



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 2 September 2014

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

on Tuesday, 2 September 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) **NORTHAMPTON RELATED DEVELOPMENT AREA 5 YEAR HOUSING LAND SUPPLY ASSESSMENT**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
10. **ITEMS FOR DETERMINATION**
11. **2014 SEP 2ND ADDENDUM**
 - (A) **N/2013/1300 - 46 SPENCER STREET: ERECTION OF 25 DWELLINGS COMPRISING 9 HOUSES, A BLOCK OF 16 SELF CONTAINED FLATS WITH ASSOCIATED PARKING AND LANDSCAPING**
 - (B) **N/2014/0010 - SHALIMAR, GREAT BILLING PARK, WELLINGBOROUGH ROAD: VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2011/0694 TO ALLOW INSTALLATION OF WINDOWS TO SIDE ELEVATIONS**

- (C) N/2014/0580 - 162 - 166 WELLINGBOROUGH ROAD: CHANGE OF USE AND REAR EXTENSION OF GROUND FLOOR TO FORM RESTAURANT (A3); CREATION OF SIX FLATS (CONVERSION OF FIRST AND SECOND FLOOR TO FORM THREE FLATS AND ERECTION OF REAR EXTENSION AT FIRST FLOOR TO FORM THREE FLATS)
- (D) N/2014/0598 - OPEN SPACE LADYBRIDGE PARK: ERECTION OF A SINGLE-STOREY BUILDING ADJACENT TO EXISTING CAR PARK TO BE USED AS CHANGING ROOMS FOR FOOTBALL CLUB
- (E) N/2014/0676 - 93 STATION ROAD: ERECTION OF 3 BED DETACHED DWELLING
- (F) N/2014/0677 - UNIT 2 GOLDINGS SUPERMARKET, PRENTICE COURT: SINGLE-STOREY REAR/SIDE EXTENSIONS
- (G) N/2014/0692 - 128 ARTIZAN ROAD: CHANGE OF USE FROM DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION FOR 5 OCCUPANTS (C4)
- (H) N/2014/0735 - 74 EARL STREET: CHANGE OF USE FROM DWELLING (C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 8 PEOPLE (SUI GENERIS) (RETROSPECTIVE)
- (I) N/2014/0788 - THE NATIONAL LIFT TOWER, TOWER SQUARE: CHANGE OF USE OF BUILDING TO COMBINE LIFT TESTING FACILITIES/ABSEILING CENTRE (SUI GENERIS) AT NATIONAL LIFT TOWER
- (J) N/2014/0841 - 131 ST ANDREWS ROAD: CHANGE OF USE FROM DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION (C4) FOR UP TO 4 OCCUPANTS (RETROSPECTIVE)
- (K) N/2014/0889 - SIXFIELDS STADIUM, WALTER TULL WAY: APPLICATION FOR VARIATION OF CONDITION 2 OF PLANNING APPROVAL N/2013/1048 TO ALTER LAYOUT AND ACCOMMODATION WITHIN THE EAST STAND
- (L) N/2014/0890 - FORMER PEARCE LEATHER WORKS, WELLINGBOROUGH ROAD: APPLICATION TO VARY THE SECTION 106 AGREEMENTS IN RESPECT OF APPLICATIONS 10/0027/FULWNN DATED 13/10/10 AND N/2012/0926 DATED 07/08/2013 REGARDING AFFORDABLE HOUSING

12. ENFORCEMENT MATTERS

13. ITEMS FOR CONSULTATION

- (A) LAND AT WELFORD ROAD :OUTLINE APPLICATION FOR UP TO 41 DWELLINGS, ESTATE ROAD, OPEN SPACE AND ASSOCIATED WORKS
- (B) LAND TO SOUTH OF BOUGHTON ROAD: OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 125 DWELLINGS, INCLUDING AFFORDABLE HOUSING, ACCESS AND ASSOCIATED WORKS, OPEN SPACE INCLUDING STRATEGIC LANDSCAPING, FORMAL SPORTS PITCHES AND CHILDRENS'S PLAYSPACE, CAR AND COACH PARKING AREA TO SERVE MOULTON

(C) LAND ADJACENT TO CAREY CLOSE: CONSTRUCTION OF 56 DWELLINGS INCLUDING VEHICULAR ACCESS, PEDESTRIAN & CYCLE LINKS, PUBLIC OPEN SPACE, CAR PARKING, LANDSCAPING & DRAINAGE

14. 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, 29 July 2014

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

1. APOLOGIES

Apologies for absence were received from Councillor Meredith.

2. MINUTES

The minutes of the meeting held on 17th July 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/2013/0912 - Land for redevelopment Nunn Mills Road
Neil Rowley (Savills)
- N/2014/0475 - University of Northampton, Park Campus Boughton Green
Road
Pasquale Renda (Resident)
Cllr Beardsworth
Neil Rowley (Savills)
- N/2014/0600 - Land at Former Honda Car dealership between Compton
Street and Grafton Street
Cllr Stone (Ward member)
Clive Ireson (Neighborhood Forum)
Andy Ward (Agent)
- N/2014/0607 - 1 Spyglass Hill
Cllr Larratt (Ward Member)
Gary Turner (Resident)
John Davis (Resident)
Lisa Davey (Applicant)
Kevin Hodnett (Resident)
- N/2014/0617 - Pig And Whistle PH, Blackthorn Bridge Court
Tony Potts (Resident)
Kathryn White (Blackthorn Good Neighbours)
- N/2014/0621 & N/2014/0622 - 87 St Giles Street

Cllr Stone (Ward member)
Rod Kilsby (Agent)
Gary Bees (Applicant)

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Mason declared a personal, non-prejudicial interest in item 10e. She could however approach the matter with an open mind and without any predetermination.

The Director of Regeneration and Planning declared a pecuniary and prejudicial interest in items 10e. He advised the Committee that he would leave the meeting during the presentation and deliberation of this item.

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

None

6. LIST OF CURRENT APPEALS AND INQUIRIES

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

The Development Manager introduced the written report and elaborated thereon.

RESOLVED: That the report be noted

7. OTHER REPORTS

None

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2014/0695 - SIXFIELDS STADIUM, WALTER TULL WAY: NON-ILLUMINATED FREE STANDING HOARDING

The Planning Development Manager outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval subject to standard advert conditions.

The Committee discussed the application.

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

10. ITEMS FOR DETERMINATION

The Chair advised the Committee that item 10e would be taken first, followed by the remaining items in agenda order.

(E) N/2014/0617 - PIG AND WHISTLE PUBLIC HOUSE, BLACKTHORN BRIDGE COURT: CHANGE OF USE FROM PUBLIC HOUSE (A4) INTO CHILDCARE COMMUNITY NURSERY (D1) TO INCLUDE THE INSTALLATION OF ENTRANCE DOORS, NEW NORTH FACING WINDOW OPENINGS AND THE ADDITION OF SOLAR PANELS TO THE EAST FACING ROOF SLOPE

The Director of Regeneration and Planning left the meeting for the duration of the item.

The Planning Development Manager outlined the report of the Head of Planning, as set out in the agenda and addendum. The recommendation was for approval of the application subject to the conditions as set out in the report.

The Chair invited Tony Potts, local resident, to address the Committee. Mr Potts outlined the history of the development of public houses on the eastern estates of Northampton since 1972. He believed that the pubs served as a focus for local trade, were a community amenity and helped reduce criminality in the local area.

The Chair invited Katheryn White, Manager of Blackthorn Good Neighbours (BGN), to address the Committee. Ms White explained that the need for nursery places was established and BGN would supply new provision, develop a community amenity and encourage volunteering. Closing the pub was not the aim, but the premises had been marketed for sale by the current owners for several years.

In response to questions from the Committee Ms White supplied the following information:

- £100,000 funding for Phase I of the project was secured.
- Capacity at the nursery was 64, taking 32 children in the morning and the same in the afternoon.

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

- The car park spaces are not currently marked, but the nursery would make use of a short term drop off point. They also expected most parents and children to walk to the nursery.

The Committee discussed the report.

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

(A) N/2013/0912 - LAND FOR REDEVELOPMENT AT NUNN MILLS ROAD: OUTLINE PLANNING PERMISSION FOR REDEVELOPMENT OF THE SITE AS A NEW CAMPUS FOR THE UNIVERSITY OF NORTHAMPTON, INCLUDING SITE CLEARANCE AND ENABLING WORKS COMPRISING REMEDIATION AND RE-LEVELING OF THE SITE, DEMOLITION OF ALL BUILDINGS ON THE SITE (EXCEPT THE GRADE II LISTED STRUCTURES). THE PROPOSAL INCLUDES UP TO 40,000M2

UNIVERSITY FLOORSPACE (ALL FLOORSPACE IS GEA); UP TO 15,000M2 UNIVERSITY EXPANSION FLOORSPACE; UP TO 35,000M2 COMMERCIAL (B1) FLOORSPACE; UP TO 3,550M2 OF RETAIL FLOORSPACE (UP TO 1800M2 OF A1, UP TO 150M2 OF A2, AND UP TO 1600M2 A3/A4); UP TO 1,500 BEDS OF STUDENT ACCOMMODATION; UP TO 760 CAR PARKING SPACES FOR UNIVERSITY USE; UP TO 1,100 CAR PARKING SPACES FOR COMMERCIAL / LEISURE USE; A HOTEL OF UP TO 7,000M2 (UP TO 150 BEDROOMS); FLOODLIT SPORTS FACILITIES; REUSE OF LISTED LOCOMOTIVE SHED (520M2) AND CURTILAGE LISTED OFFICE BUILDING; AN ENERGY CENTRE OF UP TO 600M2; A NEW ROAD BRIDGE AND JUNCTION ON TO BEDFOR

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda and addendum. The recommendation was for approval in principle, subject to the prior completion of a S106 agreement and subject to the conditions set out in the report.

The Chair invited Neil Rowley, agent for the applicant, to address the Committee. Mr Rowley explained that the scheme was basically as previously approved, with improvements as suggested by the Highways Authority.

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

- The applicant was still open to discussions with the Sea Cadets with regard to access to their facilities.
- The hotel will be a commercial venture and will only come forward if the market demands.

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

- The sports provision will be concentrated in the south-east corner of the site.
- Sport England was now happy with the provision at the site.

The Committee discussed the report.

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

(B) N/2014/0475 - UNIVERSITY OF NORTHAMPTON PARK CAMPUS, BOUGHTON GREEN ROAD: OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR THE DEMOLITION OF EXISTING UNIVERSITY FACILITIES AND ERECTION OF NEW BUILDINGS COMPRISING RESIDENTIAL ACCOMMODATION (C3) UP TO 800 UNITS AND ASSOCIATED DEVELOPMENT

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda and addendum. He advised that after the publication of the addendum the Environment Agency confirmed that they now no longer had any objection

regarding any potential flood risk. The recommendation was for approval in principle, subject to the prior completion of a S106 agreement and the conditions set out in the report.

The Chair invited Pasquale Renda, local resident, to address the Committee. Mr Renda advised that his was not a full blooded opposition, but he wished to raise the issues of potential increased traffic, dust and noise pollution during the build and his wish that the University of Northampton (UoN) not dominate the decision making processes of the town.

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

- He has lived in the area since childhood and currently lived a ½ mile from the site.
- He accepted UoN was an asset, but should not dominate the town.
- He did not have direct knowledge of any previous planning objections from local schools.

The Chair invited Councillor Beardsworth, the County Councillor for the application area, to address the Committee. Councillor Beardsworth expressed her concern that infrastructure, such as medical provision, should precede any construction. She asked that the Committee consider the bigger picture and see the application as part of a cumulative impact on the Kingsthorpe corridor.

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

- She believed there would be a reduced bus service with the relocation of the UoN.
- There was a potential for four vehicles to a household and increased traffic movements
- The direction of traffic flow with the change from UoN to residential was unknown.
- Parking on Boughton Green Road was an issue, but who this was generated by was unknown.

The Chair invited Neil Rowley, agent for the applicant, to address the Committee. Mr Rowley explained that the scheme was fundamental to the UoN developing in the coming years. The site would close in 2018, with approximately 100 residential units expected to be constructed in each subsequent year. He accepted the need for infrastructure, but the S106 would help with the required provision. With 15000 students no longer on site there should be additional GP capacity created. The loss of sports facilities would be offset by the creation of new provision at the Waterside Campus.

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

- The budget for the £300m waterside project was tight and the potential receipt from this development was a key element.
- It was hoped the pathway to the Benham Sports Centre would be maintained.
- The final traffic assessment was still being considered by the Highway Authority, but it demonstrates that there will be less traffic movements than currently experienced.

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

- Management of dust and noise during construction should be mitigated by condition 13.
- The S106 applied to this development and further provision regarding other developments should be considered with each application.
- Sports provision would be supplied at the new campus.
- The Environment Agency have evaluated the flood risk and agreed conditions.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to the prior completion of a S106 agreement and the conditions set out in the report and addendum.

(C) N/2014/0600 - LAND AT FORMER HONDA CAR DEALERSHIP BETWEEN COMPTON STREET AND GRAFTON STREET: ERECTION OF 36 DWELLINGS COMPRISING 12 THREE BED HOUSES, 12 TWO BED HOUSES AND 12 TWO BED FLATS WITH VEHICULAR ACCESS FROM COMPTON STREET

The Senior Planning Officer outlined the report of the Head of Planning, as set out in the agenda and addendum. The recommendation was for refusal for the reasons set out in the report.

The Chair invited Councillor Stone, the Ward Member, to address the Committee. Councillor Stone highlighted her work in and knowledge of the area. She believed the business development would not take off and that the need for family housing in the area was well proven. She asked the Committee to note the residents support for the development.

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

- She believed the Housing Association involved was well aware of the local housing costs.

- This could be a regeneration project to help alleviate the overcrowding in the Spring Boroughs area.

The Chair invited Clive Ireson, Chair of the Neighbourhood Planning Group, to address the Committee. Mr Ireson explained that while the neighbourhood plan was not yet finalised, this site had been identified by local residents as being suitable for housing development. He noted the high levels of overcrowding locally and this unused land could help alleviate that problem. He added that development of the Enterprise Zone would leave this site vacant for the foreseeable future. There were some design issues regarding the site, but he believed these could be rectified.

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

- The applicant had not consulted local residents directly regarding the design.
- Local need would fill these larger properties.
- Local residents had a preference for properties with gardens/outside space and areas for children to play.

The Chair invited Andy Ward, agent for the applicant, to address the Committee. Mr Ward explained that the applicant was working on changes to address the issues raised by the residents and planning officers. The applicant was happy to agree an extension of time to discuss these matters further. He highlighted that there were no environmental or highways objections and asked the Committee to give weight to the community support for the development. He believed the NPPF encouraged flexibility and pointed out that once agreed work would commence on site within 6 months.

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

- The applicant had not been aware until the report was prepared that there was a potential for refusal. He believed that the proposed changes would mitigate the reasons for refusal.
- He not been aware of the Urban Design Officer's views until the report was written.
- Consultation with residents would take place moving forwards.
- He believed it was not unusual to see former commercial sites developed to meet housing need.
- The site had one entrance with a turning circle.
- The applicant had not considered withdrawal, but would be happy for the application to be deferred.

In response to the issues raised by the speakers the Senior Planning Officer supplied the following information:

- He did believe that there was a realistic chance of amendments overcoming the reasons for refusal.
- Planning Officers would be happy to continue a dialogue with the applicant.

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

- The site had been empty for 4 years.
- Any Neighbourhood Plan should conform to the CAAP strategic objectives. The debate would be if this site was part of any strategic objectives.

The Committee discussed the report.

Upon a proposal from Councillor Golby, seconded by Councillor I Choudary the committee **RESOLVED**:

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

1. The proposed development by reason of its design and layout would fail to create a safe and distinctive high quality environment. The proposal would therefore fail to secure a satisfactory level of residential amenity for the future occupiers of the development, which fails to comply with the requirements of the National Planning Policy Framework and Policies 1 and 24 of the Northampton Central Area Action Plan.
2. The proposal would prevent the site from being developed for employment uses, which would preclude the sustainable redevelopment of the wider area. The development therefore fails to comply with the requirements of the National Planning Policy Framework and Policy 24 of the Northampton Central Area Action Plan.
3. By reason of its design, the proposed development fails to secure a safe road layout. The proposal therefore would adversely affect highway safety, contrary to the requirements of the National Planning Policy Framework.

The vote on the resolution being - For: 5 Against: 4 Abstained: 1

(D) N/2014/0607 - 1 SPYGLASS HILL: CHANGE OF USE FROM DWELLING (C3) TO MIX RESIDENTIAL AND NURSERY USE

The Planning Development Manager outlined the report of the Head of Planning, as set out in the agenda and addendum. The recommendation was for refusal for the reasons as set out in the report.

The Chair invited Councillor Larratt, the Ward Member, to address the Committee. Councillor Larratt accepted there was need for nursery provision, but believed this was the wrong location. He highlighted the Highways Authority observations regarding the site proximity to the road junction.

The Chair invited Gary Turner, local resident, to address the Committee. Mr Turner believed there would be a detrimental impact on a quiet residential area. Parking in the area was already an issue at times and he suggested the Committee heed the expert advice of the Highways Authority.

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

- The photographs shown earlier highlighted the parking problems on every school day, twice a day.

The Chair invited John Davis, local resident, to address the Committee. Mr Davis has been a resident for 17 years and overtime seen the traffic movements in the area increase year on year. He did believe that the property could not hold 10 vehicles on the drive. The volume of traffic movements both current and proposed made an incident inevitable.

The Chair invited Lisa Davey, the applicant, to address the Committee. Ms Davey highlighted the need for nursery provision. She added that her business operated in a flexible way and that the specific timing of traffic movements suggested would not occur. The nursery would operate with 55 children present. She pointed out that the Environmental Health Officer had suggested the business be granted a temporary permission for 12 months to ensure the operation was correct.

In response to questions from the Committee Ms Davey supplied the following information:

- She expected 23 traffic movements to be generated over two periods, 08:00-08:30 and 09:15-09:30. Many children were picked up of site by mini-bus.
- No structural changes would be made to the property.
- She had taken advice on the process from a Borough Councillor and an independent highways expert.
- Local ward councillors had not visited the site when invited at the pre-application stage.

The Chair invited Kevin Hodnett, local resident, to address the Committee. Mr Hodnett was a neighbour of Ms Davey's current nursery and explained he had not experienced any problems with its operation. He suggested that the current issues with parking be taken up with the school and GP surgery, not laid at Ms Davey's door.

The Committee discussed the report.

Upon a proposal from Councillor I Choudary, seconded by Councillor Golby the committee **RESOLVED**:

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

1. The proposal would have an adverse impact upon the amenity of residents in the area, in particular those immediately adjoining the site, by virtue of the introduction of an incompatible use in a residential area leading to undue disturbance to adjoining occupiers. The proposal is therefore contrary to Policy H35 of the Northampton Local Plan and the National Planning Policy Framework.
2. The proposed development would increase the concentration of traffic in the vicinity of the site causing additional danger to users of the highway and adversely impacting the amenity enjoyed by neighbouring residents contrary to National Planning Policy Framework and Policy T11 of the Northampton Local Plan.

The vote on the resolution being - For: 8 Against: 2

(F) N/2014/0621 - 87 ST GILES STREET: CHANGE OF USE FROM OFFICES (B1) TO HIMO FOR 13 RESIDENTS (SUI GENERIS) AND INSTALLATION OF REAR CONSERVATION ROOFLIGHT AND N/2014/0622 - 87 ST GILES STREET: INTERNAL ALTERATIONS INCLUDING REMOVAL OF PARTITION WALLS AND TOILETS, BLOCK UP DOORWAYS AND INSTALLATION OF NEW DOORWAYS AND NEW PARTITIONS, ALTERATIONS TO THIRD FLOOR WINDOW TO FRONT ELEVATION AND INSTALLATION OF REAR CONSERVATION ROOFLIGHT

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda and addendum, regarding applications N/2014/0621 and N/2014/0622. The recommendation was for approval of both applications, subject to the conditions set out.

The Chair invited Councillor Stone, the Ward member, to address the Committee. Councillor Stone believed that the town centre needed protection from future over development, particularly further HIMO proposals. She added that such development would lead to a transient population. She suggested that taken in conjunction with the property next door this constituted an overdevelopment.

The Chair invited Rod Kilsby, Agent for the applicant to address the Committee. Mr Kilsby explained that the application matched others previously approved and met the Private Sector Housing Policy and the Local Authority licensing requirement.

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

- The next door property was a similar size and had no allocated parking.

The Chair invited Gary Bee, the applicant to address the Committee. Mr Bees explained that he had been involved with letting properties since 2008. He aimed to produce high quality developments, for working residents. He added that planning policy did not require parking for the development. He further explained to the Committee his reasons for wanting to carry out such developments which related to his personal health.

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

- He did not own the next door property, but he did have an option to purchase it.

The Committee discussed the reports.

RESOLVED: That the application N/2014/0621 be **APPROVED** subject to the conditions set out in the report and addendum.

RESOLVED: That the application N/2014/0622 be **APPROVED** subject to the conditions set out in the report and addendum.

(G) N/2014/0778 - DEVELOPMENT LAND, UPTON VALLEY WAY EAST: APPLICATION TO VARY SECTION 106 AGREEMENT IN RESPECT OF N/1997/128 IN RELATION TO THE PROVISION OF THE PARK & RIDE FACILITY

The Planning Development Manager outlined the report of the Head of Planning, as set out in the agenda. Following legal advice the recommendation would need the words, “and the necessary Deed of Variation be entered into to vary the agreement.” The recommendation was for approval of the report, with the amendment as stated above.

The Committee discussed the report.

RESOLVED: The report be **APPROVED** with the additional wording to 1.1, “and the necessary Deed of Variation be entered into to vary the agreement.”

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

(A) N/2013/1195 - OVERSTONE LEYS: NORTHAMPTON NORTH SUSTAINABLE URBAN EXTENSION (SUE), OUTLINE APPLICATION OF UP TO 2000 DWELLINGS, WITH ACCESS, APPEARANCE, LAYOUT AND SCALE UNRESERVED FOR THE FIRST PHASE OF 200 DWELLINGS; ASSOCIATED DEVELOPMENT

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. He advised the Committee that the determination of the application would be made by Daventry District Council (DDC) and this report would form part of the formal consultation response.

In response to a question from the Committee the Principal Planning Officer supplied the following information:

- The final timescale for completion following any approval could be as much as 20 years based on an average of 100-150 units per year.

The Committee discussed the report. It was agreed to ask that DDC should have an ongoing dialogue with the Education Authority regarding secondary school provision.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report being addressed by Daventry District Council with the addition of a further item of 1.1 “Provision shall be made to ensure adequate secondary education facilities are provided in the area to accommodate the increase in pupil numbers”.

The meeting concluded at 9:52 pm

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



List of Appeals and Determinations – 2nd September 2014

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2014/0126 APP/V2825/A/14/2218191	DEL	Repositioning of side boundary fence (2m high) adjacent to footpath at 40 Longford Avenue, Little Billing	ALLOWED
N/2014/0132 APP/V2825/H14//2220452	DEL	1no. vinyl illuminated sign at first floor front – retrospective application at 38 Derngate	DISMISSED
N/2014/0171 APP/V2825/A/14/2222108	PC	Change of Use from dwelling (Use Class C3) to House of Multiple Occupation for 5no. Occupants (Use Class C4) at 113 Abington Avenue	AWAITED
Public Inquiry			
		None	
Hearing			
N/2012/1093 APP/V2825/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	DISMISSED
Enforcement Appeal			
02/2014		Installation of 3No. roller shutters and associated boxes to the frontage of 24-28 Wellingborough Road	AWAITED

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: 2nd September 2014

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: Northampton Related Development Area 5 Year Housing Land Supply Assessment.

1. RECOMMENDATION

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

2 PURPOSE OF THE REPORT

- 2.1 This report provides the policy context as to why the need to address the 5 year housing needs is an important material consideration in the determination of planning applications. It sets out the position in relation to deliverable sites identified to meet Northampton's 5 year housing needs. In the context of identified capacity to meet the 5 year supply, it outlines implications for the local planning authorities and the Planning Committee.

3 THE IMPORTANCE OF THE DEVELOPMENT PLAN

- 3.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. On the 6th May 2014 and 10th June 2014 Planning Committee was presented with reports which identified that whilst the Northampton Local Plan is the starting point for the determination of planning applications, due to its existing age, the weight that can be attributed to it in some cases is to be significantly diminished. The conclusion was essentially that limited weight should be attached to the majority of saved Northampton Local Plan policies
- 3.2 These judgements focussed in particular on the Plan's potential incompatibility with the National Planning Policy Framework March 2012 (NPPF) (when assessed at a strategic level Planning Advisory Service NPPF Checklist) and also took account of weight that can be

attached to emerging policies within the West Northamptonshire Joint Core Strategy Part 1 Local Plan (JCS).

