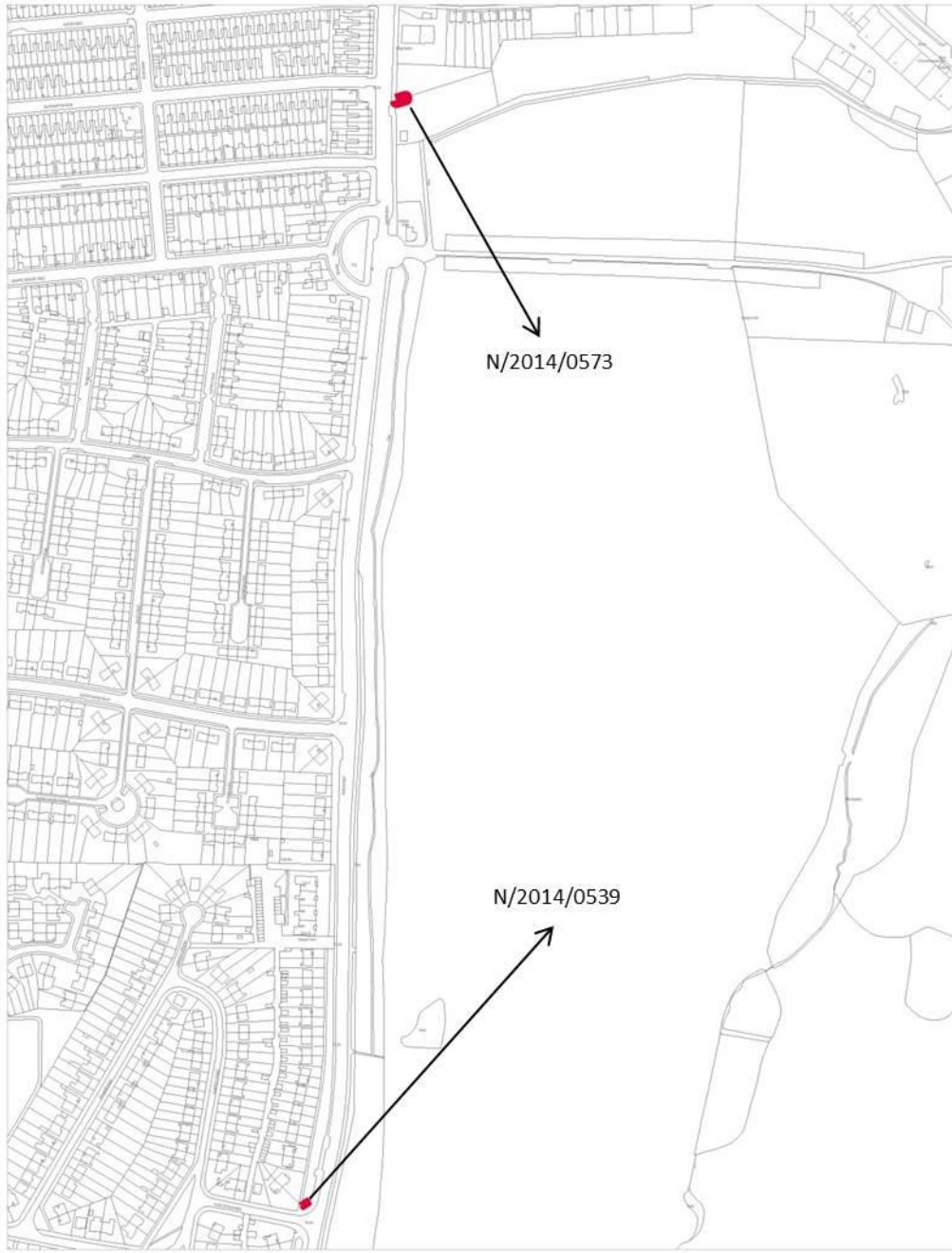
9.1 Application files N/2014/0539 and N/2014/0573

10. LEGAL IMPLICATIONS

10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Planning
Date: 30th May 2014
Scale: NTS
Dept: Planning
Project: Committee

Title
N/2014/0539 & N/2014/0573

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Addendum to Agenda Items Tuesday 10th June 2014

7. OTHER REPORTS

7A
Northampton Local Plan Saved Policies

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9A
N/2014/0470 and N/2014/0538
Two sided hoarding sign at entrance to Delpare Park from London Road and Hoarding sign within car park area at Delapre Abbey, off London Road

None.

9B
N/2014/0539 and N/2014/0573
Single sided non-illuminated sign at London Road (adjacent to junction with Gloucester Avenue) and single sided non-illuminated sign at London Road (opposite junction with Southampton Road)

None.

10. ITEMS FOR DETERMINATION

10A
N/2013/1143
Outline application for the demolition of existing structures and redevelopment for flexible mixed uses within use classes: A1 retail, A3 Cafes and Restaurants, A4 Drinking Establishment, A5 Hot Food Takeaway and D2 Assembly and Leisure, access, parking, landscaping and associated works - all matters reserved except access at Gas Holder Site, Towcester Road

RECOMMENDATION

Insert new paragraph 1.2:

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 her 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.

CONDITIONS

Amend reason for condition 1 to the following –

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

Delete Condition 8 (Noise)

Confirmation has now been received from Environmental Health that this condition is not necessary, as the only housing near to the gas holder site has been demolished.

Delete Condition 9 (Ecological Survey)

This condition was inserted due to the lack of a response from Natural England, to the ecological survey which was submitted with the application. This survey is currently subject to further consultation with Natural England. In the event that this results in the need for a condition, delegated authority is sought for this to be added by the Head of Planning.

Amend Condition 14 (pedestrian crossings) to the following –

No development shall commence until a scheme for the provision of additional pedestrian crossings, as indicated on drawing number 12852-110 Revision B, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the crossings have been laid out and constructed in accordance with the approved details.

Amend Condition 18 (convenience goods) to the following –

Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 1,700 sqm (gross internal) and shall be no less than 850 sqm (gross internal) in any *such* single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area.

Amend Condition 19 (Limited Assortment Discounter) to the following –

The unit as defined in condition 18 and hereby permitted shall be occupied as a Limited Assortment Discounter only. For the avoidance of doubt this is defined as follows –

- The convenience goods sold from the store shall consist of predominantly (i.e. more than 50%) own label products.
- The range of convenience goods product lines sold from the store shall not exceed 2,000 lines.
- No separate franchises shall operate within the store.
- There shall be no separate service counters within the store.
- The store shall not incorporate a cafeteria or restaurant.
- The store shall not sell tobacco products.

It should also be noted that Condition 19 is currently subject to further consultation with the Council's retail consultants and may be subject to amendments, to ensure consistency with earlier decisions. Any further proposed amendments will be reported verbally to the committee.

Amend Condition 21 (bulky goods) to the following –

The bulky goods floorspace shall be used only for the sale of furniture; carpets; floor coverings; DIY products including materials and accessories; home improvement products including fabrics and furnishings; glassware; cookware; kitchen utensils; white electrical goods; auto motive and cycle parts and accessories; garden tools, products and accessories; outdoor recreational *and leisure* equipment; and arts and crafts materials.

10B

N/2013/1263

Erection of 38 no. new dwellings comprising 12 no. flats and 26 no. houses with associated parking and installation of new access road at Development land between Talavera Way and Booth Rise

None.

10C

N/2014/0137

Erection of a mixed use development comprising of convenience store, retail units, nursery, cafe restaurant, 77 No. apartment extra care facility, and 32 No. general needs apartments with access and parking spaces at Sites F and G Upton, High Street

None.

<p>10D N/2014/0155 Residential development comprising 45no. Apartments, associated access, parking, drainage, landscaping and public open space at Bellway Homes Development Land, Old Towcester Road</p> <p>None.</p>
<p>10E N/2014/0171 Change of use from dwelling (Use Class C3) to house of multiple occupation for 5no. occupants (Use Class C4) at 113 Abington Avenue</p> <p>None.</p>
<p>10F N/2014/0214 Change of use from dwelling (use class C3) to 7 bed HIMO (sui generis) at 37 Semilong Road</p> <p>None.</p>
<p>10G N/2014/0262 Change of use from dwelling (Use Class C3) into house of multiple occupation (Use Class C4) for 4 tenants - retrospective application at 25 Stanley Street</p> <p>The applicant has provided a signed affidavit from the owner of the property dated 30th May, 2014 to confirm that for at least four years the property has been in use with never less than 3 unrelated people in occupation at all times and that this is the current use of the property as well as the previous use of it.</p> <p>Officer's Comments: The submitted affidavit on its own does not provide sufficient justification and evidence that the application site has an established HIMO use and the application should be determined as submitted.</p>
<p>10H N/2014/0263 Change of use from dwelling (Use Class C3) into house of multiple occupation (Use Class C4) for 4 tenants - retrospective application at 47 Stanley Street</p> <p>The applicant has provided a signed affidavit from the owner of the property dated 30th May, 2014 to confirm that for at least four years the property has been in use with never less than 3 unrelated people in occupation at all times and that this is the current use of the property as well as the previous use of it.</p> <p>Officer's Comments: The submitted affidavit on its own does not provide sufficient justification and evidence that the application site has an established HIMO use and the application should be determined as submitted.</p>
<p>10I N/2014/0462 Application to vary section 106 agreement in respect of application N/1997/0566 to remove the obligation to provide a link road between Berrywood Road and St Crispin Drive at Former St Crispin Hospital, Berrywood Road</p> <p>None.</p>

10J

N/2014/0473

Extension to existing bowling club building to provide changing and locker room at Indoor Bowls Centre Kingsthorpe Recreation Ground, Harborough Road

None.



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1143: Outline application for the demolition of existing structures and redevelopment for flexible mixed uses within use classes: A1 retail, A3 cafes and restaurants, A4 drinking establishment, A5 hot food takeaway and D2 assembly and leisure, access, parking, landscaping and associated works - all matters reserved except access at former gas holder site, Towcester Road

WARD: Castle

APPLICANT: National Grid
AGENT: Savills

REFERRED BY: Head of Planning
REASON: Major retail development and requires S106 agreement

DEPARTURE: YES

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(i) Prior finalisation of a Section 106 agreement to secure a financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket in accordance with CAAP Policies 25 and 26;

(ii) The conditions as set out in Section 9 of this report, and for the following reason:

Whilst the proposal does not comply with Policies 11, 25 and 26 of the Central Area Action Plan, and there are sequentially preferable sites

available, it is considered that a departure from policy is acceptable in this instance and that other material considerations mitigate the failure of the sequential test, to enable the wider objectives of the CAAP to be realised, subject to the additional mitigation which would be provided in the form of town centre enhancements.

2. THE PROPOSAL

2.1 Outline application for redevelopment for a range of large retail units that can be used for either food or non-food uses up to a maximum of 3,902m², with the following maximum possible gross floorspace under each category:

- Discount Foodstore – Maximum of 1,700m² restricted to a single discount operator
- Bulky Goods A1 Retail – Maximum of 3,902m²
- Class A1 Non-Food Retail – Maximum of 2,276m²
- Class A3 Cafés and Restaurants – Maximum of 650m²
- Class A5 Drive Through Cafés and Restaurants – Maximum of 557m²

The total number of catering uses is proposed by the applicants to be restricted by condition to three units overall, with a maximum of one restaurant and one coffee shop but no restriction on the number of drive thrus.

- Class A4 Drinking Establishment – Maximum of 836m²
- Class D2 Gym – Maximum of 1,394m² (1,115sqm net) provided within 1 unit only.

2.2 The precise configuration of each element of the floorspace would be determined under the reserved matters applications.

2.3 A total of 160 car parking spaces is also proposed.

2.4 Under this outline application all matters are reserved except access.

3. SITE DESCRIPTION

3.1 The site comprises the relatively flat site of a former gasholder, recently demolished. The site is adjacent to the River Nene to the north and beyond this is another site owned by National Grid, which still contains operational gas infrastructure. To the east is the established B&Q store and car park and to the west, across Towcester Road, are the established St James and Nene Valley Retail Parks. The site is

located some 660m from the defined primary shopping area and is therefore in an out-of-centre location.

- 3.2 The site comprises part of St. Peter's Waterside, a key part of the Northampton Waterside Enterprise Zone.

4. PLANNING HISTORY

- 4.1 N/2013/0697 – Prior Notification application for the dismantling of two gasholders and associated buildings – method of demolition approved 25th July 2013.
- 4.2 N/2014/0210 – Environmental improvement works with associated site clearance and restoration of land – Approved 25/04/14

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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, Northampton Central Area Action Plan 2012, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF) in general and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan lead system that provides a practical framework for the determination of planning applications.
- Paragraph 20 requires that planning decisions should reflect changing business needs.
- Paragraph 23 states that retailing is a main town centre use and such centres should be the primary location for retailing.
- Paragraph 24 requires that a sequential test be applied to applications for town centre uses which are not in an existing centre and not in accordance with an up to date local plan.
- Paragraph 26 states that an impact assessment is required for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan and which exceed a locally set floorspace threshold (this being set at 1,000m² by Policy 11 of the CAAP).
- Further to these points, Paragraph 27 directs refusal of

applications that have failed to satisfy the sequential test or would have a significant adverse impact on planned investment in centres or on the vitality and viability of the town centre.

5.3 Northampton Central Area Action Plan

The Central Area Action Plan (CAAP) was adopted in 2013 following an Examination in Public. The CAAP is therefore an up-to-date development plan within the meaning of the NPPF. The following are relevant to the consideration of this application:

Vision for the centre of Northampton – A new focus for the waterside enhancing a long neglected asset as a new destination for employment, living and leisure with a new marina at its heart.

Strategic Objective SO1 – Regeneration, expanding retail, town centre facilities and the scale of employment opportunities in the town centre.

Policy 1 – Promoting Design Excellence: All development to have a high design standard and positively contribute to the character of the area.

Policy 11 – Town Centre Boundary: The town centre will be the preferred location for main town centre uses, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of centre uses.

Policy 12 – Definition of Primary Shopping Area: The main focus for shopping activity within the Borough.

Policy 25 – The Waterside: Will be transformed into a positive asset for Northampton, focus on pedestrian access and a more natural water's edge.

Policy 26 – The Waterside: Brampton Branch St Peter's Way: Development focussed on commercial office floorspace, enhancements to pedestrian access and development which addresses the waterside. It makes provision for a publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafes, restaurants and bars.

Policy 36 – Infrastructure Delivery: All new developments to provide appropriate on site and off site infrastructure to mitigate the impact of development.

5.4 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.

In particular this document establishes a hierarchy of centres (Policy S2) and requires a sequential approach to retail development location (Policy S9). Policy E2 identifies the priority given to new office floorspace provision on sites identified within the Northampton CAAP, and Policy E3 sets out the role that the Enterprise Zone will have in encouraging start up and existing business development.

6. CONSULTATIONS/ REPRESENTATIONS

The comments received are summarised as follows:

- 6.1 **NBC Environmental Health** – would suggest conditions regarding site investigation for contamination and noise.
- 6.2 **NBC Arboricultural Officer** – The trees are of poor quality and not considered suitable for retention. Accordingly the need for a robust and detailed landscaping scheme is essential.
- 6.3 **NBC Urban Designer** – The Design and Access Statement lacks detail on how the development ‘fits’ with the context of wider proposals in the Waterside area on adjacent sites.
- 6.4 **Natural England** – Natural England has published standing advice on protected species, which should be applied (this has been applied and indicates a requirement for reptile and breeding bird surveys).
- 6.5 **Environment Agency** – Have reviewed the revised FRA and have no objection if a planning condition is included in any planning permission requiring drainage details to be submitted.
- 6.6 **Highway Authority** – Have reviewed the revised transport assessment and confirmed that it is fit for purpose. Have concerns about the indicative layout, regarding the internal access road, visibility splays and layout of the service yard, which will need to be resolved at the reserved matters stage.
- 6.7 **Canals and River Trust** – There is no requirement to consult the Canals and Rivers Trust in our capacity as statutory consultee.
- 6.8 **County Council Development Management** – requests a contribution towards Fire and Rescue costs, as a result of the increased fire risk

and potential for collisions as result of the development ,the installation of a sprinkler system in the development, fire hydrants and channels for broadband installation.

- 6.9 **County Council Archaeological Adviser** – advise that a condition is required for a scheme of archaeological work as is appropriate.
- 6.10 **Health and Safety Executive** - The proposed development is entirely within the consultation distance of the holder station and mostly within the inner zone. As such PADHI+ advice would be that there are sufficient reasons to advise against the granting of planning permission, on safety grounds. HSE's records indicate that National Grid has mothballed the gasholder on this site. However, we have no record of hazardous substances consent for the site being revoked. As the applicant for planning permission is also the hazardous substances consent holder revocation can proceed without difficulty or delay. HSE will therefore continue to advise against the granting of planning permission for the proposed development in application N/2013/1143 until the hazardous substances consent for the Northampton (South) Gasholder Station has been revoked. However, HSE is prepared to withdraw this advice if a suitably worded condition is attached to the planning permission which would prevent the development being occupied until the hazardous substances consent has been formally revoked.

7. APPRAISAL

- 7.1 The issues to consider are the acceptability in principle of the proposed retail development, including its impact on the town centre, as well as the suitability of the design and the impact on the highway network.

Principle of Development

- 7.2 The National Planning Policy Framework promotes competitive town centre environments and requires policies to recognise town centres as the heart of their communities and to support their viability and vitality. It goes onto require local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It suggests that town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It provides that when considering edge of centre and out of centre proposals preference should be given to accessible sites that are well connected to the town centres.
- 7.3 In line with the NPPF, the policies within the Central Areas Action Plan direct town centre uses to the town centre. It identifies the town centre boundary as the preferred location, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of town centre sites. The application site is adjacent to the Town Centre

Boundary, but some distance from the Primary Shopping Area and as such it is considered that it is an out-of-centre location

- 7.4 CAAP policy 25 relates to the waterside area in general and therefore includes the application site. This sets out a number of criteria which should be delivered by development in this area, including the following: *Safe, continuous, high quality public footpath/cycle network along and across the water's edge; an effective environmental and recreational link across and between the Central Area and wider West Northamptonshire strategic green corridor; wherever possible create a more natural water's edge and enhance bio-diversity; opportunities for greater access to use the river and canal for a wide range of recreational purposes; buildings and spaces that overlook and positively address the water's edge and surrounding frontages.*
- 7.5 CAAP Policy 26 relates to 'The Waterside: Brampton Branch St Peters Way' site. This is formed by 4 distinct parcels of land: the application site to the south of the river; an area further north bound by the river, St Peters Way and Towcester Road; a small parcel of land bound by Tanner Street and St Peters Way; and a linear parcel bound by St Peters Way and Foot Meadow. The policy calls for a development primarily focussed on commercial office space and also sets out a number of criteria which should be met by development on the site as a whole, including *"A publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafés, restaurants and bars"*.
- 7.6 The applicants have argued, through their agents, that the proposal should be considered as ancillary retailing, as this represents only a small proportion of the overall floorspace area as covered by Policy 26 (3,902m² out of a total of 43,000m², which is 0.9%). However, whilst the floor area does represent a small proportion when set out in these terms, the overall site area represents a much larger proportion of the wider Policy 26 site and cannot be considered ancillary. Furthermore, the development as set out in the indicative layout provided with the application is of a retail park which does not provide a publicly accessible square and which turns its back on the river. This is an outline application with all matters other than access reserved, meaning that the envisaged square could potentially be provided when details are submitted at reserved matters stage. However, the fact remains that the uses as proposed cannot be considered as being ancillary to an office development, and would clearly draw the majority of their custom from the general public, whilst also drawing some custom from office workers.

The Sequential Assessment of Alternative Sites

- 7.7 The NPPF directs that a sequential test should be applied to applications for main town centre uses not in an existing centre and not in accordance with an up to date local plan.

- 7.8 The site is not in an existing centre (identified as primary or secondary shopping areas or a district or local centre) and as set out elsewhere in this report does not accord with adopted policy as the proposal is not for ancillary retail. It is therefore necessary for a sequential assessment to be undertaken, and within this consideration must be given to the possibility of disaggregating the various uses proposed, a principle which has been established in caselaw.
- 7.9 The proposal is not straightforward in that flexible uses are proposed, with a maximum floorspace of 3,902 square metres. Within this maximum floorspace various Use Classes are also proposed. The parameters in Paragraph 2.1 set out the maximum floorspace for each Use Class.
- 7.10 The applicants have submitted a sequential assessment, which considers vacant shop units within the borough which potentially could be utilised for the proposed retail and leisure uses, and which are in a sequentially preferable location, i.e. within the town centre or a district or local centre.
- 7.11 The sequential assessment considered sites within the town centre and the St James and Kingsthorpe district centres.
- 7.12 As part of this test, consideration should also be given to the disaggregation of the uses proposed, that is to say considering whether the different proposed uses could be located at separate locations however, it is considered in this case that this is complicated by the fact that these uses may not all form part of the final development.
- 7.13 In analysing the units available, the majority of those identified in the submitted sequential test have a small floorspace and could not accommodate any of the proposed units.
- 7.14 However, since the submission of the application and the associated sequential test, there have been changes in the vacancies of shops in the town centre, in particular the closure of House of Fraser and the relocation of Next and Primark into this store, which leaves the current stores of these two companies vacant. These would represent sequentially preferable locations for the proposed comparison goods floorspace, which are available. Therefore it must be concluded that the application fails the sequential test.
- 7.15 The NPPF states at Paragraph 27 that where an application fails to satisfy the sequential test, it should be refused.
- 7.16 Case law has determined that failure of the sequential test need not result in a refusal, the extent and consequence of the breach of the sequential test are capable of being outweighed by other material considerations, such as the economic benefits the development would bring to the area. This is discussed later in this report.

