



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 30 September 2014

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

6:00 pm

Members of the Committee

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

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

Chief Executive David Kennedy

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

PLANNING COMMITTEE

AGENDA

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

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

Who Can Speak At Planning Committee Meetings?

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

How Do I Arrange To Speak?

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

Methods of Registration:

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

When Do I Speak At The Meeting

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

How Long Can I Speak For?

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

Other Important Notes

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Tuesday, 30 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) **HOUSES IN MULTIPLE OCCUPATION: INTERIM PLANNING POLICY STATEMENT**
 - (B) **LA/2000/0009 - VARIATION OF S106 OBLIGATIONS, LAND AT UPTON**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
 - (A) **N/2014/0870: 42 - 48 BRIDGE STREET - INSTALLATION OF SLIMLITE DOUBLE GLAZING TO THE FIRST AND SECOND FLOOR WINDOWS LOCATED ON THE FRONT ELEVATION OF 42 - 48 BRIDGE STREET. INCLUDING THE REPAIR AND REDECORATION OF ALL WINDOWS TO THE PROPERTY EXCLUDING THE SHOP FRONT WINDOWS**
 - (B) **N/2014/0927: ABBEY COTTAGE, DELAPRE ABBEY - TEMPORARY CHANGE OF USE OF ABBEY COTTAGE FROM RESIDENTIAL (C3) TO OFFICE AND EXHIBITION SPACE**
10. **ITEMS FOR DETERMINATION**

- (A) N/2014/0315: FORMER GREEN OAKS PRIMARY SCHOOL, BECTIVE ROAD - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS (FROM BECTIVE ROAD AND WHISTON ROAD) FOR A RESIDENTIAL DEVELOPMENT COMPRISING 170 DWELLINGS AND PUBLIC OPEN SPACE
- (B) N/2014/0532: 52 BATH STREET - CHANGE OF USE FROM PUBLIC HOUSE (A4) INTO 10 BED HOUSE OF MULTIPLE OCCUPATION (SUI GENERIS), TOGETHER WITH EXTENSION AT SHOEMAKERS TAVERN
- (C) N/2014/0629: FORMER W GROSE SITE, KINGSTHORPE ROAD - ERECTION OF 54 DWELLINGS; A NEW FOODSTORE OF 1,534 SQM GROSS INTERNAL AREA AND 1,140 SQM NET SALES FLOORSPACE WITH ANCILLARY OFFICE ACCOMMODATION; 90 CUSTOMER CAR PARKING SPACES INCLUDING 7 DISABLED SPACES ASSOCIATED WITH THE NEW FOODSTORE; A NEW SIGNALLED HIGHWAYS ACCESS JUNCTION ON KINGSTHORPE ROAD AND FULL LANDSCAPING SCHEME (AS AMENDED BY REVISED AND ADDITIONAL INFORMATION RECEIVED 13/08/2014)
- (D) N/2014/0891: THE MOUNTS SURFACE CAR PARK - INSTALLATION OF A FREESTANDING, SELF CONTAINED AUTOMATIC PUBLIC CONVENIENCE INSTALLED WITHIN CAR PARK
- (E) N/2014/0907: INDOOR BOWLS CENTRE KINGSTHORPE RECREATION GROUND, HARBOROUGH ROAD - EXTENSION TO EXISTING BOWLING CLUB BUILDING TO PROVIDE CHANGING AND LOCKER ROOM (RE-SUBMISSION OF PLANNING APPROVAL N/2014/0473)
- (F) N/2014/0994: FORMER PRINCESS MARINA HOSPITAL SITE, WEEDON ROAD - APPLICATION TO VARY SECTION 106 AGREEMENT IN RESPECT OF APPLICATION 07/0004/OUTWNN TO AMEND THE MORTGAGEE CLAUSE

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

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 2 September 2014

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

Steven Boyes, Director of Regeneration, Enterprise and Planning;
Rita Bovey, Development Manager; Paul Lewin, Planning Policy and
Heritage Manager; Ben Clarke, Senior Planning Officer; David
Rowen, Principal Planning Officer; John Maher, Solicitor; Nathan
Birch, Democratic Services Officer

1. APOLOGIES

Apologies for absence were received from Councillors Golby and Palethorpe.

2. MINUTES

The Chair noted that at item 10b the agreed determination had been incorrectly recorded.

Upon a proposal by the Chair, seconded by Councillor I Choudary it was **RESOLVED** to amend the minute at item 10b to add a further line to the resolution; "That determination of the application be delegated to the Head of Planning to resolve the outstanding objections as detailed within the report, (including amending and adding to the list of Conditions as included within the report,) and, if necessary, refer the application to the Secretary of State."

Councillor Flavell asked the minutes note her apologies were given for the meeting.

With the amendments as agreed, the minutes of the meeting held on 29th 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/2014/0010 Shalimar Great Billing Park
Cllr Mary Markham
Shilpa Parekh (Applicant)

- N/2014/0580 162 - 166 Wellingborough Road
Christopher Bradshaw
Geraldine Harrison
Dipesh Surti (Agent)
- N/2014/0598 Ladybridge Park
Jill Hope
Brian Hoare (West Hunsbury PC)
Mick Watts (Welland Valley FC)
Catherine Hall (FA Development Officer)
- N/2014/0676 93 Station Road
Dave Collins (Agent)
- N/2014/0677 Unit 2 Goldings Supermarket, Prentice Court
Ali Ay (Agent)
- N/2014/0692 128 Artizan Road
Cllr Stone (Ward Member)
Paul Lamb (Applicant)
- N/2014/0735 74 Earl Street
Cllr Stone (Ward Member)
Barrie Waine (Agent)
- N/2014/0788 The National Lift Tower
Jill Hope (County Councillor)
Kurt Perryman (Applicant)
- N/2014/0841 131 St Andrews Road
Cllr Marriot (Ward Member)
Brian Wagstaff (Applicant)
- N/2014/0890 Former Pearce Leather Works
David Huffadine-Smith
John Lagan (Applicant)
- N/2014/0786 Welford Road
- John Clarke (Chair Boughton PC)

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Oldham declared a personal, non-prejudicial interest in item 10d He was the ward member for the area, but he could however approach the matter with an open mind and without any predetermination or bias.