4 THE NATIONAL PLANNING POLICY FRAMEWORK AND HOUSING PROVISION

- 4.1 The National Planning Policy Framework (March 2012) places significant weight on the local planning authority identifying deliverable sites to provide 5 years' worth of housing to meet objectively assessed needs. Paragraph 47 and the National Planning Practice Guidance (March 2014) (NPPG) indicate what can be considered deliverable. Paragraph 48 does however allow planning authorities to include a windfall allowance in identifying how the target will be met.
- 4.2 Paragraph 47 identifies that 5 years' supply plus 5% is required to ensure choice and competition in the market for land. In cases where there has been a record of persistent under-delivery, local planning authorities should increase the buffer to 20%. NPPG addresses the issue of persistent under-delivery further, but does not provide categorical advice on how it is to be determined. It is a matter of judgement for the local planning authority/decision maker.
- 4.3 In the West Northamptonshire context, both Daventry District and South Northamptonshire Councils, who have had significant experience of dealing with housing appeals based on a lack of 5 year housing supply, use the 20% persistent under-delivery buffer target. Planning Inspectors determining appeals within those two administrative areas have identified that persistent under-delivery has occurred.
- 4.4 Paragraph 49 reiterates the need for housing applications to be considered in the context of the presumption in favour of sustainable development set out in paragraph 14. The NPPF makes numerous references to this presumption, however in terms of development types housing is the only one which the NPPF considers merits further emphasis in this regard. In this context the weight attached to the presumption in favour of housing is clearly elevated in a document that in any case should be regarded as a significant material consideration in its own right.
- 4.5 This emphasises the importance of pro-actively planning for meeting objectively assessed housing needs in development plans and making timely positive decisions that allow local planning authorities to meet their housing needs is of major importance to Government. The significance of the weight that should be attached to the delivery of these aims in relation to planning outcomes cannot be over-emphasised. Its implications for the decision making process is certainly something that should not be underestimated by Planning Committee.
- 4.6 The implications of this emphasis has been evident in the last year in the number of Development Plans that have been withdrawn either voluntarily by the Planning Authority, or as a result of a Planning

Inspector's recommendations where it was clear needs were not being planned for in accordance with the NPPF. It has also been a major factor in appeal decisions for housing developments which have invariably been approved by the Secretary of State or Planning Inspectors where the local planning authority is not able to show it has the sites to achieve the 5 year needs. It has been the case that the weight attributed to NPPF has been such that even where there is determined to be a significant conflict with the provisions of the adopted development plan, permission is still granted. The weight attached to meeting NPPF objectively assessed 5 year housing needs has also been upheld by the Courts where decisions have been challenged.

5 THE ASSESSMENT OF 5 YEAR HOUSING SUPPLY RELATED TO NORTHAMPTON'S NEEDS

- 5.1 It has long been recognised that, due to the tightly drawn boundary around Northampton, Northampton's housing needs cannot be accommodated solely within the Borough boundary. In terms of plan making, the adoption of Northamptonshire County Structure Plan Alteration Number 1 in 1992 marked the formalisation of specific requirements within Daventry District and South Northamptonshire Councils' areas to meet Northampton's housing needs. These resulted in the allocations at Grange Park and land north of Whitehills (currently promoted as Buckton Fields).
- 5.2 More recently the JCS has sought to address these needs through identifying the boundary of the Northampton Related Development Area (NRDA). The NRDA includes areas within Daventry District and South Northamptonshire in which housing will be developed to meet Northampton's needs. The 5 year housing supply assessment for Northampton relates to the NRDA. A fuller report of the assessment is included in http://www.northampton.gov.uk/downloads/file/5202/5-year_housing_land_supply-2012
- 5.3 The submitted JCS identifies a housing requirement to meet objectively assessed needs within the NRDA for the period 2014-2019 of 8398 dwellings. Taking account of the minimum 5% buffer required by the NPPF, the requirement rises to 8818 dwellings. In assessing capacity to meet the requirement Northampton Borough Council has worked with Daventry District and South Northamptonshire Councils, as well as the West Northamptonshire Joint Planning Unit. It has also taken account of developers' estimated levels of delivery on the proposed Sustainable Urban Extensions put forward at the recent JCS examination hearings and evidence of delivery through historic trends and recent survey work. An allowance has also been made anticipated windfalls, which can be justified on the basis of previous trends and known potential capacity.
- 5.4 The assessment identifies that a 5 year supply for the NRDA cannot be shown. It identifies the capacity to deliver 4.87 years of housing needs. In numbers terms this equates to a 223 dwellings shortfall. If a 20% persistent under-delivery buffer was to be assumed, the gap would be

much larger. In either case, the supply falls foul of the NPPF, with its associated implications.

- 5.5 As can be seen from the schedule of sites within http://www.northampton.gov.uk/downloads/file/5202/5-year_housing_land_supply-2012, the assumption is that sites included as Sustainable Urban Extension allocations (SUEs) within the JCS will start delivering housing in a timely manner, with all providing some dwellings in the five year period. The 5 year assessment is based on the situation as it was assessed 1st April 2014. More recent decisions by Planning Committee including the refusals for sites such as the Northampton South of Brackmills SUE (JCS Policy N6) and land at Harcourt Way potentially put at jeopardy the assumptions contained within the 5 year supply analysis. This could be in the delivery of the SUE for which permission has been refused and also its impact on confidence of developers to bring forward other SUEs until the JCS allocations are resolved through adoption of that Plan. Consistently refusing applications that have the potential to be counted towards windfall totals could also undermine the delivery assumptions for this source of capacity.

6 OPPORTUNITIES TO THE LOCAL PLANNING AUTHORITIES TO MAKE UP THE SHORTFALL IN THE 5 YEAR HOUSING LAND SUPPLY

- 6.1 As identified the NPPF places significant weight on local planning authorities being able to deliverable housing sites to achieve a 5 year supply. Paragraph 49 states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” In the context of the NRDA, the relevant adopted Local Plan policies related to remaining significant undeveloped housing allocations are essentially taken forward in the emerging JCS. The JCS clearly sets out allocations for additional SUEs to meet housing needs to 2029, some of which the Council is on record as supporting (allocations in the December 2012 submission) whilst others it has stated that it does not support (allocations meeting the additional needs 2026-2029 - January 2014 modified submission).
- 6.2 In terms of meeting the 5 year housing supply, there are essentially three options open to the West Northamptonshire Joint Strategic Planning Committee (as the local planning authority for the purposes of plan making for West Northamptonshire wide Plans) and NBC, SNC and DDC in their roles as both local planning authorities with plan making responsibilities for district/borough plans and also in determining planning applications. These are:
- a) Seek to increase the speed of housing delivery on sites already identified (e.g. on major SUEs complete more houses in a shorter timeframe, for example 1000 houses instead of 500, or encouraging sites not currently started to start sooner)

- b) In taking forward Part 2 Local Plans, identifying sites for dwellings over and above the number assumed for windfalls in the JCS
- c) Granting planning permission for sites that have not already been included in windfall assumptions or allocated either within existing Local Plans, or the JCS.

6.3 With regards to a) two elements merit examination:

- i. Working with the developer/landowner to ensure consent for sites is brought forward quicker than has been anticipated – for example providing as much confidence to the developer that consent will be given expeditiously or for instance where necessary gaining external funding/prioritising works to remove delivery blockers such as infrastructure costs. The confidence has to be encouraged by both the actions/rhetoric of officers and Planning Committee. In relation to the infrastructure blockers, S.106 are being varied to assist development, whilst funding for transport infrastructure in particular is being supported through bids by partners (such as the County Councils and the Local Enterprise Partnerships) to available funding sources.
- ii. Encouraging developers/landowners to develop more houses more quickly on site themselves or by releasing other planned phases to other developers. To a large extent the more buoyant the housing market, the more that this issue would sort itself out, but realistically to deliver more than would ordinarily occur developers/landowners would require gaining financial advantage in doing so.

6.4 With regards to b) until more certainty is provided by the JCS examination process through the receipt of the Inspector's report and the Joint Planning Committee's/respective Local Planning Authorities' response to it, the opportunity in the next year for Part 2 plans to start to identify appropriate sites over and above those counted as windfall is very limited. The windfall estimation assumes 300 dwellings per annum and takes account of sites that are of sufficient size to deliver up to 200 dwellings. To meet JCS targets additional housing capacity will have to be found in the Borough. Although it can't be ruled out, as major redundant employment sites have occasionally historically come forward to create such supply (e.g. Timken and Express Lifts since the 1997 Northampton Local Plan was adopted), the reality is that the opportunity to identify additional housing sites of over 200 dwellings is likely to be limited – certainly for delivery in the short term.

6.5 In relation to c) when looking for capacity within the Borough, the same points as identified in relation to b) exist. However, outside the Borough boundary, as part of the JCS examination process numerous additional sites were promoted as being appropriate for inclusion. The majority of these, consistent with the JCS vision and objectives are located adjacent to the Borough boundary.

- 6.6 Whilst a) provides the opportunity to increase capacity, at this stage its ability to meet the shortfall is unclear (i.e. it cannot be regarded as deliverable), given that the 5 year housing supply on average requires delivery of 1754 dwellings per year to meet needs. Whilst this level of delivery was achieved in the mid-2000s, reliance on the market to consistently achieve these levels (and higher for the period to 2029) will be extremely challenging. Given historic delivery rates Planning Committee may view such targets as unrealistic. However, in the context of NPPF such views are essentially irrelevant; it is for local planning authorities to positively plan to enable delivery rates to meet objectively identified housing needs.

7 IMPLICATIONS THROUGH NOT BEING ABLE TO SHOW A 5 YEAR HOUSING LAND SUPPLY

- 7.1 As identified the NPPF places significant weight on local planning authorities being able to identify deliverable housing sites to achieve a 5 year supply. The reality is that local planning authorities who do not confront the issue of pro-actively seeking to meet their objectively assessed housing needs through positive planning, either in plan making or taking decisions to support timely delivery to meet the 5 year supply have the potential to lose the initiative in the future planning of their communities.
- 7.2 The extent to which this effectively becomes a significant issue for local planning authorities who do not pro-actively address meeting the 5 year needs largely depends on the appetite of developer/landowners to promote sites. In a buoyant housing market, landowners and developers will more often than not be willing to take the opportunity to pursue planning permission on sites which they feel they have a more than reasonable chance of gaining consent (if not through the local planning authority, then through the Planning Inspectorate). Northampton has now more than reached the tipping point in terms of market recovery. The market is now sufficiently robust to ensure that applications that would not have been pursued in less buoyant times for fear of being refused will now prove to be attractive propositions.
- 7.3 The more buoyant/resilient rural housing markets of neighbouring South Northamptonshire and Daventry District Councils have over the last year or so had to respond to a number of appeals. They provide a salutary example of what Northampton Borough Council can expect as a local planning authority if it does not approve planning applications for housing where a 5 year supply cannot be shown. Both Councils sought to defend refusals of housing applications against a context of what the Inspector has ultimately decided is a lack of a 5 year housing supply. Nearly all of these appeals have been allowed, even when challenged by the respective Council in the High Court. Whilst the Councils may have felt this was the right approach to take, ultimately it has proven to gain little in terms of supporting the local planning authorities' positions whilst being a significantly resource intensive process involving officer time, fees for consultants and fees for counsel.

- 7.4 In terms of resources, should decisions against refusal by Northampton Borough Planning Committee for major development be appealed, and costs awarded against the Council, ultimately it possible that this will total a substantial sum for each site.
- 7.5 As Northampton can no longer meet its housing needs within the Borough boundary, adjoining Councils also are at risk in relation to applications being submitted outside the NRDA related to meeting Northampton's housing needs.
- 7.6 In moving forward clearly items for Planning Committee will address the individual merits of an application, including the weight that should be given to relevant material considerations. Notwithstanding this this report outlines as a background the weight that Planning Committee should give to the presumption in favour of development, which is particularly emphasised in the NPPF for housing where as in the case of Northampton currently, a 5 year housing supply cannot be evidenced by the local planning authority.

8 LEGAL IMPLICATIONS

- 8.1 As the report highlights, the need for local planning authorities to pro-actively plan to identify and provide for meeting objectively assessed housing needs. Where five year housing supply cannot be identified within by the local planning authority, the presumption in favour of development for housing applications gains greater weight compared to the policies within the Development Plan.

9 SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 The issues associated with meeting the 5 year housing needs is relevant in part at least to the majority of the Corporate Plan (refresh) priorities. However, two key priorities in relation to this report are: Priority 5: Better Homes for the Future – Helping You to Have a Home and Priority 6 Creating Empowered Communities. Evidence identifies a significant housing need both for market and affordable that without corrective action will not be met in terms of rates of delivery for the next 5 years.



Addendum to Agenda Items Tuesday 2nd September 2014

7. OTHER REPORTS

7A

Northampton Related Development Area 5 Year Housing Land Supply Assessment

No update.

10. ITEMS FOR DETERMINATION

10A

N/2013/1300

Land Adjacent 46 Spencer Street

Erection of 25no. dwellings comprising 9no. dwelling houses, a block of 16 self-contained flats with associated parking and landscaping

No update.

10B

N/2014/0010

Shalimar, Great Billing Park, Wellingborough Road

Variation of condition 2 of planning permission N/2011/0694 (extensions to existing dwelling) to allow installation of windows to side elevations

No update.

10C

N/2014/0580

162-166 Wellingborough Road

Change of use and rear extension of ground floor to form restaurant (Class A3); creation of six flats (conversion of first and second floor to form three flats and erection of rear extension at first floor to form three flats); alterations to shop front and install external duct to rear

No update.

10D

N/2014/0598

Ladybridge park, Ladybridge Drive

Erection of a single-storey building adjacent to existing car park to be used as changing rooms for football club

No update.

10E

N/2014/0676

Land adjacent 93 Station Road

Erection of a 3-bed detached dwelling

No update.

10F
N/2014/0677
Unit 2, Prentice Court
Single storey side/rear extension

No update.

10G
N/2014/0692
128 Artizan Road
Change of use from dwelling (Use Class C3) into house in multiple occupation for 5 occupants (Use Class C4)

No update.

10H
N/2014/07374 Earl Street
Change of use from dwelling (Use Class C3) to house in multiple occupation for eight people (Sui Generis use) – retrospective application

No update.

10I
N/2014/0788
National Lift Tower
Change of use of building to combine lift testing facilities/abseiling centre (Sui Generis Use)

An objection has been received from **6 Nearside** summarised as follows:

- Concern that there would be loss of a grassed area around the tower to make way for parking which would be detrimental to the views of the tower
- Concern over lack of available parking for residents and no reliable data has been provided to quantify the parking situation

The applicant has responded confirming that there are no plans to install further hard standing around the tower. The grassed area referred to is used for temporary parking on the days of abseils and would remain as a landscaped area when the abseils are not taking place.

10J
N/2014/0841
131 St Andrews Road
Change of use from dwelling (Use Class C3) into a house in multiple occupation (Use Class C4) for up to four residents (retrospective application)

Highway Authority – No objections

Semilong Forum – Objecting as the area is dominated by Houses in Multiple Occupation, not all of which are registered.

10K
N/2014/0889
Sixfields Stadium, Walter Tull Way
Application for variation of condition 2 of planning approval N/2013/0148 to alter layout and accommodation within the east stand

No update.

10I

N/2014/0890

Former Pearce Leatherworks, Wellingborough Road

Application to vary the section 106 agreements in respect of applications 10/0027/FULWNN dated 13/10/10 and N/2012/0926 dated 07/08/2013 regarding affordable housing

An objection has been received from the occupier of 3 Redruth Close, Northampton. He states that he has concerns about the level of affordable housing being reduced to zero but does not state the reasons for his objection.

12. ITEMS FOR CONSULTATION

12A

N/2014/0786

Land at Welford Road, Boughton

Outline application for up to 41 dwellings, estate road, open space and associated works (Daventry District Council Consultation)

Comments received from **NBC Urban Design**, summarised as follows:

Welford Road, as a rural road adjacent to the site, has a positive character defined by hedges and mature trees that are desirable to retain. Development could be set further back from the hedge boundary so as to minimise the urbanisation of this route. As regards the Brampton Valley Way, the western edge of the site will need to be significantly reinforced with additional hedge and tree planting to retain the rural and recreational nature of this route. The rural edge context of the site suggests that development should adopt a more informal layout. The proposals would benefit from aiming higher in quality and being able to relate more directly to architectural cues offered in the area. The rural edge character of the site would justify the use of natural stone to highlight key prominent buildings. Efforts should be made to reduce the engineered feel of the residential access road and private drives.

Officer response: Daventry District Council, as Local Planning Authority, have been forwarded the Urban Design comments for consideration. Some of the comments shall be relevant at detailed planning stage in the event that outline planning consent is granted. It is considered that a further bullet point should be added to the recommendation to ensure that due consideration is given to these comments:

- Due consideration being applied to the comments raised by NBC Urban Design.

A letter of objection has been received from **Boughton Parish Council**; this has been forwarded to Daventry District Council for their consideration as the determining Local Planning Authority.

12B

N/2014/0854

Land to South of Boughton Road, Moulton

Outline application for development of up to 125 dwellings, including affordable housing, access and associated works, open space including strategic landscaping, formal sports pitches and children's play space, car and coach parking area to serve Moulton School and the local community (Daventry District Council Consultation)

No update.

12C

N/2014/0900

Land Adjacent to Carey Close, Boughton Road, Moulton

Construction of 56 dwellings including vehicular access, pedestrian & cycle links, public open space, car parking, landscaping & drainage (Daventry District Council Consultation)

No update.



PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1300: Erection of 25no. dwellings comprising 9no. dwelling houses, a block of 16 self-contained flats with associated parking and landscaping on land adjacent 46 Spencer Street

WARD: St. James

APPLICANT: Kaby Developments Limited
AGENT: Mr. Steve Bratby

REFERRED BY: Head of Planning
REASON: Major 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 and 1.3 for the following reason:

The proposed development would reflect the character of its surroundings, secure a satisfactory residential environment, acceptably mitigate against flood risk and contribute towards the established housing need in Northampton. The development is therefore in accordance with the National Planning Policy Framework, Policies E19, E20, E40, H6, H11 and H17 of the Northampton Local Plan and Policies SA, S3, 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) A financial payment towards primary care services provision;

- ii) Construction training opportunities; and
 - iii) The Council's monitoring fee.
- 1.3 Delegated authority being given to the Head of Planning to negotiate the detail of the Section 106 Legal Agreement and to amend the list of planning conditions where appropriate.
- 1.4 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) for the reason that the necessary mitigation measures have not been secured 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 proposals would involve the clearance of the site and its redevelopment in the form of a 25no. unit residential scheme. This scheme would comprise 9no. dwelling houses and 16no. self-contained flats. The proposed frontage to Spencer Street would comprise a terrace of 4no. two-storey houses and a three and a half storey apartment block to contain 16no. units. These two elements would be separated by a proposed gated vehicular access into the site.
- 2.2 To the rear of the site there would be located a further terrace of 5no. two-storey houses. These would be orientated to face south-west over a newly proposed open car parking area comprising 25no. car parking spaces. All newly proposed dwellings would be afforded private gardens areas to the rear. The rear of the site is proposed to be completely enclosed by 1.8m palisade fencing – with elements of new fencing used to supplement existing boundary treatments in place.

3. SITE DESCRIPTION

- 3.1 The site measures 0.25 Ha in area and is located at the south-western end of Spencer Street within the St. James area of Northampton. The site currently contains derelict and redundant warehouse buildings last used for storage and distribution purposes. Notwithstanding the industrial nature of the site, it is situated within a primarily residential area as designated by the Northampton Local Plan.
- 3.2 Spencer Street is typified by red-brick terraced properties. There is however a flatted residential development located at the south-western end of Spencer Street and the site itself is neighboured to its south west by a small industrial site. Westbridge Dyke runs through the southern part of the application site; industrial works are located to the southern side of this dyke.

4. PLANNING HISTORY

- 4.1 N/2011/0465 Application for reserved matters following outline approval N/2001/1197 for the construction of 24no. 1 and 2 bed flats (Approved subject to conditions).
- 4.2 N/2001/1197 Outline application for demolition of warehouse and No.46 Spencer Street. Construction of 24no. 1 & 2 bedroom flats and refurbishment of two houses (No. 42 & 44) at land at Spencer Street (Approved subject to conditions).

5. PLANNING POLICY

5.1 Development Plan

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

The National Planning Policy Framework (NPPF) states that planning should proactively support sustainable development to deliver new homes, whilst seeking good quality design, 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 reduces the potential for conflicts between pedestrians and traffic. Paragraph 49 states that policies for the supply of housing should not be considered up-to-date if a five-year supply of deliverable housing sites cannot be demonstrated by the local planning authority. Paragraph 50 of the NPPF requires that new developments should provide a wide choice in new homes. Paragraph 51 of the NPPF states that local authorities should normally 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 that area, provided that there are not strong economic reasons why such development would be inappropriate. The NPPF also requires that new developments be of a good quality design (paragraph 56) and contribute to and enhance the natural and local environment (paragraph 109).

5.3 Northampton Local Plan

Policy E19 – ‘Implementing Development’ requires any adverse effect of development to be allowed for or appropriately mitigated against.

Policy E20 – ‘New Development’ requires the design of any new built development to adequately reflect the character of its surroundings and to ensure adequate standards of privacy, daylight and sunlight.

Policy E40 – ‘Crime and Vandalism’ requires development proposals to pay adequate regard to the need to deter crime and vandalism.

Policy H6 – ‘Housing Development’ requires residential development within primarily residential areas to secure a satisfactory residential environment of an appropriate scale and density.

Policy H11 – ‘Housing Development’ requires that within primarily residential areas planning permission shall be for the development of existing commercial property for residential development so long as the overall effect would be to maintain or improve the appearance of the area.

Policy H17 – ‘Housing for People with Disabilities’ requires the provision of 10% of dwellings, when over ten dwellings are expected, to be constructed to the Council’s mobility standards.

5.4 Supplementary Planning Guidance

Planning Obligations Strategy SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

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 an 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 S3 – ‘Scale and Distribution of Housing Development’ requires that Northampton Borough provides about 18,870 new houses.

Policy S4 – ‘Northampton Related Development Area’ requires about 28,470 net additional houses to be delivered within Northampton and its adjoining sustainable urban extensions by 2029.

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

- 6.1 Consultation of local neighbours and consultees has been undertaken. In addition, an advertisement has been placed in the local press and a site notice was erected at the site. No comments have been received from local neighbours. Representations are summarised as follows:
- 6.2 **NBC Public Protection:** The site is located upon potentially contaminated land – conditions are therefore requested to investigate this potential. Low level air quality mitigation is also sought as set out in the Council’s draft guidance on such matters.
- 6.3 **NBC Housing Strategy:** 35% affordable housing provision should be sought, which equates to 9no. dwellings across the site. A range of accommodation types should be provided. The applicant needs to address this issue; potentially by amending the scheme or by providing evidence that affordable requirements cannot be met on site in a deliverable manner or by demonstrating a viability argument to show that affordable housing cannot be provided either in whole or in part. Following the receipt of viability analysis, it is accepted that the site cannot support a Section 106 contribution towards affordable housing.
- 6.4 **Local Highway Authority:** Content with the alterations that have been made to the scheme layout to provide adequate access width, adequate pedestrian and vehicular visibility splays and buildings sufficiently setback from the highway boundary.
- 6.5 **NCC Development Management:** No education contribution required due to the minimal pupil yield expected. Contributions towards local fire and rescue infrastructure (plus the installation of one fire hydrant) and library services are requested.
- 6.6 **Northants Police:** Content with the revised plans, which provide clarity that the rear of the site shall be completely enclosed by palisade fencing. Appropriate gate specification has been provided. Plot 1 would be provided with an appropriately positioned pedestrian gate also.

- 6.7 **Environment Agency:** The proposed development shall meet the requirements of the NPPF subject to the imposition of an appropriately worded planning condition to secure the implementation of the mitigation measures outlined within the submitted Flood Risk Assessment (FRA). These measures include the opening up of existing culverts, appropriate finished floor levels, controlled discharge rates to Westbridge Dyke and the provision of flood guards and vehicle barriers.
- 6.8 **Anglian Water:** The sewerage system has available capacity. There are assets owned by Anglian Water within or close to the development boundary – an informative should be added to any permission to ensure that these assets are accommodated and taken into account.
- 6.9 **NHS England:** The development will result in approximately 60no. additional registrations, which would affect several surgeries within Northampton. A contribution of £621 per dwelling should be sought towards new healthcare facilities in the area, which equates to £15,522.
- 6.10 **Construction Futures:** A training obligation of 86 weeks and an associated contribution of £2,425 are required.

7. APPRAISAL

Principle of development

- 7.1 The principle of a residential redevelopment of the site is considered to be acceptable, particularly given the extant residential character of the immediate area and the site's Local Plan designation as a primarily residential area.
- 7.2 The scheme would not only capitalise on the reuse of a vacant commercial property, it would also make an important contribution towards the Borough's housing delivery targets as set out in Policies S3 & S4 of the Submitted WNJCS. The application complies with the presumption in favour of sustainable development as set out in the NPPF.

Design & Layout

- 7.3 It is considered that the proposed layout and makeup of the scheme represents an efficient and logical use of the site. A direct frontage to Spencer Street would be provided in addition to a vehicular access through to the rear of the site to allow for the development of building stock to the rear area of the site.
- 7.4 A terraced frontage of four, two-storey, two-bed, dwellings in brickwork would provide assimilation (in terms of built form and scale) with existing adjacent terraced properties. The front building line of the new

terraced properties (although setback 1m from the back of highway to satisfy vehicular visibility requirements) would be set on the same orientation of existing properties.

- 7.5 A 3 ½ storey block of flats would be located to the western side of the newly proposed central vehicular access. This would provide 8no. one-bed and 8no. two-bed flats across four floors of accommodation. It is considered that the proposed height, scale and massing of this element of the scheme would be acceptable – particularly given the presence of a very similarly scaled and designed 3-storey block of flats that is in existence to the west of the site. Notwithstanding the full four floors of accommodation that would be provided, the block's ridge would be set at a height of approximately 11.5m. This compares to the approximate 9m ridge height of neighbouring terraced dwellings. It is not considered that the new block would be unduly prominent or incongruous in the context of its surroundings.
- 7.6 The detailed design of the block of flats would provide visual interest. The block would not be set on a standard square footprint. Greater width would be provided to the rear of the block through undulating building lines. The entrance points to the front and rear would again be articulated by undulations in the building line of the property and the addition of a canopied porch feature to the frontage. Window openings to all elevations would be articulated by soldier coursing to their heads and cills whilst elements of render would be provided to the principal elevation. A mansard roof would feature dormer window openings to all elevations.
- 7.7 Both of the proposed terraced blocks of housing are of acceptable detailed design also. Again, soldier coursing would be used to articulate openings whilst balanced frontages would be provided with a distinct pattern to proposed opening positions. Canopied front doors would be provided to the rear block.
- 7.8 It is considered that full details of all external facing materials should be secured via condition should planning permission be granted. Further conditions should be imposed in the interests of securing full details and the subsequent implementation and maintenance of hard and soft landscaping at the site.