The Potential Impact on the Town Centre

- 7.17 The application is in outline form for a range of uses with no end-user in mind. The purpose of the application is therefore to establish the principle of retailing on the site. The impact assessment submitted by the applicant in support of the application has been prepared with a generic mix of uses. In the reports submitted with the application, it is concluded that convenience and comparison goods impact from the proposed development is expected to have no harmful effects on the town centre, whether configured as a bulky goods store or standard retail food and non-food, unrestricted A1 units.
- 7.18 The food element of the application at 1,700sqm gross is of a size that could be generally expected to be occupied by a limited discount retailer such as Aldi or Lidl, but could potentially be occupied by other retailers. To ensure only a limited discounter occupies the unit, the applicant is willing for this to be restricted by condition, and such a condition is proposed. It is considered that this format, on its own, would have a limited impact on the town centre and other near-by identified centre such as St. James and Far Cotton. However the nature of the proposal is such that this element of the scheme cannot be considered in isolation from the remainder.
- 7.19 The application as originally submitted proposed a non-food floorspace of 3,902m². This was a cause for significant concern as this would have had a significant impact on the town centre. This element has, therefore, been amended to a maximum of 2,276m² of open A1 non-food retail but with a maximum of 3,902m² for bulky goods, which therefore means that the whole of the development could consist of bulky goods.
- 7.20 Whilst this is a reduced figure, the 2,276m² of open A1 non-food floorspace is still of concern in relation to the impact on the town centre, especially as this could be a single unit.
- 7.21 Also of concern is the potential for a range of uses, including café and restaurant uses as well as retail, which could provide an alternative destination for all needs to the town centre.
- 7.22 The proposal is, on the basis of the application as submitted, considered likely to cause harm to the town centre in terms of trade diversion particularly in the event of a single unrestricted non-food A1 operator. In addition, by providing out of centre floorspace which would not only compete with the town centre on its own, it will reinforce the already strong performance of the wider area to the south of the river as a retail / leisure destination in its own right, contrary to the NPPF and the strategic objectives of the CAAP.

- 7.23 In order to clarify the extent of this impact the proposals have been assessed by independent retail consultants and it has been determined that the cumulative impact of this and other committed developments would equate to a 5.9% loss of trade to the town centre. Such impact whilst not immaterial, would not give rise to significant impact in NPPF terms.
- 7.24 The situation is further complicated by the currently outstanding inspector's decision on the Rushden Lakes application. If this is approved the town centre would be in a much weaker position, and the loss of trade as a result of this proposal would be more significant. However, as the decision on the Rushden Lakes application may be several months away it would be unreasonable to further delay the determination of the current proposals.

Wider Benefits of the Proposal

- 7.25 The failure of the sequential test and the impact of the development needs to be balanced with the potential wider benefits of the proposal.
- 7.26 The applicants submit that the proposed development is required as "enabling" development, which would facilitate the development of other land in the applicants' ownership in accordance with CAAP Policy 26.
- 7.27 In this respect a legal agreement, outside of the planning process, has been entered into between WNDC and National Grid. Following the abolition of WNDC this has transferred to the Council. This provides for the demolition of redundant gas holders, completion and assembly of the St Peter's Way Site for onward disposal for offices in accordance with CAAP Policy 26, remediation and marketing of the remainder of the National Grid landholdings, thereby enabling these key sites within the Enterprise Zone to come forward for development ahead of the timetable which would have been in place if forward funding had not been made available. It is considered that these proposals build on the development demand arising from the station project and the University of Northampton Innovation Centre at Black Lion Hill.
- 7.28 It has been confirmed by the applicants that National Grid is incurring significant costs in undertaking works associated with clearing the gasholder sites and is argued by them that the application proposal represents the only opportunity for enabling development to facilitate to comprehensive regeneration of the National Grid sites. The applicants have also provided some information on the viability of office and residential uses, asserting that these will not bring about an acceptable level of return, sufficient to justify the expense associated with the demolition and remediation of the sites.
- 7.29 It is therefore accepted on this basis that the elements of the proposal would represent enabling development and would provide wider economic and environmental benefits.

Section 106 contributions

- 7.30 Whilst it has been accepted that the proposal would represent enabling development, it is considered necessary to offset the impacts on the town centre as a result of the development and to provide some of the wider benefits as set out in the CAAP.
- 7.31 In order to enhance the pedestrian environment to promote walking between the site and the Town Centre improvements to Horsemarket are required in the form of enhanced public realm. This will assist in improving the attractiveness of the town centre, which will assist in addressing the trade diversion concerns mentioned above. The contributions towards these works would be set at 50% of the paving cost.
- 7.32 Comments from County Council Development management request contributions for Fire and Rescue, the provision of sprinkler systems and the provision of channels for future broadband installation. There is, however, no policy basis to require these.

Design of the Development

- 7.33 The application is made in outline only, with all matters reserved other than access. The detailed design will, therefore, be the subject of a reserved matters application. An indicative design has nevertheless been submitted as part of this application.
- 7.34 This shows a traditional retail park, accessed by means of a private road off Towcester Road and consisting of individual units located around a central car park.
- 7.35 As referred to above, Policy 26 refers to ancillary retail on the site in the form of a publicly accessible square, which is a very different form of development to that proposed.
- 7.36 Policies 25 and 26 also focus on the need for public access to the water's edge and for buildings to positively address the waterside. This is not provided for in the indicative layout.
- 7.37 However, it would be possible, at reserved matters stage, for a design to be submitted which would more closely match policy aspirations. It is suggested that any approval should include a condition to this effect.

Impact on the Highway Network

- 7.38 In respect of the potential impact on the highway network, the transport assessment submitted by the applicants has been considered by the Highway Authority and is considered acceptable.
- 7.39 The Highway Authority has raised concerns regarding the details of the internal parking and vehicle manoeuvring layout, and the access to the car park from the internal private road. However, as this is an outline

application with all matters other than the access being reserved, these issues can be resolved at the reserved matters stage.

- 7.40 Possible additional pedestrian crossing locations have been also been indicated, the comments from the Highway Authority confirm that these are acceptable. These would have to be secured by an agreement with the Highway Authority, and in order to ensure that these are provided a Grampian condition is proposed.

Flood Risk

- 7.41 The site is located within Flood Zone 3a, which is defined as being at a high risk of flooding. Guidance in the NPPF seeks to direct many forms of development away from such zones; however it also defines “less vulnerable” uses which are compatible with such a location. This includes shops, restaurants and assembly and leisure uses, as proposed in this case. The location of the development within the flood zone is therefore acceptable in principle.

- 7.42 It is nevertheless necessary for the flood risk associated with the development to be assessed. In this regard a Flood Risk Assessment was submitted with the application, and subsequently revised, which assesses the flood risk associated with the site and sets out the drainage strategy, this has been considered by the Environment Agency and the revised version is considered by them to be acceptable, subject to the conditions as proposed.

Health and Safety

- 7.43 The site was until recently an active gas storage facility and is a contaminated site which will require remediation. Conditions will be required which will ensure remediation of the site.
- 7.44 The site also has an active consent for the storage of hazardous substances. Advice has been taken in this regard and it has been confirmed that the consent would automatically lapse on the sale of the site by National Grid.

8. CONCLUSION

- 8.1 National and Local Policy is clear that town centre uses should be located in the Town Centre. The proposed site is not in the town centre and due to its proximity to the Primary Shopping Area it is considered out-of-centre. Due to the retail nature of the proposal and its location the impact on the Town Centre has been assessed along with an assessment of other sequentially preferable sites. To this end there are more sequentially preferable sites and an impact on the Town Centre has been identified. However, case law determines that this does not need to be the overall determining factor and with this in mind other material considerations have been balanced against these issues. The site forms part of a larger development site within the

CAAP, whilst policy 26 does allow for some ancillary retail space the proposed scheme is by no means ancillary in nature. However, the development of this site as proposed will for the reasons discussed above help realise the aspirations of Policy 26 in the round and will bring about both environmental and economic benefits that outweigh the impact on the town centre and the failure of the sequential test.

9. CONDITIONS

(1) Approval of the details of the appearance, landscaping, layout and scale ("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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(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 the expiration of three 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) This approval shall be in respect of the access to the site only and does not include approval of the internal access and vehicle manoeuvring arrangements which shall be submitted in revised form, as part of the reserved matters applications.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy 1 of the Northampton Central Area Action Plan.

(5) The landscaping details to be submitted as part of the reserved matters applications shall include, as part of the proposals a landscaping strategy for the river frontage.

Reason: To ensure compliance with Policy 26 of the Northampton Central Area Action Plan which requires softening of the heavily engineered banks of the river and easier access to the water's edge.

(6) Notwithstanding the submitted indicative drawings, the reserved matters submission for the appearance, layout and scale of the development shall endeavour to deliver where practicable the objectives of CAAP policies 25 and 26, in particular the provision of public access to and positive addressing of the water's edge.

Reason: To ensure compliance with Policies 25 and 26 of the Northampton Central Area Action Plan.

(7) 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.

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

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

(9) Prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the Protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the

(10) Prior to submission of reserved matters applications a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- If the outfall of the attenuation facility is likely to be submerged in 0.5% (1 in 200 chance) rainfall event then within 24 hours of top water level being attained in a 0.5% (1 in 200) probability flood event the regulation facility must be capable of storing 80% of the additional run-off arising from a 10% (1 in 10) probability flood.
- SUDs features on site to be in accordance with Table 12.1 of the Northampton Level 2 SFRA.
- An assessment of overland flood flows.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site. In accordance with the NPPF.

(11) No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters. In accordance with the NPPF.

(12) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters In accordance with the NPPF.

(13) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that any infiltration drainage system such as soakaways are not located in potentially contaminated ground, which may increase the potential risk posed to groundwater. In accordance with the NPPF.

(14) No development shall commence until a scheme for the provision of additional pedestrian crossings has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the crossings have been laid out and constructed in accordance with the approved details.

Reason: In the interests of Highway and Pedestrian Safety, in accordance with the NPPF.

(15) No part of the development on the site shall be occupied until the hazardous substances consent relating to the Northampton (South) Gasholder Station at Towcester Road has been revoked in its entirety in accordance with the Planning (Hazardous Substances) Act 1990 as amended, and written confirmation has been issued by the Hazardous Substances Authority.

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

(16) No development shall take place within the area indicated until the applicant, or their agents 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 Paragraph 141.

(17) The total floor space of the development shall not exceed 3,902 sqm (gross internal) including any mezzanine.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(18) Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 1,700 sqm (gross internal) and shall be no less than 850 sqm (gross internal) in any single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(19) The unit as defined in condition 18 and hereby permitted shall be occupied as a Limited Assortment Discounter only. For the avoidance of doubt this is defined as follows –

- The convenience goods sold from the store shall consist of predominantly (i.e. no more than 50%) own label products.
- The range of convenience goods product lines sold from the store shall not exceed 2,000 lines.

- No separate franchises shall operate within the store.
- There shall be no separate service counters within the store.
- The store shall not incorporate a cafeteria or restaurant.
- The store shall not sell tobacco products, newspapers.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(20) No more than 3,902 sqm (gross internal) shall be used for bulky goods retailing with a minimum unit size of no less than 750 sqm gross internal. The total number of units in this use shall not exceed 5.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(21) The bulky goods floorspace shall be used only for the sale of furniture; carpets; floor coverings; DIY products including materials and accessories; home improvement products including fabrics and furnishings; glassware; cookware; kitchen utensils; white electrical goods; auto motive and cycle parts and accessories; pet food and accessories; garden tools, products and accessories; outdoor recreational equipment; and arts and crafts materials.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(22) No more than 2,276 sqm (gross internal) shall be used for unrestricted comparison goods retailing with a minimum unit size of 750 sqm (gross internal). The total number of units in this use shall not exceed 3..

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(23) No more than 650 sqm (gross internal) shall be used for Use Class A3 with a minimum unit size of 139 sqm (gross internal). The total number of units in this use class shall not exceed 3 of which no more than 1 unit should comprise a restaurant and no more than 1 unit should comprise a coffee shop.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(24) No more than 836 sqm (gross internal) shall be used for Use Class A4 with a minimum unit size of 279 sqm (gross internal). The total number of units in this use class shall not exceed 2

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(25) No more than 557 sqm (gross internal) shall be used for Use Class A5 with a minimum unit size 139 sqm (gross internal). The total number of units in this Use Class shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(26) The total number of units in use classes A3, A4 and A5 shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(27) No more than 1394 sqm (gross internal) shall be in use class D2 with a minimum unit size of 750 sqm (gross internal). The total number of units in this use class shall not exceed 1.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

10. BACKGROUND PAPERS

10.1 Application File N/2013/1143.

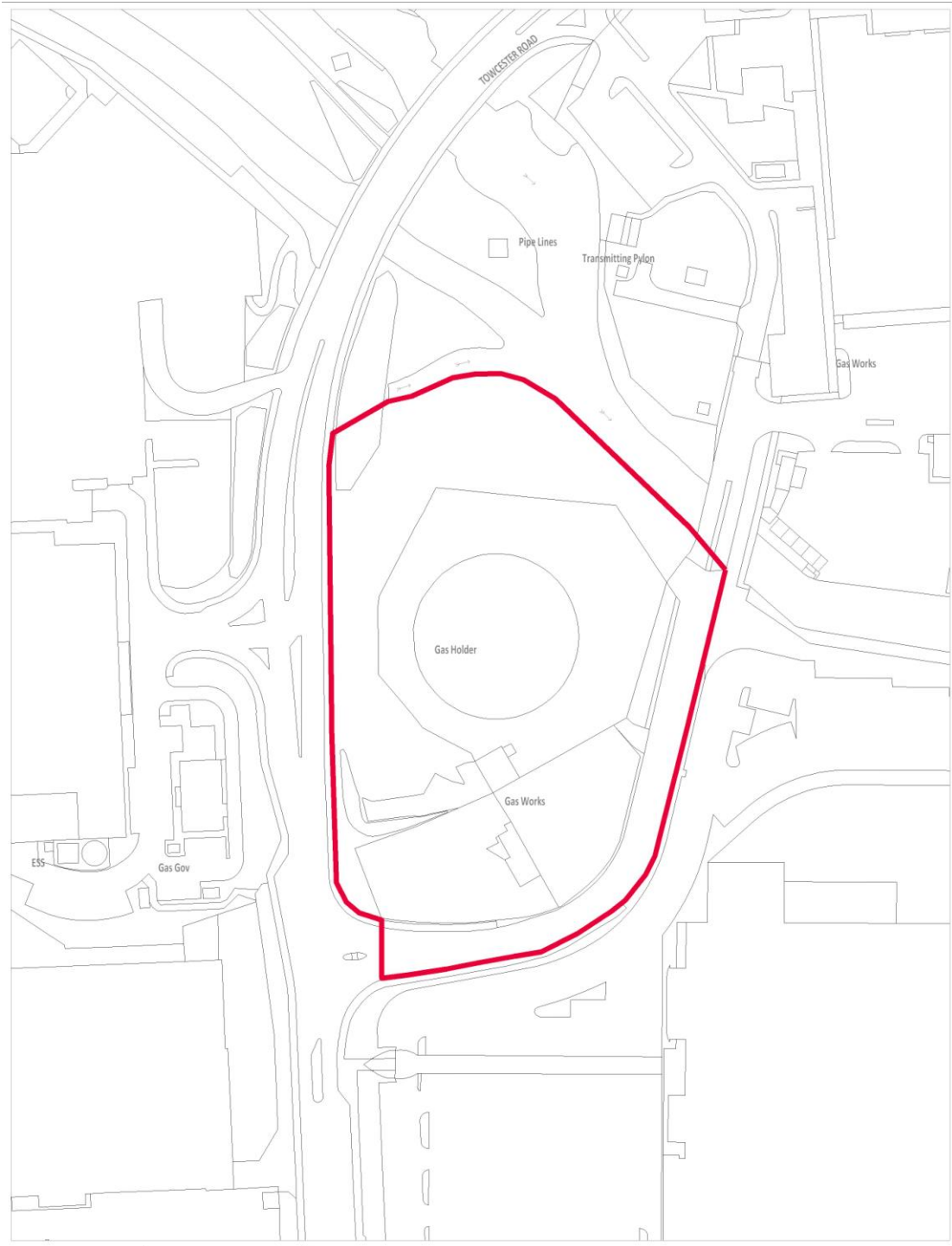
11. LEGAL IMPLICATIONS

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.

TMiller 30 May 14



Name: **Planning**
Date: **18th February 2014**
Scale: **1:1250**
Dept: **Planning**
Project: **Committee**

Title

Former Gas Holder Site, Towcester Road

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1263: Erection of 38 no. new dwellings comprising 12 no. flats and 26 no. houses with associated parking and installation of new access road at land between Booth Rise and Talavera Way

WARD: Boothville

APPLICANT: Westleigh Developments Ltd
AGENT: RG+P

REFERRED BY: Head of Planning
REASON: Major development requiring a Section 106 Agreement and affecting land owned by Northampton Borough Council

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development, subject to conditions, would represent the satisfactory reuse of the land and contribute to the established housing need in Northampton. The development is of a satisfactory design and layout and would not impinge upon the amenities of surrounding occupiers or highway safety. The development is therefore in accordance with the National Planning Policy Framework and Policies E19, E20, E40 H7 and H32 of the Northampton Local Plan

1.2 The prior completion of a Section 106 Legal Agreement to secure:
i) 35% of the development to be used for affordable housing;

- ii) A financial payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;
 - iii) A financial payment to fund highway improvement works within the vicinity of the site;
 - iv) A financial payment to fund the provision of two bus shelters and their ongoing maintenance within the vicinity of the site;
 - v) A financial payment to fund the provision of primary and secondary school education facilities within the vicinity of the site;
 - vi) Construction worker training opportunities; and
 - vii) The Council's monitoring fee.
- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at her discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The applicant seeks full planning permission to erect 38 dwellings. These comprise 16 two bedroom houses, 10 three bedroom houses and 12 one bedroom flats. The houses would be two storeys in height, whilst the flats would have a height of three storeys. The development includes the provision of 48 off street car parking spaces. The development would be accessed via a new roadway that would run from the original section of Booth Rise, which is situated to the west of the application site, and would utilise an existing turning area.
- 2.2 A proposal for this site was considered at the April committee meeting, where members resolved to refuse the application due to the potential for anti-social behaviour to emanate from people congregating outside of the then proposed retail unit and that it was considered that the proposal would represent an out of character development.
- 2.3 Prior to the decision notice being issued, the applicant substantially revised the scheme. These amendments broadly comprise the deletion of the retail unit from the scheme, the addition of bay windows to selected elevations of the residential units and the enhancement of existing landscaping. Supplementary information has also been submitted regarding ecology, archaeology and the character of the surrounding area. In addition, a feasibility study regarding the creation of an additional pedestrian crossing in Booth Rise has been undertaken. As the proposal is now materially different from that previously considered, it necessary to reassess the merits of the proposal.

3. SITE DESCRIPTION

- 3.1 The application site is a vacant plot of land situated between Booth Rise and Talavera Way that is not allocated for any particular purpose in the Local Plan or any other planning document. The site features a number of variations in land levels and is currently in a somewhat overgrown state. The site also features a number of trees.
- 3.2 The surrounding area is characterised by the presence of residential accommodation, which broadly comprises older houses and bungalows of traditional appearances that run alongside Booth Rise and Thorpeville in a ribbon pattern and more recent residential developments. The most prominent of these is the Booth Park development, comprising 111 dwellings, which is in the process of being constructed, with some dwellings now being completed and occupied. The surrounding buildings are typically of one or two storeys in height, although there is a three storey block of flats at 69-71 Booth Rise, whilst the Booth Park development also includes some buildings of three storeys. As a consequence of this, there is a significant mixture of building types within a comparatively short distance which results in a very varied streetscene.
- 3.3 The site is adjacent to Booth Rise, which serves as one of the main routes into Northampton from Kettering. The site is also adjacent to the Spinney Hill roundabout, which forms a junction between Booth Rise, Thorpeville and Talevera Way, in addition to access to Stone Circle Road.

4. PLANNING HISTORY

- 4.1 None relevant.