Councillor I Choudary declared a personal, non-prejudicial interest in item 10c He was the ward member for the area, but he could however approach the matter with an open mind and without any predetermination or bias.

Councillor Aziz declared a pecuniary and prejudicial interest in item 10h as a Director of KAAZ Estates Ltd, the applicant in the matter. He advised the Committee that he would leave the meeting during the presentation and deliberation of the item.

Councillor Ford declared a personal, non-prejudicial, interest in item 10b; in that the neighbouring property is occupied by his family doctor. He could however approach the matter with an open mind and without any bias or predetermination.

Councillor Meredith declared a personal and prejudicial, interest in item 10f; in that as the Ward member and Chair of Southfields Residents Association he had spoken with and advised the applicant on this and other matters. He advised the Committee that he would leave the meeting during the presentation and deliberation of the 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. She advised the Committee further that application N/2013/1325 - Danes Camp Way - would be considered at an appeal hearing on 28th October. She reminded the panel that further public representations could be directed to the Planning Inspectorate.

RESOLVED: That the report be noted

7. OTHER REPORTS

(A) NORTHAMPTON RELATED DEVELOPMENT AREA 5 YEAR HOUSING LAND SUPPLY ASSESSMENT

The Director of Regeneration, Enterprise and Planning advised the Committee that the report was not a decision making one. Officers did however have a duty to report to the Committee on the 5 Year Land Supply for Northampton as part of the wider planning framework.

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

RESOLVED: That the report be noted

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None

10. ITEMS FOR DETERMINATION

(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

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

In response to a question from the Committee the Senior Planning Officer confirmed that any contamination investigation would be conditioned and taking place after consent was granted, but before building works taking place.

The Committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and the prior completion of a Section 106 Agreement to secure a financial payment for the provision of health care provision and a training scheme for construction workers, including a further financial payment.

(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

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

The Chair invited Councillor Markham to address the Committee. Councillor Markham explained she was addressing the Committee in a personal capacity, in support of the application. She stressed that householders had always been respectful to their neighbours and that the opening windows did not present an issue on the south side due to the open space nature of the site.

In response to questions from the Committee Councillor Markham stated she believed that the open space was a site of acknowledged nature conservation value and designated as green space in the Local Plan.

The Chair invited Shilpa Parekh, the applicant, to address the Committee. She stated that in deviating from the agreed design the applicant had been advised by Building Control and Fire Officers. The adjoining empty site had not been used for any purpose in recent years and that, before the extension was built, the neighbouring property and their own had been overlooked by each other.

In response to questions from the Committee Mrs Parekh agreed that the windows did overlook. She also added that the advice to fit the windows had been given by Building Control, in conjunction with their architects.

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

- The windows are overhanging adjoining property . While it was a civil matter, officers normally would advise against such proposal at the application stage.
- The application details before the Committee were proposed by the applicant. If the application was refused and changes not made to the windows then enforcement issues would remain in place to be dealt with as the windows are currently breaching a planning condition.
- The open space was designated green space, but was privately owned and any future application to develop the land would be considered on its own merits.
- The new windows to the north side were considerably higher than those in place before the extension work and resulted in significant overlooking of neighbouring property.
- The 10cm window restrictor was proposed by the applicant and could be removed in an emergency.

The Committee discussed the report.

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

(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)

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

The Chair invited Mr Bradshaw, neighbour to the application site, to address the Committee. Mr Bradshaw advised the Committee that when they bought their property they were aware of the approved application for a restaurant, but the new plans went well beyond that would substantially diminish the light and amenity to his property.

The Chair invited Ms Harrison, neighbour to the application site, to address the Committee. Ms Harrison advised the Committee that the new plans were a substantial change that would impact her property. She believed some demolition work had already taken place without permission and she had little faith that the standard and progress of the build would be appropriate.

The Chair invited Mr Surti, the agent for the applicant, to address the Committee. Mr Surti stated that the applicant was willing to address all concerns raised in the report and that many of the objections would be overcome.

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

- Residents of the proposed flats could use the local car parks if needed.
- He believed the comments from Highways Authority were standard for the area and had been disregarded on many other applications.

In response to a question from the Committee the Principal Planning Officer confirmed that there may be potential to build three flats within the existing building, subject to planning consent.

The Committee discussed the report.

RESOLVED: That the application be **REFUSED** for the reasons set out in the report.

(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

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The recommendation was for approval with the conditions as set out in the report. She also pointed out that paragraph 3.2 of the report shall read “three temporary storage containers” and not two.

The Chair invited Councillor Hope to address the Committee. Councillor Hope welcomed the new building, but had reservations about the retention of the containers for storage.

In response to a question from the Committee Councillor Hope confirmed she was in fact not the member for the County Division in which the application site was located. She also added that she had not approached the football club directly regarding the removal of the containers.