Residential Amenity

- 7.9 The proposals would safeguard the amenities of both existing neighbouring residential occupiers and the future occupiers of the scheme. The proposed terraced block to the front of the site would be situated in close proximity (approximately 1m) to No.44 Spencer Street – the front and rear building lines of the new terrace would closely correspond with those of No.44.
- 7.10 The opposing side elevation of No.44 is afforded side-facing window openings; these are located towards the rear of the premises. The

most prominent of which is located at first floor level and serves a bedroom area. These side-facing openings currently overlook a derelict industrial site (i.e. the application site). In this context it is not considered that the proposed works would unduly impact upon the availability of outlook and the amenities of the present and future occupiers of No.44. The orientation of the plots (with the new build set to the west) would continue to allow sunlight to access these side-facing openings and the two-storey stature of the new terraced buildings would not be overbearing or overshadowing.

- 7.11 The proposed terraced blocks have been carefully orientated so as to avoid any potential amenity concerns related to sensitive overlooking opportunities. The rear terrace would be setback a full 10m behind the rear facing elevations of the terraced block to front Spencer Street. The rear terrace would be set far enough back to avoid offering sensitive overlooking opportunities to the rear (of the rear elevations and garden areas of existing Spencer Street properties).
- 7.12 The proposed block of flats would be appropriately located upon the site to safeguard amenity also. A separation distance of around 8 metres would be provided between the opposing side elevations of the block of flats and the terraced housing fronting Spencer Street. This arrangement would guard against any potential detrimental overbearing or overshadowing effects emanating from the development of the flats.
- 7.13 The block of flats would be afforded window openings to all of its elevations. Across Spencer Street mutual overlooking would be provided between residential properties fronting either side of the street. Outlook to the north-east would be orientated towards the blank side elevation of the proposed terraced Plot 4.
- 7.14 Views would also be provided from the block of flats across the future rear gardens areas of the newly proposed terraced block to Spencer Street. It is not however felt that this situation would unduly impinge upon the amenities of future occupiers. Only narrow oblique views would be provided from the flat block to the rear elevations of the terraced block. The proposed relationship of the two blocks (i.e. separated by the proposed vehicular access into the site) would guard against direct and immediate overlooking of rear garden areas to the potential detriment of the amenities of future occupiers.
- 7.15 Each new terraced property would be afforded its own cycle storage shed and designated area for bin storage within its rear amenity area. The terraced block would be afforded a communal bin store and cycle store. Full details should be secured via condition.

Crime Prevention

- 7.16 The application has been subject to consultation with Northants Police. In response to comments made by Northants Police during the

planning process, the applicant has provided confirmation that the rear of the site would be fully secured through the provision of further 1.8m palisade fencing to supplement existing palisade fencing already in place to the majority of the rear.

- 7.17 The applicant has also provided full details of the specification of secure lockable vehicular access gates. These would be electronically operated. Northants Police has confirmed acceptability in respect to the specification of this entry system, in addition to the detail and position of proposed supplementary pedestrian access gates at the site.

Highways & Parking

- 7.18 The Local Highway Authority (LHA) has confirmed acceptability as regards the latest proposed scheme layout. The applicant has responded to comments raised by the LHA in their initial consultation response through amending the access width into the site, providing appropriate visibility splays and setting the front building line of properties a minimum of 1m behind the Spencer Street highway boundary.

- 7.19 The scheme also includes the provision of 25no. off-street car parking spaces within a secure courtyard located to the rear of the site. This level of provision equates to one space per unit and represents an appropriate car parking level in this instance

Flood Risk

- 7.20 Westbridge Dyke flows from east to west across the southern side of the site, which is a tributary of the River Nene. The dyke is part-culverted through the site. The proposed layout has been formulated to provide a degree of separation between proposed built form and the dyke i.e. a permeable car parking area and elements of soft landscaping are located to the rear of the site.

- 7.21 The Environment Agency has confirmed that the submitted Flood Risk Assessment (FRA) is acceptable subject to a planning condition being attached to any approval to secure the implementation of a variety of mitigation measures that are detailed within the FRA. These mitigation measures include the opening up of culverts across the site, finished floor levels being set no lower than 60.85m, the inclusion of flood guards to a height of 600mm and the installation of vehicle barriers to prevent vehicles entering the watercourse in a flood event (the submitted site layout is annotated to show the provision of a 450mm high knee rail between the dyke and car parking area).

- 7.22 In terms of the proposed drainage arrangements at the site, roof water would be discharged to below-ground cellular storage. This would allow water to be held and then channelled to a storage system beneath the car park and then subsequently released into the

Westbridge Dyke at an appropriate discharge rate (to be secured via condition). The capacity of this system would be capable of holding the volume of rainwater generated in a 1 in 200 year storm.

Other Matters

- 7.23 In accordance with the comments from the Council's Public Protection Section, a planning condition should be attached to any approval to ensure that the site is comprehensively investigated and remediate in respect to potential contamination at the site. It is not considered that the scheme would unduly impact upon air quality in the area given its relatively modest scale and nature – in any event, every dwelling would be afforded cycle storage provision whilst the site is sustainably located within comfortable walking distance of the town centre (i.e. future occupants would not be wholly reliant upon private car travel).

S106 & Affordable Housing

- 7.24 The Council's Planning Obligations Statement SPD (February 2013) sets out that all housing developments of 15 dwellings or more are required to provide affordable housing at a minimum of 35%. This equates to 9no. dwellings across the site. However, as detailed within the Council's Affordable Housing Interim Statement, it is acknowledged that there may be circumstances where providing 35% affordable housing together with other planning obligations make a scheme unviable.
- 7.25 In this instance financial viability analysis has been produced on behalf of the applicant to support their desire to provide no affordable dwellings as part of the development. The applicant has sought to demonstrate that the current cost of building out the entire site is at a level that would not enable the developer of the scheme to make a competitive return to a willing developer and a willing landowner. Anticipated sales values based upon present market analysis have been set out and factored against all anticipated costs (i.e. construction costs, other site costs, marketing costs, finance costs). A list of abnormal costs has been provided, which includes the use of piled foundations, culvert diversion, demolition and contamination works.
- 7.26 The viability analysis that has been submitted has been considered and assessed for accuracy and acceptability by the Council's Estates Surveyor. The analysis was subsequently revisited by the applicant to ensure that their costs analysis was consistent with the Council's position. Furthermore, a valuation of the existing site by an independent chartered surveyor was requested and duly submitted by the applicant. The accuracy of this value is critical when anticipating the actual level of profit that would be made by this scheme (i.e. the benchmark value of the site is subtracted from the calculated operating profit).

- 7.27 In this instance it has been satisfactorily demonstrated that the site cannot support a planning obligation to provide affordable housing. The viability analysis demonstrates that when the existing benchmark value of the site (which has been verified by an independent chartered surveyor) is subtracted from the calculated Residual Site Value (factoring in a reasonable 20% profit level for the developer) the result is a negative figure. It is not therefore viable for the developer to make a contribution to providing affordable housing.
- 7.28 Notwithstanding the viability work that has done, the applicant has indicated that they would be agreeable to making a contribution of £15,552 towards primary care provision, as requested by NHS England. A construction training scheme is also to be secured via legal agreement in accordance with adopted policy. It is anticipated that these provisions shall be secured via a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990.
- 7.29 The County Council has requested a payment for the provision of fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be addressed by these obligations. The new Community Infrastructure Levy Regulations, as discussed previously, also prevent the pooling of S106 funds to deliver infrastructure. For these reasons 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 proposed development would reflect the character of its surroundings, secure a satisfactory residential environment, acceptably mitigate against flood risk and contribute towards the established housing need in Northampton. The development is therefore in accordance with the National Planning Policy Framework, Policies E19, E20, E40, H6, H11 and H17 of the Northampton Local Plan and Policies SA, S3, S4, 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 following approved plans: Site Location Plan & Plans (001 F); Site Layout

& Street Scenes (002 D); Floor Plans & Elevations (003 A); Floor Plans & Elevations (004 A).

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

(3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by DSA, ref 14/17376/FRA dated March 2014 and the following mitigation measures detailed within the FRA:

- Opening up of culverts across the site.
- Finished floor levels are set no lower than 60.85m above Ordnance Datum (AOD).
- Inclusion of flood guards to a height of 600mm above finished floor level or 61.45 m above Ordnance Datum (AOD).
- Installation of vehicle barriers to prevent vehicles entering the watercourse in a flood event.
- Surface water discharge to West Bridge Dyke not to exceed 3.5l/s in the 0.5% (1 in 200) critical storm.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

(4) No construction 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.

(5) 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.

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

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

(7) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no premises shall be used for the purposes of a house in multiple occupation.

Reason: To enable the Local Planning Authority to assess the implications of a house in multiple occupation in this location in accordance with Policy E20 of the Northampton Local Plan.

(8) Prior to the commencement of development, a desktop study (including a site walkover) in respect of possible contaminants shall be submitted to and approved in writing by the Local Planning Authority. The study shall include details of the scope and methodology of site investigation (if required), the results of any such investigation shall be used to produce a method statement for any remedial work, which, if required, shall be submitted to and approved in writing by the Local Planning Authority. All remedial works found to be required shall be fully implemented in accordance with the approved details and a validation report shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the completion of the development hereby approved. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority and subsequently investigated, remediated and validated in accordance with the full requirements of this condition.

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.

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

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policies E20 and H6 of the Northampton Local Plan.

(10) A minimum of 10% of the dwellings hereby approved 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.

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

Reason: To ensure the provision of adequate facilities in accordance with Policy E20 of the Northampton Local Plan.

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

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

(13) Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any of the dwellings hereby permitted the vehicular access from Spencer Street shall be fitted with automatic electronic gates (in accordance with the approved specification received 23rd June 2014) and shall be retained at all times thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy E40 of the Northampton Local Plan.

Informative for the applicant:

(1) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

10. BACKGROUND PAPERS

10.1 N/2013/1300

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: Location Plan
 Date: 12th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
46 Spencer Street

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PLANNING COMMITTEE: 2nd September 2014

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

N/2014/0010: Variation of condition 2 of planning permission N/2011/0694 (extensions to existing dwelling) to allow installation of windows to side elevations at Shalimar, Great Billing Park, Wellingborough Road

WARD: Billing

APPLICANT: Mr Nilesh Parekh

REFERRED BY: Head of Planning
REASON: The applicant is a Borough Councillor

DEPARTURE: NO

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

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

It is considered that the revised proposal will not have a seriously detrimental effect on neighbouring property in terms of overlooking and the impacts on the privacy and enjoyment of land by its owners. The proposal is therefore in accordance with Policies E20 and H18 of the Northampton Local Plan and National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal seeks variation of condition 2 of planning permission no. N/2011/0694 to allow windows that have been inserted in the side elevations of the extended dwelling to be retained. The current application has been subject to amended plans proposing a change in the window openings and style of glass for some of the windows.

3. SITE DESCRIPTION

- 3.1 The site is located on the south east side of Wellingborough Road at the southern end of a private drive which serves 2 other dwellings. The site comprises a detached dwelling with front and rear gardens. The front garden comprises a block paved driveway and detached garage. To the south of the application site is a large area of undeveloped land which is identified in the Northampton Local Plan as a Site of Acknowledged Nature Conservation Value. Beyond this lies the former Pearce's factory.
- 3.2 The owner of open land to the south of the site has a right of way over the application site to access his land. To the north of the application site is the detached dwelling known as Gara.

4. PLANNING HISTORY

- 4.1 N/2011/0694 – Demolition of existing garage, erection of two storey front, rear and side extensions and erection of garage buildings to front of dwelling - Approved subject to conditions.
- 4.2 N/2010/0793 - Two storey front, rear and side extensions, demolition of existing garage – Approved subject to conditions.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

The National Planning Policy Framework (NPPF) is pertinent to this application. 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.

5.3 Northampton Local Plan

The Local Plan states that new development should be designed in a manner which ensures adequate standards of privacy (Policy E20) and provided the design and effect upon adjoining properties is acceptable (Policy H18).

5.4 **Supplementary Planning Guidance**

Residential Extensions Design Guide

6. **CONSULTATIONS/ REPRESENTATIONS**

Representations received to **original** plans as follows:

6.1 **Billing Parish Council** – No comments received.

6.2 **Gara** (neighbouring property) – it would be preferable for the windows on the north side of Shalimar to be hinged at the bottom and perhaps the glass frosted to retain privacy. At present we are easily overlooked by such a tall building. With regard to the south facing wall and its windows we have no particular view as it does not impinge on Gara.

6.3 **Owner of land to the south** – object to the application:

- The sills over hang property and the windows open outwards over the land.
- Due to the height of ground floor windows, can no longer use flail mower to mow the site as the mower would almost certainly smash the windows. This means he can no longer keep the grass down in that part of the site and has led to it becoming overgrown and unusable.
- Due to overlooking from all rooms which are regularly used, can no longer enjoy any privacy on the land that has previously been used for family activities and camping.
- If the application is accepted it will establish a “right to light” for the property owner which could potentially damage any future use of the land /tree planting and could impact on the resale value of property.
- Urges the planning department to stick by the original condition of no windows in the side elevation and return the elevation to its previous brick façade.

6.3 Following the submission of the revised plans, the neighbouring owners were re-consulted. One objection was received from the occupiers of Gara and is summarised as follows:

- There are windows that overlook Gara and we have commented and objected to this in the past.

- Feel that the windows should be such that they do not enable a view into our property – the glass should be opaque or frosted and non-opening.
- They currently have hinged openings above. Understand that there is adequate internal mechanical ventilation in this newly built house to cause the owners no condensation problems that negates their rationale for open windows.

7. APPRAISAL

Background

- 7.1 In 2010 planning permission (N/2010/0793) was granted for two storey front, rear and side extensions to Shalimar. In 2011 a further application for a similar scheme (N/2011/0694) was submitted and approved. This application differed from the previous approval as it also included the insertion of 2 solar panels on the roof to the rear and the erection of a large detached garage on land to the front of the dwelling.
- 7.2 To protect the privacy of neighbouring property and land, a condition was attached to planning permission N/2011/0694 to restrict additional windows being installed in the side elevations without the prior written consent of the Local Planning Authority.
- 7.3 When the extensions were built, windows were inserted in both side walls of the property contrary to this condition. The windows serve a variety of rooms at ground, first and second floor levels. On the north east elevation two windows at first floor level serve a bedroom and ensuite bathroom and are obscure glazed. At second floor level one window serves a bathroom and is obscure glazed and one serves an attic sitting room with clear glass. On the south west elevation two windows at ground floor level serve a bathroom (obscure glazed) and a utility room (clear glass). At first floor level one window serves a store (obscure glazed) and at second floor level two windows serve the attic sitting room (clear glass). All windows are top hung and openable.

Residential Amenity

- 7.4 To the north of the application site is a detached dwelling. The existing clear glass second floor attic room window allows direct overlooking of part of the patio and rear garden of this property. Other windows would allow partial overlooking when opened.
- 7.5 To the south of the application site is an area of open space. The existing windows serving the ground floor utility room and second floor attic room allow direct overlooking of this neighbouring land. Other windows would allow partial overlooking when opened.

- 7.6 It is considered that the existing window openings and in particular windows with clear glass have resulted in unacceptable overlooking of the adjacent property to the north, detrimental to residential amenity. Although the issue regarding overhanging windows on private land to the south is a civil matter between the two land owners, it is acknowledged that the unauthorised windows may have impacted on the adjoining land owner's enjoyment and maintenance of their own land. It was therefore considered that to allow the retention of the windows as existing is unacceptable.
- 7.7 To overcome these objections the applicant is now proposing that all windows on the south west elevation will be obscure glazed and non openable. He also proposes that all windows on the north east elevation will be obscure glazed with a restriction put on the arm mechanism so that windows can only be opened to a maximum of 10cm. Notwithstanding the objection from the neighbour to the north at Gara, it is considered that the windows currently proposed i.e. all obscure glazed with restricted opening are acceptable as the level of overlooking would be restricted and not sufficient to warrant refusal of the planning application.

7.8 Visual Amenity and Design

- 7.9 The side windows as existing are not visible from the street scene as the property faces onto a private drive and is screened from Wellingborough Road by tree planting. It is considered that the existing windows are in keeping with the design and appearance of the existing property and as such there is no detrimental impact on the host building, the streetscene or character and appearance of the area.

8. Conclusion

- 8.1 In the circumstances it is considered that the variation of condition 2 to allow the retention of existing side windows in the manner now proposed overcomes issues of overlooking and loss of privacy created by the existing windows and is therefore acceptable. Planning condition is recommended to ensure that the current unauthorised windows are replaced with the approved windows within three months from the date of the planning permission should the Committee Members agree with the Officer's recommendation.

9. Conditions

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side elevations of the proposed extension without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

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

- (3) The garage shall be used only for purposes incidental to and in connection with the use of the site as a dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To protect the residential amenities of nearby properties in accordance with Policy H18 of the Northampton Local Plan.

- (4) The south west elevation windows hereby permitted shall be non-opening and fitted with obscure glazing. Details of the glazing shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this planning permission. The approved details shall be fully implemented within 3 months from the date of this planning permission and retained thereafter.

Reason: To protect the amenities of occupiers of nearby properties in accordance with Policies E20 and H18 of the Northampton Local Plan.

- (5) Notwithstanding the details submitted, the north east elevation windows hereby permitted shall be obscure glazed and fitted with a mechanism to ensure that they are not capable of being opened more than 10cm. Details of this mechanism and hinges and obscure glazing shall be submitted to and approved in writing within 1 month from the date of this planning permission. The approved details shall be fully implemented within 3 months from the date of this planning permission and retained thereafter.

Reason: To protect the amenities of occupiers of nearby properties in accordance with Policies E20 and H18 of the Northampton Local Plan.

10. Background Papers

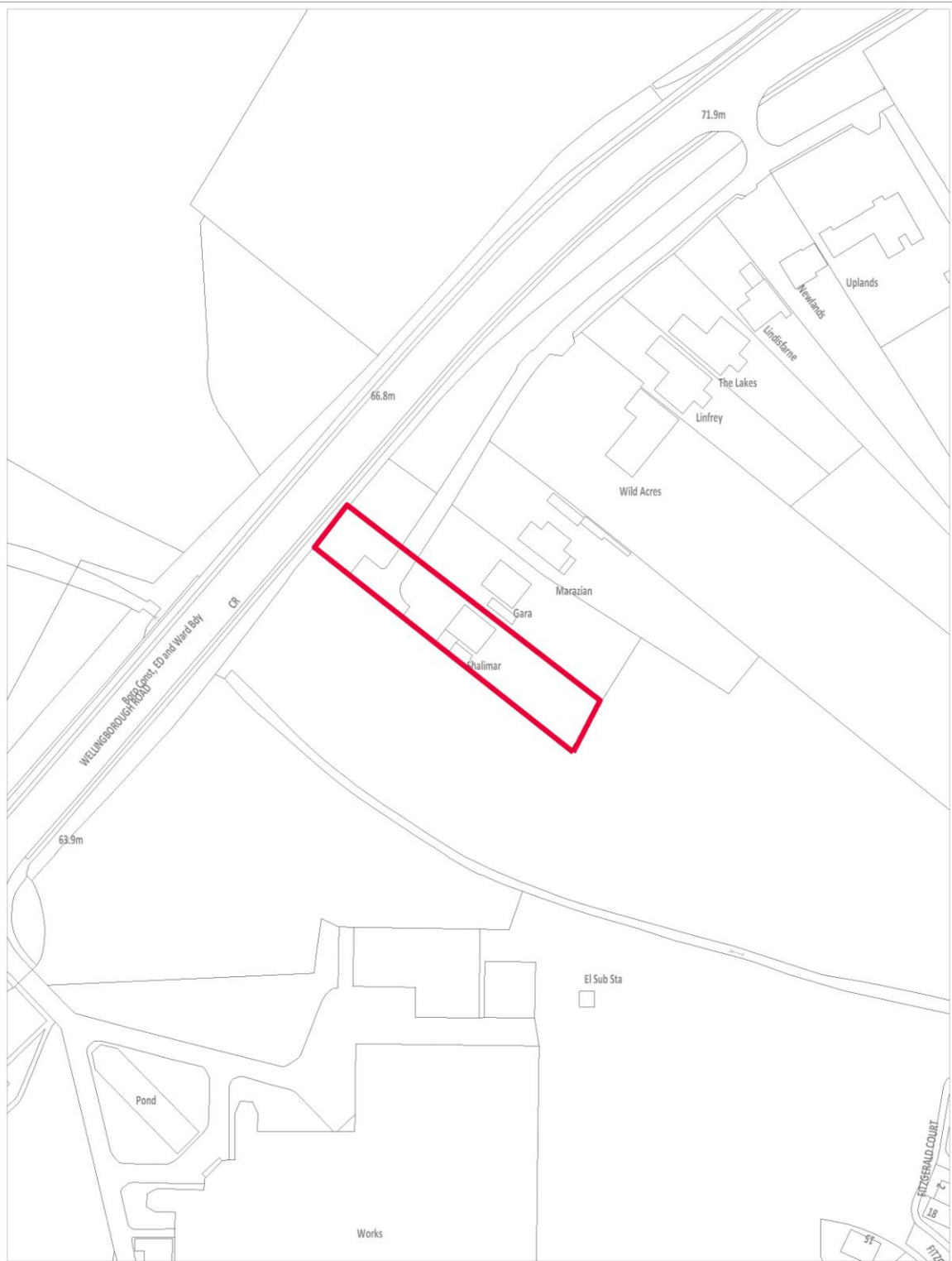
- 10.1 Application files N/2011/0694 and N/2014/0010

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: Location Plan
 Date: 12th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
Shalimar, Wellingborough Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0580: Change of use and rear extension of ground floor to form restaurant (Class A3); creation of six flats (conversion of first and second floor to form three flats and erection of rear extension at first floor to form three flats); alterations to shop front and install external duct to rear, 162-166 Wellingborough Road

WARD: Abington

APPLICANT: Mr Iraj
AGENT: Mr Dipesh Surti, Plan My Property

REFERRED BY: Councillor Danielle Stone
REASON: Overdevelopment of the site

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason.

The development proposed would result in the overlooking, overshadowing and loss of light of neighbouring properties to the detriment of residential amenity. No car parking facilities are provided and would result in the demand of on-street car parking in a location where parking is already difficult to the detriment of road safety. Insufficient information has been submitted to assess the environmental impact of the development in terms of odour creation and dispersal. If permitted the development would be contrary to Policies E20 and H7 of the Northampton Local Plan and conflict with the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application seeks planning permission to change the use of the ground floor of the building from a shop to a restaurant, including an extension. It is also proposed to change the use of the first and second floors of the building to three flats and to extend the first floor to form three further flats. An external duct is proposed to the rear to serve the restaurant. Alterations are also proposed to the shop front.
- 2.2 The first floor extension would be 'L' shaped and in conjunction with the ground floor restaurant extension would form a two-storey block facing a rear walk way. Pedestrian access to all of the flats would be taken from this walk way.

3. SITE DESCRIPTION

- 3.1 The application site sits within a row of commercial properties within a predominantly commercial area on Wellingborough Road, close to its junction with West Street. The area is defined as a Local Centre within the Northampton Local Plan. The properties on this part of Wellingborough Road are generally commercial at ground floor with either commercial or residential above. The first floor of 168 Wellingborough Road is in residential use.
- 3.2 To the rear of the site is residential development with a character distinct from that of Wellingborough Road. Directly adjoining the site to the east is a dwelling accessed from West Street.

4. PLANNING HISTORY

- 4.1 October 2012 planning permission granted for change of use of ground floor from retail to restaurant and external ducting at rear. N/2012/0819

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, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's core planning principles that underpin both plan making and decision-making. The NPPF highlights a presumption in favour of sustainable development (para 14), however, in respect of this

presumption any adverse impacts of development need to be assessed against the benefits of approving a planning application.

The NPPF also requires the provision of a supply of housing with a range of types, tenures and densities as well as encouraging high quality design; the promotion of healthy communities; conserving and enhancing the natural and historic environments; and sustainable transport.

5.3 Northampton Local Plan

Policy E20 (New Development) requires development to be well designed and in keeping with its surroundings and ensuring adequate standards of amenity.

Policy H7 (Housing Development Outside Primarily Residential Areas) requires proposals to secure a satisfactory residential environment; in keeping with the surrounding area and would not prejudice the function of the area.

Policy R9 (Change of Use of Shops) states that no unacceptable traffic problems should be created; amenity should not be affected and it would not be to the detriment of the shopping character of the area.

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

5.5 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (including Proposed Modifications, January 2014)

Weight also needs to be given as the Plan has reached an advanced stage in the process and is currently awaiting the Inspector's report.

Policy S10 sets out the principles for sustainable development, requiring all development to be sustainably designed, energy efficient and to be easily accessed via non-car modes of transport.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillor Danielle Stone** has requested that the application be determined by the Planning Committee and has objected to the

application on the grounds of overdevelopment of the building resulting in increasing the pressures in the neighbourhood regarding noise, litter, parking, medical and other services. The development would also have inadequate refuse storage; residents sharing facilities with the restaurant; safety risks; inadequate accommodation and would not be family housing but a transient population.