5. PLANNING POLICY

Development Plan

- 5.1 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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

National Policies

- 5.2 The National Planning Policy Framework (hereafter referred to as the NPPF) requires that all planning applications are determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. Of particular note to this application is that Paragraph 49 requires that proposals for housing

should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

- 5.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Northampton Local Plan

- 5.4 Although substantially dated, there are a number of policies that are relevant to this application. These include E11 that requires developments to have a neutral impact upon trees of significant value; Policy E19 requires the securing of adequate mitigation; E20 that states that developments should be of a satisfactory standard of design; and E40 that compels developments to be designed in such a way so as to minimise opportunities for crime and anti-social behaviour.
- 5.5 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

5.6 Supplementary Planning Guidance

Affordable Housing
Developer Contributions
Parking
Planning out Crime

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

- 5.7 Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS

provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.

- 5.8 Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.9 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.10 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

- 6.1 **Anglian Water** – Request a condition that would require the submission and agreement of a drainage strategy prior to the commencement of development.
- 6.2 **Arboricultural Officer (NBC)** – Have reviewed the revised plans and there are no objections, but recommend that in the event that the application is approved it should be subject to a condition requiring the submission of a landscaping scheme and for this to be maintained.
- 6.3 **Archaeological Advisor (NCC)** – The site is located adjacent to an area where an extensive amount of historical information has been identified. No archaeological work has been carried out on this site and therefore a condition is recommended that would require an on-site investigation.
- 6.4 **Construction Futures** – Request the securing of training opportunities and funding for construction worker trainees.
- 6.5 **Development Management (NCC)** – Request Section 106 obligations for the provision of primary and secondary education, the fire and

rescue service, the library service and for the provision of a fire hydrant.

- 6.6 **Environment Agency** – No objections, subject to conditions relating to drainage.
- 6.7 **Environmental Health (NBC)** – It is advised that a condition is attached to any approval requiring the remediation of any potential naturally occurring contamination. The applicant has demonstrated that noise levels to future residents of the development can be mitigated.
- 6.8 **Highways Agency** – No objections.
- 6.9 **Highway Authority (NCC)** – Support the application. It is requested that a condition is attached to any permission requiring the submission of a travel plan. In order to encourage the use of more sustainable means of travel, it is recommended that additional bus shelters are provided to serve the existing bus stops.
- 6.10 The proposal is likely to result in the increase in usage of the Round Spinney roundabout by approximately 2.5-3.5%. In order to ensure sufficient highway capacity, a Section 106 obligation should be entered into that would fund improvements to the roundabout and would also include the provision of traffic signals on the approach to the roundabout on Booth Rise. The County Council has devised a programme to address the other approaches to the roundabout.
- 6.11 **Housing Strategy (NBC)** - The mix in terms of tenure and sizes is consistent with meeting needs within the Borough. The houses with gardens will address the needs of families, whilst the one bed flats also meet the significant need for these types of properties that exist in the area. The Council should seek 35% of the development for affordable housing, which would be split on a 70% rent/30% intermediate basis. The development would also address local housing needs as the future residents would have a significant local connection (e.g. have resided in the Borough for at least the last three years). The scheme has secured the necessary funding and is therefore deliverable. The application also supports the Council's Corporate Plan (2014 Update) in assisting in the delivery of affordable housing.
- 6.12 Although a small site, the development would contribute towards meeting the objectively assessed housing needs for Northampton. The site would also assist in meeting the critical requirement for a five year housing land supply.
- 6.13 **National Grid** – The site is in the vicinity of National Grid apparatus. The attention of the developer is drawn to various guidance points.

- 6.14 **Northamptonshire Police Crime Prevention Design Advisor** – The proposed development has been assessed and there are no objections.
- 6.15 **Urban Designer (NBC)** – The scheme has been revised to improve the character and appearance of the development. The parking arrangement for Plot 16 is acceptable as this is a more open corner plot. Further details of surface treatments and boundary treatments are required. The latest amendments to the plans have been considered and there are no objections.
- 6.16 **Western Power** – No objections
- 6.17 **Michael Ellis MP** – Objecting as the site is unsuitable for housing due to its proximity to busy roads. The site has formed a buffer between developments. The development would adversely affect the amenity of existing residents.
- 6.18 **County Councillor M. Hallam** – Objecting as the site is not suitable for development and the site has historically formed a buffer between houses and busy roads. The Round Spinney roundabout cannot take any more additional traffic. The revised plans remove the shop, but there are concerns regarding the level of traffic that the development would generate. In particular, it is considered that the development fails to comply with Local Plan Policies E20 and H7.
- 6.19 **38 letters of objection**, which were received in respect of the original scheme. Comments can be summarised as:
- The area is heavily congested by traffic, which would be exacerbated by the proposed development. Traffic surveys have not been carried out at the busiest times.
 - The site of the proposed site entrance is often used for car parking by existing residents. Therefore the proposed development would increase parking problems.
 - Insufficient car parking has been provided in the development.
 - The development would be an out of character form of development. Booth Rise is characterised by 1930s dwellings.
 - The development would result in the loss of areas of green space, which are of use to the local community. The loss of areas of planting is also to be regretted.
 - New development should be directed towards previously used land.
 - The development should be assessed in conjunction with the Booth Park development and the proposed Northampton North Sustainable Urban Extension. There should be a comprehensive approach to traffic management.
 - The site is unsuitable for development due to the differing land levels and drainage easements on site.
 - There is a lack of local facilities, such as school places.

- There was no public consultation prior to the application being submitted.

6.20 **Seven objections** to the revised scheme have been submitted. Comments can be summarised as:

- The site is still unsuitable for residential accommodation.
- The development would contribute to existing congestion.
- The proposal is not in keeping with Booth Rise.
- Schools in the neighbouring area are at capacity.

7. APPRAISAL

Principle of the development

- 7.1 As stated within Section 5 of this report, the NPPF requires a five year housing land supply to be demonstrated. At present, Northampton cannot demonstrate such a supply. Accordingly, the relevant Local Plan Policies are considered to be out of date and as a consequence can only be given a comparatively small amount of weight in the determination of this application. Given that the development would provide additional housing, it therefore follows that the proposed development would make a contribution to the established housing need within the Borough (as identified by JCS Policy S4). The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions). It is considered that due to the prevailing character of the site and surroundings and its lack of specific allocation in the Development Plan, the development of housing within the site contributes to meeting this objective.
- 7.2 The over-riding principle of the NPPF is that in instances where a Local Plan is out of date, the greatest weight should be given to the matter of providing sustainable developments. By reason of the site's location adjacent to a major route, proximity to public transport links and employment sites and neutral impact upon ecology, the proposed development is sustainable and in line with national planning policies.
- 7.3 It is accepted that the site currently serves as a landscaped buffer between Booth Rise and Thorpeville, however, the site does not have any specific allocation in the Development Plan. As a consequence of this, alternative uses for the site can be considered. Due to the significant distance between Booth Rise and Thorpeville and the presence of other areas of allocated open space within the general vicinity, it is considered that the development would have a neutral impact upon the area's character. Therefore there is no over-riding planning policy objective that would require the retention of this site as open space.

Landscaping and Ecology

- 7.4 The proposal has been revised to delete the retail unit from the scheme. This allows for a greater level of existing landscaping to be retained to the north of the site, which reduces the impacts of the development.
- 7.5 The presence of trees on this site is an important characteristic of the streetscene; however, it is understood that these are generally poor specimens that are not necessarily of good species or health and therefore their removal would not be contrary to the requirements of Local Plan Policy E11. The removal of these trees would be mitigated through the submission of a landscaping scheme that would ensure that those trees capable of retention are maintained and replacement planting takes place.
- 7.6 As the site is undeveloped, the applicant has undertaken a full ecological assessment. This assessment concludes that as the bulk of the site is open without a water body it could not support a population of otters, water voles or great crested newts. The likelihood is that the site would not be colonised for reptiles due to the application site being isolated from other areas of open space due to the presence of road surrounding the site. There is also no record of reptiles being found in the vicinity of the site. The presence of badgers has been investigated and no evidence found. Although bats may have been seen on the site, it is exceedingly likely that their presence is a result of food gathering over a much wider area and as a consequence the development of this site would not harm the bat population. There is evidence that the site has been used for nesting birds; however, these are unlikely to be significant in number or species. In addition, the impacts of the development can be mitigated through the planting of additional trees. Therefore, for the foregoing reasons, the development would not pose an unacceptable detrimental impact upon the natural environment.

Air Quality, Noise and Contamination

- 7.7 The applicant has submitted an air quality assessment, which has concluded that the air quality surrounding the application site is sufficient to ensure a satisfactory standard of residential amenity for the future residents of the development.
- 7.8 The advice of the Council's Environmental Health section is that the development be permitted subject to a condition requiring that the recommendations of the applicant's noise mitigation strategy are implemented in order to ensure a satisfactory level of residential amenity. As part of their submission, the applicant has investigated the potential for contamination on the site. As a consequence of this and due to the potential residential use of the site, a number of conditions are recommended that would secure the remediation of naturally occurring contamination.

Drainage

- 7.9 There were initial objections to the proposal from the Environment Agency; however, the developer has revised the scheme to address these comments, which, subject to conditions, have been sufficient to allow the Environment Agency to remove their objections to the proposal and there are now no planning reasons as to why the scheme should not progress on these grounds.
- 7.10 In order to mitigate the impacts of the proposed development, it is recommended that a condition be attached to any approval that would require the submission of a Construction Environmental Management Plan. This would include details pertaining to the phasing of the development, hours in which construction works would take place and methods for the suppression of construction noise and dust.

Archaeology

- 7.11 There is some potential for items of archaeological interest to be found during the development process; however, due to the pattern of development within the surrounding area, it is likely that such deposits would be significantly truncated. Accordingly, a condition requiring the further investigation of matters of archaeological interest is appropriate and in line with the specialist advice that the Council has received on this matter.

Design and Layout

- 7.12 The design of the dwellings has been revised during the application process. In particular the palette of materials has been changed to focus on red bricks. The level of rendering has also been reduced and is now predominantly used to add interest and emphasise elements of the building. This design approach is suitable given the traditional form of the surrounding properties. The development has also been revised to include bay windows on a number of prominent elevations, which reflects features that are common on a number of existing dwellings. As there is a variety of housing within the vicinity of the application site, it is considered that there is no dominant character, the development would not adversely affect the character of the site's surroundings or breach Local Plan Policy E20.
- 7.13 The houses are of two storeys in height, whilst the flats would have a height of three storeys. It is considered that these heights are suitable given the wide variety of building heights within the vicinity of the application site as discussed in paragraph 3.2, the siting of the two 3 storey buildings adjacent to Booth Rise is appropriate on account of this providing a suitable feature on the edge of the development, whilst ensuring that it would not lead to a loss of light, outlook or privacy to the occupiers of the surrounding proposed and existing dwellings.

- 7.14 Notwithstanding the contents of Paragraphs 5.2 and 5.3 of this report, Local Plan Policy H7 is of some relevance to this application. As the proposed development would secure a satisfactory level of amenity for existing and future residents and would not unduly impact upon the area's character, it is considered that this policy has been complied with.
- 7.15 It is recognised that due to the varied topography of the site, it would be necessary to carry out some alterations to the site's levels. In order to ensure that these works do not harm the amenity of existing residents, a condition is recommended that would ensure that these works are approved by the Council prior to any works commencing.
- 7.16 Each of the houses would have a sufficient separation distance, which ensures that all residents of the development have a suitable level of light, outlook and privacy. In addition all of the proposed dwellings would have a suitably sized rear garden. This is of particular importance due to the presence of family housing in the development. The layout of the section surrounding the flats has been revised so that the cycle storage is sited adjacent to the entrance to the flats. This arrangement is likely to encourage the usage of this facility due to the more attractive location and greater security. This promotes more sustainable means of travel. This is in accordance with the NPPF and Local Plan Policy E40.
- 7.17 The residential development includes 48 car parking spaces. This provides an average provision of approximately 1.3 spaces per dwelling. Whilst this level of parking is less than the maximum level specified in the Parking Supplementary Planning Guidance, the provision is acceptable given that the predominance of the development is given over to the provision of one and two bedroom dwellings. Furthermore, the site is in close proximity to a bus stop in Booth Rise and cycle storage has been provided for the flats. Therefore, the proposal has addressed the likely parking needs arising from the development.
- 7.18 The proposed parking spaces are either situated within the curtilages of dwellings or in areas that would be habitually overlooked and benefit from natural surveillance. It is accepted that one dwelling (Plot 16 to the west of the site) features two car parking spaces to the side of the property. These spaces would feature from some surveillance from the associated dwelling and would benefit from natural surveillance arising from the prominence of the space. For these reasons, the proposed parking arrangement is acceptable and in compliance with Local Plan Policy E40.
- 7.19 The development would secure the provision of at least 35% of the development for affordable housing, which assists in creating a mixed community and addressing a need for such housing within

Northampton. In order to ensure that a mixture of house types are made available on affordable tenures, the legal agreement would secure the provision of six 1 bedroom flats, five two bedroom houses and three 3 bedroom houses for these purposes.

- 7.20 The proposal would provide a variety of housing in terms of type and sizes. In addition, and in conformity with Local Plan Policy H17, a condition would secure 10% of the development to be constructed to the Council's mobility standards. This ensures that a variety of housing would be provided to meet the varied needs of the community. Furthermore, the Section 106 Agreement would ensure that these dwellings are available to future residents on a variety of tenures. As a consequence, the requirements of NPPF Paragraph 50 have been complied with.
- 7.21 The applicant has revised the scheme to delete the retail unit from the proposal. This has resulted in the provision of a substantially larger area of landscaping towards the north of the site. This reduces the impacts of the scheme as a greater area of green space would be provided that would assist in the retention of the site's existing character and provide a larger buffer between the built form and Talavera Way. In addition, the greater amount of landscaping would provide additional screening of views from the north, which would offer additional mitigation of the proposed development.

Highways implications

- 7.22 As discussed previously, the development includes sufficient parking to meet the likely needs arising from the development. Furthermore, the layout of the development has been revised so that internal junctions in the development have sufficient visibility to avoid highway and pedestrian safety being compromised.
- 7.23 It is accepted that the development would increase road traffic use within the vicinity, which should be seen as being in conjunction with the impacts of the new residential development on the opposite side of Booth Rise and the impacts of the potential Northampton North Sustainable Urban Extension (planning application currently undetermined by Daventry District Council); however, the applicant has undertaken an assessment of the likely traffic arising from the proposed development. The deletion of the retail unit from the proposal would also reduce the level of traffic entering and leaving the site as a significant attraction has been removed from the site.
- 7.24 The application has been assessed by the Highway Authority and no objections in principle have been received. It is accepted that the development is likely to increase the usage of the surrounding road network, including Booth Rise and the Spinney Hill roundabout, which has minimal spare capacity. Whilst the scale of the development is relatively small, the context of the application site is such that mitigation

is required. The Highway Authority has devised a programme for general improvements within the vicinity, which can be extended in order to provide direct mitigation for the proposed development. This would include some alterations to increasing the capacity of the roundabout and introducing traffic signals within Booth Rise on the approach to roundabout.

7.25 The application site is in close proximity to two existing bus stops that are located to the south of the site. These stops are approximately 175m and 220m away from the site's entrance. This provision ensures that there is adequate access to such facilities, which would encourage the use of public transport. The pedestrian crossing (which is necessary to access south bound services) features a refuge within the middle of the carriageway, which eases crossings. As part of their submission, the applicant has considered the possibility of installing a crossing closer to the application site; however, this has been discounted due to the potential adverse impact on highway safety as the crossing would be located in close proximity to a curve and near the Round Spinney roundabout. Therefore, it can be concluded that the measures would directly alleviate the impacts of the proposed development and would therefore render it acceptable.

7.26 In order to encourage more sustainable means of transport, the Section 106 Agreement would also secure new bus shelters for the existing bus stops in proximity to the site. This would provide a more attractive facility for passengers and would encourage usage. This could potentially reduce the number of car journeys emanating from the proposal and would support the creation of a sustainable development as required by the NPPF. A condition is also recommended that would require the submission of a travel plan. These measures would assist in mitigating the impacts of the development and directly relate the type and scale of the proposal.

7.27 The Highway Authority has also confirmed that as part of their planned upgrades to the road network surrounding the application site, there will be a review of pedestrian crossings in Booth Rise. Accordingly, the wording of this legal obligation has been phrased in such a manner to allow the financial payment to be used for this purpose if required.

S106 Legal Agreement

7.28 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and

- iii) Fairly and reasonably related in scale and kind to the development.
- 7.29 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies. As discussed in paragraphs 7.24 – 7.26, the legal agreement would also secure improvements to the highways system.
- 7.30 It is recognised that the development would provide a comparatively high number of family accommodation units. However, it is noted that the closest primary school (Boothville Primary) currently is currently operating at 95% capacity in six of its seven year groups. The County Council will be undertaking a programme of expansion at this school (including the provision of new permanent classrooms) in order to alleviate some of the pressure for school places. In terms of secondary school education, the site would be served by the Northampton Academy, of which four out of the five year groups are operating at over 95% capacity. The County Council is undertaking a review of secondary school provision within the Borough, with sites for a new secondary school being considered. As a consequence of the nature of the development and the fact there are programmes in place that would directly mitigate the impacts of the development, financial contributions towards education provision are necessary and reasonable.
- 7.31 By reason of the nature of the development (i.e. predominantly family residential accommodation), it is likely that demand for and usage of public open space would increase. Open space within the Borough was surveyed as part of the process which culminated in the adoption of the Developer Contributions Supplementary Planning Document. Within the area surrounding the application site, it was concluded that there were deficiencies in the quality and quantity of allocated open space, with these deficiencies projected to exist in the future. Accordingly, and in line with the requirements of the Developer Contributions SPD and Local Plan Policy E19, it is recommended that an obligation be included as part of the Section 106 Agreement to fund improvements and/or enhancements to open space within the vicinity of the application site in order to ensure that the future residents of the development have suitable access to such facilities.
- 7.32 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.
- 7.33 As discussed previously, it is also recommended that the Section 106 Agreement include a payment towards the provision of highway improvements.

7.34 The County Council has also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured needs would be addressed by this obligations. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.

8. CONCLUSION

8.1 The development represents an acceptable use of the land and would not be detrimental to the character and appearance of the locality. The development would not have an adverse impact upon neighbour amenity and highway safety. As a result of various conditions and a Section 106 Agreement, the impacts of the development could be mitigated and therefore the proposal is considered acceptable,

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 attached schedule of approved plans.

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. 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.

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

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

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

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

6. 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.

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

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

8. 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 Policy H17 of the Northampton Local Plan.

9. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the construction of all hard standing areas and retained thereafter.

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

10. 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 naturally occurring contamination shall be submitted to and approved in writing by 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 advice contained in the National Planning Policy Framework.

11. The approved remediation scheme in Condition 10 above must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. 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 the National Planning Policy Framework.

12. Noise mitigation measures for individual plots, which covers glazing and ventilation specifications, shall be carried out in accordance with the details contained within noise assessment dated the 13th May 2014 (reference: 1628 Northampton – Booth Rise) prior to the first occupation of the dwellings hereby permitted and retained thereafter.

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

13. Details of the provision for the storage of refuse and materials for recycling to serve the flats hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

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

14. Notwithstanding the details submitted, full details of the cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of encouraging more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

16. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with approved CEMP, which shall include:

- i. The control of noise and dust during the development process;
- ii. Traffic management and signage during construction;
- iii. Phasing;
- iv. Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- v. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- vi. The safe means of access of construction traffic to the site;
- vii. Routing agreement for construction traffic; and
- viii. Hours of operation of building works

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

17. No development shall take place until the applicant, their agents or their 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 to 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 the National Planning Policy Framework.

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

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

19. The parking and roadways shall be provided in accordance with the details shown on drawing 7771/044B prior to the first occupation of the development hereby approved.

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

22. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological

context of the development, should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Confirmation that the hierarchy of drainage has been followed. Further percolation testing is required in accordance with BRE Digest 365 9or Ciria 156).
- Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
- An assessment of overland flood flows.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

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

23. No development shall take place 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 and retained thereafter.

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

10. BACKGROUND PAPERS

- 10.1 N/2013/1263

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: **12th March 2014**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title
Development land between Talavera Way and Booth Rise

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0137: Erection of a mixed use development comprising of convenience store, retail units, nursery, café restaurant, 77no. apartments extra care facility, 32no. general needs apartments with access and parking spaces, Sites F and G, Upton

WARD: Upton

APPLICANT: Keepmoat
AGENT: West and Machell Ltd

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

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(a) Prior finalisation of a S106 agreement to tie this application with the S106 agreement for the original planning application 11/0046/FULWNN to secure:

- Residential Standard Charge
- Affordable Housing
- Interpretation Centre Contribution
- Residential Travel Plan

- Public Art Contribution
- Construction Training Contribution
- North East Square Scheme
- Sustainability

And in addition:

- The provision of an additional 2 affordable housing units
- A contribution towards primary care services provision
- The Council's monitoring fee.