The Chair invited Mr Hoare of West Hunsbury Parish Council to address the Committee. Mr Hoare stated that the Parish Council had raised the issue of the

containers during the consultation, but timing of their removal had not been agreed. The timing of construction work was also a concern.

In response to a question from the Committee Mr Hoare stated that the Parish Council had not expressed a view in favour or against the application, but had sought clarification regarding the containers.

The Chair invited Mr Watts, Chairman Welland Valley FC, to address the Committee. Mr Watts stated that the club was one of only 12 Community Charter Award clubs in Northamptonshire, with over 200 players. They did not however have any permanent changing or toilet facilities. This application would address that need. The plan was to complete the build work in 16 weeks, then remove two of the larger containers and screen the one remaining.

The Chair invited Ms Hall, FA Development Officer to address the Committee. She stated that the new facility was a key to future development of the club, including further girls and disability teams.

The Committee discussed the report.

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

(E) N/2014/0676 - 93 STATION ROAD: ERECTION OF 3 BED DETACHED DWELLING

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

The Chair invited Mr Collins, agent for the applicant, to address the Committee. Mr Collins believed this was a suitable design on a large plot, which would retain a 25m garden. He believed it was in keeping with the area.

In response to questions from the Committee the Principal Planning Officer confirmed that properties two bathroom windows may face each other, but would be obscured glass. He also responded that Station Road had no uniform style and had several other infill developments.

The Committee discussed the report.

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

(F) N/2014/0677 - UNIT 2 GOLDINGS SUPERMARKET, PRENTICE COURT: SINGLE-STOREY REAR/SIDE EXTENSIONS

Councillor Meredith left the meeting room for the duration of the item.

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

The Committee discussed the report.

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

(G) N/2014/0692 - 128 ARTIZAN ROAD: CHANGE OF USE FROM DWELLING (C3) INTO HOUSE OF MULTIPLE OCCUPATION FOR 5 OCCUPANTS (C4)

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

The Chair invited Councillor Stone, the Ward member, to address the Committee. Councillor Stone stated this was an overdevelopment and would be the loss of another family home. She believed that the influx of HMO developments led to a breakdown in community cohesion. She added that she had been approached to lobby on this matter by the local resident association.

The Chair invited Mr Lamb, the applicant, to address the Committee. Mr Lamb explained he was present to answer any questions the Committee may wish to raise.

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

- The house would be occupied by scholarship footballers, age 16 and studying at Malcolm Arnold Academy, along with a housemaster to chaperone them.
- He accepted parking was an issue in the area, but only one of the proposed occupants would be old enough to drive.
- He accepted the age range could change, but the scholarship scheme was his proposed and preferred option.

The Committee discussed the report.

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

(H) N/2014/0735 - 74 EARL STREET: CHANGE OF USE FROM DWELLING (C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 8 PEOPLE (SUI GENERIS) (RETROSPECTIVE)

Councillor Aziz left the meeting room for the duration of the item.

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

The Chair invited Councillor Stone, the Ward member, to address the Committee. Councillor Stone stated that stability in local housing supply and population was needed. HMO developments failed to deliver this. She believed such large developments also led to pressure on services. The retrospective nature of the application was also a concern.

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

- She agreed this was a mixed residential and commercial road, but mainly family homes.
- Any previous unregulated activity did not make the application appropriate.
- She had raised her objections without any knowledge of the property ownership.

The Chair invited Mr Waine, the agent for the applicant, to address the Committee. Mr Waine explained that the current owners had purchased the property in December 2013. They had been assured the property had been in continuous use as a HMO for 10 years or more. The seller though had not supplied the relevant evidence and they had now taken the proper and required steps to regularise the building's use. He further suggested that his experience was that HMO properties had a lower than average car use.

In response to questions from the Committee the Senior Planning Officer confirmed that conditions of the planning permission were monitored by the Planning Enforcement team.

The Committee discussed the report.

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

(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

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

The Chair invited Councillor Hope to address the Committee. She had been approached by several residents with concerns over parking, future events and damage to the grass areas.

In response to questions from the Committee Councillor Hope confirmed she had received 10 objections, some before and some after the application was made.

The Chair invited Mr Perryman, the applicant, to address the Committee. He explained the nature of the business and that he was always happy to work with local residents to improve matters.

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

- The grass parking area was not always used and had not deteriorated over the past 23 months.
- He would address any misinformation given by marshals directly, if the matters are raised with him.
- He believed the misuse of the roundabout was most widespread amongst residents.

In response to questions from the Committee the Development Manager confirmed the following:

- Issues on road signage may need to be addressed to the Highways Authority.
- One resident letter of objection had been received. Environmental Health had received no complaints regarding the site over the past 23 months.
- Action could be taken under the enforcement regime if conditions are breached.
- English Heritage and Conservation Officers had raised no objection to the building use.

The Committee discussed the report.

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

(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)

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

The Chair invited Councillor Marriott, the Ward Member, to address the Committee. He highlighted the large number of HMO properties in the area, which resulted in a

reduced family housing stock. He drew attention to a list compiled by the resident's forum which showed another 46 unregistered HMO developments in the area.

The Chair invited Mr Wagstaff to address the Committee. He explained he was in attendance to answer any questions the Committee may have.

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

- The building had been a HMO for 6 months.
- He had obtained the relevant licence, but only became aware planning permission was required after this.
- The property was used as student accommodation.

The Committee discussed the report.

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

(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

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The recommendation was to delegate authority to the Head of Planning to approve subject to conditions set out in the report.