6.2 **Northamptonshire County Council (Highways)** raise concerns regarding the lack of car parking provision for the six flats.

6.3 **NBC Environmental Health** comment that inadequate information has been submitted regarding odour control and that noise controls would also be needed. Some of these matters may be dealt with through condition. A concern is raised regarding the proposed flue and the discharge of this in proximity to residential units given the height and position of this.

6.4 **NBC Private Sector Housing** have no adverse comments.

6.5 **Two letters of objections** have been received from the occupiers of an adjoining residential property (2 West Street). These may be summarised as follows:

- Loss of light;
- Creation of claustrophobia and intimidation;
- No room for bins;
- Extractor fan would now cause noise and pollution;
- No car parking and possible increase in car parking on West Street;

7. APPRAISAL

Principle of development

7.1 It is considered that the principle of changing the use of the ground floor to a restaurant has been established with the 2012 grant of planning permission. The extension to the ground floor in connection with the restaurant is also considered to be acceptable.

7.2 The principle of the use of the upper floors of the existing building to form three flats is also considered to be broadly acceptable and would comply with the requirements of the NPPF and be in accordance with the policies of the Local Plan.

7.3 The principle of the first floor extension to form an additional three flats would, however, be less acceptable. The creation of six flats in total is considered to be an over intensive development of this particular site,

particularly in the context of the closely knit nature of the area (see paragraphs 7.5 to 7.8 below).

Character and appearance

- 7.4 The visual impact of the proposed development, in itself, is not considered to be unacceptable. The elevation to Wellingborough Road would only experience changes to the shop front which are not considered to be unsympathetic. The creation of two storey block to the rear is also not considered to be unacceptable given the existence of other two storey buildings in similar positions on other properties in the vicinity.

Amenity

- 7.5 It is considered that the relationship between the proposed dwelling and 2 West Street is unacceptable in terms of amenity. The flats in the first floor extension would have windows facing directly towards the amenity area and first floor windows of this property with a separation distance of approximately seven to eight metres. This would result in an unacceptable level of overlooking and loss of privacy to the occupiers of this property. It is accepted that a screen could potentially be erected to reduce this impact, however that may result in other visual and amenity issues.
- 7.6 It is also considered that due to the orientation of the two storey block of building to the west of 2 West Street there would be an unacceptable degree of overshadowing and loss of light to this property. It is accepted that the residents of this property already experience restricted light due to the nature and position of the property, however any worsening of this situation would not be acceptable.
- 7.7 There are also potential relationship difficulties between one of the windows on the rear of the two storey block and a rear window serving the first floor flat above 160 Wellingborough Road. There would be a separation distance of approximately nine metres. However this could be overcome by reconfiguring the layout of the proposed flat to make the window obscure glazed.
- 7.8 There would also be an unsatisfactory relationship between the first floor windows fronting the walkway to the rear of the site and the rear garden of the property on the opposite side of this. The windows would directly overlook the garden area of this property with a distance of less than five metres between the windows and the boundary of the dwelling. This would be an unacceptable loss of privacy for the occupiers of this property.

Environmental matters

- 7.8 Environmental Health have raised concerns regarding the relationship between the restaurant and residential uses. It is considered that

several of these could be addressed through appropriate conditions or through the Building Regulations.

- 7.9 An extraction flue is included as part of the planning application. However, no technical information has been submitted regarding extraction and consequently no judgment can be made on the efficacy of this. It is not considered that the adequacy of the flue or the extraction system generally can reasonably be addressed via a condition as the likelihood is that the flue would need to be increased in height to ensure that the dispersal of odour does not impact on residential units.

Car parking

- 7.10 Given the commercial nature of the area, and the lack of car parking for the existing use as a shop, it is not considered that the absence of car parking for the restaurant is unacceptable.
- 7.11 However the lack of parking is considered unacceptable in relation to the residential development given the amount and type of accommodation proposed, notwithstanding the sustainable location of the site in respect of access to services and public transport and the provision of cycle parking.

8. CONCLUSION

- 8.1 The development proposed would result in the overlooking, overshadowing and loss of light of neighbouring properties to the detriment of residential amenity. No car parking facilities are provided and would result in the creation of on-street car parking in a location where parking is already difficult to the detriment of road safety. Insufficient information has been submitted to assess the environmental impact of the development in terms of odour creation and dispersal. If permitted the development would be contrary to Policies E20 and H7 of the Northampton Local Plan and conflict with the aims and objectives of the National Planning Policy Framework. Consequently the application is recommended for refusal.

9. BACKGROUND PAPERS

- 9.1 N/2014/0580

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
162-166 Wellingborough Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0598: Erection of a single-storey building adjacent to existing car park to be used as changing rooms for football club, Ladybridge Park, Ladybridge Drive

WARD: West Hunsbury

APPLICANT: Welland Football Club
AGENT: James Taylor Construction

REFERRED BY: Head of Planning
REASON: NBC owned Land

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

By reason of its scale, siting, design and appearance the proposed development would not detract from the visual amenities of the locality nor have an undue detrimental impact upon the amenities of surrounding occupiers and would not impact on flood risk. The development would therefore comply with saved Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application proposes to erect a single storey building onto an open area of land facing a car park within Ladybridge Park to utilise primarily as changing rooms for the Welland Valley Football Club.

- 2.2 The proposed building would have a length of 16.2m, a width of 10m and a height of 4.7m. The building would be constructed in bricks and have a pitched roof with concrete tiles. The following internal layout is proposed: 2 changing rooms, shower rooms and wc facilities, store and a small tea preparation area.

3. SITE DESCRIPTION

- 3.1 The site is located off an access road leading from Ladybridge Drive to car parking facilities serving visitors to the park and playing field facilities.
- 3.2 The nearest residential properties are located at Heronsford which are over 110m away to the west. There are two temporary storage containers sited on the edge of the existing car park.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

National Planning Policy Framework (NPPF) is pertinent to this application. Paragraph 17 requires that new developments be of a good standard of design.

5.3 Northampton Local Plan

Policy E20 – requires that planning permission be granted for new development where its design adequately reflects the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

Policy E40 – requires that planning permission not be granted for development unless it pays adequate regards to the need to deter crime and vandalism.

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS

- 6.1 **Environment Agency** – Advise development site sits within Flood Zone 2 and is therefore at risk of flooding. They refer to the standing advice as the application is a ‘lower risk’ development proposals.
- 6.2 **NCC Highway Authority** – No observations.
- 6.3 **NBC Environmental Services** – No objections.
- 6.4 **West Hunsbury Parish Council** – refer to the existing storage containers on the site which they consider to be incongruous to the locality and consider these should be removed, furthermore request the hours of construction are limited to minimise the disruption on the users of the recreational land.

7. REPRESENTATIONS

- 7.1 **8 Heronsford** - relating to the quality of the appearance of the proposed building and the lack of details for screening. Consider that the existing containers on the site should be removed and restrictions should be applied to the hours of construction and deliveries to the site.

8. APPRAISAL

- 8.1 The key issues in connection with development relate to the design and layout, impact of the proposed development on the appearance of its surroundings and amenity of the area and flood risk related matters.

Design and Layout

- 8.2 The proposed building has a simple build form which is single storey with a pitched roof. The appearance of the proposed building would be sympathetic to the topography of the site and would not detract from its surrounding. The proposal has been designed to cater for the needs of people with disabilities with level access from the public realm.
- 8.3 As the building will be sited away from any built development, it has been designed to provide minimum windows and doors openings for crime prevention purpose. External doors and frames will be steel to provide security and a metal shutter will be provided to the window at the tea prep area. A condition will be attached requiring details of all external materials including windows and doors to be submitted. It is considered that the proposed building is acceptable in terms of design and layout in this locality.

Impact on amenity

- 8.4 The proposed building would be situated away from residential properties and would be surrounded by existing mature trees/planting which screen the car park. The proposal would therefore visually improve the immediate surroundings. The applicant has given consideration to the concerns raised over securing the removal of a number of existing temporary storage containers at the site. However, in this instance the applicant has stated the temporary buildings are still required for storage purposes in the short term. It is considered that the proposed building as submitted is acceptable on its own merits with or without the storage containers on site.
- 8.5 The site is located some distance from residential properties, planning conditions relating to the construction hours and deliveries are not considered necessary in this instance.

Flood Risk

- 8.6 The National Planning Policy Framework advises in determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere. The applicant was made aware of the potential flood risk issues associated with the site and has designed the proposed building for the finished level to be set 300mm above the flood level. It is not considered that the proposed building would unduly impact on flood risk.

9. CONCLUSION

- 9.1 Having given consideration to the submitted application and supporting information, the consultation responses and other material considerations referred to above, the proposed development is considered acceptable and should be permitted subject to conditions.

10. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan: WVFC-A-102 Rev A.

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

3. Full details and samples of the materials to be used in the construction of the external of the proposed development including windows and doors hereby permitted shall be first submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented 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 saved Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

10. BACKGROUND PAPERS

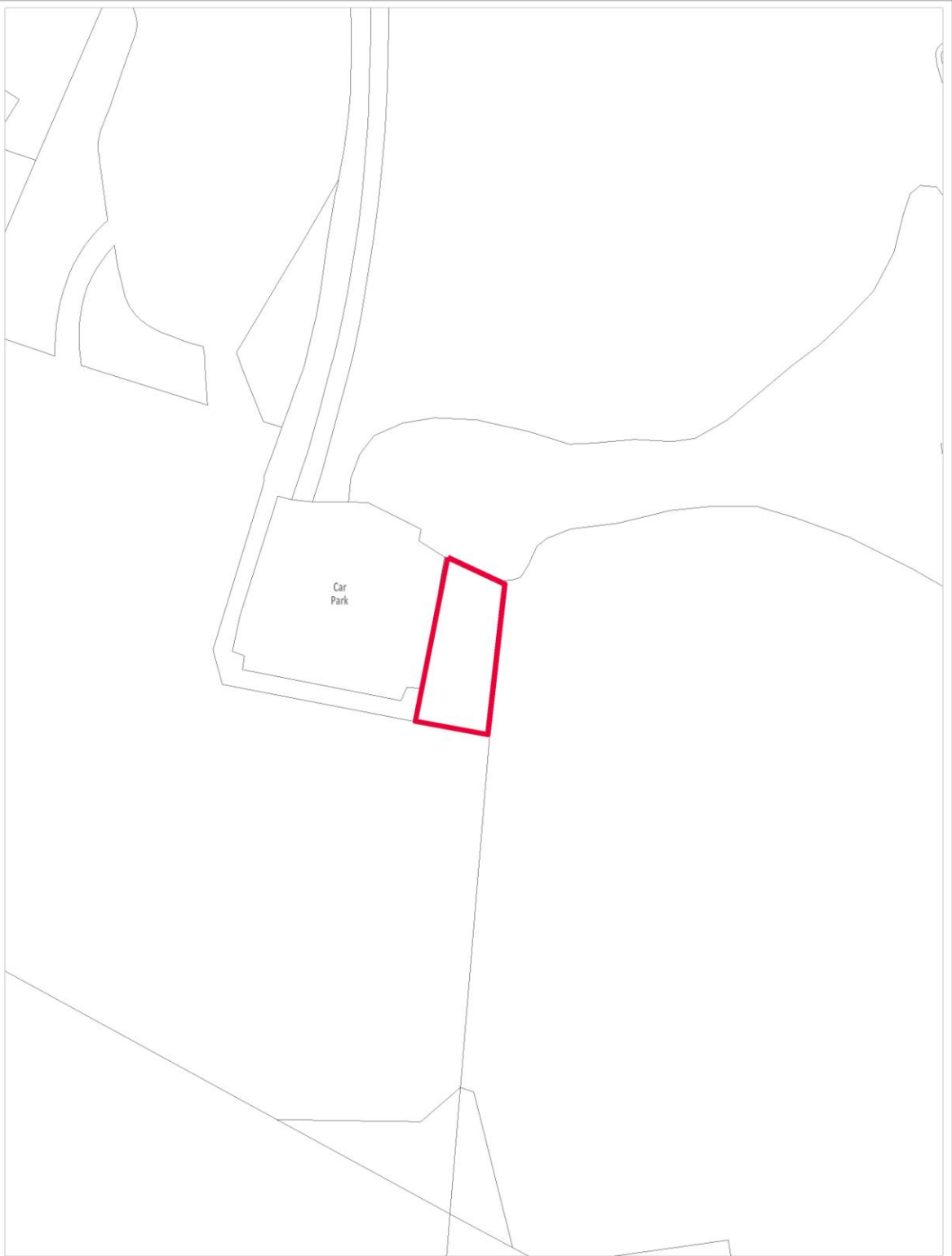
10.1 N/2014/0598.

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title

Ladybridge Park, Ladybridge Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0676: Erection of a 3-bed detached dwelling at land adjacent to 93 Station Road

WARD: Billing

APPLICANT: Mr. C Nunn
AGENT: Mr. D Collins

REFERRED BY: Head of Planning
REASON: Called in by Cllr Palethorpe on the grounds of the proposed works being considered inappropriate infill development

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The impact of the proposed development upon the character and appearance of the surrounding area, residential amenity and highway safety is considered to be acceptable and in accordance with the guidance contained within the National Planning Policy Framework, Policies E20 and H6 of the Northampton Local Plan and Policies SA and H1 of the Submitted West Northamptonshire Joint Core Strategy.

2. THE PROPOSAL

2.1 The proposals are for the erection of a detached, two-storey, three-bedroom property on land that currently makes up part of the curtilage of No.93 Station Road. The existing vehicular access that serves No. 93 is proposed to be widened to provide a joint access for No.93 and the new property.

3. SITE DESCRIPTION

- 3.1 The application site currently makes up approximately half of the curtilage of No. 93 Station Road. There is a gravelled area to the front and grassed garden area to the rear. The rear garden measures approximately 25m in length. The built extent of No.93, situated to the immediate north of the application site is a two-storey, semi-detached property. To the south of the site are located two two-storey properties (No. 95 and No. 97) set on the same front building line. There is an approximate 9m gap in existence between the opposing side elevations of No. 93 and No. 95; this is where the new dwelling would be sited.

4. PLANNING HISTORY

- 4.1 There is no recent or relevant planning history at 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 the saved policies of the Northampton Local 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

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and provides guidance for how those policies are expected to be applied. The presumption in favour of sustainable development (Paragraph 14) identifies the development plan as the starting point for decision making and enables development proposals that accord with an up-to-date Local Plan to be approved without delay. Paragraph 7 clarifies the three dimensions to sustainable development. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity.

5.3 Northampton Local Plan

Policy E20 – requires that planning permission be granted for new development where its design adequately reflects the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

Policy H6 – requires that planning permission be granted for residential development where it would be of a scale and density that befits the character of the surrounding area.

5.4 Other Material Considerations

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

The NPPF enables weight to be given to emerging plans, subject to certain criteria (para. 216). The emerging West Northamptonshire Joint Core Strategy (WNJCS) was initially examined in 2013 with further hearings held in spring 2014 to consider proposed modifications; the findings of the Inspector are awaited. This proposal shall be considered in the context of emerging policies of the WNJCS.

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

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.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 The application was advertised by site notice. In addition, consultation of local neighbours and consultees has been undertaken. Representations are summarised as follows:

6.2 **Local Highway Authority:** The shared access arrangement is acceptable in principle. A licence will be required for the installation of the vehicle crossover, which shall have a minimum width of 4.5m and be surfaced in hard-bound material. Visibility splays of 2.4m x 2.4m should be secured to either side of the access.

6.3 Objections have been received from **91, 95 Station Road** and **12 Gervase Square** and can be summarised as follows:

- The new dwelling would be in close proximity to the built extent of 95 Station Road.
- The development would make the living room and 1st floor en-suite of 95 Station Road very dark.
- The newly proposed side-facing window may directly face the existing en-suite window of 95 Station Road.

- Vehicular access in and out of the property's driveway is already hazardous – potentially doubling the number of vehicles using this access point would exacerbate an already difficult situation.
- The size of the plot is not big enough to allow access for emergency services.

6.4 **Councillor David Palethorpe** – called in application to be considered by the Planning Committee on the grounds of inappropriate infilling to the area.

7. APPRAISAL

Design & Visual Appearance

7.1 The area immediately surrounding the application site is typified by a variety of built form. No. 93 itself is a semi-detached property with a pebble-dashed render finish; there are also other semi-detached properties as you move north along Station Road. To the south, Nos. 95 and 97 are modern detached red-brick properties. On the opposing side of Station Road to the west there are a number of red-brick terraced properties.

7.2 It is considered that a red-brick property of two stories in height would sit comfortably in this location, it would be designed to reflect the style of adjacent detached housing to the south. It would be afforded a concrete-tiled, dual-pitched roof with gable-ends to either side. The ground floor extent would sit slightly forward of the first floor front building line and would be afforded a small mono-pitched roof (similar to Nos. 95 and 97).

7.3 A Street Scene drawing has been provided by the applicant to demonstrate how the development would correspond with neighbouring built form and would not constitute an overdevelopment of the site. The eaves and ridge height of the new dwelling would tie in with the corresponding heights of adjacent properties whilst its footprint position would provide consistent separation distances between properties in this area of Station Road; a rhythm to the built form would be promoted. The proposed design is acceptable, subject to a planning condition requiring full material details.

Residential Amenity

7.4 It is considered that the proposed development would appropriately safeguard surrounding residential amenity. An objection to the application has been received from the occupier of No. 95 Station Road to the immediate south of the site on the grounds that the development would block light to the facing side windows of the property.

- 7.5 In this instance it should be noted that both facing windows are of a small size – the window at ground floor serves as a secondary opening to the property’s living room whilst the window at first floor is obscure-glazed and serves an en-suite area. The orientation of No. 95 Station Road should also be noted – the side elevation facing the application site is north-facing and is therefore already served by limited sunlight. The construction of a two-storey dwelling (whilst maintaining an approximate 2.5m separation distance to the built extent of No. 95) would not be overbearing nor overshadowing and would not unduly impact upon the levels of sunlight serving the side-facing windows of No. 95; residential amenity would be safeguarded. To protect against potential overlooking, a condition should be applied to any consent to ensure that the newly proposed south-facing en-suite window is obscure glazed.
- 7.6 It is also considered that the amenity of occupiers at No. 93 would also be appropriately safeguarded. The south-facing window openings of No. 93 are also small in size and serve secondary functions. Furthermore, it should also be noted that No. 93 would continue to be served by a generously sized rear garden of 25m in length. To protect against potential overlooking, a condition should be applied to any consent to ensure that the newly proposed north-facing window to the proposed dwelling’s stairway is obscure-glazed.

Highways

- 7.7 A shared vehicular access would be provided to serve both the new property and the existing No.93. The Local Highway Authority (LHA) has confirmed that the proposed arrangement is acceptable in principle. A licence would be required from the LHA for the new vehicular crossover.
- 7.8 A planning condition should be applied to any consent to secure that the vehicular cross-over is constructed to a minimum width of 4.5m in a hard bound material. The relevant proposed plan indicates a width of approximately 5m – it is not considered that further pedestrian visibility splays need to be provided to either side of this access given that a grass verge of some 4m in width (and no pavement) separates the vehicular access point from the highway.
- 7.9 A plan has been provided to demonstrate that both the existing dwelling and proposed dwelling would be afforded adequate front driveway areas to each accommodate up to two parked vehicles. It is considered that this level of provision is appropriate. It is acknowledged that the space constraints of the site may necessitate reversing manoeuvres across the vehicular access point. This situation is not considered to raise undue concerns in a highway safety context, particularly given the unclassified status and quiet nature of the relevant section of Station Road.

8. CONCLUSION

8.1 The impact of the proposed development upon the character and appearance of the surrounding area, residential amenity and highway safety is considered to be acceptable and in accordance with the guidance contained within the National Planning Policy Framework, Policies E20 and H6 of the Northampton Local Plan and Policies SA and H1 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 following approved plans: Location Plan (14.23.10A); Access Revisions & Street Scene (14.23.12); Proposed Elevations & Floor Plans (14.23.11)

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) Notwithstanding the approved details, both the first floor level north-facing window serving the property's stairway and the first floor level south-facing window serving the property's bathroom (as depicted on Drawing No. 14.23.11) shall be glazed with obscured glass before the development hereby permitted is first occupied and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy H6 of the Northampton Local Plan.

(5) Notwithstanding the approved details, the vehicle cross-over shall be constructed to a minimum width of 4.5m and be surfaced in a hard bound material.

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

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be

erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

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

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side elevations of the proposed development hereby permitted without the prior written consent of the Local Planning Authority.

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

Informative for the applicant:

A licence from the Local Highway Authority shall be required for the installation of the vehicle cross-over.

10. BACKGROUND PAPERS

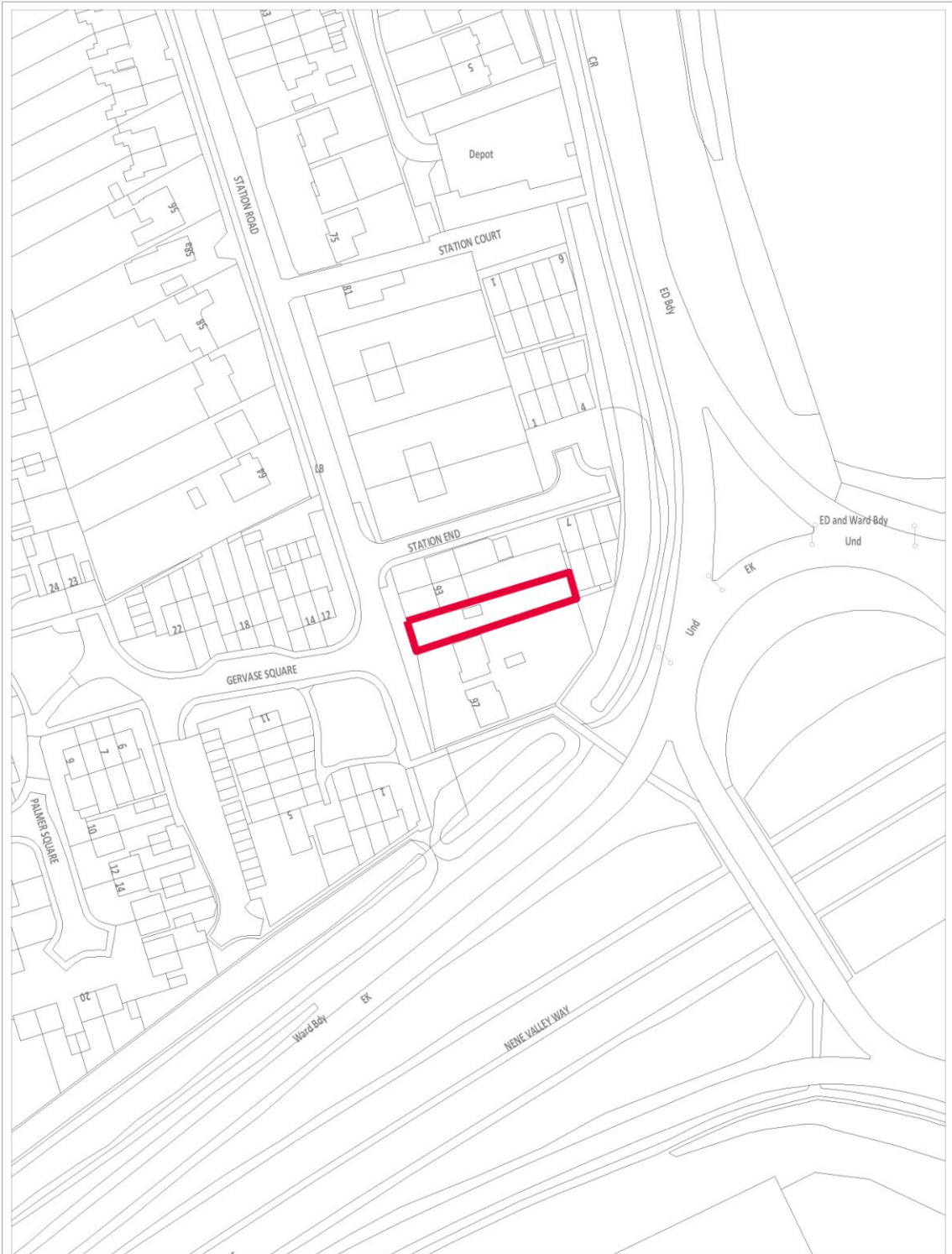
10.1 N/2014/0676

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: **Location Plan**
 Date: **20th August 2014**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title

Land Adjacent to 93 Station Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0677: Single storey side/rear extension at Unit 2,
Prentice Court

WARD: Talavera

APPLICANT: Mr Sidhu
AGENT: Mr Ali Ay

REFERRED BY: Head of Planning
REASON: Council own land

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The proposed development would due to its siting, scale and design not have an undue detrimental impact on the appearance and character of the host building, street scene, amenity of neighbours and highway safety to accord with Policy E20 of the Northampton Local Plan and aims of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a single storey flat roof rear extension to create storage area within the existing loading area of the premises. The extension measures some 15.7m by 6.2m and 3.6m high. It would be constructed in brick to match the existing building.

3. SITE DESCRIPTION

3.1 Single storey brick built building consisting of supermarket, takeaway with associated rear service yard enclosed by palisade security fencing

about 2 metres high. The site is located in a residential area and adjacent to a car park that could accommodate around up to fifteen to twenty cars off road.

4. PLANNING HISTORY

- 4.1 Planning permission was granted in 2014 for a single storey front extension and repositioning of cash machine to the supermarket.