(b) Planning conditions set out in paragraph 9 below and for the following reason:

The proposed amendment to block 2 is considered to be acceptable and would have no additional impact when compared with the previously approved scheme. The proposed development is of a scale, density, layout and design that meets the aims and aspirations of the Upton Design Code. The proposed retail and commercial premises will function as a local centre and of a scale that is appropriate to serve the Upton development. The housing development will contribute to towards the established housing need in Northampton. The proposal is therefore in accordance with National Planning Policy Framework and Policies E19, E20, E40, H1, H4, H16, H17, H32 and R11 of the Northampton Local Plan and Policies S3, S9, S10, C1, RC2, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

- 1.2 It is recommended that delegated authority being given to the Head of Planning to negotiate the details of the Section 106 Legal Agreement.
- 1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. BACKGROUND AND PROPOSAL

- 2.1 The site is allocated in the Northampton Local Plan and forms part of the final phases of the Upton 1 development. A planning application (11/0046/FULWNN) for Sites F and G which covers a larger site for the development of a public house, convenience store, nursery, retail units, café/restaurant, 324 no. dwellings and 77 no. apartments extra care facility and associated works was approved in March 2012, in line with the approved Upton Design Code and development brief for the site.

The current proposal is an updated scheme which relates only to part of the site (block 2) and includes the commercial centre for the whole of the Upton development. This commercial centre would also serve developments at St. Crispins' Hospital site, Princess Marina and Upton phase 2.

2.2 The application is a part revised scheme of an already approved proposal. The amendments are the result of the end users of the building requiring changes from the original layout to meet their operational requirements and are summarised as follows:

- The relocation of the nursery from second to ground floor;
- The relocation of the main circulation core to accommodate the relocated nursery;
- The reduction in size (290 sq m) of the restaurant/café to accommodate the relocated nursery;
- The addition of 3no. x 1 bed and 3no. x 2 bed general needs flats at second floor in the space vacated by the relocated nursery;
- The handing of several flats to achieve a bed/bed and living/living relationship between flats;
- The minor relocation of some ancillary accommodation (plantroom, assisted bathroom, bin stores) within the Extra Care Facility to improve operational efficiency.

2.3 The application has been supported by a Transport Assessment, Land Contamination Report, Archaeological Report, Design and Access Statement (amended), Noise Impact Assessment and Flood Risk Drainage Strategy.

3. SITE DESCRIPTION

3.1 The application site (and the remainder of Sites F and G) consists of a cleared construction site. It is located on the corner of Weedon Road and High Street, Upton and is bordered to the north by Mile Iron Lane (the access road leading from Weedon Road which has already been constructed). To the east and south the site will be bordered by Boswell Street and Kiltie Street. The site will be surrounded by mainly residential development forming the remainder of Sites F and G.

4. PLANNING HISTORY

4.1 N/2013/0669 – Erection of 10 retail units and a convenience store (total of 1,641 m²); 15 maisonettes; 35 flats and 10 dwellinghouses; nursery (372 m²) with access and car parking spaces (amendment to previously approved scheme under 11/0046FULWNN) – Withdrawn.

- 4.2 11/0046/FULWNN – Erection of mixed use development, comprising public house, convenience store, nursery, retail units, café/restaurant, 324 no. dwellings, 77 apartment extra care facility, associated roads, parking and landscaping – Approved 28th March 2012.
- 4.3 N/2002/915 – Mixed use development comprising offices, café/restaurant, retail units, public house, residential apartments and live/work accommodation fronting Weedon Road – Outline Application approved – expired.
- 4.4 N/2002/914 – Development without complying with conditions 4,5,6,15,16 and 22 of planning permission 97/0128 – Approved subject to conditions - expired.
- 4.5 N/1997/0128 – Proposed housing with associated infrastructure, local centre and school site – Outline Application approved May 2000.

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 1997, the Central Area Action Plan and, whilst not yet adopted, weight can be attributed to the submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan

E1 - Landscape and Open Space requires new development to respect the character and structure of the landscape

E11 and 12 - Hedgerows, trees and woodlands states that permission will not be granted which involves destruction or damage to trees and hedges unless replacement is intended

E19 - Implementing Development requires any adverse effect of development to be allowed for or appropriately mitigated against

E20 - New Development requires the design of any new built development to adequately reflect the character of its surrounding and to ensure adequate standards of privacy, daylight and sunlight

E39 - Renewable Energy requires development involving renewable energy to be designed and installed without detriment to local amenity and not to adversely affect views or skylines

E40 – development must pay adequate regard to the need to deter Crime and vandalism

H1 - Major New Residential Development will be directed to Wooton Fields, Upton, Berrywood and Kings Heath

H4 – The development of Upton and Berrywood Areas shall include facilities such as school sites, local centre sites, community centres, libraries, reserve sites, sites for single person housing, sites for elderly persons dwellings, open space and footpaths

H17 – Housing for people with disabilities requires the provision of 10% of dwellings, when over ten dwellings are expected, to be constructed to the Councils mobility standards

H32 – When granting permission for developments of 15 or more dwellings Affordable Housing will be required

T12 - Development requiring servicing by commercial vehicles will require adequate provision for parking and manoeuvring

R11 - Shopping Facilities in the form of a local centre will be required in Major Residential Development

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations Strategy SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

5.5 Central Area Action Plan

Policy 11 states that retail developments of more than 1,000 square metres outside the town centre boundary will be subject to an impact assessment.

Other Material Considerations

5.6 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS). This would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of examination in public and the findings of the Inspector are awaited.

C1 – Changing Behaviour and Achieving Modal Shift aims to change the way people travel by providing and promoting walking, cycling and public transport and by providing information communication networks to reduce the need to travel.

H1 – Housing Density and Mix and Type of Dwellings requires housing developments to make the most effective use of land having regard to such considerations as the existing character and density of the local area, the accessibility to services and facilities, proximity to public transport routes and the impact on the amenities of occupiers of neighbouring properties.

H2 – Affordable Housing requires 35% of the total number of dwellings provided to be affordable.

N10 – Shopping needs outside Northampton Town Centre requires provision to be made for local convenience shopping needs at new local centres of an appropriate scale. No further comparison goods floorspace is required outside Northampton Town Centre.

RC2 – Community Needs requires new residential and commercial development will be required to make provision for Community facilities and public open space.

S3 – Scale and Distribution of Housing Development sets out how housing development will be distributed between the West Northamptonshire borough and district councils

S9 – Distribution of Retail Development requires that retail floorspace will be accommodated firstly within town centres. If there is an identified need for a local centre it will be subject to an impact assessment for proposals over 1,000 sq m to demonstrate they do not have an adverse impact on the vitality and viability of the town centre.

S10 – Sustainable Development Principles states how development should achieve overarching goals of sustainability.

6. CONSULTATIONS/ REPRESENTATIONS

Two rounds of consultation have been undertaken with regard to the application. Initial consultations took place in February 2014 and further

consultations took place in April following the submission of an amended Design and Access Statement. A summary of the responses is set out as follows:

- 6.1 **NBC Public Protection** – There is a risk that as a mixed use development the sensitive uses (i.e. residential) could potentially be exposed to significant or unacceptable noise exposure or cooking odours. Recommend conditions to deal with cooking odours, control of fats, oils and grease, refuse storage and noise.
- 6.2 **NBC Housing Strategy** – 6 additional dwellings are being provided which in affordable housing policy terms means an additional 2 affordable dwellings should be sought and included as a variation to the original S106, unless viability considerations indicate that this is not achievable.
- 6.3 **NBC Urban Design – (Initial comments)** The proposal lacks an up to date Design and Access statement and therefore insufficient detail to underpin the revised approach towards the design of the building, its accessibility and strategy for car parking.

The double height retail units adversely impacts on the elevations of the proposed development, particularly to the rear of the building.

The poor means of access to residential units above retail units 01 – 03 via external stairwells will create a flawed residential component and will contribute significantly to a visually poor rear elevation.

(Additional comments following reconsultation) The amendments update the application with a revised Design and Access Statement which suggests some variation in the cladding treatment of the rear elevation however it is not considered this addresses issues raised.

Realise the original approved layout includes outside stairs to properties above the retail units but the stairs look like fire escapes which are not acceptable. States that if a development is to provide a suitable residential offer with a welcoming entrance these stairs need to be replaced with indoor stairwells.

- 6.4 **NBC Arboricultural Officer** – no objections but states that a detailed landscape scheme should be provided.
- 6.5 **Anglian Water** – An informative should be added to any planning permission to ensure that the applicant takes into account the presence of Anglian Water Assets. A surface water management system is required to be agreed via a planning condition.
- 6.6 **Environment Agency** – conditions should be added stating that development shall be carried out in accordance with the submitted Flood Risk Assessment and that no building works shall be carried out

until full details of a scheme for the provision of mains foul sewage infrastructure has been submitted and approved.

- 6.7 **Highways Agency** – No objection.
- 6.8 **NCC Development Management** – request contributions towards fire and rescue and library services.
- 6.9 **NCC Highways & Access Development** – no objection as the previous proposal for parking is not changed. Refer to the Travel Plan submitted for the previous application. Suggest this should be conditioned to form part of the existing permission.
- 6.10 **NCC Archaeology** – The application has been subject to archaeological assessment in conjunction with the adjacent application to the west. The excavation was undertaken in 2012 by Northamptonshire Archaeology now known as MOLA. MOLA are currently working on the post excavation as required by the brief. The assessment will lead to a publication which will fulfil the requirements of the original brief as per the guidance within the NPPF.
- 6.11 **Northamptonshire Police** – Has no concerns about people from the locality making use of the facilities provided in the Extra Care facility but states there should be some physical barriers in place to control communal areas accessible from outside. Also does not consider the external stairs leading to the general needs flats are suitable. States that the doors leading into the blocks will need to be access controlled.
- 6.12 **Western Power Distribution** – No objections on the basis that the developer contacts Western Power prior to work commencing to discuss any alterations to the electricity network.
- 6.13 **NHS England** – The development would affect several surgeries in the area that are already at capacity. A contribution should be sought to make this scheme favourable to NHS England or alternatively the developer could provide a suitable on site facility for a doctor to attend.
- 6.14 **Upton Parish Council** – No comments received.
- 6.15 **Construction Futures** – The training obligation would come to 654 weeks at a contribution of £10,573.
- 6.16 **Site notice, newspaper advert, nearby properties** - No comments received.

7. APPRAISAL

Principle of Development

- 7.1 Full planning permission for the erection of a mixed use development comprising public house, convenience store, nursery, retail units, café, public house, 324 no. dwellings, 77 apartment extra care facility,

associated roads, parking and landscaping was approved by West Northamptonshire Development Committee on 28th March 2012. The approved development was subject to a S106 agreement that included obligations relating to Standard Charge Payments, Affordable Housing, Interpretation Centre Contribution, Residential and Workplace Travel Plans, Public Art, Construction Training Programme, Live/Work Units, North East Square Scheme and Sustainability. The principle of development has therefore already been established and the main aspects to consider are the impacts the proposed changes will have on the overall Upton Development, street scene, residential amenity and highways.

Retail

- 7.2 The proposal includes approximately 1,307 sq.m of retail floor space as compared with the previous approval for 1,301 sq.m. This will be provided with a convenience store of 544.3 sq.m, 3 retail units with a total floor space of 597.2 sq.m (potential to subdivide into 6 smaller units) and a further 3 units totalling 165.3 sq.m located within the Extra Care Facility. The level of retail development is comparable to the previous approval and falls slightly below the 1,500 sq.m figure set within the Sites F and G development brief.

The development plan supports the provision of retail uses within the Upton development. Joint Core Strategy (JCS) Policy N10 enables the provision of local convenience shopping of an appropriate scale. JCS Policy C1 acknowledges the importance of accessible facilities and services in reducing the need to travel. Saved Local Plan Policies H4 and R11 seek to provide facilities (including shopping facilities) at the Upton development. The former decision confirmed that the retail and commercial premises will function as a local centre and is of an appropriate scale and nature to serve the wider Upton development. JCS Policy S9 seeks to accommodate retail floor space firstly within the town centre. The application site is located outside the boundary of the Central Area and Primary Shopping Area, however, Policy 11 states that developments of more than 1,000 sq.m outside the town centre boundary will be subject to an impact assessment. Likewise Policy S9 of the JCS also requires proposals for retail developments of over 1,000 sq.m and outside the primary shopping area of Northampton to prepare an impact assessment to demonstrate that the proposal does not have significant adverse impact on the vitality and viability of the primary shopping area. This requirement is not considered necessary in this instance as the site has extant planning permission for a range of residential and commercial uses. The former decision confirmed that the retail and commercial premises will function as a local centre and is of an appropriate scale and nature to serve the Upton development. In view of this extant consent, it is not considered that a retail impact assessment would be necessary as the amount of retail floor space proposed is comparable. A condition will be imposed however to prevent the units from amalgamating and creating a much

larger store which could have an increased retail impact on the vitality and viability of town centre. Conditions will also be imposed to control opening and delivery hours to safeguard residential amenity.

Café/Restaurant

- 7.3 The provision of a café/restaurant, albeit reduced in size by approximately 290 sq.m is an established principle for the Upton scheme and is considered to be an appropriate facility to serve the needs of the local community, helping to provide a focal point for social activity and contributing to creating a sense of place.

As with the previous proposal, the café/restaurant is located in a prominent position on the corner of Boswell Street although it is now located within the footprint of the Extra Care Facility and accessed from Mile Iron Lane. Conditions are required to safeguard the residential amenities of neighbouring residential occupiers by controlling noise, odour and deliveries.

Nursery

- 7.4 Again the provision of a children's day nursery is established and will provide a valuable facility to serve the wider Upton development. The proposed nursery is 423.9 sq.m which is slightly smaller than the previous proposal of 436.1 sq.m, although a buggy store of 42.9 sq.m is also provided. The nursery has been located at ground floor level between the larger retail units and the smaller retail kiosk units within the Extra Care Facility. It is considered that the relocation of the nursery from second floor to ground floor is preferable in terms of accessibility and function and is therefore acceptable.

General Needs Housing

- 7.5 The previous approval provided 26 general needs apartments on the floors above the retail development. Due to the relocation of the nursery to the ground floor an additional 6 units have been created taking the total to 32 no. general needs apartments consisting of 11 no. 1 bed flats and 21 no. 2 bed flats. The overall scale and distribution of housing provision is set out in JCS Policy S3. It is anticipated that this site, and the additional dwellings, will contribute to the supply of new homes within the next five years.
- 7.6 The previous approved planning application provided 168% parking for the residential units and exceeded the Design Code requirement of 1 allocated and 0.5 unallocated space per unit. No additional parking spaces have been allocated for the additional 6 flats now proposed. A Travel Plan was required to be submitted as part of the original S106 agreement to encourage more sustainable travel modes. As this will also be a requirement under the new S106 agreement it is not considered that additional car parking will be required in this instance.

There are no objections from the Highway Authority subject to the requirements of the Travel Plan being complied with.

Extra Care Facility

- 7.7 As previously approved the extra care facility will provide 77 two bed self-contained apartments with associated facilities including residents lounge, dining room, sensory garden, special needs bathing suites and hobby rooms. JCS Policy H1 seeks to cater for different accommodation needs, including the needs of older people and vulnerable groups. The provision of the extra care facility is therefore supported.
- 7.8 Alterations to the extra care facility mainly relate to the relocation of the main circulation core to accommodate the relocated nursery and to the relocation of the plant room, assisted bathroom and bin stores. The changes are considered to be relatively minor and acceptable. As with the previous application it is considered necessary that a condition is applied to ensure that the facility is operated as a C2 Residential Institution Use (and no other uses within C2), as opposed to sheltered/general retirement housing which would be operated within a C3 use class. A C3 use of the facility, if not properly controlled, could result in parking issues. Whilst parking provision for the extra care facility has increased from 24 to 28 spaces, it not enough to warrant any change from a less intensive C2 use, where parking would be predominantly for visitors and staff.

Design and Layout

- 7.9 The Upton Development is subject to a Design Code which sets out the design principles and requirements for the development of the site. Throughout the development of Upton significant weight has been attributed to the role of the Code in creating a cohesive development that delivers the original vision for the development as established in the Framework Plan and Enquiry by Design Process.
- 7.10 When the extant permission for Sites F and G was considered it was vigorously tested against the requirements of the Code by the Upton Working Group (representatives from the Homes and Communities Agency, West Northamptonshire Development Corporation, Northampton Borough Council, The Princes Foundation and the original master planners EDAW (now AECOM)). The current proposal is very similar to the previously approved planning application. The proposed layout, massing and storey heights are identical and it is considered that the alterations that have been made to external elevations to accommodate the reconfigured uses are relatively minor. The Urban Design Officer has raised concerns about some aspects of the design, particularly to the rear of the building (i.e. the façade created by double height retail units) but as these were elements that featured in the original design it is not considered they would warrant refusal in this instance. One of the concerns raised by the Urban

Designer and the Crime and Design Officer related to the means of access to 14 residential units above retail units 1-3. Whilst the access to other units is via lifts and internal stairways the stairways to these units is via external staircases only. The issue was raised with the developer but they state that there is no room to incorporate internal staircases for these units. They have however submitted revised plans changing the stairs from ones with open balustrades to solid balustrades. It is a material consideration that the proposals now match the previous approved staircases and as the previous application is extant and could still be built out it is considered that the current proposal could not now be considered for refusal. Conditions will be imposed ensuring that the rear courtyard and staircases are adequately lit and that a security system is in place to control access.

Residential Amenity

- 7.11 As discussed previously in paragraphs 7.2 and 7.3, it is recommended that planning conditions are secured which place a number of restrictions on the future operations of the proposed commercial units. These are necessary to safeguard the amenities of future residential occupiers from nuisance resulting from noise and odour as a result of the operation and servicing of the proposed commercial uses. This is particularly important having regard to the high density of the development and proximity of residential uses to commercial uses. It is however recognised that a balance needs to be reached between creating conditions in which businesses can viably operate within and safeguards to protect residential amenity. It is also considered that a comprehensive Construction Environmental Management Plan (CEMP) should be secured via planning condition to secure the full details of how construction activities would be undertaken on site to ensure that the amenities of any nearby occupiers would be appropriately protected.

Sustainability

- 7.12 Low environmental impact is a key aim of the Upton development. The Design and Access Statement indicates a range of sustainability criteria to improve the environmental performance of the development. All RSL and private sale units will meet Level 4 of the Code for Sustainable Homes and commercial buildings will attain a BREEAM rating of excellent. These proposals will meet the requirements of the Upton Design Code and Joint Core Strategy Policy S10: Sustainable Development Principles. Section 106 obligations have been imposed through the previous planning permission to ensure that the agreed levels are attained.

Affordable Housing

- 7.13 The approved planning requirement for Sites F and G was for 35% affordable housing with a 70% social rent/30% shared ownership split. The original S106 agreement also made provision for agreement by the

Local Planning Authority to proposed alternative tenure/dwelling mixes. In relation to the F and G development as a whole, 6 additional dwellings are now being provided which in affordable housing policy terms means an additional 2 affordable units being required across the site.

Legal Agreement

- 7.14 The previous applications for Sites F and G have already delivered a significant amount of infrastructure secured through Section 106 agreements.
- 7.15 Having regard to the fact that the previous S106 agreements for Sites F and G will meet the majority of the demands in terms of planning obligations a requirement for this current application is that it should be linked to the previous S106.
- 7.16 In addition, amendments to Block 2 have resulted in an additional 3 x one bed and 3 x two bed apartments over and above the original approved planning application which in affordable housing policy terms means that an additional 2 affordable dwellings should be secured.
- 7.17 NHS England has also requested that a contribution of £28,198 be made towards primary care provision. As this was not covered by the original S106 this should now be secured. An alternative put forward to the developers is for the provision of a room within the extra care facility for a doctor to attend.
- 7.18 As such the S106 agreement should link to the existing S106 relating to Sites F and G (Application No. 11/0046/FULWNN) dated 28 March 2012 to cover the following heads of terms:
- Residential Standard Charge
 - Affordable Housing
 - Interpretation Centre Contribution
 - Residential Travel Plan
 - Public Art Contribution
 - Construction Training Contribution
 - North East Square Scheme
 - Sustainability

In addition to the previous S106 there is a requirement for:

- Contribution towards GP services or the provision of room within the extra care facility for a GP to attend.

- Council's Monitoring Fee
- A clause stating that if planning permission 11/0046/FULWNN is implemented including block 2 then the current application, N/2014/0137, cannot be implemented and vice versa.

8. CONCLUSION

- 8.1 The proposed amendment to block 2 is considered to be acceptable and would have no additional impact when compared with the previously approved scheme. The proposed development is of a scale, density, layout and design that meets the aims and aspirations of the Upton Design Code. The proposed retail and commercial premises will function as a local centre and are of a scale that is appropriate to serve the Upton development and the housing development will contribute to towards the established housing need in Northampton.
- 8.2 The proposal is therefore in accordance with National Planning Policy Framework and Policies E19, E20, E40, H1, H4, H16, H17, H32 and R11 of the Northampton Local Plan and Policies S3, S9, S10, C1, RC2, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

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 attached schedule of approved plans.