The Committee discussed the report.

RESOLVED: Delegate authority to the Head of Planning to **APPROVE** subject to conditions set out in the report

(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

The Development Manager outlined the report of the Head of Planning, as set out in the agenda. The committee's attention was also drawn to the circulated addendum. The recommendation was 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.

The Chair invited Mr Huffadine-Smith to address the Committee. He believed the developer was forcing the Council to agree the S106 variation, by threatening to withdraw from the site. He believed the developers published accounts showed there was a potential to maintain the S106 or to provide for an off-site contribution.

The Chair invited Mr Lagan to address the Committee. He explained that a financial viability of the site had been submitted for independent review and accepted by the Council. Further resources would not be forthcoming and only the S106 variation would allow the listed buildings to be converted as agreed.

In response to questions from the Committee Mr Lagan confirmed the following:

- Without agreement the development would have to stop.
- Abington Christian Centre were the organisation who had agreed to take over the main listed building. They would provide a church, nursery and community facilities.
- The viability assessment showed the potential for a £3.9m loss.
- In 2013 Lagan Homes recorded a loss of £4m.

The Committee discussed the report.

RESOLVED: The committee **AGREE** to vary the Section 106 agreements as set out in this report and to delegate the decision to vary the Section 106 obligations to the Head of Planning subject to no further representations being received before the end of the consultation period.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

(A) LAND AT WELFORD ROAD :OUTLINE APPLICATION FOR UP TO 41 DWELLINGS, ESTATE ROAD, OPEN SPACE AND ASSOCIATED WORKS

The Principal Planning Officer outlined the report of the Head of Planning, as set out in the agenda. The Committee's attention was also drawn to the circulated addendum. 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. A further issue for DDC to consider in their determination of the application, nature conservation, was also presented to Members.

The Chair invited Mr Clarke to address the Committee. Mr Clarke expressed the Parish Council concerns at the further development on the edge Northampton, potentially making Boughton part of an urban extension. Buckton Fields, with 100

potential properties, had effectively rendered the Boughton Parish Local Plan irrelevant.

The Committee discussed the report.

RESOLVED: That Northampton Borough Council has no objections to the principle of development subject to the issues outlined in the report, including the issue of nature conservation and addendum being addressed by Daventry District Council

(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 CHILDREN'S PLAYSPACE, CAR AND COACH PARKING AREA TO SERVE MOULTON

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.

The Committee discussed the report.

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

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

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.

The Committee discussed the report.

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

The meeting concluded at 10:30 pm

Directorate: Regeneration, Enterprise and Planning
 Director: Steven Boyes



List of Appeals and Determinations – 30th September 2014

Written Repls Procedure			
Application	Del/PC	Description	Decision
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). 113 Abington Avenue	AWAITED
N/2014/0370 APP/V2825/A/14/2223072	DEL	Rear of 102 Harborough Road. Erection of 5no dwellings with vehicular access and parking	AWAITED
N/2014/0618 APP/V2825/A/14/2223848	DEL	Rear of 25 Pleydell Road. Erection of 3 bedroom detached dwelling (re-submission of N/2013/0718)	AWAITED
N/2014/0519 APP/V2825/A/14/2223952	PC	24 York Road - Change of Use from Offices (Use class B1) into 10 person house of multiple occupation (Sui Generis) including alteration to windows on front and rear elevations (increase of 3 persons from planning permission N/2013/0931)	AWAITED
N/2014/0214 APP/V2825/A/14/2224274	PC	37 Semilong Road - Change of use from dwelling (Use Class C3) to 7 bed HIMO (Sui Generis)	AWAITED
Public Inquiry			
		None	
Hearing			
N/2013/1325 APP/V2825/A/14/2220834	PC	Residential development comprising 69 dwellings with associated access (via Harcourt Way), public open space and local equipped area of play and balancing pond (as amended by revised plans received on 24/02/2014 and 09/04/2014), Danes Camp Way, Hunsbury Hill (Hearing to be held on 28 th October 2014)	AWAITED
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 Manager (Acting) Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



PLANNING COMMITTEE: 30th September 2014

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Houses in Multiple Occupation Interim
Planning Policy Statement

1. RECOMMENDATION

- 1.1 Planning Committee note the contents of this report and progression of the Interim Planning Policy Statement (IPPS), and its implications for the determination of future planning applications for houses in multiple occupation (HiMOs).

2 PURPOSE OF THE INTERIM PLANNING POLICY STATEMENT (IPPS)

- 2.1 The aim of the IPPS is to amplify both existing policy contained in the saved policies of the Northampton Local Plan as well as emerging policy contained in the West Northamptonshire Joint Core Strategy (JCS). The document is termed interim in light of the fact that the JCS is not an adopted document, and should future policy change, then the IPPS will need to take this into account. The IPPS, upon adoption, would become a material consideration for the Planning Committee, officers and others to take into account in determining future planning applications as relevant. The document is currently subject to public consultation which ends on the 2nd October 2014. Planning Committee members were notified of this consultation prior to its commencement.
- 2.2 The IPPS informs landlords and property owners about the development management process involved in submitting a planning application for HiMOs, including cases where Permitted Development Rights have been removed by Article 4 Directions. It also outlines the range of criteria which the Council will consider to ensure that the proposal will not adversely impact on the character and amenity of the area and that adequate facilities (like kitchens, bathrooms and toilets), and health and safety measures (like fire safety), are incorporated. The principles will also apply to those premises where planning permission is not required by virtue of the General Permitted

Development Rights (change of use from dwellinghouse to a HiMOs for between 3 and 6 unrelated people). .