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 Northampton Local Plan 1997.

5.2 National Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. 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 good standard of design and satisfactory amenity for all existing neighbours. Paragraph 32 of the NPPF states that development that generates significant amount of movement should be safe and there should be suitable access.

5.3 Northampton Local Plan

Policy E20 – Design of New Development - promotes good design in any new development and acceptable impact on amenity of neighbours in terms of light, privacy and outlook.

5.4 Other Material Considerations

Submitted West Northants Joint Core Strategy (a subsequently modified)

An increasing amount of weight can be given to the 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 subject of an examination in public and the findings of the Inspector are awaited.

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS/ REPRESENTATIONS

Residents Association - no comments received.

Environmental Health - no objection.

County Highways - no objection.

7. APPRAISAL

- 7.1 The principal issues to consider are the impact on character and appearance of host building, wider area, amenity of adjoining occupiers and highway safety.

Impact on appearance and character of host building and wider area

- 7.2 The proposed extension is single storey with a flat roof. It would be visible from the rear of the shop from the properties opposite and as a result have some impact on the appearance of the area. However given the fact that the extension would be constructed in materials that match the existing building and its relatively small scale, and the fact that goods and materials can be stored within the proposed extension rather than within the existing service yard, it is considered that this would provide a satisfactory external appearance in the locality.

Impact on amenity of neighbours

- 7.3 Although the proposed extension would be visible from the properties opposite on Prentice Court, given that there is a separation of 17 metres, it is considered that the effect on their amenity in terms of overbearing, overlooking and visual intrusion would be acceptable. This would comply with Policy E20 of the Northampton Local Plan and the NPPF. The Council's Environmental Health Officers raise no objections and given deliveries would only take place between the hours of 8am and 5pm in the existing service yard, noise and disturbance is not considered a serious concern.

Parking and Highways

- 7.4 The proposed extension is to provide storage for the existing use. Although it would result in a reduction of the existing loading area to the rear, it is not considered to have a significant adverse impact on highway network or parking given that there would still be adequate space within the yard area. The applicant has confirmed that deliveries will normally be carried out by smaller vehicles and there would be no HGVs visiting the site. The Local Highway Authority raise no objections to the proposal.

8. CONCLUSION

- 8.1 The proposal is considered to be acceptable and it would not have an undue detrimental impact on the appearance, amenity or character of the area or on highway safety and complies with development plan policy and aims of the National Planning Policy Framework.

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 of the extension shall be constructed with materials of the same type, texture and colour as the walls of the existing building

Reason: In the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

- (3) The development hereby approved shall be implemented fully in accordance with approved plans 91.14/01, 02, 03, 04, 05, 06.

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

10. BACKGROUND PAPERS

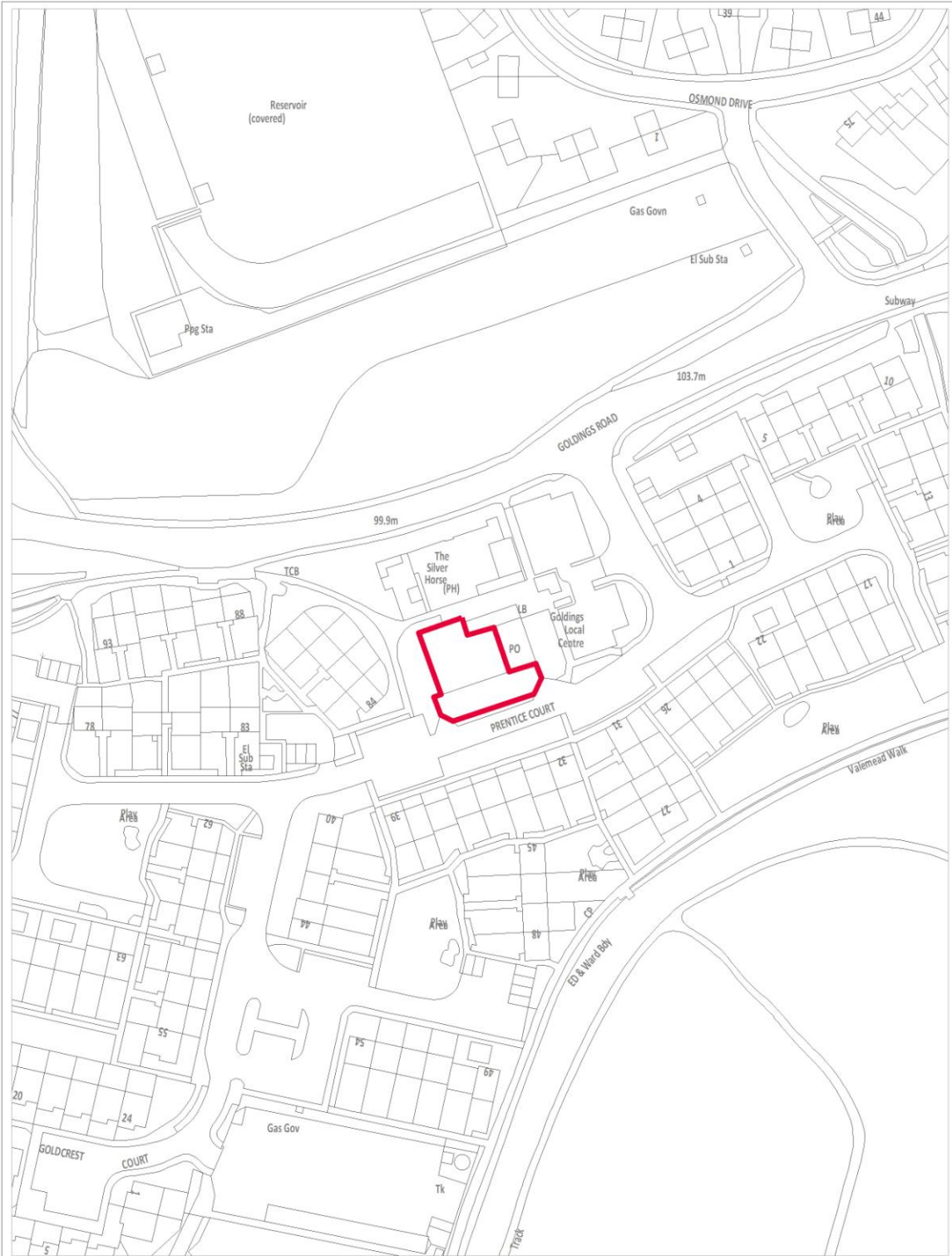
- 10.1 N/2014/0677.

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title

Unit 2 Goldings Supermarket, Prentice Court

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0692: Change of use from dwelling (Use Class C3) into house in multiple occupation for 5 occupants (Use Class C4) at 128 Artizan Road

WARD: Castle

APPLICANT: Mr P. Lamb

REFERRED BY: Cllr. D. Stone
REASON: Over-development

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions 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 Conservation Area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework and Northampton Local Plan Policies H30 and E26.

2. THE PROPOSAL

2.1 Permission is sought for a change of use of a family dwelling to 5 person house in multiple occupation (HMO). Planning permission is required as the site is within the Article 4 Direction Area. The proposed ground floor includes one bedroom, lounge/diner, kitchen and bathroom, the first floor with 3 bedrooms and one en-suite bedroom in the attic. The cellar would be used for storage only. There would not be any external changes to the building.

3. SITE DESCRIPTION

- 3.1 Terraced property along street of similar residential properties. The property is served by on street parking with no off road provision. There is a private garden to the rear. The site is located within the Boot and Shoe Conservation Area.

4. PLANNING HISTORY

- 4.1 None relevant

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 Policy Framework

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). Developments should also preserve or enhance the character of conservation areas (Policy E26).

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

- 6.1 **Conservation (NBC)** – No objections
- 6.2 **Highway Authority (NCC)** - Concern regarding parking provision with cars already parked along both sides of street and number of expected additional cars to be generated.
- 6.3 **Private Sector Housing (NBC)** – No objections provided that second floor bedroom is served by en-suite as shown on the drawings.
- 6.4 **Cllr. D Stone** – Request that the application is determined by the Planning Committee on the grounds that the proposal represents over-development.

7. APPRAISAL

Principle of the use

- 7.1 The site is located in a primarily residential area as defined in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses.
- 7.2 From recent data collected, it is evident that there are other HMOs on the same road. However these represent a small proportion of the properties (there are over 100 properties along Artizan Road, out of which combined with Planning, Private Sector Housing and Council Tax records indicate that around 15 are in HIMO use). It is not considered that the character of this street would be substantially affected due to overconcentration of such a use.

Policy Implications

- 7.3 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 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.

Impact on character and amenity of area

- 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 use 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 five 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 due to its current size. As a consequence of this, the development has a neutral impact on the area's character. The contention that the proposal would result in over-development is not an opinion shared by Officers given that the property appears large enough to satisfactorily accommodate the use and provide a reasonable size garden to the rear

General Amenity and Parking

- 7.5 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 five. Given the size of the building and the fact that a satisfactory standard of amenity can be secured, this figure is not excessive.
- 7.6 In order to ensure a satisfactory standard of development, details of refuse 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 services and shops on the Wellingborough Road. As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable.

Impact on appearance and character of the Conservation Area

- 7.7 As there would be no external changes proposed, it is considered that the effect on appearance and character of the Conservation Area would be minimal.

8. CONCLUSION

- 8.1 For the reasons cited the proposal is considered to be acceptable and complies with development plan and national planning policy. It is therefore being recommended for approval subject to the conditions below.

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) Details for the provision of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development to comply with the NPPF.

- (3) The maximum number of occupiers shall not exceed 5 at any time.

Reason: To prevent over-development to accord with the NPPF and Policy H30 of the Northampton Local Plan.

- (4) The development hereby permitted shall be implemented fully in accordance with the approved plans 28-14-01 and 02.

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

10. BACKGROUND PAPERS

- 10.1 N/2014/0692.

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
128 Artizan Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0735: Change of use from dwelling (Use Class C3) to house in multiple occupation for eight people (Sui Generis use) – retrospective application at 74 Earl Street

WARD: Castle

APPLICANT: KAAZ Estates Ltd
AGENT: Mr B. Waine

REFERRED BY: Head of Planning
REASON: A Councillor is a director of the company making the planning application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development has a neutral impact upon the character and appearance of the conservation area and, subject to conditions, does not adversely affect neighbour amenity or highway safety. The development is therefore in conformity with the National Planning Policy Framework, Policies 1 and 16 of the Central Area Action Plan and Policy H30 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The application seeks planning permission to retain the use of the property as a House in Multiple Occupation (hereafter referred to a HMO) for eight people. The applicant contends that this use commenced in 2001; however, it has not been possible to substantiate

this point. Accordingly, this planning application has been submitted in order to regularise the situation. No external alterations are proposed.

3. SITE DESCRIPTION

- 3.1 The application site consists of an end of terrace, two storey property located within a primarily residential area. Notwithstanding this, there are some commercial properties within the surrounding area, including some retail and takeaway units. The application site is also in close proximity to the town centre and within the Boot and Shoe Conservation Area.
- 3.2 A free standing building to the rear of the property has previously been converted to residential accommodation. This unit is accessed via an archway that is situated within the confines of the building which is the subject of this application.
- 3.3 Car parking demand within the vicinity is met through on street provision; however, there are some parking restrictions within Earl Street.

4. PLANNING HISTORY

- 4.1 N/2002/0404 – Conversion of builders store and office to two residential units – Approved

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

5.2 National 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 Central Area Action Plan

The Central Area Action Plan (CAAP) requires that new developments be of a good standard of design and have a neutral impact upon the town's Conservation Areas (Policy 1), whilst ensuring that a mixture of residential developments are provided (Policy 16).

5.4 **Northampton Local Plan**

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

5.5 **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.

5.6 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.

5.7 **Supplementary Planning Guidance**

Parking

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Conservation (NBC)** – No objections.

6.2 **Highway Authority (NCC)** – No objections as there is likely to be sufficient on street spaces to meet the needs of the occupiers of the development.

6.3 **Cllr D. Stone** – Objects as the development represents overdevelopment, has a detrimental impact upon the neighbourhood and puts pressure on services.

6.4 At the time of preparing this report, the consultation period had yet to conclude. Therefore any further consultation responses will be reported

to members via an addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the use

- 7.1 The proposed development would represent the change of use from a single dwelling to a HMO; however, the predominant house type within the vicinity is single households. As a consequence of this, the retention of a HMO in this location would not cause an undue detrimental impact upon the character of the locality.

Planning policy implications

- 7.2 The development assists in providing a mixture of housing in the environs of the site, which ensures compliance with the requirements of the NPPF. In addition, the site is located in a sustainable location given its proximity to the town centre and other local facilities. The submitted JCS provides an 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 the preceding paragraph, it is considered that this objective has been complied with.

Impact on amenity and the Conservation Area

- 7.4 The building is of a sufficient size to accommodate eight residents. Whilst the number of residents is reasonably high, it is considered that due to the character of the surrounding area (i.e. a combination of residential and commercial functions) in close proximity to some busy streets, the overall impact upon neighbour amenity is neutral. In order to provide certainty of this, a condition is recommended that would limit the potential number of residents of the development to a maximum of eight at any one time.
- 7.5 Prior to being used as a HMO, the building was in use as a single dwelling house (within Use Class C3). As a consequence of this, there is a history of the site being used for residential accommodation, with the resultant impacts. As this application does not seek permission for any external alterations to the building, it therefore follows that the development does not give rise to any greater impacts upon the occupiers of neighbouring properties in terms of consideration such as light, outlook and privacy. The lack of external alterations means that the proposal would not adversely impact upon the character and appearance of the surrounding Conservation Area.

- 7.6 Notwithstanding the preceding assessment, it is necessary to ensure that refuse storage is provided in order to ensure that a satisfactory standard of development is secured and to prevent an adverse impact upon the occupiers of neighbouring properties. A condition is recommended that would require the submission of details for the Council's agreement regarding refuse storage and for this to be implemented within a reasonable timeframe, which would then be retained thereafter. It is likely that this would need to be situated within the courtyard area to the side of the property, which would also prevent any significant detrimental impact on visual amenity arising from the storage of refuse.

Highway impacts

- 7.7 As the development is located within a sustainable location in close proximity to the town centre, with other retail, commercial and leisure facilities and major public transport routes, it is likely that not all residents of the HMO would need to have access to a private car. Therefore the development is not likely to pose a significant adverse impact upon highway safety. Furthermore, the application has been assessed by the Highway Authority, which has resolved to raise no objections as there is sufficient capacity within the surrounding roads to accommodate any vehicles associated with the use of the building as a HMO.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the development does not adversely affect the character and appearance of the locality and subject to conditions relating to the number of residents and refuse storage, a neutral impact upon neighbouring properties can be secured.

9. CONDITIONS

1. The development hereby permitted shall be occupied by no more than eight 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.

2. 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 and the approved details 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 1 of the Central Area Action Plan.

10. BACKGROUND PAPERS

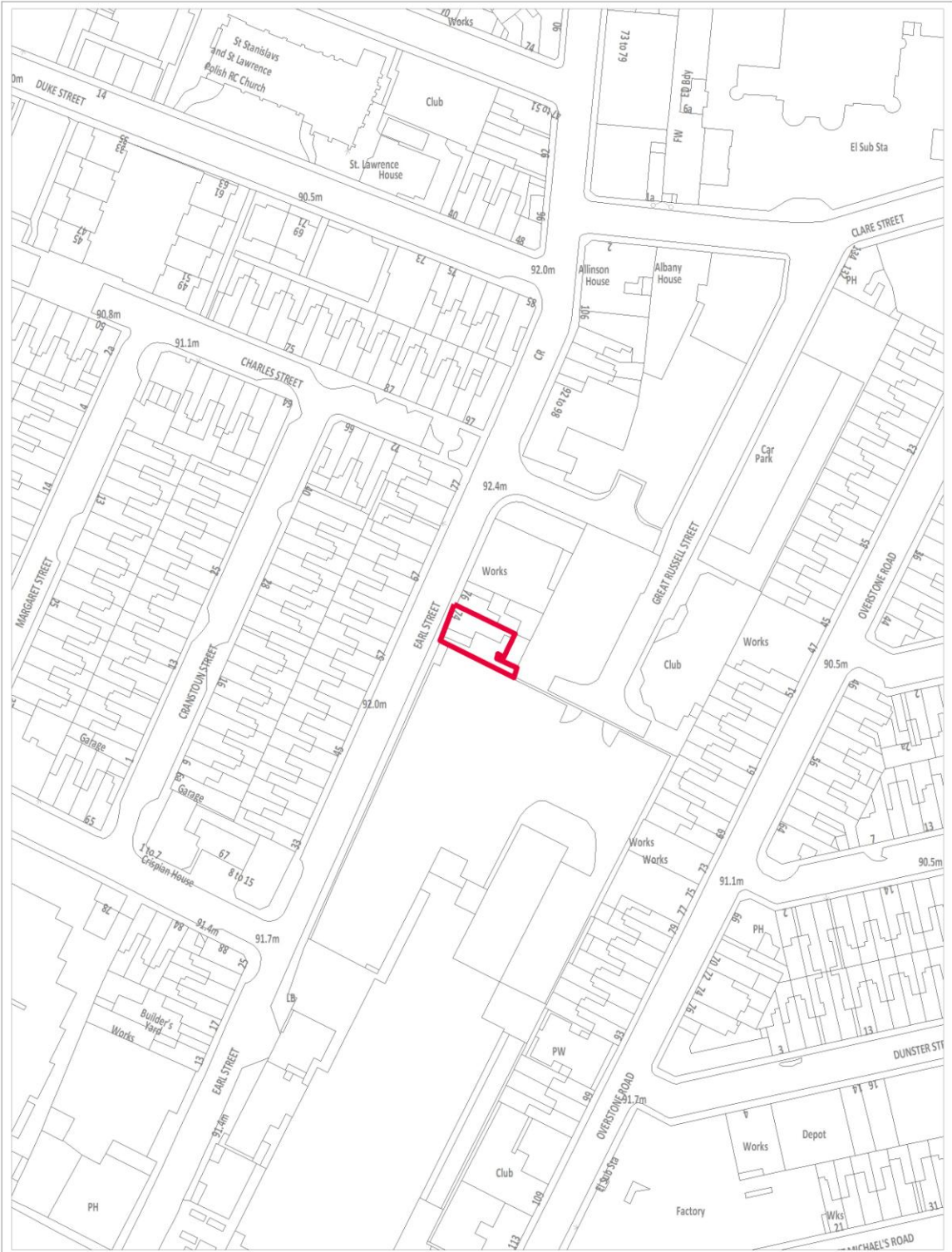
10.1 N/2014/0735

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
74 Earl Street

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0788: Change of use of building to combine lift testing facilities/abseiling centre at National Lift Tower (Sui Generis Use)

WARD: St James

APPLICANT: Mr Peter Sullivan
AGENT: Mr Edward Wright

REFERRED BY: Head of Planning
REASON: Previous application determined at Committee

DEPARTURE; No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development is considered acceptable as it would not have significant detrimental impact on amenity of surrounding neighbours, highway safety and parking and would not have an unacceptable impact on the character and setting of the Grade 2 listed building to comply with Policy E40 of the Northampton Local Plan, BN5 of the Submitted West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission is sought for continued additional use of the lift tower for purposes of abseiling. A similar application was determined by the Planning Committee in June 2013 where members granted a temporary consent to allow officers to monitor the abseiling use for a period of 15 months prior to the Local Planning Authority considering

granting a permanent approval. The applicant is now seeking permanent permission.

- 2.2 The abseiling takes place primarily on Saturdays with some Sundays. The day typically commences at 8.30am when the abseil team and charity arrive on site and begin setting up. This involves erecting a temporary gazebo adjacent to the building to be used as registration point. The abseil team rig the abseiling platform near the top of the tower and drop 2 ropes down the outside of the building. Registration takes place from 8.45am and the first abseil start at 9am. Two abseilers go down every fifteen minutes. Typically, the day ends at 5pm however there may be delays during the day and on these occasions the event will continue beyond 5pm and end by 6pm at the latest.
- 2.3 The submitted plans show 3 different points where the abseiling takes place from near the top of the tower. The exact position is dependent on the wind direction on the day which determines whether the abseiling occurs from Point A at height of 123m, Point B at 120m or Point C at 102m.
- 2.4 The table below shows the dates and events over a 12 month period from May 2013 to June 2014.

Date of event	Number participants	Charity involved
Saturday 11 May 2013	58	Various
Saturday 18 May 2013	41	Ovarian Cancer
Saturday 25 May 2013	57	Sue Ryder, Help for Heroes, Boys School, Henry Allen Appeal
Saturday 27 July 2013	45	Bedford MS Therapy Centre
Saturday 31 August 2013	43	Various
Saturday 21 September 2013	40	British Red Cross
Saturday 28 September 2013	12	British Heart Foundation
Saturday 12 October 2013	54	Air Ambulance, British Legion, Cynthia Spencer, UK Lift Charity
Saturday 26 April 2014	48	British Red Cross
Saturday 10 May 2014	22	Various
Saturday 24 May 2014	30	Autism Concern
Saturday 31 May 2014	22	Autism Concern

Saturday 21 June 2014	45	LU15
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The frequency of events varies throughout the year, based on demand but also on the season. Spring and early summer seems to be the most popular although events have also been held in autumn months.

3. SITE DESCRIPTION

3.1 The site is located within a modern residential estate to the south of Weedon Road to the west of the town centre. The lift tower is a highly distinctive and prominent concrete structure measuring some 127m high and 14m in diameter at the base. It is a Grade II Listed Building (listed in 1997) and has been previously used as a lift testing facility. The tower was built during 1980 to 1982 and designed by Stimpson and Walton for Express Lifts Company. It is positioned within a circular island at the end of the main estate road (The Approach) from Weedon Road and is surrounded by residential flats and houses completed in 2005.

3.2 The Lift Tower was opened in 1982 as a purpose built lift testing tower as part of the wider Express Lifts factory complex. The factory was closed in 1999 following the takeover of Express Lifts by Otis. The Tower was incorporated into the surrounding residential development such that it could continue to be used for lift testing purposes by the British Standards Institute. Although it has continued to be used periodically for research and development the building became largely dormant until 2008 when it was taken over by the current owner, the applicant.

4. PLANNING HISTORY

4.1 Planning permission was granted in November 1979 for the construction of a lift testing tower with associated training facilities. Since then various applications have been determined for associated development connected with the tower. The site has had 2 temporary permissions granted for abseiling the first in September 2012 for 8 months followed by a 15 month temporary consent in June 2013 which expires on 11 September 2014.

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.

5.2 **National Policies**

National Planning Policy Framework (NPPF)

Outlines that there is a presumption in favour of sustainable development which is the “golden thread” running through the planning system. Paragraph 17 stresses that development should always seek a high standard of design and amenity for future occupants of adjoining land and buildings.

Paragraph 123 states that decisions aim to avoid noise on quality of life and Paragraph 131 states that in determining planning applications local planning authorities should take account of desirability of enhancing the significance of heritage assets.

5.3 **Northampton Local Plan**

E40 Crime and Vandalism - seeks to encourage new development which is designed to deter crime and vandalism.

5.4 **Other Material Considerations**

West Northamptonshire Joint Core Strategy

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 BN5 states that heritage assets will be conserved and enhanced in recognition of their contribution to sense of place in West Northants. Some weight can be attached to this document in decision making given that it is at advanced stage of preparation and awaiting adoption in the near future.

5.5 **Supplementary Planning Guidance**

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

6. **CONSULTATIONS/ REPRESENTATIONS**

The application has been advertised by neighbour letters, press notice and site notice. Comments received are summarised as follows:

6.1 **Highway Authority (NCC)** - No evidence has been provided that demonstrate that parking is acceptable by way of a Parking Survey. It

is up to the Planning Department to determine whether the proposal is acceptable on parking grounds.

- 6.2 **Built Conservation (NBC)** - No objections in terms of impact on historic fabric of the tower. Support a permanent consent as this would generate income to support the maintenance of the building.
- 6.3 **Northants Police Crime Advisor (NCC)** - An analysis of crime in last 12 months in the locality indicates that there are no reported incidents relating to parking, obstruction or inconsiderate vehicle use.
- 6.4 **Environmental Health (NBC)** - no observation as there have not been any complaints on noise or nuisance.
- 6.5 **English Heritage** - No comments received.
- 6.6 **TLC St James** - no comments received.
- 6.7 **1 objection** received from **County Councillor Jill Hope**:
- Residents are keen that the number of abseil events are not significantly increased in the future
 - Some of the spectators drive the wrong way around the roundabout and do not adhere to normal rules of the road
 - Marshalls have been rude to local residents using parking spaces around the square reserved for visitors
- 6.8 As the consultation period expires on 25 August any further comments will be reported via the Committee Addendum.

7. APPRAISAL

- 7.1 The principal considerations for the determination of this planning application relate to the impact on the amenity of neighbouring properties, whether there is sufficient parking and security and the effect on the character of the listed building, while also taking into account the potential contribution the proposal would make to the long term use and maintenance of the listed building.

Policy context

- 7.2 Saved policy E40 of the Northampton Local Plan relates to the need for new development to reduce the potential for crime and vandalism. Paragraph 123 of the NPPF states that decisions should aim to avoid noise from giving rise to significant impacts on quality of life. The NPPF goes on to say that when considering the impact of a proposed development on a heritage asset, weight should be attached to the asset's conservation. National Policy also emphasises the importance of sustainable transport and stresses the need for proposals to encourage sustainability.