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

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

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

4. 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 and 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.

5. A minimum of 10% of the affordable units 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, full details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: To ensure a satisfactory standard of development in accordance with National Planning Policy Framework and Policy H17 of the Northampton Local Plan.

6. Prior to occupation of the development hereby approved full details of electronic gates to secure the parking court/pedestrian routes, including details of appearance, means of operation and management /maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall be provided prior to the first occupation of the development. The gates shall be operated and managed /maintained in accordance with the approved details and retained thereafter.

Reason: In the interests of security and to ensure compliance with the Upton Design Code in accordance with National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

7. A lighting scheme for the parking court and rear access areas shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details prior to the first occupation of any development within the relevant development area.

Reason: In the interests of security in accordance with National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of how existing trees adjacent to the site shall be protected during the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with National Planning Policy Framework.

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

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

10. Notwithstanding the details submitted, full details of the cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of any development within the relevant development area and retained thereafter.

Reason: In the interests of encouraging more sustainable means of travel in accordance with the requirements of National Planning Policy Framework.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Stewart and Harris 10255 Rev D dated 30 June 2011 and the following mitigation measures detailed within the FRA:

- Minimum finished floor level of 63.5m
- 885m³ of onsite surface water attenuation
- 1600m³ of surface water attenuation within Duston Mill Reservoir

The mitigation measures shall be fully implemented prior to occupation of the development proposed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the requirements of the National Planning Policy Framework.

12. 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 of phasing for the provision of mains foul sewage infrastructure on and off the 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 National Planning Policy Framework.

13. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been in accordance with the surface water management strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

14. Development shall not commence on any phase of development until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include, but not be limited to, details of the intended hours of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities and routing arrangements for construction traffic) and the location of waste management and site compound areas within the site.

Reason: To ensure that appropriate consideration is given to environmental assets and safeguard the amenities of the locality in accordance with National Planning Policy Framework.

15. The Extra Care Facility hereby approved shall operate as a residential care facility and for no other uses within Class C2 of the Town and Country Planning (Use Classes) Order 1997, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to retain sufficient control over the uses and in the interests of residential amenity and highway safety in accordance with National Planning Policy Framework and Policies E19 of the Northampton Local Plan.

16. The convenience store (Use Class A1) hereby permitted shall not extend beyond the curtilage shown on the approved drawing no.3077(1)10a and shall not extend into or be amalgamated with the adjacent units (Retail 01, 02 and 03).

The approved retail units and kiosks (Use Class A1) shall not be amalgamated with each other and shall not individually exceed the floorspace details on the shown on approved drawing no. 3077(1)10a.

Reason: To enable the Local Planning Authority to protect the vitality and viability of the primary shopping area in accordance with National

Planning Policy Framework, Policy R11 of the Northampton Local Plan and Policy S9 of the JCS.

17. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise in relation to any commercial premises, whether from fixed plant or equipment and the provisions to be made for its control. The agreed scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

18. Before the café/restaurant development (Use Class A3) hereby permitted commences, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that provides sound insulation between the development and the residential accommodation located above and the means to control noise levels within the building. The agreed scheme shall be implemented in full prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

19. Prior to the first occupation of each of the commercial premises hereby permitted, suitable opening times for each commercial premises shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter each commercial premises shall operate within the approved opening times.

Reason: In the interests of residential amenity in accordance with NPPF and Policy E19 of the Northampton Local Plan.

20. Deliveries to or collections from any of the commercial premises hereby approved shall not take place before 08.00 or after 20.00 hours on any one day.

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

21. Prior to the occupation of the restaurant/café hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority that specify the provisions to be made for:

- i) The collection, treatment and dispersal of cooking odour
- ii) The ongoing maintenance of the odour abatement plant

- iii) The provisions to be made for the collection, treatment and disposal of fats, oils and grease (by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of the plant.

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

- 22. Within the submitted schemes as detailed in Condition 21 above the applicant shall provide a detailed smell risk assessment under Annex C of the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems and the information set out in Annex B of the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems: The Information Required to support Planning Application, paragraph 10. The agreed schemes shall be implemented in full prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory of development in accordance with National Planning Policy Framework.

- 23. 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 in full prior to the development first coming into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory of development in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

- 24. Noise mitigation measures which cover glazing and ventilation specifications shall be carried out in accordance with the details contained within the Noise Impact Assessment dated 14th February 2014 (report no.10036-1r1) prior to the occupation of the dwellings hereby permitted and retained thereafter.

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

- 25. Full details or security measures to be incorporated into the design of the Extra Care Facility shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with the requirements of National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

10. BACKGROUND PAPERS

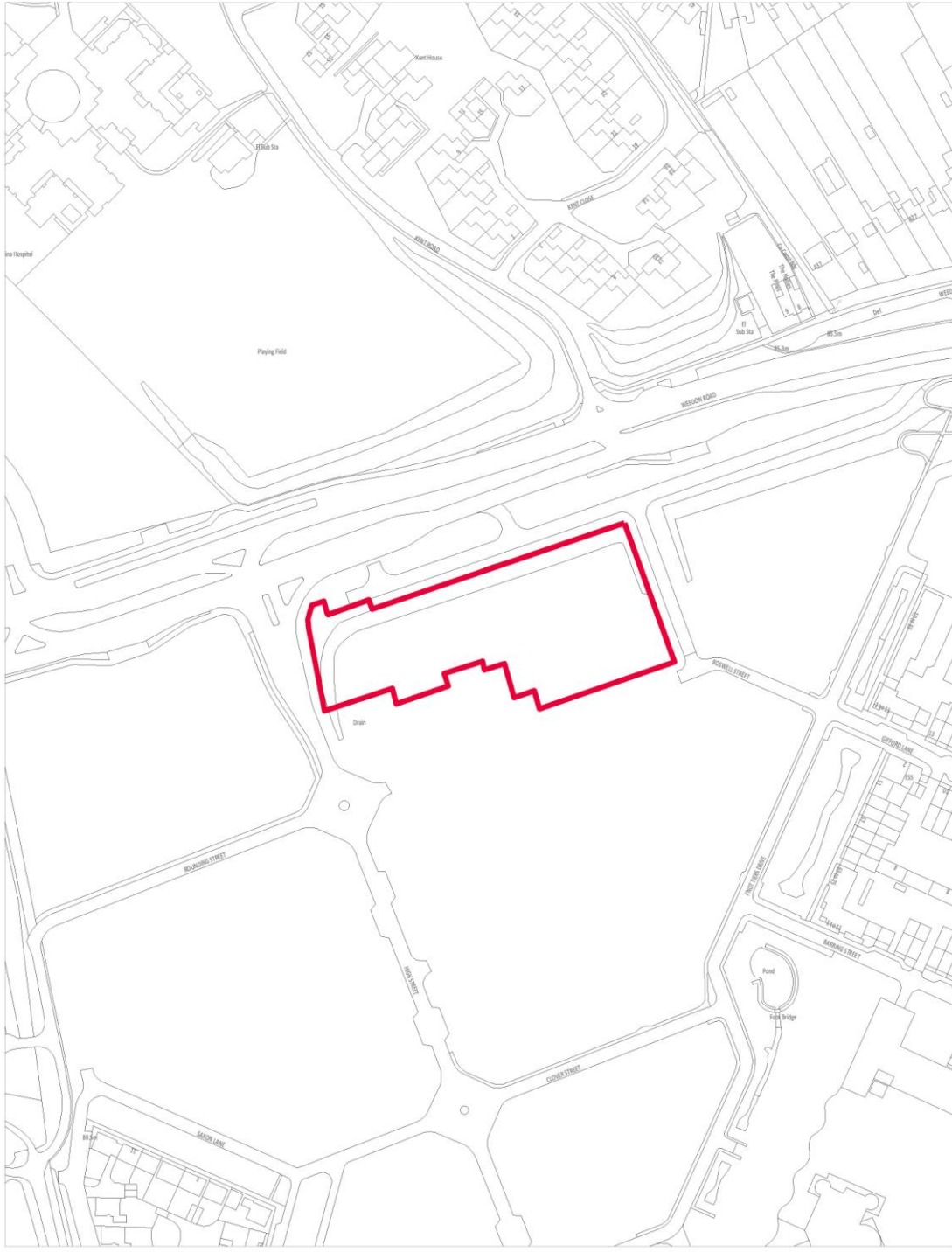
10.1 11/0046/FULWNN, Upton Design Code

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 May 2014**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title
High Street, Upton

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0155: Residential Development comprising 45 apartments, associated access, parking, drainage, landscaping, and public open space at land at Bellway Home Development Land, Old Towcester Road, Southbridge

WARD: Delapre and Briar Hill

APPLICANT: Bellway Homes Ltd

AGENT: N/A

REFERRED BY: Head of Planning
REASON: Application requiring a S106 legal agreement

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to conditions and the matters in Paragraphs 1.2 to 1.4 and for the following reason:

The proposed amendment to the development is considered to be acceptable and would have no additional impact when compared with the previously approved scheme. The proposal would represent the effective use of a vacant site, would reflect the character of its surroundings, acceptably mitigate against flood risk, secure the provision of a riverside pedestrian link and contribute towards the established housing need in Northampton. The development is therefore in accordance with National Planning Policy Framework, Policies 1, 4, 5, 9, 10, 27 and 36 of the Central Area Action Plan and Policies S1, S4, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

- 1.2 The prior completion of a Section 106 Legal Agreement to secure:
- i) the provision of 5 affordable housing units on site or 9 discounted units or if a suitable Registered Social Landlord cannot be found, the provision of a commuted sum of £250,000 to contribute towards the provision of affordable housing off-site;
 - ii) A financial payment to fund the provision of primary school education facilities within the vicinity of the site;
 - iii) A financial payment towards primary care services provision;
 - iv) A financial payment towards Construction Training opportunities;
 - v) The provision of a footpath link to the canal towpath;
 - vi) The Council's monitoring fee.
- 1.3 Delegated authority being given to the Head of Planning to negotiate the details of the Section 106 Legal Agreement.
- 1.4 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, in addition to being able to grant planning permission as recommended above, 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. BACKGROUND AND PROPOSAL

- 2.1 This is an application for full planning permission to erect 45 apartments in 4 blocks of accommodation (1 block of 18 units and 3 blocks of 9 units). This will provide 45 x 2 bed units at a density of 98 units per hectare.
- 2.2 The development includes the provision of 49 car parking spaces and a dedicated store for 34 bicycles. Access will be from the existing roundabout fronting the site.
- 2.3 The application is an update of a previously agreed proposal (N/2011/1278). A resolution to grant full planning permission for 45 apartments and associated infrastructure subject to a S106 legal agreement was agreed by the Planning Committee in July 2013. The current revised proposal mainly relates to the design and elevational treatment of the 4/5 storey block at the north east corner of the site and the main block facing the waterfront. The proposals also include some changes to access and servicing arrangements for the apartments and the change of 5 of the units from one bed to two bed accommodation.
- 2.4 The application is supported by a Design and Access Statement, Environmental Management Plan, Noise Assessment, Landscape and

Visual Impact Assessment, Landscape Plan and Works Schedule, Biodiversity Survey, Flood Risk Assessment, Geo-Environmental Report, Materials Schedule and Viability Assessment.

3. SITE DESCRIPTION

- 3.1 The site is located within the Southbridge Area of Northampton and falls within the Central Area Action Plan Boundary. To the north of the site is the Grand Union Canal where it meets with the River Nene and to the east is the Carlsberg Social Club. West of the site is existing residential development in the form of apartments which are 3 to 4 storeys in height and to the south is the Old Towcester Road. Development on the opposite side of this road consists of residential development in the form of apartments and 3 storey dwelling houses. An informal footpath runs to the east of the site linking the canal towpath to the Old Towcester Road.
- 3.2 The site, approximately 0.43ha, is irregular in shape and comprises a former construction site compound which is surrounded by grass. The site is roughly flat, but is raised above the canal towpath to the north.

4. PLANNING HISTORY

- 4.1 **N/2011/1278** – Residential development comprising 45 apartments – Approved subject to S106 legal agreement.
- 4.2 **N/2005/118** – Variation of condition no.2 of outline planning permission consent N/2001/493 to allow extension of time for submission of reserved matters until 8 March 2007 – Approved in principle subject to prior finalisation of a S106 legal agreement to re-secure planning conditions (this was never finalised and permission was therefore not issued).
- 4.3 **N/2001/493** – Outline application for development of Public House (Class A3) and access – Approved with conditions March 2002.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the saved policies of the Northampton Local Plan 1997, the Central Area Action Plan and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF)

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

5.3 Central Area Action Plan (CAAP)

Policy 1 – Promoting Design Excellence - requires that all new development demonstrates a high design standard.

Policy 4 – Green Infrastructure - requires that all new development must contribute to the provision of green infrastructure.

Policy 5 – Flood risk and drainage – requires that a flood risk assessment must accompany proposals within the central area that may be subject to flooding or where there may be drainage problems.

Policy 9 – Pedestrian and cycling movement network- state that new contributions will be sought to secure the provision of new routes.

Policy 10 – Parking –sets out requirements for parking which should be adhered to unless it can be shown that there are exceptional reasons that justify additional private off-street parking.

Policy 27 – The Waterside: Southbridge West should be developed for leisure, residential or office use, ensure the continuation of the public footpath on the river's edge, protect the historic building frontage and provide easier access to the water's edge.

Policy 36 – Infrastructure Delivery – requires that new development provide appropriate on and off-site infrastructure to mitigate the impact of development.

5.4 Supplementary Planning Guidance

Planning Obligations SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

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

5.5 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of examination in public and the findings of the Inspector are awaited.

Policy SA – Presumption in favour of Sustainable Development requires local planning authorities to take a positive approach to determining development proposals.

Policy S1 – The distribution of development requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton

Policy S4 – Northampton Related Development Area requires that provision is made for 33,680 net additional dwellings in the period 2001 to 2026.

Policy S10 – Sustainable Development Principles - states how development should achieve overarching goals of sustainability.

Policy H1 –Housing Density and Mix and Type of Dwellings requires housing developments to make the most effective use of land having regard to such considerations as the existing character and density of the local area, the accessibility to services and facilities, proximity to public transport routes and the impact on the amenities of occupiers of neighbouring properties.

Policy H2 – Affordable Housing requires 35% of the total number of dwellings provided to be affordable.

6. CONSULTATIONS/ REPRESENTATIONS

Representations are summarised as follows:

- 6.1 **NBC Housing Strategy** - The applicant contends that the typical 35% affordable housing requirement is not achievable. Verification of the

viability assessment needs to be undertaken to substantiate the conclusions. On-site provision would be preferable but a mechanism to allow for off-site provision, at a level that can be determined through the viability assessment work should also be included in the S106 to provide an appropriate fallback.

- 6.2 **NBC Public Protection** - Request clarification on some aspects of the phase two risk assessment and remedial proposals. Following receipt of this information confirms geo-environmental report is acceptable. Recommend conditions regarding contamination.
- 6.3 **NBC Arboricultural Officer** - No trees on site. Landscape scheme acceptable.
- 6.4 **NBC Urban Design Officer** - Considers the proposal could be improved to respond more positively to the canal frontage and public routes and create a better series of spaces for its residents.
- 6.5 **Environment Agency** - No objections subject to conditions that development shall be carried out in accordance with the approved Flood Risk Assessment and that no development shall take place until schemes for surface water drainage and foul sewage infrastructure have been submitted and approved.
- 6.7 **NCC Development Management** - Request financial payments for the provision of primary education (£23,400), fire and library services (£3,015) and for the provision of a fire hydrant.
- 6.8 **NCC Highways** - No observations to make as there are no changes to the parking and access into the site.
- 6.9 **NCC Archaeology** - No comments.
- 6.10 **Nene Valley Nature Improvement Area** - Site lies within Nene Valley Nature Improvement Area. Supports recommendations of Biodiversity Survey. Landscaping plan should include areas of locally appropriate species.
- 6.11 **Anglian Water Authority** - An informative should be added to any planning permission to ensure that the applicant takes into account the presence of Anglian Water Assets. Require a surface water disposal condition to be added to any planning permission.
- 6.12 **Canal and Rivers Trust** - No objections subject to conditions regarding landscaping, lighting of footways, parking areas, open spaces, materials, surface water drainage, crane protection. Need clarification to identify best means of securing connection with towpath.
- 6.13 **Northampton Branch of the Inland Waterways Association** - Request conditions be applied to any consent regarding archaeological watching brief, footpath link and protection of historic crane.

- 6.14 **Northamptonshire Police Crime Prevention Design Advisor** - Concerned about lack of perimeter treatment around blocks. States that car parking is arranged so that some residents are not able to park close to the block where they live which will make vehicles vulnerable to crime. Recommends that doors and windows are fitted to meet the requirements of BS PAS 24:2012 and all communal access doors are fitted with an access control system with no trade buttons. Also makes recommendations about postal delivery.
- 6.15 **NHS England** – state the development would affect several surgeries in Northampton that are already at capacity. Request contribution towards doctors surgery of £27,945.
- 6.16 **Construction Futures** - request training contributions of £4,365.
- 6.17 **Neighbouring properties, newspaper advert and site notice** - No comments received.

7. APPRAISAL

Principle of the development

- 7.1 A resolution to grant full planning permission N/2011/1278 for 45 apartments and associated infrastructure subject to a S106 was approved in principle by the Planning Committee in July 2013. The current application seeks to vary the design of the proposal and the size and functionality of some of the apartments. The principle of development has already been established and the main aspects to consider are the impacts of the proposed changes in terms of the impact on the street scene, the Waterside frontage, residential amenity and highway safety.
- 7.2 The site lies within a part of the Southbridge Development Site identified in the CAAP (The Waterside, Southbridge West). Policy 27 relates to this site and outlines the potential to develop the land for leisure, residential or office uses. Any development must provide strong, active frontage on to the river and ensure the continuation of pedestrian access along the riverfront itself. Flooding issues also need to be properly addressed.

Proposed changes

- 7.3 The layout of the apartment blocks remains unchanged although access has been rationalised to offer a single communal access point to each block. It is considered this offers a clear and direct movement through the site and is an improvement to the previous scheme in terms of function and security and is in accordance with Policy 1 of the CAAP and Policy H1 of the JCS.
- 7.4 With regard to the design of the proposal, it remains similar to that which was previously agreed. The main alteration relates to the change

in the direction of the mono pitch roof and some minor changes to the elevational design of the 4/5 storey element at the north east corner of the site. It is considered the change in design creates variation and interest, particularly with regard to the roofscape of the building and there is no undue detrimental impact as a result of the proposed amendment. The proposal remains complementary to existing buildings and the overall character of the area and is therefore in accordance with Policy 1 of the CAAP and Policy H1 of the JCS.

- 7.5 The canal side frontage and north east elevation of the main block has also been amended with the replacement of juliette balconies with balconies that occupants can walk onto. Not only does this provide improved amenity for occupants of the apartments, it also adds interest to the waterside elevation and provides improved surveillance of the canal towpath and proposed footpath link and is therefore considered to enhance the waterside frontage in accordance with Policy 27 of the CAAP.
- 7.6 An increase in accommodation has been provided by internal alterations which now allow all units to have 2 bedrooms. This means that all canal frontage dwellings have views of the waterfront from both the living room and main bedroom. As there has been no change to the scale and footprint of the building, it is not considered that the increase of five apartments from one to two bedroom units will have a significant impact on the overall development of the site.

Highways and Access

- 7.7 The proposal for access and parking remains unchanged and includes the provision of 49 off street parking spaces which is considered to be sufficient to meet the needs of the proposed development given that cycle parking is also proposed on the site. Plans indicate that there will be space for 34 bicycles within the cycle store which sits within the main building. No objection was received from the Highway Authority and it is considered that the proposal complies with Policy 10 (Parking) of the CAAP.

Other matters

- 7.8 The development still includes the provision of a pedestrian path between the canal tow path and the Old Towcester Road and therefore ensures continuation of a public footpath from Southbridge to the Grand Union Canal lock in accordance with Policy 27 of the CAAP. The developers will carry out the works to link the paths and have stated that they have been in discussions with the Canal and River Trust regarding the matter. As this element falls outside of the application site, the provision of the footpath will be secured through the S106 Agreement.
- 7.9 A materials layout has been submitted with the application. The primary building material will be buff coloured brick with horizontal timber

cladding and feature ivory render panels and detailing around patio windows facing the canal. Windows are arranged in a regular pattern, some with balconies. It is considered that the layout and design are acceptable and would reflect the character of similar developments in the area.