- 2.3 The document, when adopted, will complement the additional licensing powers introduced by the Council in spring this year, affecting the town centre and the wards where there is a high level of student accommodation anticipated. HiMO licensing is intended to control the standards and management of HiMOs. Further information can be obtained by accessing the following link:

http://www.northampton.gov.uk/info/200077/private_housing

3 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, Planning Committee was presented with a report which identified that whilst the Northampton Local Plan is the starting point for the determination of planning applications, due to its date of adoption, which predates the National Planning Framework, the weight that can be attributed to the Plan's saved policies is significantly diminished. This is compounded by the advanced stage of preparation of the West Northamptonshire Joint Core Strategy and the subsequent weight that can be attached to the accompanying policies.
- 3.2 Planning Committee on the 10th June was informed by a report that identified on a policy by policy basis the weight that could be attached to the saved Northampton Local Plan policies. This included saved Policy H30 (Multiple Occupation within a single dwelling), which carries limited weight as it does not reflect up-to-date evidence of housing need. The policy may not therefore be compliant with the National Planning Policy Framework (NPPF). However, it has a role to play in influencing the contents of the Interim Planning Policy Statement on HiMOs.
- 3.3 In addition, the West Northamptonshire Joint Core Strategy (WNJCS) has now been examined and the Planning Inspector's report is imminent. Policy H6 (Managing the Housing Stock) of the WNJCS was formulated, based on robust and up-to-date evidence base and was the subject of public consultation. This policy received minimal representations, none of which are likely to have a significant bearing on the strategy of the WNJCS. This policy therefore carries significant weight and has also been used to inform and influence the Interim Planning Policy Statement on HiMO (IPPS).

4 THE INTERIM PLANNING POLICY STATEMENT ON HOUSES IN MULTIPLE OCCUPATION

- 4.1 The NPPF seeks to deliver a wide range of homes, to include variations in size, types and tenures (para 50). The principles

contained in the IPPS will contribute towards the delivery of this requirement.

- 4.2 Northampton's town centre is continuing to grow and regenerate as part of the Northampton Alive programme, and the University of Northampton is set to relocate to the Central Area. These factors will see a boost in the local economy; culminating in housing, commercial and educational growth. Key to this will be an increase in demand for rented accommodation, particularly from students who will be looking to live within the vicinity of the new University campus, and those unable to gain access to the new student accommodation at St John's. Also, there will be an increase in the population levels (as evident in the WNJCS), which brings with it a related increase in demand for rented accommodation, as not everyone will be in a position to afford a home or have a desire to settle long term in Northampton.
- 4.3 It is essential that this demand is met, not only to ensure that the student and population needs are met but also to secure adequate labour supply needed to support growth. However, it is equally important that the character of the area where an application has been submitted is not adversely affected, and the amenity of the adjoining residents not jeopardised.
- 4.4 The principles contained in this IPPS aim to secure a balance between meeting demand and protecting the character and amenity of an area. It contains 4 principles aimed at managing the growth of HiMOs and securing standards which will ensure that those living in HiMOs will have adequate facilities and health and safety measures incorporated. These principles include the application of a 15% HiMO threshold over a 50 metre buffer zone, which is considered to set an acceptable level for meeting demand without compromising the character of the area.
- 4.5 This document has been released for an 8 week public consultation exercise between the 7th August and the 2nd October. Amongst those consulted are local landlords and Housing Associations. The outcome of the consultation exercise, and any revisions to the IPPS, will be reported to Cabinet on the 12th November 2014. The consultation documents can be viewed by accessing the following link:
- http://www.northampton.gov.uk/info/200205/planning_for_the_future/1739/
- 4.6 A Community Impact Assessment was also prepared to ascertain how these principles will impact on residents.

5 LEGAL IMPLICATIONS

- 5.1 The IPPS has been produced in accordance with the relevant planning regulations contained in the Planning and Compulsory Purchase Act 2004 (as amended 2012). When adopted, it will become a significant material consideration in the determination of planning applications. This is capable of influencing a positive outcome at planning appeals.

- 5.2 It should be noted that although the principles should be adhered to by all landlords and property owners, these are only capable of being monitored where an application for change of use is required to be submitted. As a change of use from a dwellinghouse to HiMOs for 3 – 6 persons does not usually require planning permission it is therefore difficult to manage and monitor their growth.

6 LINKS TO CORPORATE PLAN

- 6.1 The issues associated with meeting the demand for rented accommodation is relevant in part at least to the majority of the Corporate Plan (refresh) priorities. However, three key priorities in relation to this report are Priority 2: Invest in safer, cleaner neighbourhood, Priority 5: Better Homes for the Future – Helping You to Have a Home and Priority 7: Promoting Health and Wellbeing.



PLANNING COMMITTEE: 30th September 2014

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: LA/2000/0009 – Variation of s106 obligations at land at Upton

1. RECOMMENDATION

1.1 That the Committee **AGREE** to vary the obligations contained within the section 106 agreement dated 25 May 2000 as set out in this report.

2. BACKGROUND

2.1 As part of the planning permission N/1997/0128, for phase 1 of the Upton development, a section 106 Agreement dated 25 May 2000 was completed between Northampton Borough Council, Northamptonshire County Council and Commission for the New Towns trading as English Partnerships (now Homes and Communities Agency).