Changes since grant of temporary permission

- 7.3 Since the grant of the last temporary permission in June 2013, the applicant has implemented a number of changes to stewarding at the events. Improved marshalling to ensure that spectators no longer congregate on the highway surrounding the tower and remain on tower land is in force. On his visit to the event on 26 April 2014 the case officer observed that the applicant had erected a temporary cordon around the perimeter of the island in order to prevent spectators congregating on the highway or outside residents' properties. The event is signposted and a steward provides those arriving at the tower with a leaflet advising them how to conduct themselves on the day. Stewards also remain in force throughout the day and ensure proper crowd control.

Parking

- 7.4 Parking is provided primarily on designated parking spaces on the island encircling the tower. The parking layout submitted with the application shows 14 existing spaces and 16 temporary spaces set aside for the proposal giving a total of 30 off-road spaces.
- 7.5 The applicant has provided a Management Statement which explains that parking is managed on event days by a marshal who advises visitors where to park ensuring that cars are not parked illegally or inconsiderately on Tower Square.
- 7.6 The case officer observed the events that took place on Saturday 21 September 2013 and 26 April 2014. While it is acknowledged that there may be some conflict with parking demand generated from the nearby rugby club, it is not a frequent occurrence when the rugby ground is used at the same time as the abseiling. There is also adequate and well-marshalled car parking for the rugby ground within its car parks at the stadium and off Edger Mobbs Way such that there is unlikely to conflict between the two uses.
- 7.7 Whilst it is recognised that the designated marshalling team hold no legal remit to enforce parking on the estate as the roads are not in the applicant's ownership, they are also monitored by civil enforcement officers who monitor and regulate illegal parking on The Approach (the main access road leading up to the tower) on behalf of the owner. The applicant also provided evidence that they have an arrangement to use Wrefords Transport facility Edgar Mobbs Way to provide overflow parking for the use if required. However this is not a matter that can be controlled / secured through this planning application as it is not within the application site. Furthermore, the Highway Authority has been consulted on the application. While they would ideally wish to see a Parking Survey undertaken the officer has been to numerous abseils over the last 2-3 years and is satisfied that parking is not a significant concern on the event days.

Impact on living conditions of neighbours

- 7.8 The principal concerns relate primarily to generation of nuisance noise from congregation of spectators around Tower Square, effect from additional traffic entering and egressing the site and general disturbance on the day of the abseils. It is acknowledged that the noise generated from spectators is difficult to govern effectively however with careful marshalling and management the effect can be reduced. On his 2 site inspections since the grant of temporary consent in 2013, the case officer noted that the events were much better marshalled than in the past and certainly the applicant has implemented a number of improvements. These include ensuring that spectators are now well supervised so that they are kept on tower land and do not venture onto the road or congregate beneath residents' windows. At his site visit on 21 September 2013 the case officer was met on arrival by a steward who was distributing leaflets advising spectators to stand in the designated spectator area and not on the road and to put litter in the bins provided. The role of marshalling was seen to involve managing the available parking spaces, advising new arrivals where they can and cannot park and ensuring that cars are not parked inconsiderately on Tower Square such as to be a nuisance to local residents. The Council's Environmental Health Officers have no concerns regarding potential noise from the development as they advise that no complaints have been received since the temporary consent was granted.
- 7.9 It is considered that the permanent additional use for abseiling is acceptable. Following advice from Environmental Health Officers, planning conditions are to be imposed limiting the number of events to no more than 24 per calendar year, the number of participants to no more than 60 at any one time including limits on hours of operation should the Committee be minded to approve the application. These controls are necessary in order to reduce the impact on living conditions of surrounding neighbours.

Community and Economic Benefits

- 7.10 The proposal provides some benefits to the wider community due to raising money for various charitable causes. In addition the abseiling requires a team of ten individuals to run an event including six abseil specialists responsible for training, fitting of equipment to participants etc, two supervisors who support the marshalling team, liaising with the charities and other related issues. Whilst the operation is primarily commercial in nature it must be borne in mind several charities have benefitted financially from the events being run.

Impact on character and setting of Listed Building

- 7.11 The applicant has submitted a Heritage Statement with their application. The Council's Conservation Officers have been consulted on the proposal and raise no objection to the nature of the use and its effect on the setting and character of this Grade 2 listed building. This

would comply with aims of the NPPF which promote new development to have an acceptable impact on heritage assets.

Security and Crime Prevention

- 7.12 Northants Police have been consulted on the application and conclude that they have no objections given that there are no recent reports of inconsiderate parking or vehicle nuisance in the site vicinity. This would accord with Policy E40 of the Northampton Local Plan which encourages applicants to consider crime and vandalism in determining planning applications.

Other Issues

- 7.13 The representation raising concern about the number of events taking place in the future is dealt with by Condition 2 in order to reduce impact on neighbours. The observations by the case officer on site confirmed that the current marshalling is at a good standard and therefore there is no cause for concern.

8. CONCLUSION

- 8.1 Given that the use has been monitored over a considerable period of time i.e. 23 months and no substantial complaints were received by the Council, it is considered that granting a permanent permission is reasonable. Subject to the imposition of planning conditions to restrict the scale and timing of use, the proposal is not considered to have undue detrimental impact on highway safety, parking, amenity of neighbours and the listed building.

9. CONDITIONS

- (1) The abseiling use hereby permitted shall only take place between the hours of 8am and 6pm and there shall be no events on Bank or Public Holidays.

Reason: In the interests of residential amenity to comply with the aims of the National Planning Policy Framework.

- (2) The total number of abseiling events shall not exceed 24 in any calendar year.

Reason: In the interests of residential amenity to comply with the aims of the National Planning Policy Framework.

- (3) The area shown on the approved plans as Parking Layout shall be used solely for the purpose of car parking associated with the abseiling events on the day of each abseil and shall not be used for any other purpose.

Reason: In the interests of highway safety to comply with the National Planning Policy Framework.

- (4) The maximum number of abseilers /participants per event is limited to 60.

Reason: In the interests of residential amenity to comply with the National Planning Policy Framework.

- (5) The additional use of the site hereby permitted shall be limited to abseiling events only and for no other purposes such as free falling or free jumping.

Reason: For the avoidance of doubt to make it clear that the additional use is limited to abseiling only.

10. BACKGROUND PAPERS

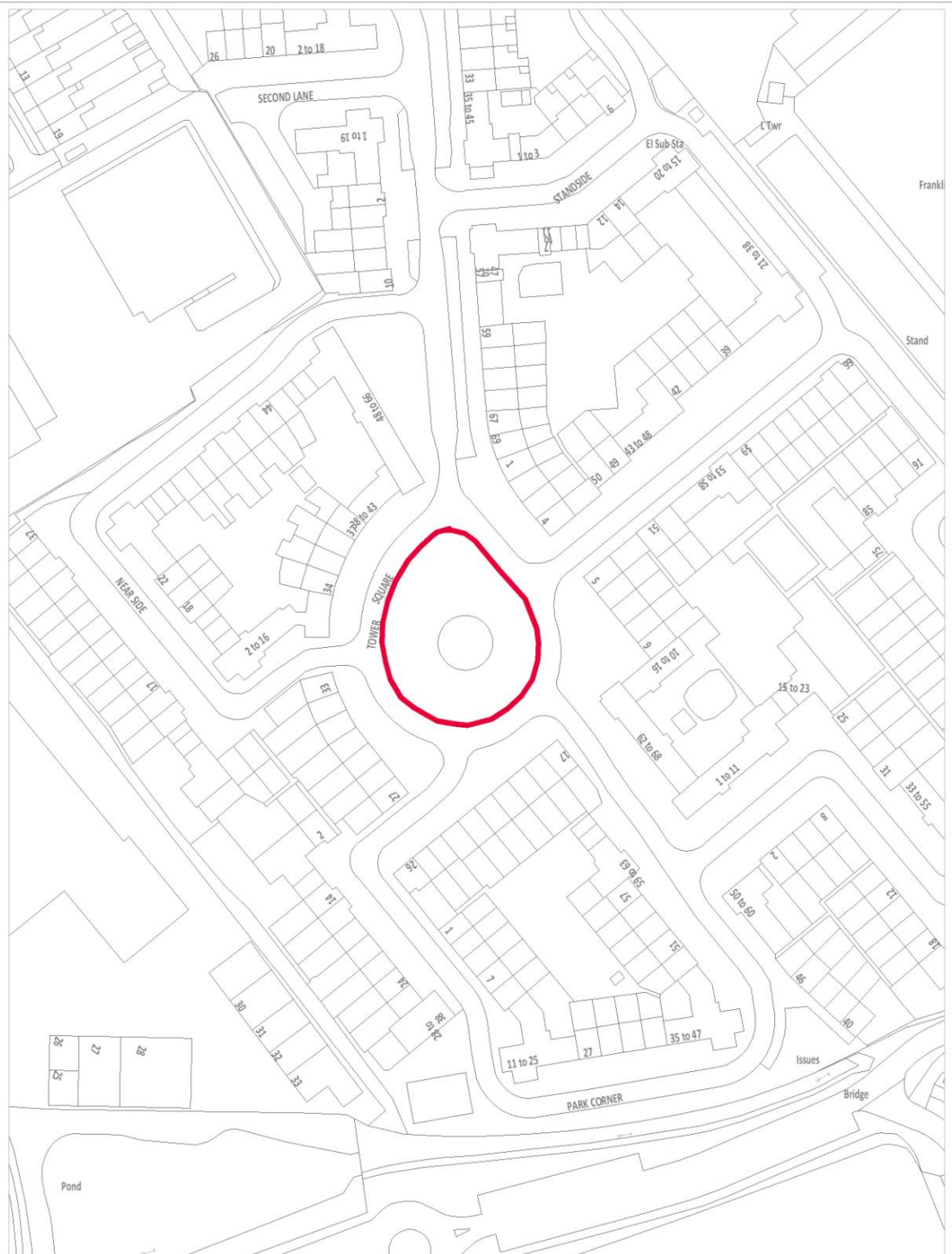
- 10.1 N/2013/0194 and N/2014/0788

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: Location Map
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
Tower Square

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0841: Change of use from dwelling (Use Class C3) into a house in multiple occupation (Use Class C4) for up to four residents (retrospective application) at 131 St Andrews Road

WARD: Semilong

APPLICANT: Mrs J. Wagstaff

REFERRED BY: Cllr. L. Marriott
REASON: There is an over concentration of such uses within the area and there is little access to public transport with limited car parking in the area.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development has a neutral impact upon the character and appearance of local area and, subject to conditions, does not adversely affect neighbour amenity or highway safety. The development is therefore in conformity with the National Planning Policy Framework and Policies E20 and H30 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant seeks permission to retain the use of the property as a house in multiple occupation (hereafter referred to as a HMO) for a maximum of four people. The site falls within an area covered by an Article 4 direction, which means that any such developments require

planning permission. No external alterations have been required as a result of this change.

3. SITE DESCRIPTION

3.1 The application site consists of mid terraced, two storey property located within a primarily residential area. The building was used as a single dwelling until February 2014 when the use of the building changed – without the benefit of planning permission – to a HMO. The character of the surrounding area is defined by the presence of similar dwellings, the bulk of which are occupied by single households.

3.2 St Andrews Road is in close proximity to Kingsthorpe Road, which serves as one the main routes into the town centre and the centre at Kingsthorpe. In addition, there are a number of small convenience stores, employment uses and some public open space within the vicinity of the application site.

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 Policy Framework

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 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

- 6.1 **Private Sector Housing (NBC)** – No objections as the building is of sufficient size to accommodate four residents and has suitable amenity space.
- 6.2 **Cllr. L. Marriott** – Objecting on the grounds that the number of HMOs within the vicinity has had a detrimental impact upon the character of the area. As a school is proposed on the former Barrack Road Sorting Office site, there is a need to retain family housing within the vicinity. There is no public transport within easy walking distance and car parking within the area is already very limited.
- 6.2 At the time of preparing this Committee report, the period for consultation had yet to conclude. Therefore any further responses will be reported to the Committee by means of an addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the use

- 7.1 The development would result in the loss of dwelling that could be used for family accommodation; however, Council records indicate that of the 142 properties within this street, 15 are in use as HMOs. As a consequence of this, the development would have a neutral impact upon the character of the application site's environs. In addition to this point, the building would be occupied by up to four people only, which can be secured by a condition. This level of occupation is directly comparable to the likely number of residents that could occupy a dwelling of these proportions as a single household. A condition is

recommended that would secure the provision of refuse storage within a reasonable time frame.

Planning policy implications

- 7.2 The submitted JCS provides an 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 the preceding paragraph, it is considered that this objective has been complied with.

Highway impacts

- 7.3 It is noted that car parking within the vicinity of the application site is somewhat limited, with parking restrictions also being present within this section of St Andrews Road. However, the application site is sustainably located given that it is in close proximity to a number of facilities, employment uses and public transport routes. In addition, as the number of residents is consistent with the numbers of residents that would be present if the building were to be occupied as a single dwelling house, it is likely that the level of vehicle movements would be consistent between the two uses and therefore the overall impact upon highway safety would be neutral.

Impact on neighbouring properties

- 7.4 No external changes are proposed, which therefore ensures that the development has a neutral impact upon the occupiers of neighbouring properties in terms of considerations such as light, outlook and privacy. As there would be consistency in terms of residents between the building being use as single dwelling and a HMO it is likely that there would be no additional noise or disturbance created.
- 7.5 The internals of the building have been assessed by the Council's Private Sector Housing section, which has confirmed that the proportions of the building are satisfactory to accommodate four residents. As a result of this, a suitable level of residential amenity would be secured for the occupiers of the development.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the use of this property as a HMO for a maximum of four people has a neutral impact upon the character of the surrounding area and does not adversely impact upon the amenities of surrounding properties or highway safety. As a consequence; the development, subject to conditions is acceptable.

9. CONDITIONS

1. The development hereby permitted shall be occupied by a maximum of four residents.

Reason: In the interests of residential amenity and to accord with the requirements of the National Planning Policy Framework.

2. 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 and the approved details 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 1 of the Central Area Action Plan.

10. BACKGROUND PAPERS

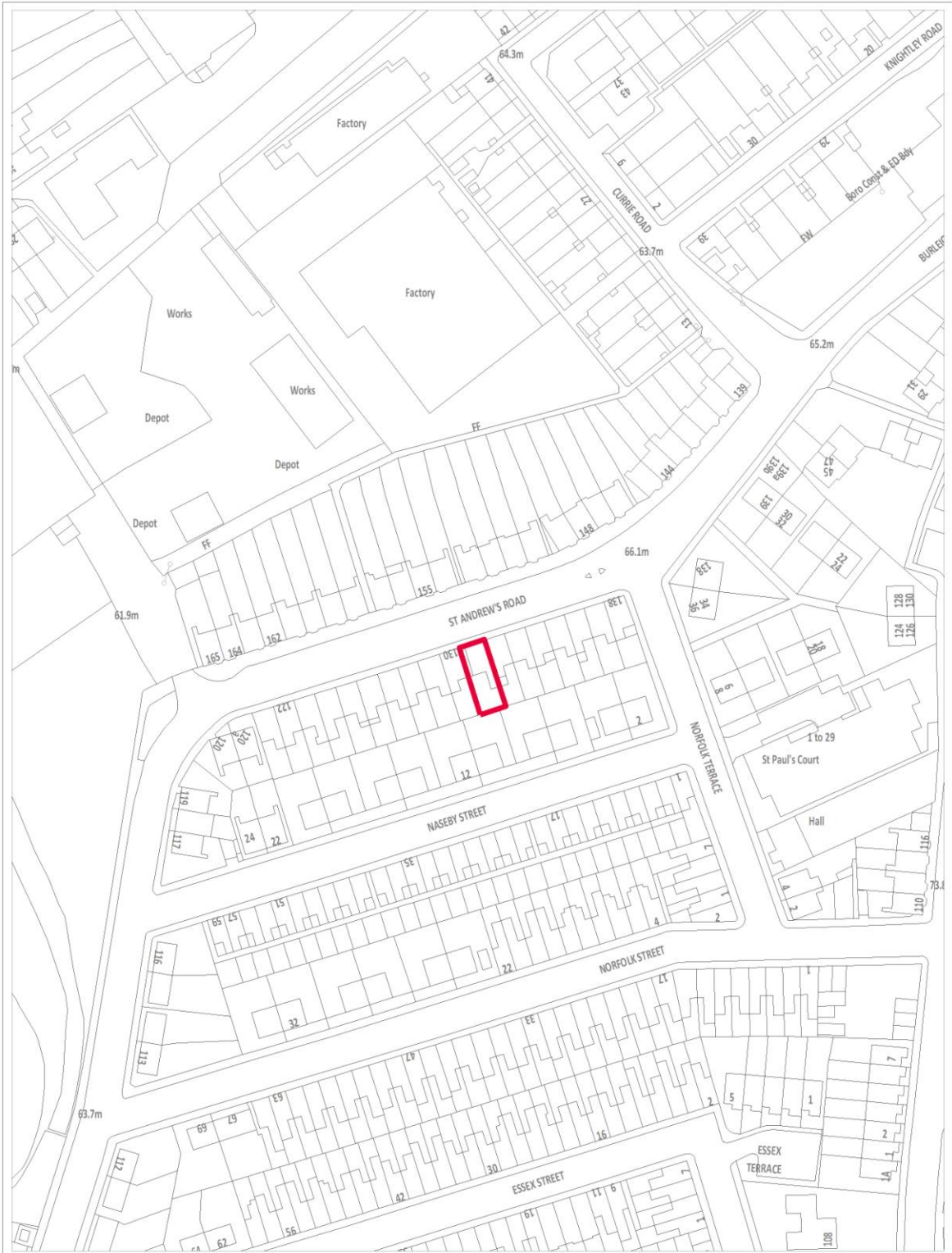
- 10.1 N/2014/0841

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: Location Plan
 Date: 14th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
131 St Andrews Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0889: Application for variation of condition 2 of planning approval N/2013/1048 to alter layout and accommodation within the east stand at Sixfields Stadium

WARD: St. James

APPLICANT: Mr David Cardoza, Northampton Town Football Club

AGENT: Mr John Douglas, Douglas & Warner

REFERRED BY: Head of Planning
REASON: Application site in the ownership of Northampton Borough Council

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 Delegate authority to the Head of Planning to **APPROVE** subject to conditions and the reason below:

The alterations to the layout and accommodation within the stand would have no unduly detrimental impact on the character and appearance of the area; road safety or environmental issues. This would be in accordance with Policy E20 of the Northampton Local Plan and the requirements of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission was granted under reference N/2013/1048 to part demolish the east stand of the football stadium and to provide additional seating to increase the capacity from 7,653 to 10,000, a new conference and banqueting hall and various ancillary works. This

permission was granted subject to conditions including Condition 2 which specifies that the development to be carried out in accordance with the approved plans. Work has commenced on the development.

- 2.2 The current application seeks to vary Condition 2 to allow for different plans to be used. These would allow for the layout and accommodation within the stand to be altered from that originally approved.
- 2.3 The original permission proposed an area of seating at the front of the stand with an access concourse and a further area of seating behind this. A row of corporate boxes, including directors' facilities, were then proposed to run along the back of the stand. To the rear of the stand was a conference and banqueting hall.
- 2.4 Under the current application an area of seating is proposed at the front of the stand with a wider access concourse to the rear of this which would also accommodate 24 disabled viewing points. At the back of this, at a higher level, would be 10 executive boxes and services, including elevated external seating for these boxes. The stand may be divided into 13 sections with the executive facilities occupying the middle nine of these. The two sections at either end of the stand are indicated as void areas.
- 2.5 The overall capacity of the stand is shown as being 2,064 (including 100 people within the executive facilities). The capacity of the existing stand is 1,642.
- 2.6 The conference and banqueting facility is no longer proposed and will be the subject of a separate application on the west side of the stadium.
- 2.7 In addition the vehicular access to Edgar Mobbs Way is no longer proposed and 37 car parking spaces which would have served the conference/banqueting hall have also been removed.

3. SITE DESCRIPTION

- 3.1 The site is the east stand at Sixfields Stadium, the home of the town's professional football club. It is located within a generally commercial area.

4. PLANNING HISTORY

- 4.1 89/1458. Proposed sports & Leisure development to include hotels, stadium, cinema, petrol filling station, water sports facilities & servicing functions. Approved 07/03/1990.
- 4.2 N/2013/1048. Part demolition of the East stand to provide addition of new seating terrace to increase seating capacity from 7,653 to 10,000, new conference and or banqueting hall with ancillary accommodation to include kitchen, service area and toilets, gymnasium and service

core, office space, parking for 44 cars including 7 for disabled users, hard and soft landscaping area to include North and South piazza and provision of new access road off Edgar Mobbs Way. Approved 28/11/2013.

- 4.3 N/2014/0388. Extension to front face of existing west stand to provide new suite of directors' boxes. Approved 07/05/2014.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

National Planning Policy Framework (NPPF), paragraph 17 of which requires a high quality of design.

5.3 Northampton Local Plan

Policy E20 requires any new building or extension to adequately reflect the character of its surroundings.

5.4 Supplementary Planning Guidance

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 an examination in public and the findings of the Inspector are awaited.

Policy S10 requires the highest standards of design to achieve the overarching goals of sustainability.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Environmental Health** have no observations and refer to their original comments.
- 6.2 The consultation period for this application expires on 4th September and any further responses received between the publication of the agenda and the meeting date will be reported to Members at the Committee meeting. Should any further comments be received following the Committee meeting these will be considered under the powers delegated to the Head of Planning, should Members be minded to accept the recommendation regarding this.

7. APPRAISAL

- 7.1 Development works approved under the previous planning permission have commenced. This application relates to the proposed changes to the stand only. The principle of the development has been established with the original grant of planning permission.
- 7.2 It is considered that the visual impact of the development now proposed would be less than that of the original scheme. The removal of the banqueting/conference hall significantly reduces the overall mass of the building and consequently reduces the visual impact. A condition from the original permission concerning external materials will be repeated should members be minded to grant planning permission.
- 7.3 The changes to the elevation facing the pitch in terms of the layout of the accommodation for spectators within the stand are not considered unacceptable.
- 7.4 In terms of other impacts which may arise from the construction of a stand, such as the impact on road safety and environmental concerns, these are considered to be no greater than under the originally approved permission. Conditions from the original permission relating to such matters will be repeated where applicable.
- 7.5 The loss of 37 car parking spaces is not considered unacceptable given that these were intended to serve the conference and banqueting hall which has been removed from the application.

8. CONCLUSION

- 8.1 The alterations to the layout and accommodation within the stand would have no unduly detrimental impact on the character and appearance of the area; road safety or environmental issues. This would be in accordance with Policy E20 of the Northampton Local Plan and the requirements of the National Planning Policy Framework.

9. CONDITIONS

1. The development shall be carried out in accordance with the following approved plans: AA-21-001 P1; AA-21-002 P1; AE-20-001 P4; AE-20-002 P3; AL-20-001 P4; AL-20-002 P4; AL-20-003 P4; AL-20-004 P4; AS-20-001 P6; AS-20-002 P5; AS-20-004P; LP.01 & SP.01.

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

2. No construction operations shall take place outside the hours of 08:00 to 19:00 Mondays to Fridays or 09:00 to 15:00 on Saturdays. No such operations shall take place at any time on Sundays or Bank / Public Holidays.

Reason: To protect the amenity of neighbours and in accordance with objectives of the National Planning Policy Framework.

3. Within two months of the date of this permission, a landscape and aftercare scheme detailing both hard and soft landscaping works and 5 year aftercare shall be submitted in writing for the written approval of the Local Planning Authority. The scheme shall include the following;

- a) Landscaping of the boundaries to the site, including a detailed design of the layout of the semi – public squares and pedestrian circulation area.
- b) Fully annotated planting plans, showing locations of individually planted semi mature trees, shrubs, hedges and areas of grass. Within ornamental planting area plans should be sufficiently detailed to show the locations of different single groups in relation to one another, and the location of any individual to one another, and the location of any individual specimen shrubs. Other information shall include planting schedules noting species, plant sizes and proposed numbers/densities, method of cultivation and details of the proposed planting implementation programme;
- c) Surfacing materials for the semi–public space, paths and servicing area;
- d) The types, heights and design of all fencing / boundary treatment/bollards/planters;
- e) Details of the siting and design of all street furniture including and cycle stands;
- f) The 5 year aftercare for landscape management and maintenance, which among other things shall provide for replacement trees and shrubs of the same species and size as that originally planted to be planted for any tree / scrub which, within 5 years from its date of planting, is removed, uprooted or is destroyed or dies or becomes in the opinion of the Local Planning Authority, seriously damaged or defective.

4. The landscaping and aftercare scheme approved in connection with Condition 3 above shall be carried out in the first planting and seeding seasons following the commencement of the use of the remodelled and extended stadium or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years as required by Condition 3.

Reasons 3 & 4: To ensure a high quality of external environment and biodiversity in accordance with saved Policy E20 of the Northampton Local Plan and in accordance with the objectives of the National Planning Policy Framework.

5. Within two months of the date of this permission, samples of all materials to be used in the construction of the external surfacing (including window frames, doors, roof structure and glazing of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Sample panels of the proposed materials (walling) (roofing) (brickwork) at least one metre square (showing where appropriate the proposed coursing, method of pointing and colour of mortar/render) shall be erected on the site for consideration and subsequently approval in writing by the Local Planning Authority. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.

6. Within two months of the date of this permission a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate and details of the lighting fittings including colour, watts and period of illumination. All lighting works shall be implemented in accordance with the approved details and thereafter maintained / retained.

Reasons 5 & 6: To ensure a high quality of external environment in accordance with saved Policy E20 of the Northampton Local Plan and in accordance with the objectives of the National Planning Policy Framework.

7. Within two months of the date of this permission a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. 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.

8. Any site investigation found to be required under Condition 7 shall be carried out prior to any development taking place and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority.