- 7.10 A detailed landscaping scheme has been submitted with the application. Within the car parking areas different materials will be used to break up the main entrance to the site from the parking/pedestrian areas. The soft landscaping has been designed to be consistent with the surrounding development. Proposed planting, including trees and shrubs will enhance the quality of the communal spaces, soften the built form and car parking spaces, create defensible space and contribute to biodiversity. Hedge planting will be used to enclose private space from public space along the site boundaries. The heritage crane will be retained on site and given an attractive setting in an “operational circle” close to the Grand Union Canal and will be the focus on the main route and view from Old Towcester Road to the lock. Conditions are considered necessary to ensure the protection of the crane during and after development.
- 7.11 An Environmental Management Plan has been submitted with the application and provides details of the Construction Management Plan for the proposed residential development. It is recommended that any permission be subject to a condition requiring the development to be carried out in accordance with the Environmental Management Plan.
- 7.12 A geo environmental report has been submitted with the application and initial concerns from the Environmental Health Officer have been satisfied. Conditions requiring further contamination investigation and remediation are considered necessary.
- 7.13 A noise assessment has been submitted with the application which demonstrates that ambient noise levels are low and acceptable external and internal noise levels will be achieved for residents. Environmental Health Officers have no comments to make on noise grounds.
- 7.14 The site lies within flood zones 2 and 3 and has a high probability of flooding. A flood risk assessment has been submitted with the application. There are no objections from the Environment Agency subject to conditions that development shall be carried out in accordance with the approved Flood Risk Assessment and that schemes for surface water drainage and foul sewage infrastructure have been submitted and approved.
- 7.15 Some concerns have been raised by the Urban Designer who considers the proposal could be improved to respond more positively to the canal frontage and public routes and create a better series of spaces for its residents. A material consideration of this application is that the basic layout and design of the proposal has already been

approved. It is considered that the amendments proposed do not unduly impact on the design of the scheme to now justify refusal. Furthermore the addition of balconies on this elevation adds interest and a level of activity on this canal frontage.

- 7.16 The Police Crime Prevention design adviser refers to the need to provide adequate security to the new dwellings including perimeter definition to provide physical definition between public and private space and the requirement for robust access control. One of the features of this and adjacent sites is that they are permeable and allow access to the canal. It is not considered appropriate to provide fencing to enclose the entire site but it is noted that the landscaping plan provides 'security planting' on parts of the boundary. Details have been submitted indicating that doors and windows will meet 'secured by design standards'. A condition to deal with security measures is proposed.

Planning Obligations

- 7.17 Following extensive viability work on the previous application it was agreed that the scheme was unviable and a reduced level of affordable housing provision was agreed by members to be secured through a S106 agreement. The scheme related to the provision of 5 affordable dwellings or 9 discounted units or a £250,000 contribution to off-site provision.
- 7.18 The applicant has submitted an updated viability assessment with the amended proposal which has been assessed and it is agreed that the scheme is still unviable although there is some improvement due to the increase in net saleable area of the development and the upturn in market conditions. It has therefore been agreed that a new S106 agreement will be required to make provision for:
- i) The same provision of affordable housing as included in the previous scheme as stated in paragraph 7.17 above;
 - ii) A contribution of £4,365 towards Construction Training provision;
 - iii) A contribution of £23,400 towards primary school provision (awaiting further details from the education authority)
 - iv) A contribution of £22,000 towards nearby GP practices (awaiting further details from NHS England)
 - v) The provision of a footpath link to the canal towpath.
- 7.19 The County Council has requested financial contributions towards the funding of library and fire services however given the fact that it is not clear how such contributions would be directly related to the proposed development and as capital costs can no longer be pooled and secured

by a Section 106 agreement, it is considered that any request for a financial contribution to these matters cannot be reasonably sustained.

8. CONCLUSION

- 8.1 The proposed amendment to the development is considered to be acceptable and would have no additional impact when compared with the previously agreed scheme. The proposal would reflect the character of its surroundings, acceptably mitigate against flood risk, secure the provision of a riverside pedestrian link and contribute towards the established housing need in Northampton. The development is therefore in accordance with National Planning Policy Framework, Policies 1, 4, 5, 9, 10, 27 of the Central Area Action Plan and Policies SA, S1, H1, H2, of the Submitted West Northamptonshire Joint Core Strategy.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 1179-15 Rev B, 1179-20, 1179-21, 1179-22, 1179-23, 1179-24, 1179-25, 1179-26, 1179-27, 1604-101 Rev G, PC0249_100_001_Rev A, JBA 11/213-01 Rev E, JBA 11/213 DT01.

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

3. Development shall be carried out in accordance with the approved external facing material details (as shown on the approved 'Materials Layout' PC0249_100_001 Rev. A).

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy 1 of the Central Area Action Plan.

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

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

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

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

6. 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 1 of the Central Area Action Plan.

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

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

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the Local Planning Authority.

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

8. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework and Policy 5 of the Central Area Action Plan.

9. 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 National Planning Policy Framework and Policy 5 of the Central Area Action Plan.

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

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

11. With regard to contamination any additional site investigation found to be required under the phase 1 risk assessment shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval.

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

12. All remedial works found to be required under Condition 11 shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation reports shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 12.

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

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

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

15. No development shall take place until full details of a scheme for the long term management and maintenance of the retained heritage crane at the north eastern corner of the application site and the associated area of public realm has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed unless any variation is subsequently agreed in writing by the Local Planning Authority.

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

16. Full details of security measures to be incorporated into the design of the development shall be submitted to and approved in writing prior to the first occupation of the development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy 1 of the Central Area Action Plan.

10. BACKGROUND PAPERS

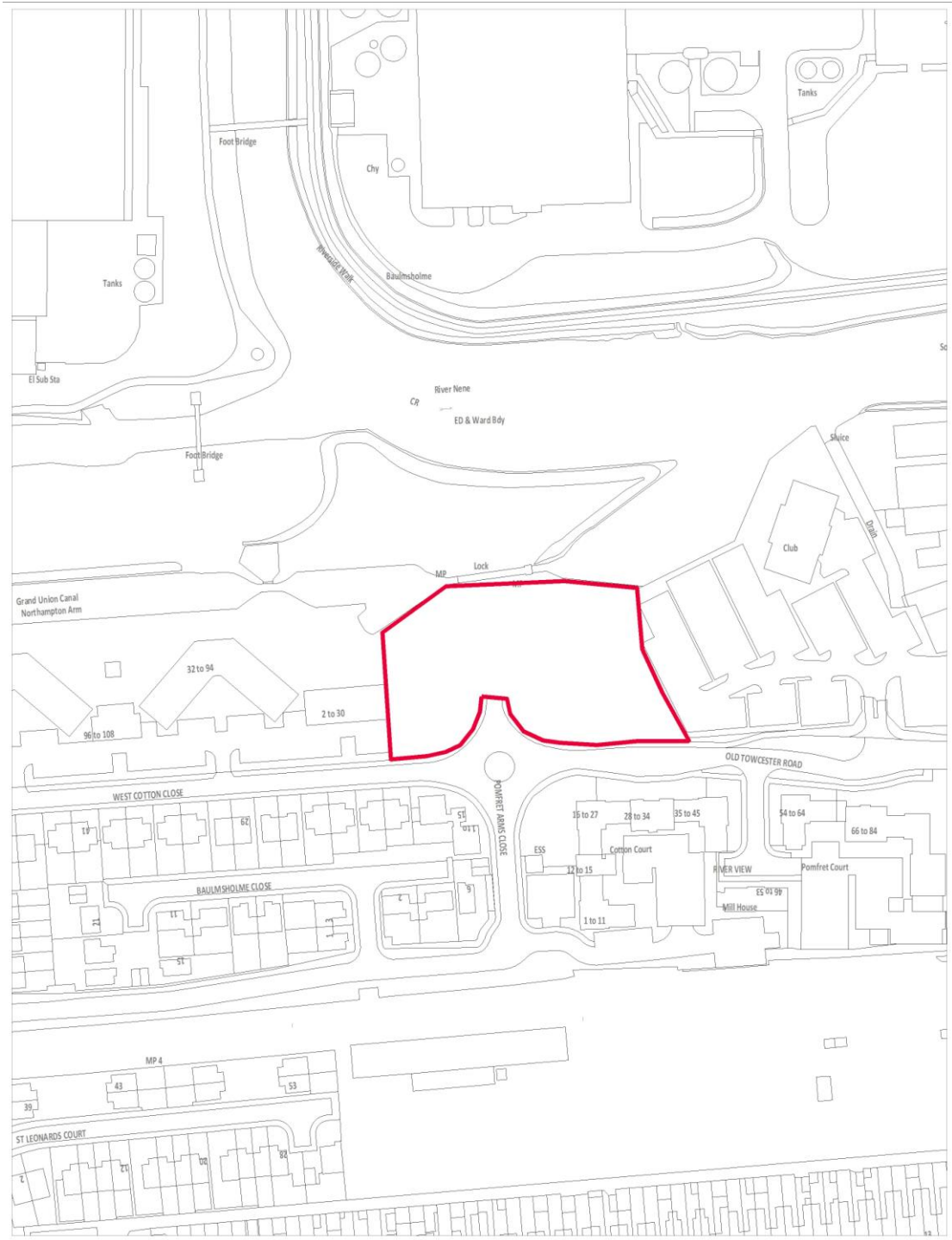
- 10.1 N/2011/1278.

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 May 2014
 Scale: NTS
 Dept: Planning
 Project: Committee

Title
Old Towcester Road

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0171: Change of use from dwelling (Use Class C3) to a house in multiple occupation for 5 occupants (Use Class C4) at 113 Abington Avenue

WARD: Abington

APPLICANT: Mr B. Dunne
AGENT: Mr M. Dunne

REFERRED BY: Head of Planning
REASON: Applicant is related to a NBC employee

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

2. THE PROPOSAL

2.1 The application seeks permission to change the use of the building from a single residential dwelling to a house in multiple occupation for a maximum of five residents. No external alterations are proposed.

3. SITE DESCRIPTION

- 3.1 The application site consists of a terraced house located in an allocated residential area in the Northampton Local Plan. The site is adjacent to an allocated local centre comprising a small number of retail units and a takeaway. The application site is within 400m of Kettering Road, which contains a wider array of commercial facilities and the Racecourse park. A number of bus routes operate within the vicinity.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

- 5.1 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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

5.3 Northampton Local Plan 1997 (Saved Policies)

The Local Plan (states that new developments should have an acceptable layout (Policy E20); that houses in multiple occupation should be of a sufficient size and have a neutral impact on the character of an area (Policy H30) and that there is an over concentration of houses in multiple occupation in certain streets – including parts of Abington Avenue (Policy H31).

5.4 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government

requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

- 5.5 Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – The proposal is acceptable, subject to a condition requiring the submission of refuse storage details and for this to be retained.
- 6.2 **Highway Authority (NCC)** – Request that a minimum of two off street car parking spaces be provided. The street currently experiences car parking problems.
- 6.3 **Private Sector Housing (NBC)** – The property has been assessed against the requirements of the Housing Act 2004. The space and amenities provided indicate that the property will be suitable to let to five individuals from five separate households.
- 6.4 No objections have been received from the occupiers of neighbouring properties.

7. APPRAISAL

Principle of Use

- 7.1 The site is located in an allocated residential area in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The submitted plans show that five bedrooms would be provided, in addition to a living room, kitchen and conservatory. As a result of this, it is considered that a suitable level of amenity would be secured for the occupiers of the development. No external changes to the building have been proposed.

Policy Implications

- 7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However, due to this age of the Policy, it may not reflect up to

date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst Policy H30 is dated, it is considered that as the rooms are of a suitable size and have a satisfactory level of light, outlook and privacy, this policy has been complied with.

- 7.3 Policy H31 of the Local Plan identifies a number of streets where it is considered that, due to cumulative impacts, planning permission should not be granted for any further house in multiple occupation. This list includes the section of Abington Avenue running from numbers 9 to 115. Whilst the proposed development is contrary to the requirements of this policy, it is necessary to establish whether harm would emanate from this breach in order for the assessment to comply with the NPPF.
- 7.4 The application site is on the periphery of the area covered by Policy H31 and therefore the overall impact of this development upon the character of the wider Abington Avenue area is limited. Furthermore, the application site is sustainably located given its proximity to various local services and facilities. As a consequence it is considered that the development is acceptable.
- 7.5 It is accepted that there are a number of house in multiple occupation within the general area, however, the immediate environs of the application site are characterised by units occupied by single households and therefore the development would not cause any substantial erosion of the area's character.
- 7.6 In addition, the submitted JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. As discussed in paragraph 5.5, Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraphs 7.4 and 7.5 of this report, it is considered that the proposal complies with this policy.
- 7.7 The proposed development would provide accommodation for five people, which is consistent with the potential number of residents that would occupy a dwelling of this size as a single household. The area surrounding the application site is characterised by the presence of family accommodation and as a consequence the development would not impact upon the character of the area or the amenity of existing residents. As such, the development is in compliance with Policy H6.
- 7.8 In addition the application site is located adjacent to a small, allocated local centre at the junction between Abington Avenue and Abington Grove, which contains a number of facilities and is a short distance (approximately 400m) away from Kingsley Park Terrace, which contains a larger array of retail and leisure facilities and the Racecourse. Therefore, with reference to paragraph 5.2 of this report, it is considered that the siting of the proposal represents sustainable development and is therefore compliant with the NPPF.

General Amenity and Parking

- 7.9 In order to ensure that the development does not pose an undue detrimental impact upon the occupiers of neighbouring properties as a result of increased noise and disturbance, a condition is recommended that would ensure that the number of residents of the property does not exceed five. It is considered that this figure would not be significantly different from the number of potential residents that would occupy the building as a dwelling house.
- 7.10 Details of refuse and cycle storage are to be secured by condition so as to secure a satisfactory standard of development. It is accepted that the proposal does not include any off street car parking and the comments of the Highway Authority are noted; however, the application site is in close proximity to a variety of commercial and leisure facilities and major routes. Furthermore, the number of potential occupiers is not significantly higher than the number that could occupy the building for a use falling within Class C3 (dwelling house). As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable.

8. CONCLUSION

- 8.1 It is concluded that only a small amount of weight can be given to the requirements of Local Plan Policy H31. In contrast, the contemporary nature of the NPPF and the submitted JCS means that it is considered that the creation of a house in multiple occupation in this location would have a neutral impact upon the character and appearance of the locality, neighbour amenity and highway safety and therefore the development is acceptable.

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: Site Plan; Existing Floor Plans; and Proposed Floor Plans.

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

3. The development hereby permitted shall be occupied by no more than five residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

4. 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. Development shall be carried out in accordance with the approved details, implemented prior to the first commencement of the use hereby permitted and retained thereafter.

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

5. Details of the provision for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details, implemented prior to the first commencement of the use hereby permitted and retained thereafter.

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

10. BACKGROUND PAPERS

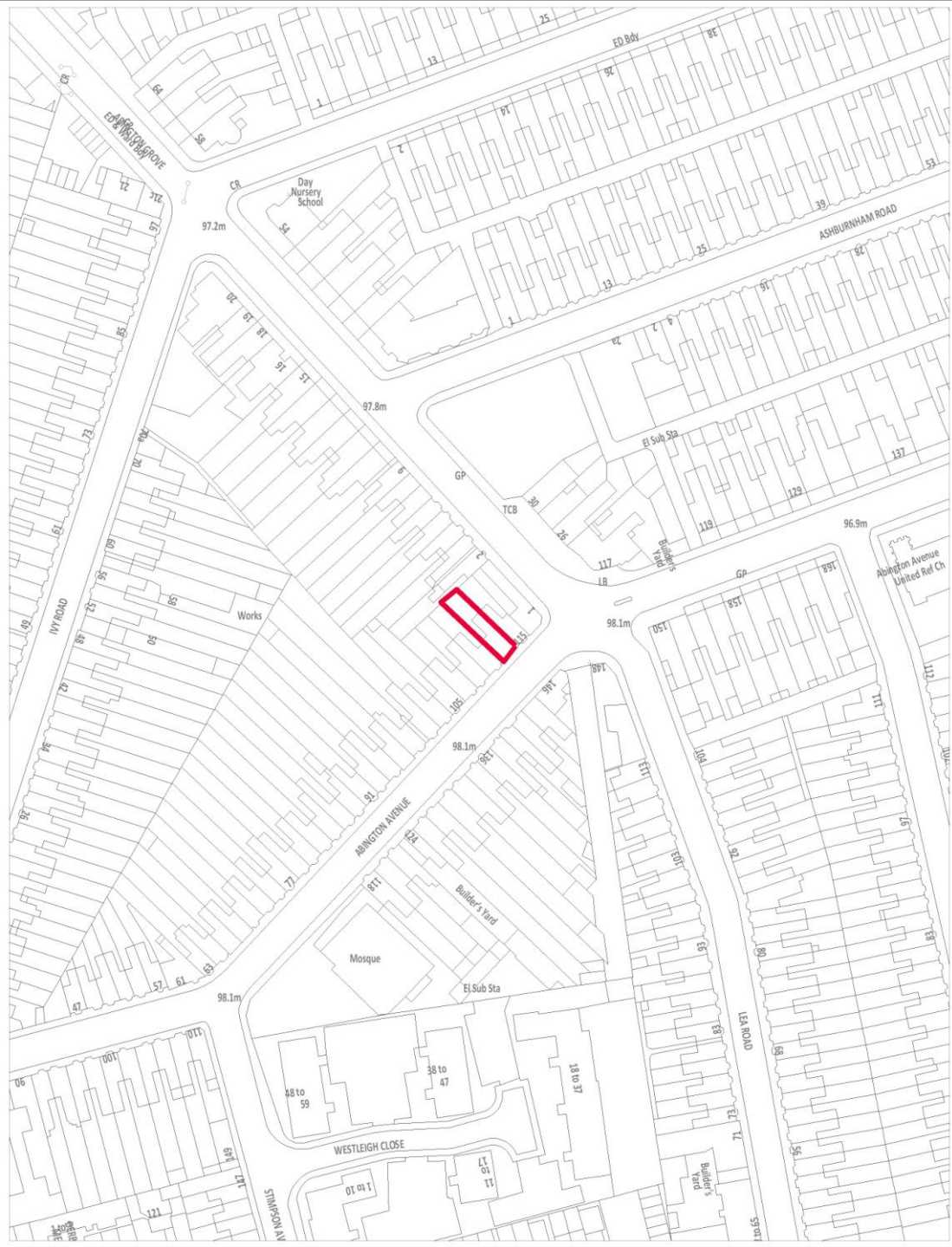
- 10.1 N/2014/0171

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 May 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
113 Abington Avenue

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0214: Change of use from dwelling (Use Class C3) to seven bedroom house in multiple occupation (Sui Generis) – Retrospective Application at 37 Semilong Road

WARD: Semilong

APPLICANT: Mr. M. Mitchell
AGENT: Mr. R. Parkhill

REFERRED BY: Cllr. L. Marriott
REASON: Due to the over provision of house in multiple occupation in the locality and parking problems in the area

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

2. THE PROPOSAL

2.1 The applicant seeks planning permission to operate the building as a house in multiple occupation for seven people. The application is submitted retrospectively as the use commenced in February 2014. No

external changes have been made to facilitate the change of use; however, a first floor room has been divided in order to create an additional bedroom and the ground floor of the building has been converted to form two bedrooms.

3. SITE DESCRIPTION

- 3.1 The building comprises a four storey, residential building that was constructed during the latter part of the 19th century. The building also features a large rear garden. No car parking spaces are provided on site. The application site is situated directly adjacent to a local centre as allocated in the Northampton Local Plan. This contains a number of small retail units. The remainder of the site's environs are characterised by residential accommodation comprising single dwellings, flats and some houses in multiple occupation.
- 3.2 The application site is also within close proximity of Barrack Road (approximately 200m). This contains a wider array of retail and leisure facilities. A number of bus routes operate in Barrack Road running to the north and the town centre.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

- 5.1 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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

5.3 Northampton Local Plan 1997 (Saved Policies)

The Local Plan (states that new developments should have an acceptable layout (Policy E20); that houses in multiple occupation should be of a sufficient size and have a neutral impact on the

character of an area (Policy H30) and that there is an over concentration of houses in multiple occupation in certain streets – including Semilong Road (Policy H31).

5.4 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

6. **CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – The proposal is acceptable, subject to a condition requiring the submission of details regarding the attenuation of noise for residents of the proposed development.
- 6.2 **Highway Authority (NCC)** – Request that a minimum of three off street car parking spaces be provided. The street currently experiences car parking problems.
- 6.3 **Private Sector Housing (NBC)** – The property has been inspected and a full licence for the property under the Housing Act can be issued.
- 6.4 **Cllr. L. Marriott** – Request that the application be determined by the Planning Committee due to the number of houses in multiple occupation within the vicinity of the site and parking problems.
- 6.5 **Semilong Forum** has commented as follows:
 - Semilong is very densely populated with HMOs, some licensed, many not, which makes a mockery of the Article 4 which should limit the number of landlord owned properties in an area. Change

of use from a house to HMO is often allowed by planning as there are already many such dwellings in the area.