2.2 Under the terms of this agreement, the HCA made financial payments to the Borough Council in respect of the provision of Changing Rooms, Interpretation Centre and Country Park at Upton as part of Upton Country Park phase 1.

2.3 The HCA also laid out the Country Park phase 1, including the establishment of the playing fields and construction of the Elgar Centre. All elements have been subsequently maintained by the HCA.

2.4 In addition to the above, the agreement requires the HCA to construct a play facility of both senior and junior multi-play units in two areas within the playing field land and make a number of further payments which include the Community Hall Contribution, Playing Fields Maintenance Contribution and the Play Facility Maintenance Contribution which total £628,167 plus indexation.

2.5 In turn, the Borough Council has agreed to enter into a transfer of the Country Park phase 1 (including the Playing Fields Land). On 13 February 2013 Cabinet agreed to delegate authority to the Director of Regeneration, Enterprise and Planning in conjunction with the Cabinet

Member for Regeneration, Enterprise and Planning to progress with the transfer of the Country Park phase 1 and the Country Park phase 2 respectively, subject to a number of parameters. Officers are currently working toward the transfer of both elements.

- 2.6 The Country Park phase 2 is a further phase of the wider Country Park, located to the west of phase 1, which is due to be delivered by the Borough Council once this area of land has been transferred to the Council from HCA ownership. This area is subject to an additional agreement. Further payments towards the implementation and future management of this area are due to be made at the time of transfer of phase 2.
- 2.7 The Council are obligated to expend the financial payments received from the HCA only towards the purposes for which they were paid and for no other purpose.

3. PROPOSED VARIATION

- 3.1 A planning obligation contained in a S106 agreement may be modified by agreement between the person(s) against whom it is enforceable and the local planning authority.
- 3.2 Prior to the transfer of either of the Country Park phases, the Borough Council has undertaken discussions with the HCA regarding future implementation of the Country Park as a whole and its ongoing maintenance.
- 3.3 At present, the payments are ring-fenced to either implementation (capital) or maintenance (revenue) and specifically to phase 1 of the Country park only. The HCA are in agreement that the payments that have been/ will be paid to the Borough Council, under the terms of the agreement, may be expended flexibly to implement both phases 1 and 2 and upon maintenance of the park as a whole. This will allow the Borough Council the autonomy to implement the remaining elements of the Country Park as required and subsequently allocate funds and maintain it in the future as one contiguous park.
- 3.4 The HCA are content that the Borough are able to adequately determine the use of the monies in implementing both elements of the country park, without the need for the current restrictive obligations. The obligations contained within the previous agreement must therefore be varied to allow this to progress.
- 3.5 The mitigation provided by the country park and associated works will remain and the Council will have greater independence to implement and maintain both phases of the park in a comprehensive approach.

4. CONCLUSION

- 4.1 The purpose of the original obligation is to provide, develop and maintain a country park. Sanctioning the variation of the obligations Members agree to allow the contributions to be used more flexibly and will assist in delivery of the country park as a whole. The obligation to provide mitigation of the original development will continue and it is therefore considered that the variation is acceptable. It is recommended that Members agree to the recommendation as detailed above.

5. LEGAL IMPLICATIONS

- 5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

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

7. BACKGROUND PAPERS

- 7.1 Cabinet Report – Upton Country Park dated 13 February 2013.



PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Planning and Enterprise
DIRECTOR: Steven Boyes

N/2014/0870: Installation of Slimlite double glazing to the first and second floor windows located on the front elevation of 42-48 Bridge Street, including the repair and redecoration of all windows to the property excluding the shop front windows at 42-48 Bridge Street

WARD: Castle

APPLICANT: Northampton Borough Council
AGENT: N/A

REFERRED BY: Director of Regeneration, Planning and Enterprise

REASON: Council owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to prior referral to the Secretary of State and conditions attached in Paragraph 9 for the following reason:

The proposed works would have no adverse impact on the historic fabric or architectural merit of the listed buildings and are therefore considered to be in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan, Policy BN5 of the submitted West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application is for listed building consent for the installation of Slimlite double glazed units into the existing timber rebates of the front

elevation first and second floor windows to improve insulation to the flats located above Nos. 42-48 Bridge Street which are Grade II listed. No works are proposed to the ground floor shop front windows.

3. SITE DESCRIPTION

- 3.1 Nos. 42-48 Bridge Street form a group of three-storey Grade II listed buildings, built in the early 19th Century, situated within the All Saints Conservation Area. The properties comprise of retail and takeaway uses at ground floor level with flats above. The properties are owned by the Borough Council.

4. PLANNING HISTORY

- 4.1 Applications for listed building consent for each property for internal structural alterations to provide additional support to ceiling/loft joists and a chimney at No. 42 was considered by the Committee in April and May 2014 with Members resolving to approve in principle.
- 4.2 All four applications were referred to the Secretary of State as required by legislation being works to a Grade II listed building owned by the Council and have subsequently been approved and listed building consents granted.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

National Planning Policy Framework (NPPF), paragraph 131 requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets.

5.3 Northampton Central Area Action Plan (January 2013)

Policy 1: Promoting Design Excellence requires all new development in the central area to demonstrate a high design standard and to preserve and enhance heritage assets.

5.4 Supplementary Planning Guidance

All Saints Conservation Area and Management Plan.

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 BN5 of the JCS seeks to conserve and enhance heritage assets stating where valued heritage assets are at risk, the asset and its setting will be appropriately conserved and managed.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Built Conservation** – no objections. The scheme has been developed in collaboration with the Asset Management Team and as such there is no objection to the specification and methodology. The introduction of slimlite double glazed units into the existing frames will improve the energy efficiency and sound insulation of the windows without detriment to the character of the building or its setting.