9. All remedial works found to be required under Contaminated Land Condition 8 above shall be fully implemented, prior to any development taking place and 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.

10. 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 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Contaminated Land Condition 9, which is subject to the approval in writing by 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 by the Local Planning Authority in accordance with the Contaminated Land Conditions.

Reasons 7,8,9 & 10: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety in accordance with objectives of the National Planning Policy Framework.

11. Prior to the development hereby permitted being brought into use a green Travel Plan shall be implemented setting out proposals for to promote travel by sustainable modes in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority and furthermore details of a revised traffic management plan shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full and shall thereafter be maintained / retained.

Reason: To promote sustainable Travel and secure the satisfactory development of the site, provide security and protect road and pedestrian users and accord with the objectives of the National Planning Policy Framework.

12. Within two months of the date of this permission, full details of facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the objectives of the National Planning Policy Framework.

13. Within two months of the date of this permission, full details of the proposed boundary treatment/public realm works of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments/materials including railings.

Reason: To ensure a high quality of external environment in accordance with saved Policy E20 of the Northampton Local Plan and in accordance with objectives of the National Planning Policy Framework.

14.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: Drainage design should be consistent with the drainage system currently in place for the existing development. It should be ensured that no new drainage designs for the proposed increase the potential for contaminant migration (e.g. soakaways should not be located in contaminated ground).

15.Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to controlled waters from mobilising contamination or creating preferential pathways for contamination to migrate. Thus, it should be demonstrated that any proposed piling would not result in contamination of groundwater.

16.Within two months of the date of this permission, a scheme, (including a timetable, an action plan and management plan) shall be submitted for approval in writing to the Local Planning Authority, for the provision of replacement football playing field and athletics facilities that addresses the loss of the existing playing fields and associated facilities and the existing athletics track and facilities on the site and which shall be equivalent to, if not better in terms of quality, quantity and accessibility to the playing field and associated facilities and athletics track and associated facilities which would be lost. The timetable shall detail both the short term and permanent proposals for the replacement of both the football playing pitch and associated facilities and athletics facilities. The scheme shall provide for the delivery of compensatory playing field and associated facilities and the athletics facilities provision prior to the commencement of the use of the permitted development and thereafter its maintenance and management. The scheme for the playing fields shall be prepared in accordance with Sport England's "Natural Turf for Sport 2011" the Athletics facilities shall be prepared in accordance with guidance from UK Athletics with and both the football pitch and associated and athletics facilities shall be implemented and maintained in accordance with the approved schemes.

Reason: To maintain and where possible improve the quantity playing pitch provision and athletics facilities and to comply with the aims and objectives with the National Planning Framework.

17.Within two months of the date of this permission, a Transport Assessment shall be submitted to and approved in writing by the Local Planning Authority, the consent of the Transport Assessment shall include the following:

- a) Traffic Surveys to record classified turning movements to be undertaken at junctions on the highway network, on a Weekday, Saturday and Sunday (the timings and locations to be agreed with the Local Planning Authority), with and without a Northampton Town Football Club home league football match being played, to assess the difference in traffic flows to calculate the existing and, additional football related traffic assuming full occupancy of the Sixfields Football Stadium following Development.
- b) A future year assessment of the above for 2026
- c) An agreement on the traffic generation of the trips generated by the non-football uses proposed on the site, using TRICS data
- d) An agreement on the distribution of traffic for the proposed uses
- e) An assessment of car parking numbers required
- f) An accident analysis for the agreed study area
- g) An assessment of existing sustainable transport choices

Where appropriate and necessary a package of any highway measures identified as result of the above requirements shall be agreed and the development hereby permitted shall not be brought in use until all such identified measures have been substantially implemented in accordance with the approved details.

Reason: To secure the satisfactory development of the application site and comply with the aims and objectives with the National Planning Framework.

18. Within two months of the date of this permission, full details of access within the concourse, corporate boxes and sitting area including elevated or non-elevated areas for people with disabilities 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: To ensure the premises are easily accessible for people with disabilities in accordance with National Planning Policy Framework.

10. BACKGROUND PAPERS

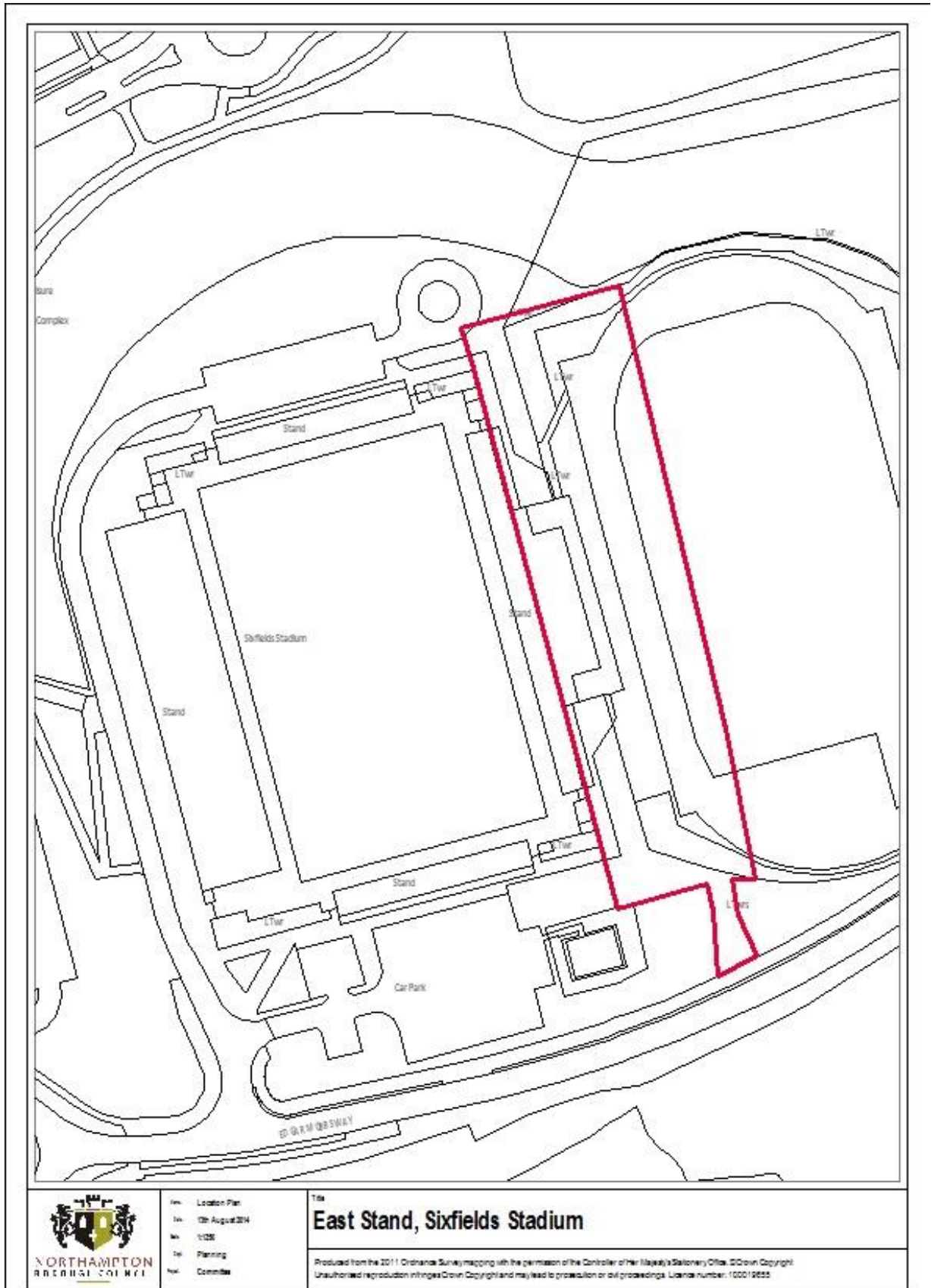
10.1 N/2014/0889.

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.



No. Location Plan
 No. 10th August 2014
 No. 1/128
 No. Planning
 No. Committee

Title
East Stand, Sixfields Stadium

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PLANNING COMMITTEE: 2nd September 2014

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: N/2014/0890 Former Pearce Leather Works: Application to vary the section 106 agreements in respect of applications 10/0027/FULWNN dated 13/10/10 and N/2012/0926 dated 07/08/2013 regarding affordable housing

1. RECOMMENDATION

1.1 That the Committee **AGREE** to vary the Section 106 agreements to reduce the level of affordable housing provision to zero and to delegate the decision to vary the Section 106 obligations, as set out in this report, to the Head of Planning subject to no further representations being received before the end of the consultation period.

2. BACKGROUND

2.1 Lagan Homes is currently developing the site at the former Pearce Leatherworks off Wellingborough Road for residential use, as well as undertaking works to secure refurbishment and occupation of the existing listed office building and Power House building.

2.2 Planning permission 10/0027/FULWNN was granted by WNDC, for redevelopment of the former Pearce Leatherworks site to provide 126 residential dwellings and for works to the listed building. As part of this permission, a Section 106 agreement dated 13th October 2010 was completed between WNDC, Lagan Homes Limited and W Pearce & Co (Northampton) Limited.

2.3 Under the terms of this agreement the owner is obligated to provide not less than ten affordable housing dwellings as part of the residential development. This level of affordable housing was reached following submission of a viability appraisal by the owners.

- 2.4 A further planning permission N/2012/0926 was granted by the Council for conversion of the Power House building to seventeen dwellings. This building was part of the original planning permission but was subject to a re-plan by the developers. A Section 106 agreement dated 7th August 2013 between Northampton Borough Council, Lagan Homes (Northampton) Limited and Investec Bank PLC, obligated the developer to provide six of the Power House dwellings as affordable dwellings.
- 2.5 Lagan Homes have now requested that the Council voluntarily agree to remove all the affordable housing obligations due to 'significant hurdles' and the lack of viability in the site. This is due to the downturn in the property market, which has impacted upon market values and sales rates of the dwellings. The costs associated with the restoration of the listed building have also had a major effect.
- 2.6 The Committee has previously agreed to the variation of the agreement dated 13th October 2010 which varied the number of residential occupations required prior to the listed building works taking place.

3. PLANNING POLICY

- 3.1 Section 106A of The Town and Country planning Act 1990 makes provision for a planning obligation(s) to be modified by agreement between the person(s) against whom it is enforceable and the local planning authority.
- 3.2 The Growth and Infrastructure Act 2013 inserted new sections 106BA, BB and BC into the 'Town and Country Planning Act 1990' to introduce a new application and appeal procedure, to review affordable housing obligations on the grounds of viability.
- 3.3 The National Planning Policy Framework requires local authorities to take into account the cost of infrastructure, including affordable housing, to enable development to be deliverable.
- 3.4 The Council's adopted Planning Obligations Supplementary Planning Document (SPD) states, "Where the applicant has demonstrated that there is a valid case on development viability grounds, the Council will give due consideration to such cases and will work with the developer to ascertain the best way to mitigate the impacts of a scheme without compromising its effective delivery."

4. PROPOSED VARIATION

- 4.1 Lagan Homes has submitted a viability appraisal to the Council which demonstrates that the current level of s106 obligations contained in the aforementioned agreements render the development unviable. This may affect completion of the development. Lagan has requested that the Council agree to the level of affordable housing being reduced to zero.

- 4.2 The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner.
- 4.3 Council Officers have instructed viability consultants CBRE to appraise Lagan Homes' submission. CBRE have confirmed the position indicated by Lagan and recommended that the Council review the affordable housing planning obligations.
- 4.4 Should Members be minded not to agree to voluntarily vary the planning obligations, an alternative course of action would be for Lagan Homes to make a formal application under s106BA of the Town and Country Planning Act 1990. This application would require the Council to make a formal determination, a refusal of which would open up a route of appeal to the applicant.

5. CONSULTATION

- 5.1 A period of public consultation is currently taking place which expires on 3rd of September 2014.
- 5.2 Housing Strategy has responded to the consultation and considers the variation of agreement to be reasonable.
- 5.3 At the time of writing, one representation from a local resident has been received in support of the application.

6. CONCLUSION

- 6.1 It is considered that the applicant has demonstrated that the development is in a position which leaves it unviable at present. In agreeing the requested variation of the affordable housing obligations in the s106 agreements, the Council will assist in improving the viability of the development in accordance with planning policy. This will support the developer in the delivering the remaining development. It is therefore requested that Members agree to the recommendation as set above.
- 6.2 As the consultation period expires on the 3rd of September, it is recommended that delegated authority be given to the Head of Planning to vary the s106 agreements subject to no further representations being received before the end of the consultation period.

7. LEGAL IMPLICATIONS

- 7.1 As set out in the report.

8. SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 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.



Item: Location Plan
Date: 08 August 2014
By: 1026
For: Planning
From: Committee

Title
Former Pearce Leatherworks, Wellingborough Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0786: Outline application for up to 41 dwellings, estate road, open space and associated works on land at Welford Road, Boughton

WARD: Fringe application

APPLICANT: Mrs. E. Alker (et al)
AGENT: Mr. Laurence Wilbraham

REFERRED BY: Head of Planning
REASON: Major Fringe Application

DEPARTURE: N/A

CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

1.1 That Northampton Borough Council has **NO OBJECTIONS** to the principle of development subject to the issues outlined below being addressed by Daventry District Council:

- Development of the site shall be viewed as related to the growth of Northampton (through the exception to the NRDA boundary allowed for in policy S4 of the Submitted West Northamptonshire Joint Core Strategy).
- Ensuring that the development does not prejudice the delivery of the Northampton North West Bypass.
- Ensuring that the recreational function and value of the Brampton Valley Way linear park is maintained with particular attention being applied to the treatment and landscaping of the western boundary

of the application site and the precise position of the estate road within the site.

- Ensuring that direct pedestrian links are provided across the site to Brampton Valley Way in the interests of serving the future recreational needs of the North of Whitehills SUE.
- Ensuring that the amenities of future residential occupiers at the site would be safeguarded, particularly in respect to the satisfactory mitigation of traffic noise from Welford Road.
- No objections being received from the Local Highway Authority in respect to the impact of the scheme upon the local road network.
- No objections being received from the Environment Agency in respect to the impact of the scheme upon flood risk and the proposed drainage provisions at the site.
- In light of the development being directly related to the growth of Northampton, the appropriate Officers of this Authority should be involved in the negotiation of any Section 106 agreement in relation to such matters as affordable housing provision, infrastructure delivery and site-specific mitigation. Northampton Borough Council should be a financial beneficiary of any such agreement.

2. THE PROPOSAL

- 2.1 Outline planning permission has been applied for to Daventry District Council for the erection of up to 41no. dwellings, including the construction of an estate road, open space and associated works.
- 2.2 Although the application is in outline form, with the layout, scale, appearance and landscaping of the site matters reserved for subsequent approval, an indicative scheme layout has been provided to show how development could potentially be accommodated upon the site. The dwellings are proposed to be between 1 ½ and 2 ½ stories in height and designed to reflect the appearance of development nearby. The majority of existing vegetation on the site would be retained with additional planting provided to the front and rear garden areas of the proposed houses.

3. SITE DESCRIPTION

- 3.1 The site is rectangular in shape and measures 1.59 Ha in area. It is wholly located within the Daventry District, although the southern boundary immediately abuts the northern boundary of Northampton Borough. The site is bound to its east by Welford Road, where the access to the site would be drawn from, and to its west by the Brampton Valley Way (a public footpath / cycleway).

3.2 The site located to the east of Welford Road (i.e. opposite the site) is allocated for the development of 1,000 dwellings as part of the North of Whitehills Sustainable Urban Extension to Northampton. This makes up part of the Northampton Related Development Area (NRDA) as currently proposed in the emerging West Northamptonshire Joint Core Strategy Submission (as modified) Plan.

3.3 The site is currently agricultural and used for grazing – stables are located at the northern end of the site. The topography of the site slopes down from the eastern side of the site (Welford Road) to the western side of the site. The Brampton Valley Way stands at a slightly higher level than the lowest part of the site.

4. PLANNING HISTORY

4.1 No known relevant planning history at the site.

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** (the Framework) sets out the Government's planning policies for England and provides guidance for how those policies are expected to be applied.

5.3 The presumption in favour of sustainable development (para.14) identifies the development plan as the starting point for decision making and enables development proposals that accord with an up-to-date Local Plan to be approved without delay. Where the development plan is absent, silent or out of date, the presumption in favour of sustainable development requires permission to be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits (unless specific policies in the Framework suggest otherwise).

5.4 The Framework (para. 16) enables decision-takers to give weight to emerging plans subject to certain criteria, including the stage of preparation of the emerging plan, the degree of consistency of the relevant policies with the Framework and the extent to which there are unresolved objections to relevant policies.

5.5 Paragraphs 47-49 indicate the need for Local Planning Authorities to identify the ability to deliver a 5 year housing land supply, where this cannot be shown, the policies in Plans related to housing are considered out of date and there is a presumption in favour of sustainable development.

5.6 **Daventry Local Plan**

EN10 – ‘Green Wedges, Rural Access Area and Green Links’ requires development not to be discordant with the predominantly open / green nature of a green wedge or not to reduce the separation between settlements or not to compromise agricultural operations, recreational use or wildlife value or not to impair public access to a green wedge.

HS24 – ‘Open Countryside’ restricts residential development in the open countryside.

5.7 **Northampton Local Plan**

E2 – ‘Riverside Landscape’ requires development alongside the River Nene to be compatible with existing important wildlife habitats.

E6 – ‘Greenspace’ requires that development does not unacceptably prejudice the function of Greenspace areas.

E19 – ‘Implementing Development’ requires any adverse impact of development to be allowed for or mitigated against.

E20 – ‘New Development’ requires development to adequately reflect the character of its surroundings.

H6 – ‘Housing Development within Primarily Residential Areas’ requires development to be of a scale and density that would not be detrimental to the character of the surrounding area.

L16 – ‘River Valley Policy Area’ requires development to avoid significant harm to the amenity value of open space within the valley and to pay adequate regard to the character, natural features and wildlife of the area.

L29 – ‘Tourism River Valley Policy Area’ requires the Council to seek the provision of new tourism facilities to accompany major development within the valley.

5.8 **Supplementary Planning Guidance**

Planning Obligations SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

Other Material Considerations

- 5.9 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).
- 5.10 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 was initially examined in 2013 with further hearings held in spring 2014 to consider proposed modifications; the findings of the Inspector are awaited.
- 5.11 Policy SA – ‘Presumption in favour of Sustainable Development’ requires local planning authorities to take a positive approach to determining development proposals.
- 5.12 Policy S1 – ‘The Distribution of Development’ requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton, i.e. within the Northampton Related Development Area (NRDA). Located outside the NRDA, the application site is therefore within West Northamptonshire’s rural area – an area in which development opportunities are limited.
- 5.13 Policy S3 – ‘Scale and Distribution of Housing Development’ makes provisions for the overall scale and distribution of new housing required in West Northamptonshire. Northampton’s housing and employment needs will be met primarily within Northampton’s existing urban area and at the Sustainable Urban Extensions within the NRDA.
- 5.14 Policy S4 – ‘Northampton Related Development Area’ makes provisions for 28,470 net additional dwellings within the NRDA and defines the boundary of the NRDA.
- 5.15 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.
- 5.16 Policy H2 – ‘Affordable Housing’ requires 35% of the total number of dwellings provided to be affordable on sites located within the Northampton Related Development Area.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 None received.

7. APPRAISAL

NRDA Boundary

- 7.1 At the initial Joint Core Strategy examination hearings the Inspector questioned the appropriateness of the NRDA boundary and its potential to be inflexible in relation to changing circumstances – particularly its potential to act as a straitjacket in restricting the ability to meet Northampton’s objectively assessed housing needs. Consequently examined policy S4 now includes the modification to allow for (in exceptional circumstances) additional development outside the NRDA boundary ‘only if it meets the vision, objectives and policies of this plan’.
- 7.2 Despite modifications there remain unresolved objections to emerging Policy S4. In February 2014, Northampton Borough Council made representations to the consultation on Main Modifications in respect of revisions to the NRDA boundary to accommodate additional SUE allocations to meet development needs to 2029 (rather than the original 2026 plan period).
- 7.3 The Council supports the inclusion in the plan of the objectively assessed housing needs to 2029, but requests that the sites to accommodate those additional housing numbers are not specifically allocated in the Plan. The Council, along with partners represented by the JSPC, would then work to identify within the NRDA Local Plan (part 2) the remaining allocations in the period to 2029 (or beyond, where necessary).
- 7.4 These allocations would occur within an area of search identified through a revised NRDA ‘red line’ boundary consistent with all reasonable alternatives identified within the SA/SEA which accompanies the JCS.
- 7.5 The application site was not considered as an alternative location for a SUE as the scale of development offered by the site is not strategic in nature. However, the application site is located between sites NJO_06 (North of Whitehills SUE) and NJO_07 (an alternative option). It is therefore considered that the site is located within the area of search consistent with the reasonable alternatives.

Five Year Housing Land Supply

- 7.6 The Framework (para. 47) requires local authorities to identify and maintain a five year supply of housing land. An assessment of objectively assessed need of both market and affordable housing was undertaken to inform the WNJCS. At present, Daventry District Council has a 5 year supply of housing land. However Northampton does not currently have a five year supply of housing land.

- 7.7 The applicant focuses on the 5 year housing land supply that relates to Daventry District. As highlighted, the application site adjoins the built area of Northampton, whereas the village of Chapel Brampton is located approximately 2km north of the site. It is therefore reasonable to conclude that the proposed development would function as a part of Northampton. Due to the site's contiguous relationship with Northampton, the argument with regards to the planned housing being related to Daventry District's wider housing needs is perverse.
- 7.8 Although situated in Daventry District the development would form part of Northampton both in form and function, and in any reasonable assessment should be considered to contribute to meeting Northampton's housing needs. In relation to the provisions of paragraph 49 of the NPPF, Northampton's lack of supply is a significant factor. Unlike other uses, the importance of increasing the supply of housing is given additional weight by a further reiteration of the need to consider housing applications in the context of the presumption in favour of sustainable development. As such this site has the potential to contribute to the supply of new homes within the NRDA over the next five years through the provision of 41 dwellings consistent with the provisions of modified Policy S4.

Local Policy Context

- 7.9 In terms of the Daventry Local Plan, the site is located within an area identified as a "green wedge" by saved Policy EN10. Saved Policy HS24 identifies the site as located outside a settlement and within 'open countryside'. In respect of the site's function as a green wedge and its location within open countryside, the policy context is one of seeking to provide a buffer around Northampton to prevent the coalescence of settlements, whilst maintaining landscape features and public access to the countryside.
- 7.10 In terms of the Northampton Local Plan, the site is adjacent to an existing residential area (Policy H6). The site also adjoins the Brampton Valley Way, which is identified as functional Greenspace (Policy E6) recognising the importance of the linear park in providing public access to the countryside. The application site is in close proximity to the Brampton Arm (of the River Nene). The River Policy Area (Policies L16 and L29) seeks to maintain the character of the river valley and its tributaries, on the grounds of both amenity and in order to conserve a pleasant setting for informal recreation.

Landscape & Visual Impact

- 7.11 The scheme would breach the defined settlement edge of Northampton and would result in the development of land located within a designated "green wedge". Despite resulting in a loss of some open land (the application site is currently in use as a paddock), the green wedge

would remain predominantly open and green in appearance and nature. The proposed development is not expected to unreasonably reduce the physical separation between settlements; the application site is modest in size and scale and constrained by physical features (i.e. the Brampton Valley Way and Welford Road).

- 7.12 The local policy context highlights the important landscape in the locality, namely the river valley. This landscape is particularly important to the setting and amenity of the Brampton Valley Way linear park. Views to the east of the Brampton Valley Way are constrained by changes in topography, tree belts, and existing built development along both sides of Welford Road. Views to the west, across the river valley, are broad and open. Located to the east of Brampton Valley Way, the proposed development is therefore not expected to result in adverse impacts on the setting of the Brampton Valley Way.
- 7.13 The relationship between the site and the Brampton Valley Way is an important consideration. The proposal should be carefully scrutinised to ensure the site's design and layout is sensitive to, and does not prejudice the function of the Brampton Valley Way as an important recreation facility, as set out by Northampton saved Policy E6.
- 7.14 It is considered that particular attention would need to be applied at detailed planning stage to the treatment and landscaping of the western boundary of the application site. A comprehensive green buffer should be achieved in the interests of protecting the integrity of Brampton Valley Way. At the same time, being mindful of the time taken for landscaping to mature, it should be ensured that the amenities of future residential occupiers would be protected as a result of robust boundary treatment.

Northampton Northwest Bypass

- 7.15 The application site is in close proximity to the indicative route of the Northampton North West Bypass, as identified on the Key Diagram. The JCS identifies the NW bypass as a key primary infrastructure project, required to serve the Sustainable Urban Extensions of North of Whitehills, Kings Heath and Northampton West. This piece of infrastructure will be delivered late in the JCS Plan period. Nevertheless, it will also impact on the landscape context surrounding the application site. In this context, the potential 'urbanisation' impacts could also be regarded as diminishing the longer term impact of the current housing proposal, both visually and in defining the urban edge of Northampton to the west of the Welford Road.
- 7.16 Given the JCS identification of the need for the NW bypass to accommodate wider strategic housing needs, it is necessary to ensure that the current proposal will not undermine its delivery and that a satisfactory residential environment can also be provided taking

account of the environmental factors associated with the NW bypass, such as noise impact.