- Many landlords who have been renting out their properties are now registering with the Council to prevent fines and retrospective planning is also passed. More applications are passed than declined in Semilong leading to a huge imbalance, fewer families and a breakdown of our community.
- Many landlords do not maintain their properties, overcrowd them and allow rubbish/ broken furniture/ human waste to collect in both front and back gardens. Many absentee landlords sub-let their properties and the turnover in these HMOs is frightening.
- In a recent report it stated that a “significant proportion of two-storey HMOs are being managed sufficiently ineffectively”. This report also stated the fire service identified 616 as deficient HMOs out of 770 inspected, 80% of HMOs inspected in Northampton were deficient by the Fire Service.
- The people of Semilong do not want any further properties given over to HMOs. In fact, we would like to see HMOs in Semilong closed down with other areas in Northampton being opened up to landlords/ rented accommodation.

6.6 No objections have been received from the occupiers of neighbouring properties.

7. APPRAISAL

Principle of Use

7.1 The site is located in an allocated residential area as defined in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The building includes seven bedrooms, two bathrooms, a living room and a kitchen. Each of the bedrooms has a satisfactory level of light, outlook and privacy, which ensures that a suitable level of residential amenity has been secured for the residents of the development. The development has not required any external alterations and as a consequence of this, the development has not resulted in any adverse impact upon the amenities of neighbouring properties in terms of light and outlook.

Policy Implications

7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However, due to this age of the Policy, it may not reflect up to date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst Policy H30 is dated, it is considered

that as the rooms are of a suitable size and have a satisfactory level of light, outlook and privacy, this policy has been complied with.

- 7.3 Policy H31 of the Local Plan identifies a number of streets where it is considered that, due to cumulative impacts, planning permission should not be granted for any further house in multiple occupation. This list includes Semilong Road. This policy is exceedingly dated due to the age of the Local Plan. Whilst the proposed development is contrary to the requirements of this policy, it is necessary to establish whether harm would emanate from this breach in order for the assessment to comply with the NPPF.
- 7.4 By reason of the mix of house types within the vicinity of the application site (i.e. a number of houses occupied by single households, flats and houses in multiple occupation), it is considered that the retention of the building as a house in multiple occupation would not cause any undue detriment to the character of the surrounding area. Whilst the development provides accommodation for seven people, it should be recognised that this figure is not substantially higher than the number of people that could occupy the building as a single dwelling as a result of its scale. As a consequence of this, the development has a neutral impact on the area's character.
- 7.5 In addition, the application site is located adjacent to a small, allocated local centre in Semilong Road, which contains a number of facilities and is a short distance (approximately 200m) away from Barrack Road, which contains a larger array of retail and leisure facilities and access into the town centre. The site is also approximately 400m away from the Racecourse. Accordingly, it is considered that the site has good access to a variety of commercial, leisure and recreation facilities and therefore, with reference to paragraph 5.2 it is considered that the siting of the proposal represents sustainable development.
- 7.6 In addition, JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. As discussed in paragraph 5.5, Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraphs 7.4 and 7.5 of this report, the proposal complies with this policy.

General Amenity and Parking

- 7.7 In order to ensure that the development does not pose an undue detrimental impact upon the occupiers of neighbouring properties as a result of increased noise and disturbance and to provide certainty as to the impacts arising from the development, a condition is recommended that would ensure that the number of residents of the property does not exceed seven. Given the scale of the building and the fact that a

satisfactory standard of amenity can be secured, this figure is not excessive.

- 7.8 In order to ensure a satisfactory standard of development, details of refuse and cycle storage are to be secured by condition. It is accepted that the proposal does not include any off street car parking and the comments of the Highway Authority are noted; however, the application site is in close proximity to a variety of commercial and leisure facilities and major routes that contain access to public transport. As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable.

8. CONCLUSION

- 8.1 In conclusion, it is considered that a satisfactory standard of accommodation has been provided. The use of conditions can prevent any undue loss of amenity to the occupiers of surrounding properties. Furthermore, the development does not create an adverse impact upon the surrounding highway system.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Existing Floor Plans; and Proposed Floor Plans.

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

2. The development hereby permitted shall be occupied by no more than seven residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

3. 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 within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

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

4. Details of the provision for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

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

10. BACKGROUND PAPERS

10.1 N/2014/0214

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: 23rd April 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
37 Semilong Road

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0262: Change of use from dwelling (Use Class C3) into house of multiple occupation (Use Class C4) for 4 tenants – retrospective application at 25 Stanley Street

WARD: Semilong

APPLICANT: David Hennelly
AGENT: N/A

REFERRED BY: Cllr. L. Marriott
REASON: Due to the over provision of house in multiple occupation in the locality and parking problems in the area

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

2. THE PROPOSAL

- 2.1 The application seeks planning permission to operate the building as a house in multiple occupation for four people. The application is submitted retrospectively as the use as a HIMO is existing, although it is operating currently as a HIMO for 5 people. Both Housing and Building Control Officers stated that the basement accommodation is unsatisfactory in terms of light, ventilation and means of escape in the event of a fire and has therefore been omitted from the application. No external changes have been made to facilitate the change of use.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey mid terraced dwelling (with basement) situated on the south side of Stanley Street in the Semilong area of Northampton. The dwelling is situated within a primarily residential area as allocated in the Northampton Local Plan and lies in an area where an Article 4 direction requires that planning permission is needed for Class C4 use. This Article 4 came into force on 14th March 2012.
- 3.2 The property fronts directly onto the street and has an enclosed rear garden. No car parking spaces are provided on site. The site is surrounded by residential accommodation comprising single dwellings and some houses in multiple occupation. A small general store and off licence is located nearby at 16 Stanley Street and a small local centre is located 175 metres away in Semilong Road.
- 3.3 The application site is also located within close proximity of Barrack Road which contains a wider array of commercial facilities and access to the Racecourse. In addition a number of bus routes operate in Barrack Road running to the north and the town centre.

4. PLANNING HISTORY

- 4.1 N/2014/0136 – Application for lawful development certificate for existing use as a house in multiple occupation (Use Class C4) - Refused.

5. PLANNING POLICY

- 5.1 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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

5.3 Northampton Local Plan 1997 (Saved Policies)

The Local Plan (states that new developments should have an acceptable layout (Policy E20) and that houses in multiple occupation should be of a sufficient size and have a neutral impact on the character of an area (Policy H30).

5.4 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

6. CONSULTATIONS/ REPRESENTATIONS

Representation received are summarised as follows:

- 6.1 **Environmental Health (NBC)** - suggest noise conditions requesting a scheme to ensure that internal sound insulation complies with current Building Regulations and a scheme to ensure that noise and vibration from mechanical services is avoided.

6.2 **Private Sector Housing (NBC)** – the space and amenities provided indicate that the property will be suitable to let to 4 individuals.

6.3 **Semilong Community Forum** - object as follows:

- Semilong is the most densely populated neighbourhood and already over developed;
- It has the highest density of multi-occupation in the town and suffers from the subsequent strain on services and resources;
- There are properties in the area that are in multiple occupation without consent and thus not known to the Council;
- Previous applications have been refused with and without objections being raised by the Highways department and there is a need for a more uniformed approach to planning applications for this area.

6.4 **Cllr. L. Marriott** – requests that the application be determined by the Planning Committee due to the number of houses in multiple occupation within the vicinity of the site and parking problems.

7. **APPRAISAL**

Principle of Use

7.1 The site is located in an allocated residential area as defined in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The building includes five existing bedrooms, a bathroom, a living room and a kitchen. Whilst four of the bedrooms have a satisfactory level of light, outlook and privacy, which ensures that a suitable level of residential amenity has been secured for the residents of the development, the basement bedroom does not provide this and is now being proposed to be used for storage only. The total number of residents is proposed to be 4 no. only. The development has not required any external alterations and as a consequence of this, the development has not resulted in any adverse impact upon the amenities of neighbouring properties in terms of light and outlook.

Policy Implications

7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However due to the age of the Policy it may not reflect up to date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst dated the specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

Size of property

- 7.3 It is proposed to provide 4 separate bedrooms, one on the ground floor and three on the first floor. In addition, a shared kitchen, bathroom, toilet and communal room would be provided. The property has a rear garden with an area for refuse storage. Bedroom sizes vary from 6.6 square metres to 12.4 square metres. No objections have been received from the Council's Private Sector Housing team. As the rooms are of a suitable size and provide a satisfactory level of light, outlook and privacy, it is considered that Policy H30 has been complied with in these terms.

Over-concentration of use / Neighbour amenity

- 7.4 Recent data collected from Council records (Council Tax and Private Sector Housing) indicates that there are some 11 houses in multiple occupation within Stanley Road of approximately 98 dwellings in total. It is therefore considered that the character of the area is still dominated by family occupied houses and the introduction of a further HIMO would not adversely affect the character in this instance. Furthermore the development provides accommodation for four people and it should be recognised that this figure is no higher than the number of people that could occupy the building as a single dwelling. As a consequence of this, the development has a neutral impact on the area's character.
- 7.5 Other issues that may affect neighbouring amenity usually associated with HIMOs are accumulations of refuse on the street and disturbance due to noise and the intensified use of the site. The applicant has indicated that the property will be managed by a local letting agency and details of how the property will be managed in this regard have been submitted with the application.
- 7.6 The site has a garden to the rear which allows for an area for bin storage. This matter can be controlled via condition. Furthermore a cleaner will visit the premises on a fortnightly basis and ensure that refuse is adequately stored on non-collection days.
- 7.7 In terms of potential noise disturbance, it is considered that the proposed maximum of 4 no. occupants would not represent substantial intensification in comparison to how the property could be used as a family home. It is not considered therefore the proposed use would give rise to unacceptable noise and disturbance. A condition is recommended that would ensure that the number of residents of the property does not exceed four. Given the scale of the building and the fact that a satisfactory standard of amenity can be secured, this figure is not excessive.
- 7.8 The Environmental Health Officer has recommended that planning conditions should be imposed to alleviate internal noise impact.

However, due to the proposed number of residents and the location of the bathroom, it is not considered any potential impact would be significantly more than a single dwelling and planning conditions are not considered to be reasonable and necessary in this instance.

Car Parking

- 7.9 Stanley Street has unrestricted on-street car parking opportunities. It is accepted that the proposal does not include any off street car parking however the application site is in close proximity to a variety of commercial and leisure facilities and major routes that contain access to public transport. It is therefore considered that the siting of the proposal represents sustainable development in accordance with the NPPF. Moreover, the proposed use is unlikely to result in a significant increase in demand for parking over and above the lawful use as a 3-bedroomed house. As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable and there is space within the rear garden for the storage of bicycles.

Other Material Considerations

- 7.10 The JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraph 7.4 of this report, the proposal complies with this policy.
- 7.11 By reason of the mix of house types within the vicinity of the application site (i.e. a number of houses occupied by single households, flats and houses in multiple occupation), it is considered that the retention of the building as a house in multiple occupation would not cause any undue detriment to the character of the surrounding area. The development provides accommodation for four people and it should be recognised that this figure is no higher than the number of people that could occupy the building as a single dwelling. As a consequence of this, the development has a neutral impact on the area's character.
- 7.12 In addition, the application site is located in close proximity to a general store and a small, allocated local centre in Semilong Road, which contains a number of facilities. The property is also within walking distance of the Racecourse and Barrack Road, which contains a larger array of retail and leisure facilities and access into the town centre. Accordingly, it is considered that the site has good access to a variety of commercial, leisure and recreation facilities and it is considered that the siting of the proposal represents sustainable development in accordance with the NPPF.

8. CONCLUSION

- 8.1 It is considered that this application is in accordance with planning policy. The property is large enough for four people; there is no over-concentration of similar uses in the area which would result in a detrimental impact upon amenity and the character of the area; the site lies in a sustainable location and the development does not create an adverse impact upon the surrounding highway system.
- 8.2 The proposed use is of a residential nature within a residential area and is compliant with the guidance contained within the National Planning Policy Framework and Policies H6 of the submitted JCS and H30 of the Northampton Local Plan and accordingly the application is recommended for approval.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No. 100 Rev A.

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

2. The development hereby permitted shall be occupied by no more than four residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

3. 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 within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

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

10. BACKGROUND PAPERS

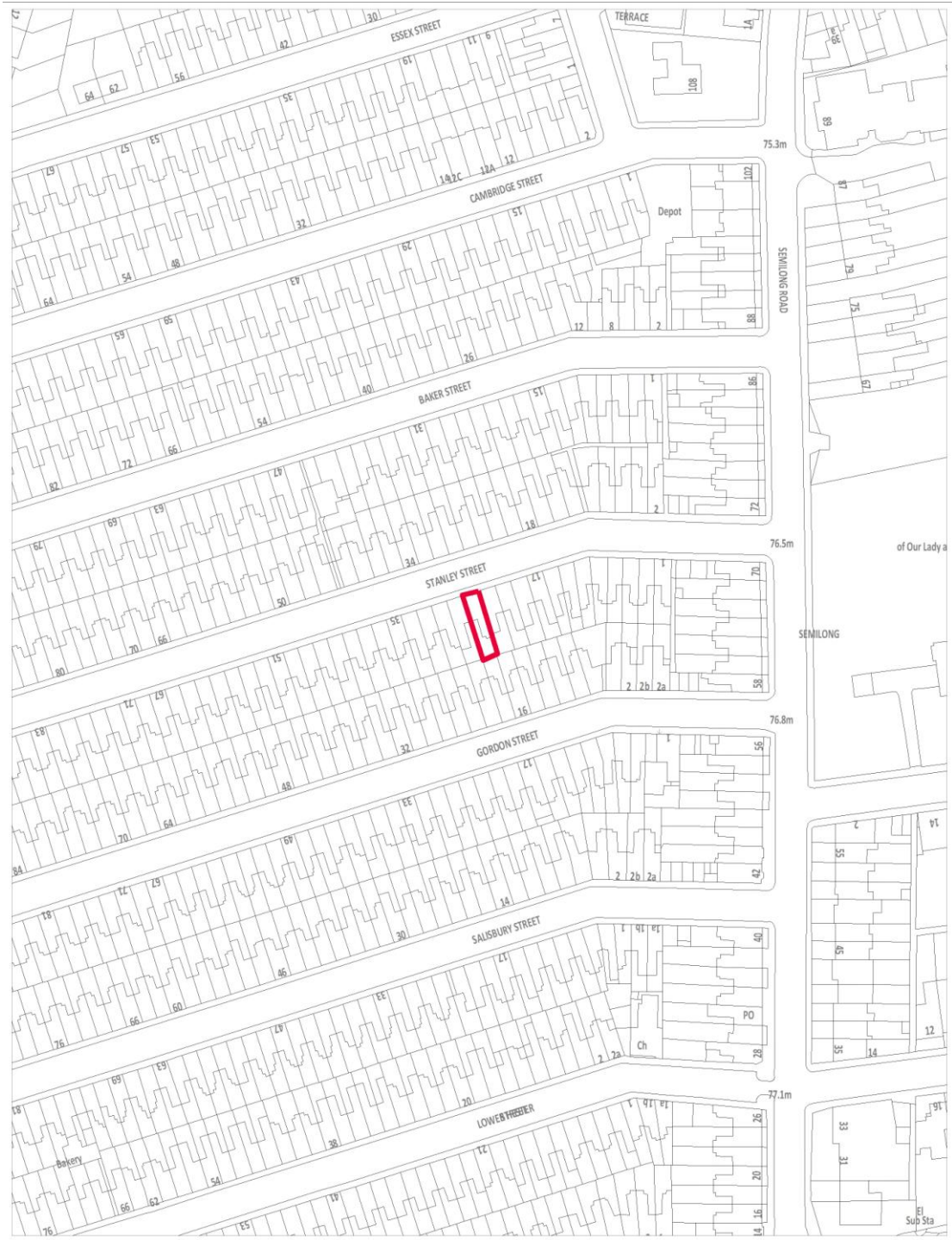
- 10.1 N/2014/0136

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 May 2014**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title
25 Stanley Street

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0263: Change of use from dwelling (Use Class C3) into house of multiple occupation (Use Class C4) for 4 tenants – Retrospective Application at 47 Stanley Street

WARD: Semilong

APPLICANT: Mr David Hennelly
AGENT: N/A

REFERRED BY: Cllr. L. Marriott
REASON: Due to the over provision of house in multiple occupation in the locality and parking problems in the area

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

2. THE PROPOSAL

- 2.1 The application seeks planning permission to operate the building as a house in multiple occupation for four people. The application is submitted retrospectively as the use is existing. No external changes have been made to facilitate the change of use.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey mid terraced dwelling (with basement) situated on the south side of Stanley Street in the Semilong area of Northampton. The dwelling is situated within a primarily residential area as allocated in the Northampton Local Plan and lies in an area where an Article 4 direction requires that planning permission is needed for C4 use. This Article 4 came into force on 14th March 2012.
- 3.2 The property fronts directly onto the street and has an enclosed rear garden. No car parking spaces are provided on site. The site is surrounded by residential accommodation comprising single dwellings and some houses in multiple occupation. A general store and off licence is located nearby at 16 Stanley Street and a small local centre is located 215 metres away in Semilong Road.
- 3.3 The application site is also located within close proximity of Barrack Road which contains a wider array of commercial facilities and access to the Racecourse. In addition a number of bus routes operate in Barrack Road running to the north and the town centre.

4. PLANNING HISTORY

- 4.1 N/2014/0135 - Application for lawful development certificate for existing use as a house in multiple occupation (Use Class C4) - Refused

5. PLANNING POLICY

- 5.1 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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a

good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

5.3 **Northampton Local Plan 1997 (Saved Policies)**

The Local Plan (states that new developments should have an acceptable layout (Policy E20) and that houses in multiple occupation should be of a sufficient size and have a neutral impact on the character of an area (Policy H30).

5.4 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

6. **CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – suggest noise conditions requesting a scheme to ensure that internal sound insulation complies with current Building Regulations and a scheme to ensure that noise and vibration from mechanical services is avoided.
- 6.2 **Private Sector Housing (NBC)** – the space and amenities provided indicate that the property will be suitable to let to 4 individuals.
- 6.3 **Semilong Community Forum** – object as follows:
 - Semilong is the most densely populated neighbourhood and already over developed;

- It has the highest density of multi-occupation in the town and suffers from the subsequent strain on services and resources;
- There are properties in the area that are in multiple occupation without consent and thus not known to the Council;
- Previous applications have been refused with and without objections being raised by the Highways department and there is a need for a more uniformed approach to planning applications for this area.

6.4 **Cllr. L. Marriott** – Requests that the application be determined by the Planning Committee due to the number of houses in multiple occupation within the vicinity of the site and parking problems.

7. **APPRAISAL**

Principle of Use

7.1 The site is located in an allocated residential area as defined in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The development has not required any external alterations and as a consequence of this, the development has not resulted in any adverse impact upon the amenities of neighbouring properties in terms of light and outlook.

Policy Implications

7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However due to the age of the Policy it may not reflect up to date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst dated the specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

Size of property

7.3 It is proposed to provide 4 separate bedrooms, one on the ground floor and three on the first floor. In addition, a shared kitchen, bathroom and communal room would be provided at ground floor level. The property has a rear garden with an area for refuse storage. Bedroom sizes vary from 6.6 square metres to 12.4 square metres. No objections have been received from the Council's Private Sector Housing team. As the rooms are of a suitable size and provide a satisfactory level of light, outlook and privacy, it is considered that this policy has been complied with in these terms.

Over-concentration of use / Neighbour amenity

7.4 Recent data collected from Council records (Council Tax and Private

Sector Housing) indicates that there are some 11 houses in multiple occupation within Stanley Road of approximately 98 dwellings in total. It is therefore considered that the character of the area is still dominated by family occupied houses and the introduction of a further HIMO would not adversely affect the character in this instance. Furthermore the development provides accommodation for four people and it should be recognised that this figure is no higher than the number of people that could occupy the building as a single dwelling. As a consequence of this, the development has a neutral impact on the area's character.

- 7.5 Other issues that may affect neighbouring amenity usually associated with HIMO's are accumulations of refuse on the street and disturbance due to noise and the intensified use of the site. The applicant has indicated that the property will be managed by a local letting agency and details of how the property will be managed in this regard have been submitted with the application.
- 7.6 The site has a garden to the rear which allows for an area for bin storage. This matter can be controlled via condition. Furthermore a cleaner will visit the premises on a fortnightly basis and ensure that refuse is adequately stored on non-collection days.
- 7.7 In terms of potential noise disturbance, it is considered that the proposed maximum of 4 no. occupants would not represent substantial intensification in comparison to how the property could be used as a family home. It is not considered therefore the proposed use would give rise to unacceptable noise and disturbance. A condition is recommended that would ensure that the number of residents of the property does not exceed four. Given the scale of the building and the fact that a satisfactory standard of amenity can be secured, this figure is not excessive.
- 7.8 The Environmental Health Officer has recommended that planning conditions should be imposed to alleviate internal noise impact. However, due to the proposed number of residents and the location of the bathroom, it is not considered any potential impact would be significantly more than a single dwelling and planning conditions are not considered to be reasonable and necessary in this instance.