7. APPRAISAL

- 7.1 The improvements are required to improve insulation to the existing flats and would provide additional noise insulation for the occupiers. The windows are in a dilapidated condition and do little to enhance the appearance of the listed buildings or general character of the conservation area.
- 7.2 It is considered that the works will assist in ensuring a continued viable use of the listed buildings and would not have any significant adverse impact upon the architectural merits or historic fabric of the listed building and would not therefore compromise the significance of the heritage asset.

8. CONCLUSION

- 8.1 The proposed works would have no adverse impact on the historic or architectural significance of the listed building. The proposal would be in accordance with the requirements of the above policies and the National Planning Policy Framework.

- 8.2 As the application site is owned by the Council, in accordance with planning legislation requirements, the application would need to be referred to the Secretary of State for works to a Grade II listed building.

9. CONDITIONS

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the approved plans 001-007 inclusive received 25 July 2014 and the details in Section 7 of the submitted Heritage, Design & Access Statement by Faithful Gould dated 14 July 2014.

Reason: For the avoidance of doubt and to accord with the terms of the listed consent application

10. BACKGROUND PAPERS

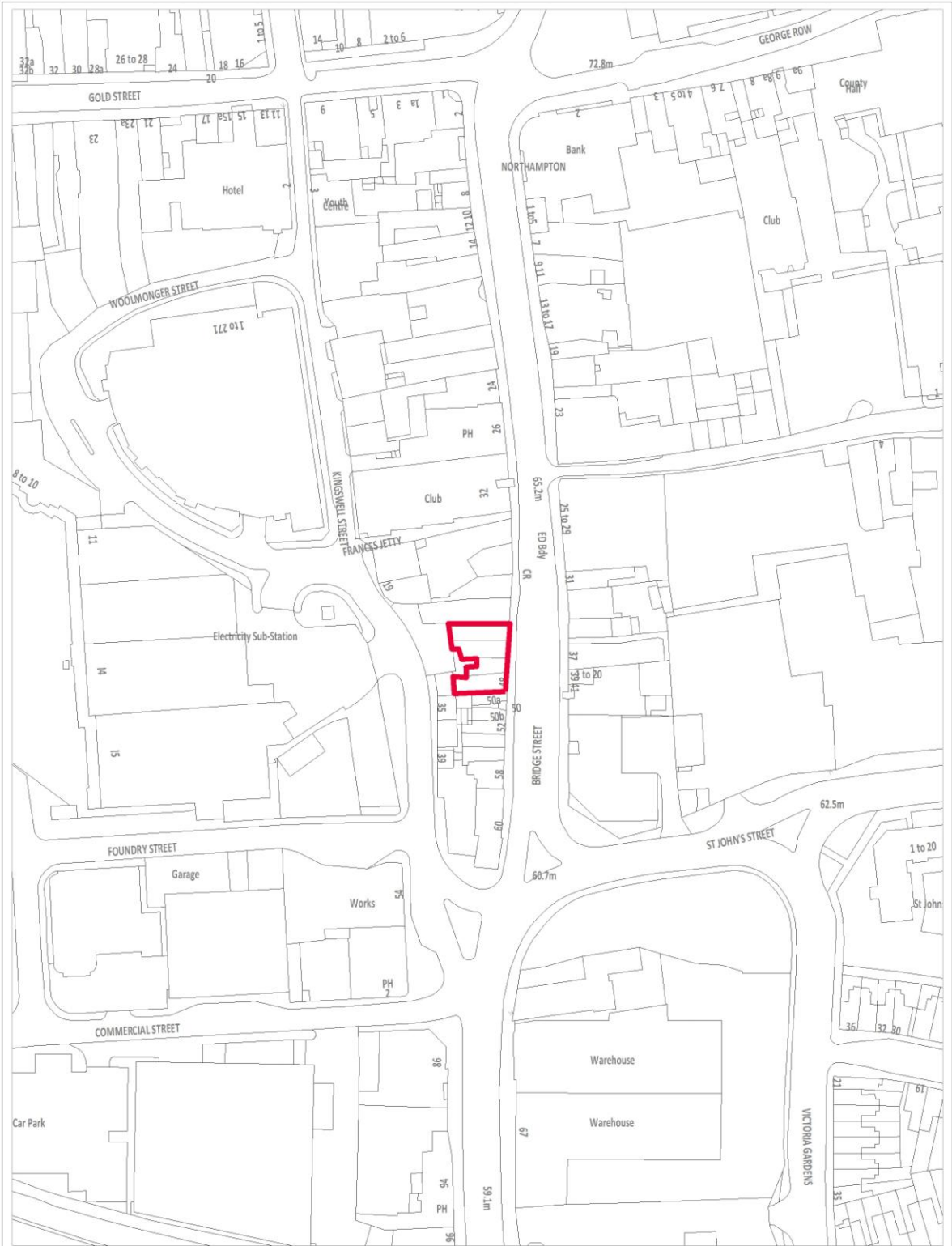
- 10.1 N/2014/0870.