Access

- 7.17 It is noted that the indicative proposals incorporate the retention and upgrade of an existing footpath link that runs through the site (on a north-west / south-east axis) from Welford Road. It is considered that it would be desirable to provide further punctuations of the site in the interests of encouraging accessibility to the Brampton Valley Way. This is particularly pertinent in the context of Buckton Fields (North of Whitehills SUE) and the provision of a direct link(s) to Brampton Valley Way for future residents. The existing link, when considered alongside the proposed Masterplan for Buckton Fields, would provide a convoluted route rather than a direct link across the northern part of the application site.
- 7.18 In respect to the new estate road access into the site, the detailed alignment of this road should also be carefully considered to ensure that it does not adversely impact upon the character of the Brampton Valley Way due to its close proximity to the western boundary of the site. It should be ensured that an appropriate separation distance / buffer can be achievable to soften the estate road's visual impact.

Environmental Matters

- 7.19 It is noted that the submitted Flood Risk Assessment indicates that the entirety of the site is located within the lowest risk Flood Zone 1. Notwithstanding this, acceptance needs to be sought from the Environment Agency in respect to the proposed scheme of surface water management and sustainable urban drainage put forward.
- 7.20 It does not appear that a Noise Assessment has been submitted in support of the application. The appropriate officer(s) in Environmental Health at Daventry District Council should be consulted in the interests of providing assurances that a satisfactory residential environment would be provided for future occupiers of the site in close proximity to Welford Road and its associated traffic flows. An Ecological Survey has been submitted in support of the application, the conclusions and recommendations of which should be adhered to.

8. CONCLUSION

- 8.1 In the absence of an up to date Development Plan, the presumption in favour of sustainable development should be applied. The emerging West Northamptonshire Joint Core Strategy is a material consideration, and existing unresolved objections to the location of the NRDA boundary are a significant factor. In addition to Northampton Borough Council's comments in respect of Policy S4 to deliver additional flexibility to the NRDA boundary, emerging Policy S4 (as currently

drafted) includes the modification to allow for (in exceptional circumstances) additional development outside the NRDA boundary.

- 8.2 The application site is located adjacent to Northampton and in an area consistent with the 'area of search' for reasonable alternatives identified through SA/SEA. Although situated in Daventry District the development would form part of Northampton both in form and function. The application site therefore has the potential to meet Northampton's needs through the provision of 41 dwellings. Similarly, the North of Whitehills SUE on the opposite side of Welford Road is allocated for the purpose of meeting Northampton's housing needs. In addition, the North of Whitehills SUE and NW bypass will redefine the urban edge of Northampton, beyond the application site.
- 8.3 Despite the current NRDA boundary there is logic in determining the ability of the scheme to contribute toward meeting the NRDA's 5 year housing land supply. The current lack of a 5 year land supply within the NRDA further reinforces the need to apply the presumption in favour of sustainable development. However, it must be made clear that this is on the basis of the development clearly being identified as meeting Northampton's needs.
- 8.4 There are likely to be planning obligations required to mitigate the development's impact on Northampton and in particular its infrastructure, such as health facilities, local schools, improving public transport provision, sports/recreational provision. If the development were granted permission, Northampton Borough Council would be likely to request Daventry to negotiate S.106 obligations primarily related to the impact on Northampton's infrastructure, and provide for affordable housing numbers and types associated with Northampton's needs.
- 8.5 The proposal is not expected to result in adverse impacts on the river valley landscape in the context of the existing adopted Development Plan. However the relationship between the site and the Brampton Valley Way is an important factor. The detail of the proposal should be considered carefully to ensure the site's design and layout is sensitive to the amenity and function of the Brampton Valley Way linear park which provides as an important facility for recreation.
- 8.6 Taking account of the particular characteristics of this site, and other material considerations, Northampton Borough Council raises no objection to the principle of the housing proposal, subject to the issues outlined below being addressed by Daventry District Council:-
 - Development of the site shall be viewed as related to the growth of Northampton (through the exception to the NRDA boundary allowed for in policy S4 of the Submitted West Northamptonshire Joint Core Strategy).

- Ensuring that the development does not prejudice the delivery of the Northampton North West Bypass.
- Ensuring that the recreational function and value of the Brampton Valley Way linear park is maintained with particular attention being applied to the treatment and landscaping of the western boundary of the application site and the precise position of the estate road within the site.
- Ensuring that direct pedestrian links are provided across the site to Brampton Valley Way in the interests of serving the future recreational needs of the North of Whitehills SUE.
- Ensuring that the amenities of future residential occupiers at the site would be safeguarded, particularly in respect to the satisfactory mitigation of traffic noise from Welford Road.
- No objections being received from the Local Highway Authority in respect to the impact of the scheme upon the local road network.
- No objections being received from the Environment Agency in respect to the impact of the scheme upon flood risk and the proposed drainage provisions at the site.
- In light of the development being directly related to the growth of Northampton; the appropriate Officers of this Authority should be involved in the negotiation of any Section 106 agreement in relation to such matters as affordable housing provision, infrastructure delivery and site-specific mitigation. Northampton Borough Council should be a financial beneficiary of any such agreement.

9. CONDITIONS

9.1 Not applicable.

10. BACKGROUND PAPERS

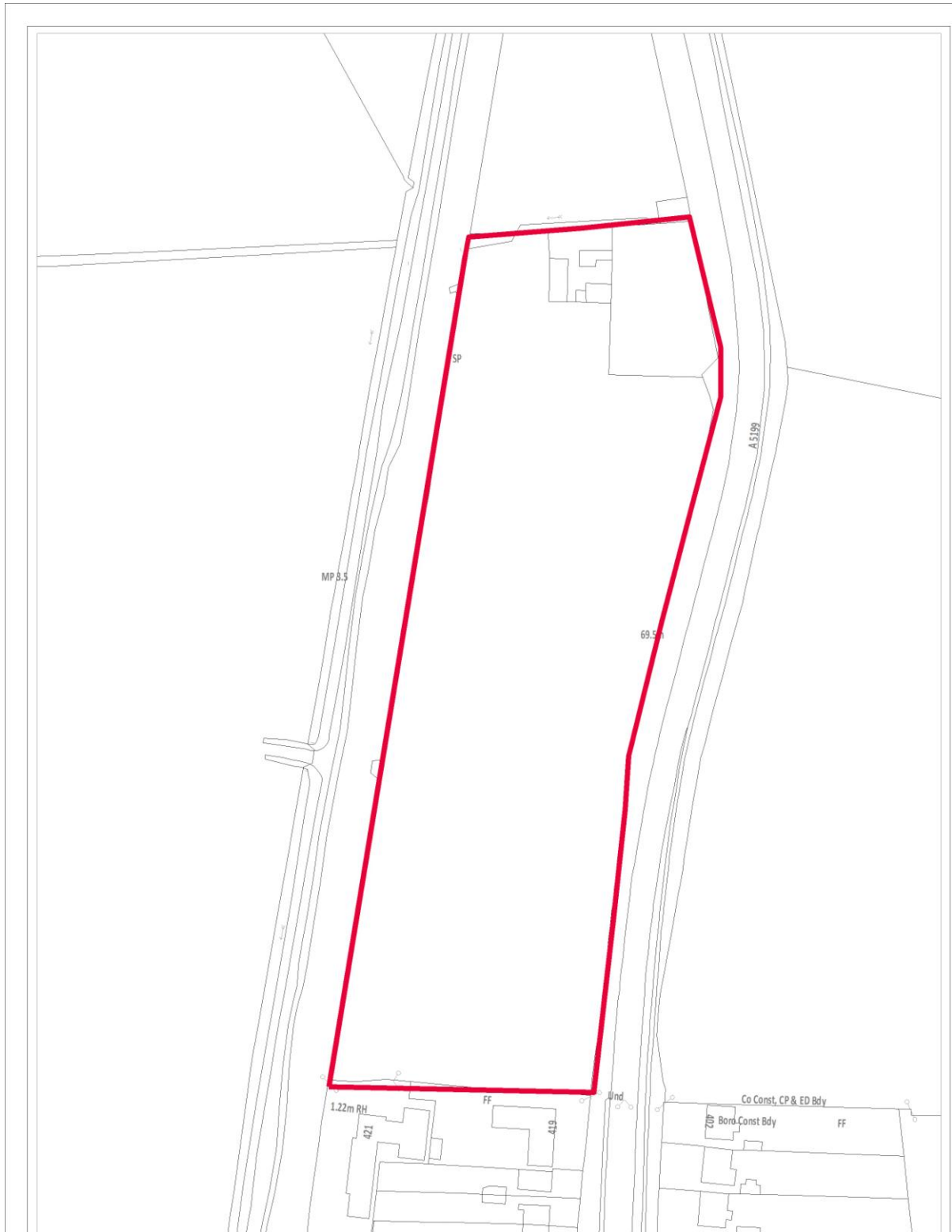
10.1 N/2014/0786.

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
Land at Top End of Welford road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0854: Outline application for development of up to 125 dwellings, including affordable housing, access and associated works, open space including strategic landscaping, formal sports pitches and children's play space, car and coach parking area to serve Moulton School and the local community. (Daventry District Council Consultation), land to South of Boughton Road, Moulton

WARD: N/A

APPLICANT: Hallam Land Management
AGENT: Januarys

REFERRED BY: Head of Planning
REASON: Major Fringe Application

DEPARTURE: N/A

CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

1.1 That Northampton Borough Council raise **NO OBJECTIONS** to the principle of development subject to the issues below being addressed by Daventry District Council:

- No objections being received from Northamptonshire County Council Highways regarding the impact on the local road network;
- No objections being received from Northamptonshire County Council Education regarding the impact on education provision.

2. THE PROPOSAL

- 2.1 Outline planning permission has been applied for to Daventry District Council for up to 125 dwellings. All matters are reserved other than access, which would be formed from Boughton Road. Affordable housing; landscaping; sports pitches and children's play space and car and coach parking to serve the neighbouring school are also proposed as part of the application.

3. SITE DESCRIPTION

- 3.1 Located to the west of Moulton, the site is broadly an 'L' shaped area of agricultural land, 10.7 hectares in size, running south from Boughton Road and then east where it borders Moulton School and Science College and Moulton Football Club. The eastern part of the site is to the south of Carey Close, a residential cul-de-sac. There is a separate parcel of land between Carey Close and the application site, fronting Boughton Road, which is the site of a separate planning application and the subject of a separate report on the Planning Committee Agenda.

4. PLANNING HISTORY

- 4.1 No history relevant to this 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 for the purposes of this application comprises the saved policies of the Daventry Local Plan and the Submitted West Northamptonshire Joint Core Strategy Submission 2012 (including Proposed Modifications, January 2014).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's core planning principles that underpin both plan making and decision-making. The starting point for assessing planning applications is outlined as the development plan, planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF highlights a presumption in favour of sustainable development (para 14), however, in respect of this presumption any adverse impacts of development need to be assessed against the benefits of approving a planning application.

The NPPF also requires the provision of a supply of housing with a range of types, tenures and densities as well as encouraging high quality design; the promotion of healthy communities; conserving and enhancing the natural and historic environments; and sustainable transport.

5.3 Submitted West Northamptonshire Joint Core Strategy (including Proposed Modifications, January 2014)

Weight also needs to be given as the Plan has reached an advanced stage in the process and is currently awaiting the Inspector's report.

The Plan provides strategic direction in respect of proposed development within West Northamptonshire, however, the key policies in respect of the amount and location of development as contained in the following policies:

Policy S1 provides the overall approach to development and identifies that new development in the rural areas will be limited, with emphasis placed on enhancing and maintaining the distinctive character and vitality.

Policy S3 identifies the overall scale and distribution of new housing provision for West Northamptonshire. The proposal lies within the Daventry rural area where about 2,360 dwellings are proposed within the plan period.

Policy S10 sets out the principles for sustainable development, requiring all development to be sustainably designed, energy efficient and to be easily accessed via non-car modes of transport. Policies C2, C3 and C5 elaborate further on this latter issue requiring development to be well connected both locally and more strategically. Policy H5 requires all residential development to incorporate sustainable design principles.

The plan identifies the Northampton Related Development Area which defines the areas in which the strategically assessed housing needs of the Borough are to be met within the plan period.

5.4 Daventry Local Plan (1997)

The Daventry District Local Plan consists of a number of saved policies which set out the Council's policies and proposals for guiding the development and use of land within the area. The proposed site lies immediately to the west of the settlement of Moulton to the north of Northampton Borough, in countryside where green wedge saved policy EN10 and open countryside policy HS24 apply. Moulton itself is defined as a restricted infill village which provides the potential for limited development where it meets a series of criteria attached to the policy.

6. APPRAISAL

- 6.1 It is considered that the application does not constitute development affecting the Northampton Related Development Area. The site is physically separate from the Borough boundary and can clearly be seen as an extension to the existing settlement of Moulton rather than an extension to Northampton. Consequently the application should be considered by Daventry District Council in the context of their five year housing land supply and the local impact on Moulton rather than in any wider context.
- 6.2 In terms of the NPPF it is considered that the site, due to its location at the edge of an established settlement with educational and recreational facilities close by and the accessibility to Northampton represents a broadly sustainable location.
- 6.3 The scale of the development, even in conjunction with other developments in this locality, is not considered likely to generate a significant impact on the Borough in terms of the use of facilities and services. It is proposed to provide 29% affordable housing on site, as well as financial contributions towards Fire and Rescue; Bus Infrastructure and Health.
- 6.4 Notwithstanding proposed contributions towards road improvements, the impact of this application, as with all developments in this area, should be carefully assessed in terms of the effect on the local road network.
- 6.5 The application proposes a financial contribution towards education provision (primary and secondary) to serve the development. It is a matter for the County Council as Education Authority as to whether this is acceptable.
- 6.6 In terms of an assessment of the development itself it is considered that the proposal would connect with the existing settlement through new and improved pedestrian pathways, as well as providing open space, a play area and sports pitches. There would also be community benefit with the provision of a car park to serve the adjacent school.
- 6.7 The development may be visible from certain vantage points within Northampton, however it would be seen in the context of the existing settlement and consequently this visual impact is not considered to be unacceptable.

7. CONCLUSION

- 7.1 Overall it is considered that the location of the site is broadly sustainable and would have little undue adverse impacts upon the Borough. Consequently, subject to the impact on the local road network

and education provision being assessed as acceptable, it is recommended that no objections be raised.

8. BACKGROUND PAPERS

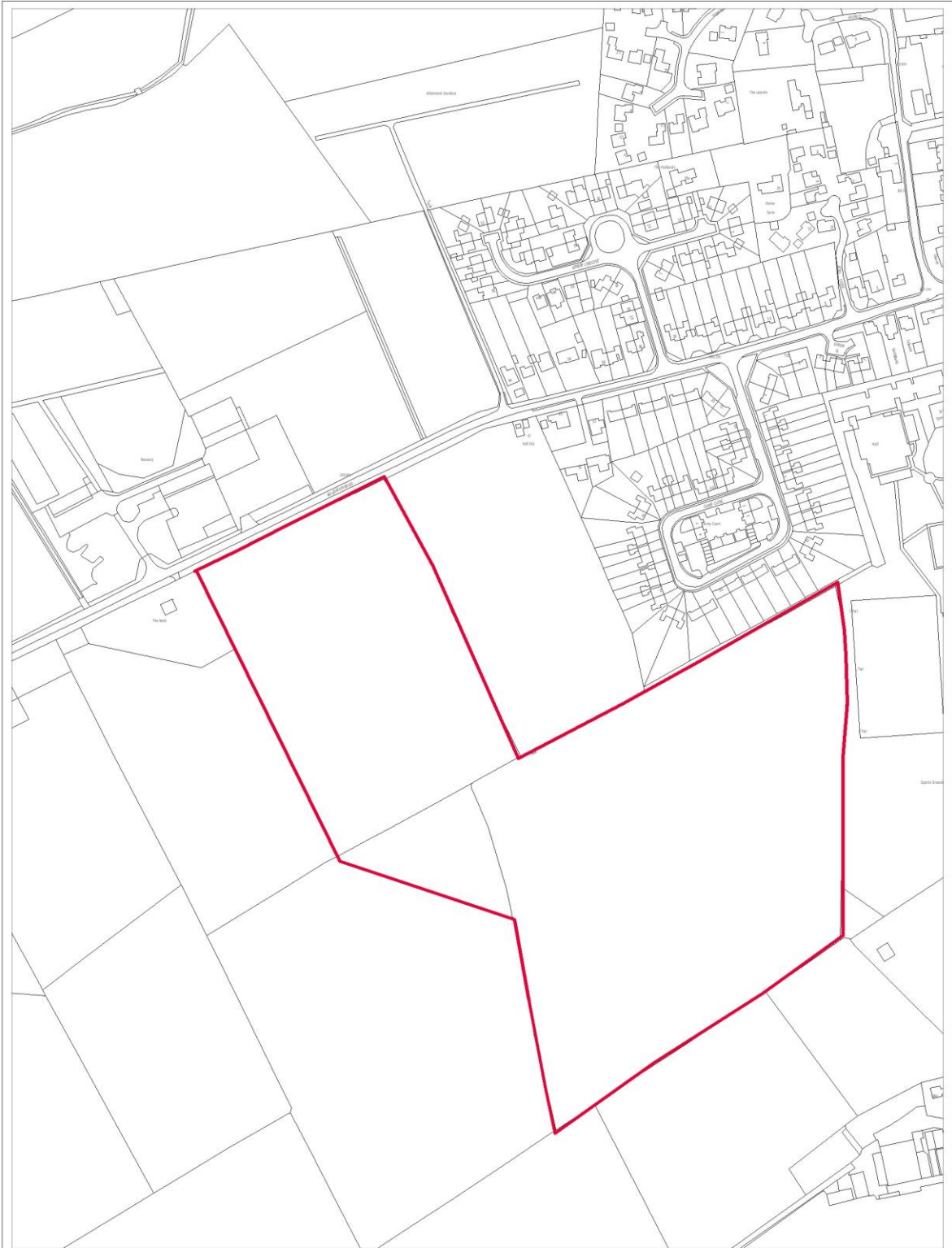
8.1 N/2014/0854.

9. LEGAL IMPLICATIONS

9.1 None.

10. SUMMARY AND LINKS TO CORPORATE PLAN

10.1 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: Location Plan
Date: 18th August 2014
Scale: 1:3500
Dept: Planning
Project: Committee

Title

Fringe Application - Land South of Boughton Road

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PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0900: Construction of 56 dwellings including vehicular access, pedestrian & cycle links, public open space, car parking, landscaping & drainage (Daventry District Council Consultation) on land adjacent to Carey Close, Boughton Road, Moulton

WARD: N/A

APPLICANT: David Wilson Homes (South Midlands) and Total Break Ltd

AGENT: Bidwells

REFERRED BY: Head of Planning
REASON: Major Fringe Application

DEPARTURE: N/A

CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

1.1 That Northampton Borough Council raise **NO OBJECTIONS** to the principle of development subject to the issues below being addressed by Daventry District Council:

- No objections being received from Northamptonshire County Council Highways regarding the impact on the local road network;
- No objections being received from Northamptonshire County Council Education regarding the impact on education provision.

2. THE PROPOSAL

2.1 Full planning permission has been applied for to Daventry District Council to erect up to 56 dwellings. The development would include

vehicular access from Boughton Road, pedestrian and cycle links, public open space and landscaping.

3. SITE DESCRIPTION

- 3.1 The application site is a 2.56 hectares parcel of agricultural land to the west of Moulton. To the west and south is the application site subject to the preceding report on the Planning Committee agenda. To the east is the existing residential development off Carey Close.

4. PLANNING HISTORY

- 4.1 No history relevant to this application.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan for the purposes of this application comprises the saved policies of the Daventry Local Plan and the Submitted West Northamptonshire Joint Core Strategy Submission 2012 (including Proposed Modifications, January 2014).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's core planning principles that underpin both plan making and decision-making. The starting point for assessing planning applications is outlined as the development plan, planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF highlights a presumption in favour of sustainable development (para 14), however, in respect of this presumption any adverse impacts of development need to be assessed against the benefits of approving a planning application.

The NPPF also requires the provision of a supply of housing with a range of types, tenures and densities as well as encouraging high quality design; the promotion of healthy communities; conserving and enhancing the natural and historic environments; and sustainable transport.

5.3 Submitted West Northamptonshire Joint Core Strategy (including Proposed Modifications, January 2014)

Weight also needs to be given as the Plan has reached an advanced stage in the process and is currently awaiting the Inspector's report.

The Plan provides strategic direction in respect of proposed development within West Northamptonshire, however, the key policies in respect of the amount and location of development as contained in the following policies:

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6. APPRAISAL

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- 6.2 In terms of the NPPF it is considered that the site, due to its location at the edge of an established settlement with educational and recreational facilities close by and the accessibility to Northampton represents a broadly sustainable location.
- 6.3 The scale of the development, even in conjunction with other developments in this locality, is not considered likely to generate a significant impact on the Borough in terms of the use of facilities and services. It is proposed to provide up to 29% affordable housing on site, as well as financial contributions, where appropriate, towards library services and health.
- 6.4 Notwithstanding proposed contributions towards highways/transport, the impact of this application, as with all developments in this area, should be carefully assessed in terms of the effect on the local road network.
- 6.5 The application proposes a financial contribution, if necessary, towards education provision to serve the development. It is a matter for the County Council as Education Authority as to whether this is acceptable.
- 6.6 In terms of an assessment of the development itself it is considered that the proposal would connect with the existing settlement and proposed neighbouring developments through new and improved pedestrian pathways, as well as providing open space.
- 6.7 The development may be visible from certain vantage points within Northampton, however it would be seen in the context of the existing settlement and consequently this visual impact is not considered to be unacceptable.

7. CONCLUSION

- 7.1 Overall it is considered that the location of the site is broadly sustainable and would have little undue adverse impacts upon the Borough. Consequently, subject to the impact on the local road network and education provision being assessed as acceptable it is recommended that no objections be raised.

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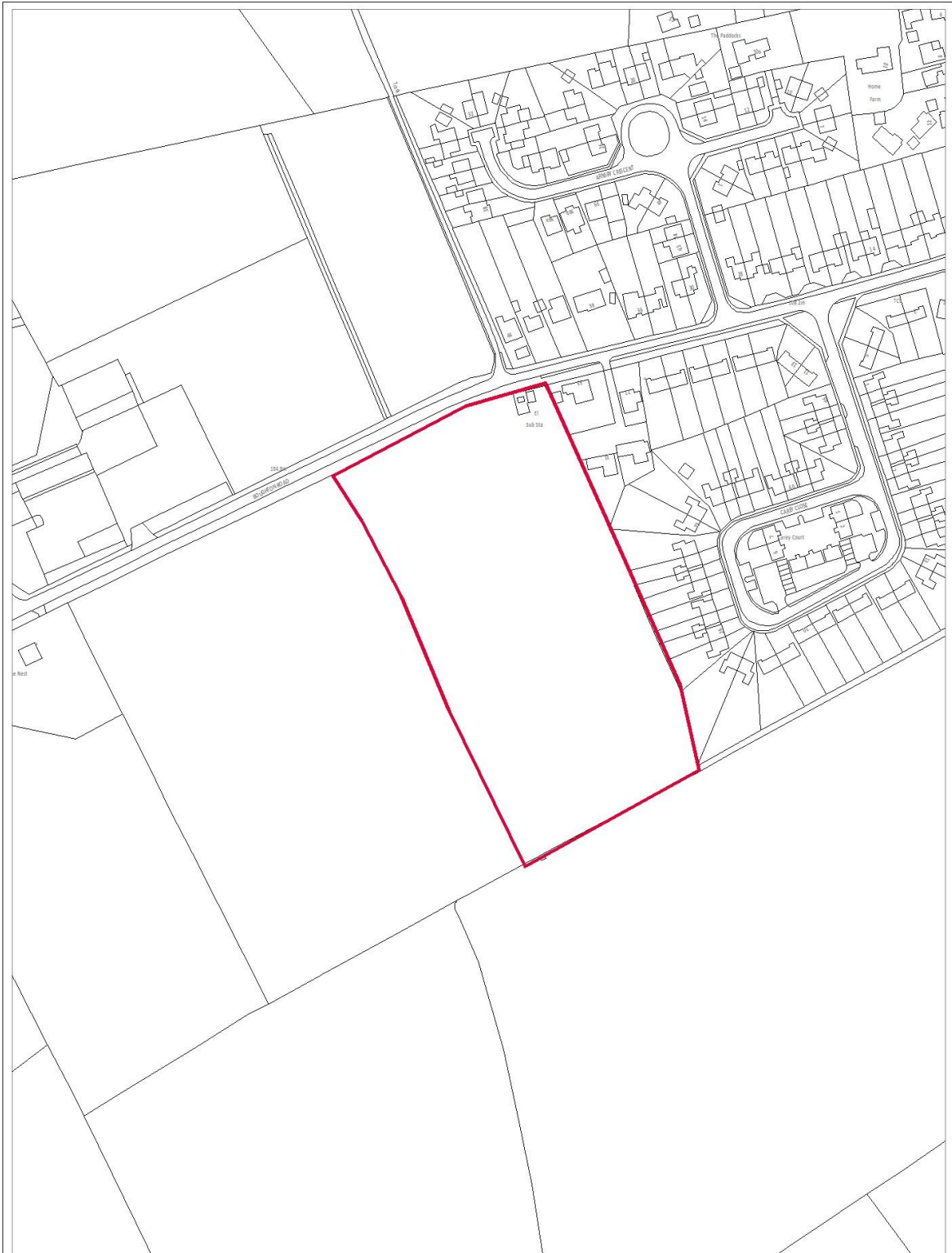
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Name: **Location Plan**
Date: **18th August 2014**
Scale: **1:2000**
Dept: **Planning**
Project: **Committee**

Title

Fringe Application - Land South of Boughton Road

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