Car Parking

- 7.9 Stanley Street has unrestricted on-street car parking opportunities. It is accepted that the proposal does not include any off street car parking however the application site is in close proximity to a variety of commercial and leisure facilities and major routes that contain access to public transport. It is therefore considered that the siting of the proposal represents sustainable development in accordance with the NPPF. Moreover, the proposed use is unlikely to result in a significant increase in demand for parking over and above the lawful use as a 3-

bedroomed house. As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable and there is space within the rear garden for the storage of bicycles.

Other Material Considerations

- 7.10 The JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraph 7.4 of this report, the proposal complies with this policy.
- 7.11 By reason of the mix of house types within the vicinity of the application site (i.e. a number of houses occupied by single households, flats and houses in multiple occupation), it is considered that the retention of the building as a house in multiple occupation would not cause any undue detriment to the character of the surrounding area. The development provides accommodation for four people and it should be recognised that this figure is no higher than the number of people that could occupy the building as a single dwelling. As a consequence of this, the development has a neutral impact on the area's character.
- 7.12 In addition, the application site is located in close proximity to a general store and a small, allocated local centre in Semilong Road, which contains a number of facilities. The property is also within walking distance of the Racecourse and Barrack Road, which contains a larger array of retail and leisure facilities and access into the town centre. Accordingly, it is considered that the site has good access to a variety of commercial, leisure and recreation facilities and it is considered that the siting of the proposal represents sustainable development in accordance with the NPPF.

8. CONCLUSION

- 8.1 It is considered that this application is in accordance with planning policy. The property is large enough for four people; there is no over-concentration of similar uses in the area which would result in a detrimental impact upon amenity and the character of the area; the site lies in a sustainable location and the development does not create an adverse impact upon the surrounding highway system.
- 8.2 The proposed use is of a residential nature within a residential area and is compliant with the guidance contained within the National Planning Policy Framework and Policies H6 of the submitted JCS and H30 of the Northampton Local Plan and accordingly the application is recommended for approval.

9. **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No. 100.

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

2. The development hereby permitted shall be occupied by no more than four residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

3. 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 within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

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

10. **BACKGROUND PAPERS**

- 10.1 N/2014/0135

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 May 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
47 Stanley Street

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0462: Application to vary section 106 agreement in respect of application N/1997/0566 to remove the obligation to provide a link road between Berrywood Road and St Crispin Drive at Former St Crispin's Hospital, Berrywood Road

WARD: Upton

APPLICANT: Taylor Wimpey (East Midlands)
AGENT: Barton Wilmore

REFERRED BY: Head of Planning
REASON: Proposes modification of a legal agreement

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **AGREE** variation of the Section 106 agreement to delete the requirement for a link road between Berrywood Road and St Crispin Drive.

2. BACKGROUND

2.1 The development of the former St Crispin's hospital was approved in outline in 2002 subject to a Section 106 agreement. One of the requirements of this agreement was the provision of a link road between Berrywood Road and the road through the St Crispin's development, now known as St Crispin's Drive.

2.2 Subsequently various reserved matters applications were approved for the various phases of the development, resulting in a total of 900 residential units being approved. In addition to this a further 80 dwellings have been approved in a separate application, together with 270 extra care units, the Pendered Centre with 190 beds and the primary school with 150 places. All of these have now been completed

and are occupied, with the exception of the main building and approved adjacent flats which are still under development.

- 2.3 The developer is now proposing to vary the S106 agreement in question to allow the deletion of the requirement for the proposed link road between Berrywood Road and St Crispin Drive.

3. SITE DESCRIPTION

- 3.1 The location of the road as proposed would be between a point on Berrywood Road as defined in the Section 106 agreement and St Crispin's Drive. The exact line of the road is not defined in the legal agreement but has generally been defined as passing through an area of currently vacant land, which has been designated for the provision of sports pitches. The land falls within the St Crispin Conservation Area.

4. PLANNING HISTORY

- 4.1 The development of the former St Crispin's hospital for residential use was approved in outline under application reference N/1997/0566 on 12th November 2002.
- 4.2 A revised application was submitted under reference N/2004/0719 which revised the proposal by removing the previously consented hotel and substituting residential conversion of the old hospital buildings.
- 4.3 Following on from these outline permissions, various reserved matters applications were approved for the detailed layout of the site.

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: Design to adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

E26 – Conservation Areas: Planning permission for development in conservation areas will be granted so long as the development preserves or enhances the character and appearance of those areas.

E19 – Implementing Development: Planning permission for residential, business or commercial development proposals will only be granted where any adverse effect or impact of the development is allowed for or mitigated and where the infrastructure, services and amenities made necessary by the development are in existence or will be provided by the developer or other agency.

H7 – Housing development outside Primarily Residential Areas: Planning permission for residential development will only be granted where a satisfactory residential environment can be achieved, 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, would comply with the council's highway design guide, would not be piecemeal in character, would not result in the loss of, or the loss of social, educational, recreational or other facilities for which there is a need in the area, or trees or land of significant amenity value.

6. CONSULTATIONS/ REPRESENTATIONS

Representations are summarised as follows:

- 6.1 **Local Highway Authority** - no objection to the removal of the link road obligation as this was not a requirement suggested by the Local Highway Authority during the original planning consultation.
- 6.2 **NBC Conservation** - The variation of the Section 106 to remove the need for an additional access road will be of benefit to the heritage assets in the area. The St Crispin Conservation Area will be enhanced by not having an access road cutting through the historic landscape and the setting of the grade II listed chapel will be enhanced by not having a roadway immediately adjacent to it.
- 6.3 One objection received from the occupier of a property on the St Crispin's estate, making the following points:
 - Essential to have another access to the Crispin's Estate.
 - Already difficult to get out of the end of Camelot Way at certain times, without this relief road it will be impossible once the new school is built.

7. APPRAISAL

- 7.1 The St Crispin's development was approved in November 2002, subject to a Section 106 agreement which required the provision of a

link road between Berrywood Drive and the spine road through the St Crispin's site.

- 7.2 The requirement for a link road was not, however, set out in Policy and comments from the Highway Authority at the time do not indicate a requirement for this road.
- 7.3 It is now proposed, by means of this application, to delete the requirement for this link road. The issue to consider is whether the development as approved would be acceptable in the absence of the link road.

Technical Assessment

- 7.4 In support of the application a technical assessment has been provided to demonstrate that the link road is not required. The methodology for this assessment was agreed in advance by the Highway Authority and the assessment entailed the carrying out of automatic and manual traffic counts, assessment of existing junction capacities and the modelling of future predicted travel flows, including that which would be generated from future developments including the Northampton West SUE, with and without the link road.
- 7.5 The findings of the report were that the addition of the link road would make some journeys quicker, but would add significant pressure to the junction of Berrywood Road and Main Road, whilst having only a slight benefit on the junction of Berrywood Drive and Berrywood Road. The junction of St Crispin Drive and the A4500 Weedon Road was found to have spare capacity and would not be benefitted or affected by the addition of the link road.
- 7.6 The conclusion of the report is that the link road is not justified in order to improve traffic flows and would adversely impact on the junction of Berrywood Drive and Main Road. On this basis it is considered that it has been satisfactorily demonstrated that the link road is not necessary.

Other Factors

- 7.7 In addition to the technical study, the perceived advantages of a link road should also be considered. In this respect it should be noted that the development of the St Crispin's area has largely been completed, meaning that traffic flows within the area will not be increased significantly from any further development.
- 7.8 An additional consideration is the area around St Luke's school, which has been the subject of complaints in the past and undoubtedly does suffer from traffic congestion at certain times of the day. The provision of the link road would allow for an alternative means of accessing this school site but would not provide a means of by-passing congestion at

the school for traffic between the St Crispin's development and the A4500 Weedon Road.

- 7.9 Furthermore, the development of the former Princess Marina site is now underway and this includes the provision of a road through the Princess Marina site, which would connect the A4500 to Kent Road in the vicinity of the St Crispin Local Centre. This road has planning permission and given that development of the surrounding housing site is underway, it is reasonable to assume that this will be built. This will provide an alternative access into the St Crispin estate, by-passing the area of potential congestion at St Luke's school.

Disadvantages of the Link Road

- 7.10 It is also pertinent to consider the disadvantages of the link road, notwithstanding the fact that it has been shown to be unnecessary. The principal disadvantage is that the road would cut through the proposed playing fields which would serve the St Crispin Development. This would reduce the area available for pitches and also have a detrimental impact on the playing environment provided. Uncertainty as to whether the road will be required is currently delaying the provision of these playing pitches.
- 7.11 The siting of the road would also reduce the options for the provision of the new community centre, the provision of which is also a requirement of the S106 agreement.
- 7.12 The road would affect the character of the conservation area by cutting through the open space, as well as the setting of the grade II listed church, which the proposed road would pass close by.

Possible alternative route for the link road

- 7.13 In theory, an alternative route could be considered under the terms of the S106 agreement for the link road to be built along the existing section of Old Kent Road, which is currently closed to traffic and used as a footpath only. However, this would be more problematic as not all the land which would be required is in the ownership of the developer.
- 7.14 This alternative route has, nevertheless, been explored as a possibility and it has been confirmed by the Highway Authority that a road of adoptable standard could only be provided if significant numbers of trees were to be felled. As the site is within the conservation area, the loss of these trees would not be acceptable. An upgraded road in this location would also pass close to the front of the grade II listed church. The construction of a road in this alternative location would, therefore, have a significantly detrimental impact on the conservation area and on the setting of the listed building.

8. CONCLUSION

- 8.1 The technical assessment report submitted demonstrates that the link road as required by the S106 agreement is not necessary. If constructed in spite of this, the road would have a detrimental impact on the provision of playing fields for the St Crispin's estate, the character of the conservation area and the setting of the grade II listed church. It is recommended, therefore, that the application to vary the Section 106 agreement by removing the obligation to provide a link road is agreed.

9. BACKGROUND PAPERS

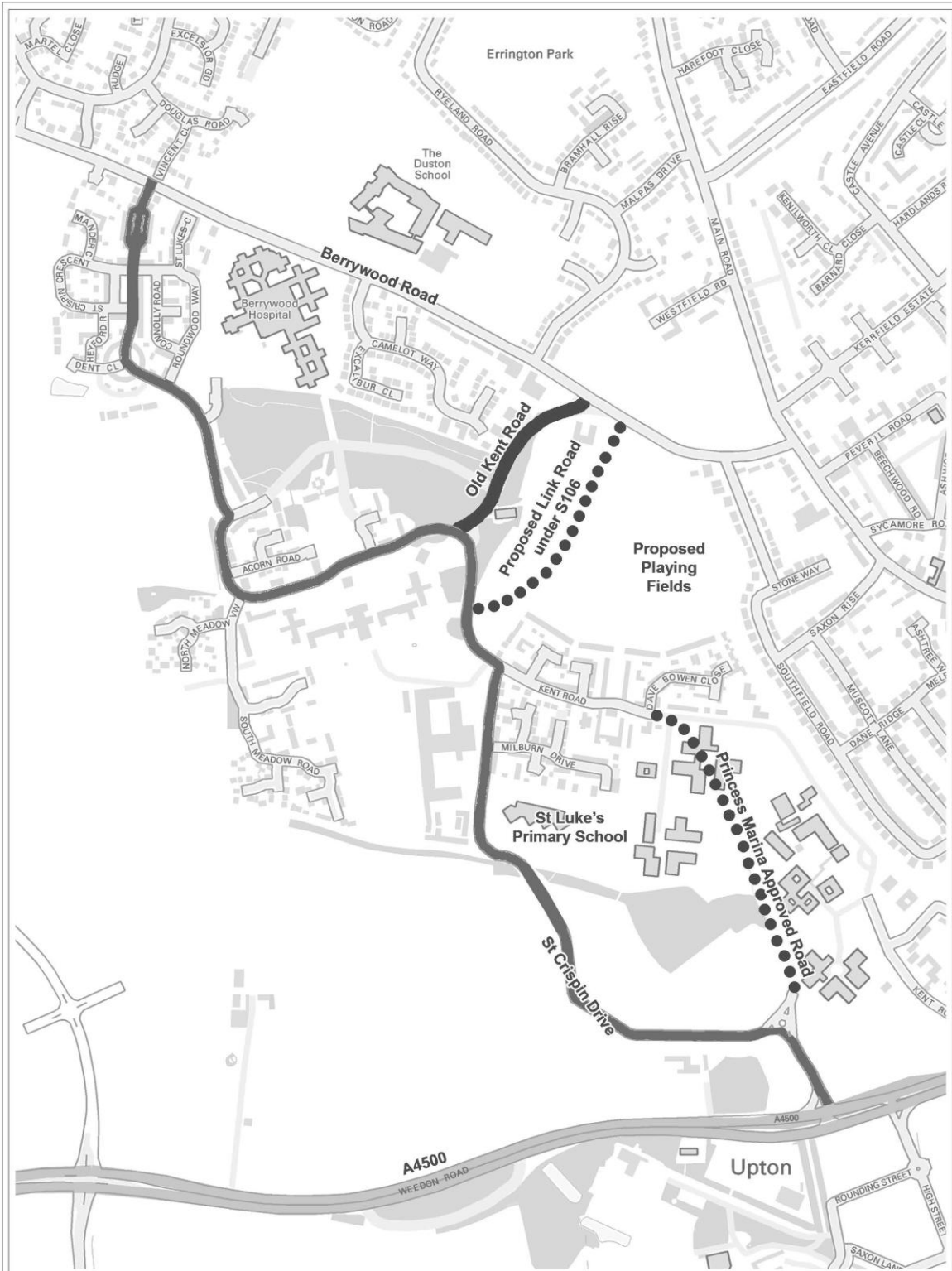
- 9.1 Application files N/2014/0462 and N/1991/0566

10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



St Crispin Development

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PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0473: Extension to existing bowling club building to provide new changing and locker room at Indoor Bowls Centre, Kingsthorpe Recreation Ground, Harborough Road

WARD: Sunnyside

APPLICANT: Mr Colin Dalglish, Northampton & District IBA

AGENT: Mr Matthew Fox

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

DEPARTURE: NO

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The development would enhance the provision of facilities at an existing sports facility and would not be of any visual or amenity detriment to the surrounding locality in accordance Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application proposes the erection of a single storey extension on the north-western side of the indoor bowling club to provide new changing and locker facilities. The building would be a brick block construction with brick facing to match the existing main entrance with a metal seam roof similar to existing. The existing fire escape would be re-located to the outside of the extension. The building would be 39.15m in length and extend 3.4m out from the side of existing building

with a sloping roof up to a height of 3.7m below the height of the main building.

3. SITE DESCRIPTION

- 3.1 The application site comprises of an indoor bowls club situated on land owned by the Borough Council. A large car park extends out from the front of the building enclosed by palisade fencing on all sides with access from Harborough Road. The building is a large predominantly steel frame metal clad construction with a single storey brick faced entrance to the front. The site directly borders onto Kingsthorpe Recreation Ground situated to the northwest with mature trees forming the south-eastern and western boundaries of the site. Residential properties are located to the south-east and south-west.

4. PLANNING HISTORY

- 4.1 94/0151 – Flat roofed extension to existing indoor bowling club. Approved 6.04.94.

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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF)

Para 56 – good design is a key aspect of sustainable development.

Para 70 – Planning decisions should plan positively for the provision of shared space, community facilities, including sports venues, to enhance the sustainability of communities and residential environments.

5.3 Northampton Local Plan 1997 (Saved Policies)

E20 – New development should reflect character of surroundings in terms of layout, siting, form, scale and materials and ensure adequate standards of privacy and daylight

Other Material Considerations

- 5.4 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

No relevant policies.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environmental Health** – No objection.

- 6.2 **Asset Management** – No objection.

7. APPRAISAL

Principle of development and design

- 7.1 The NPPF supports the provision of community facilities including indoor sports venues. The proposed extension would provide an enhancement to the existing facilities at the club providing additional space for changing and locker facilities and is therefore considered in accordance with the aims of the NPPF.

- 7.2 The NPPF and Policy E20 of the Local Plan encourage good design and seek to ensure that new development reflects the character of its surroundings in terms of scale, form and use of materials.

- 7.3 The proposed extension would be clearly visible from the surrounding public areas including the park but would be a relatively small scale addition to the existing building with a simple form. Proposed materials would be in keeping with materials used at the main entrance to the building. The design and appearance are considered to be in keeping with the existing structure and would not have any significant adverse visual impact on the character of the surrounding area.

Impact on Amenity

- 7.4 The nearest residential properties are located adjacent to the southern boundaries of the site. There are no windows proposed in the extension and the building would not be located any nearer to these residential properties than the existing building such that it is not considered there would be any increased impact on adjacent residential amenity.

8. CONCLUSION

- 8.1 The proposed development would enhance the facilities provided at an existing sports facility and would not be of any visual or amenity detriment to the surrounding locality in accordance with the above policies and is therefore deemed acceptable.

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 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 entrance to the building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Materials Plan, Proposed Site Plan, Proposed Floor Plan and Proposed Elevations Plan.

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

10. BACKGROUND PAPERS

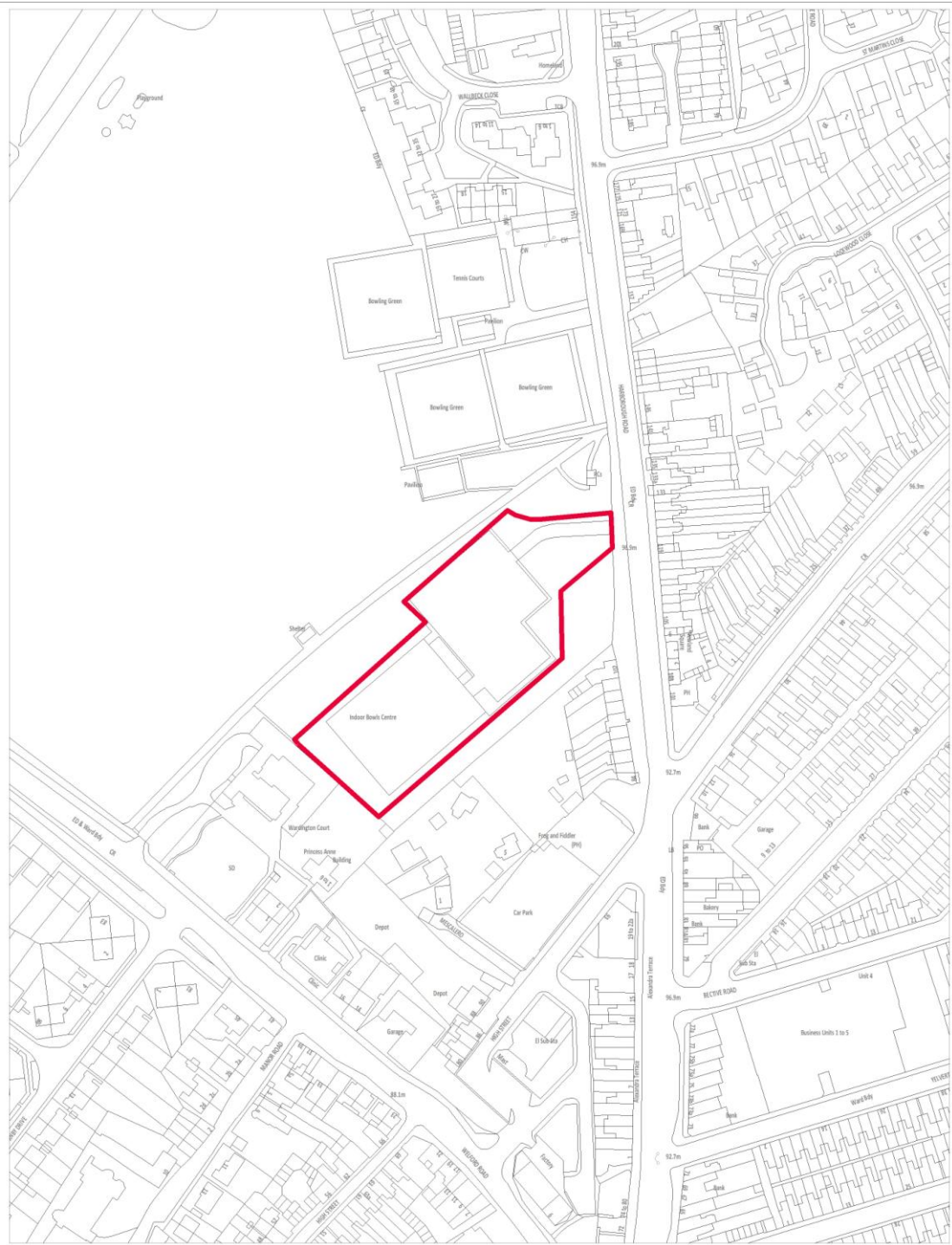
- 10.1 N/2014/0473.

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 May 2014**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title

Kingsthorpe Recreation Ground, Harborough Road

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