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: 16th September 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
42 - 48 Bridge Street, Northampton

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PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0927: Temporary change of use of Abbey Cottage from residential (Use Class C3) to office and exhibition space

WARD: Delapre & Briar Hill

APPLICANT: Northampton Borough Council

REFERRED BY: Scheme of Delegation
REASON: Borough Council Application

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions attached in Paragraph 9.1 and for the following reason:

The proposal has no adverse impact on the character, appearance or historical significance of the listed building and Delapre Park Conservation Area and the change of use of this building will assist with the long term survival and removal from the Heritage at Risk Register of Delapre Abbey as a whole. The proposed use is considered acceptable and would not cause undue impact on residential and general amenity and highway safety. The proposal thereby accords with Policies E20 and E26 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The proposal is for the change of use of the cottage within the grounds of the Abbey to use for office and exhibition space. This would be for a temporary period of three years and is intended to allow the Delapre Abbey Preservation Trust (DAPT) to occupy the space whilst works are taking place on the Abbey as approved under the previous application. It is anticipated that in the longer term the trust will be provided with office space within the Abbey.
- 2.2 The exhibition space would allow for members of the public to be able to come into the office area, speak with DAPT staff and read information on what is happening with the renovation works at Delapre Abbey. This could also include information on any upcoming events. It is intended this space will be well sign posted and access open to the public 09:00 -17:00.

3. SITE DESCRIPTION

- 3.1 Delapre Abbey is a Grade II* Listed Building dating from 1145 and forms part of a complex of buildings some of which are also listed Grade II. The property is approached by a tree lined drive and sits within a parkland setting located approximately 1 mile from the town centre. The building is within the Registered Battlefield (Battle of Northampton 1460) and the designated Delapre Park Conservation Area. The building is included on the English Heritage 'At Risk' register.
- 3.2 This proposal relates to Abbey Cottage, a building within the grounds of Delapre Abbey, which is currently in residential use.

4. PLANNING HISTORY

- 4.1 Two separate applications for a change of use to a conference centre and to a hotel which were approved in 1988. These consents have now lapsed.
- 4.2 An application in 2010 enabled the temporary use until 2015 of the stable block as a tea rooms.
- 4.3 In 2010 an application was approved for the temporary use until 2015 of the walled garden for the erection of marquees, to be used for weddings and other functions. This allows for 12 events annually.

- 4.4 In October 2013 an application was approved by the Planning Committee for the Repair and refurbishment of Delapre Abbey, 18th Century Stables and Coach House including construction of kitchen building, glazed link to Coach House, rebuilding conservatory; installation of windows and doors; demolition of second floor courtyard WC; change of use of building to include functions/events (Class D2); conferences, guided tours, visitor and heritage centre and ancillary retail (Class D1); offices (Class B1); café and restaurant (Class A3) and holiday lets. Repair and refurbishment of 19th Century Stables including new brick building façade to north elevation; new openings with doors and shutters; new frameless glazed screen and access ramp; demolition of steel barn and lean-to; change of use of building to business studio/workshops (Class B1).

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

National Planning Policy Framework (NPPF)

The NPPF states at paragraph 17 that Planning should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.

At paragraph 126 the NPPF goes on to say that “in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.

5.3 Northampton Local Plan

Policy E20 “New Development” states that the design of any new building or extension should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and that development should be designed, located and used in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy E26 “Conservation Areas” states that development must preserve or enhance the character and appearance of the area, and not include the demolition of any building which makes a significant contribution to the character or appearance of the area.

5.4 Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

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 BN5 “The Historic Environment” of the submitted JCS sets out that heritage assets will be conserved and enhanced and that where heritage assets are at risk they will be appropriately conserved and managed.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 **NBC Conservation** – The application is for the change of use (on a temporary basis) from residential to office / exhibition space. There do not appear to be any physical changes to the building and therefore there are no objections. If physical alterations are necessary listed building consent will be required.

6.3 At the time of writing this report the consultation period was still ongoing and no responses had been received from other consultees, nor had any comments been received from neighbouring residents or in respect of the site and press notices. Any comments received will be reported to committee by means of the Addendum.

7. APPRAISAL

7.1 The main issues to consider are the impact of the proposals on the character, appearance and historic significance of the listed building and the conservation area as well as the impact of the proposed change of use on adjoining occupiers and on the setting of the historic park and the wider area.

- 7.2 There are no physical works proposed to the building and therefore there would be no impact on the appearance of the building. Furthermore, it is not considered that the use as an office and exhibition space use would have any impact on the character of the building or its historic significance, given the temporary nature of the use which would allow for reversion to the previous residential use.
- 7.3 In terms of the principle of the change of use, It is considered that given the temporary nature of the use and the reasons for this, that this use would be acceptable in principle on a temporary basis.
- 7.4 Regarding the impact of the use, it is considered that the use as offices would not be unduly noisy, to the detriment of the residents in the area and whilst the use would generate some traffic, this would not be significant, particularly in the overall context of the construction works which will be ongoing during the period of the use. It is not considered, therefore, that any undue impact on residential neighbours of the site would occur.
- 7.5 It is considered that the proposed use is acceptable in principle and would not have any undue detrimental impact on adjoining residential occupiers or result in any significant adverse impact on the highway network.

8. CONCLUSION

- 8.1 The proposed change of use will facilitate the location on site of the Delapre Abbey Preservation Trust and the provision of exhibition space to keep the public informed of ongoing works. It is considered that the proposal will assist in facilitating the restoration of the Abbey as a whole and providing information on this, and that the use is acceptable in principle on a temporary basis and would not lead to any adverse impacts.

9. CONDITIONS

- (1) The use hereby permitted shall be discontinued on or before September 30th 2017 and the use of the premises shall revert back to residential under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenity of nearby residential occupiers and the preservation of the historic character of the area, as the use is only required on a temporary basis during the restoration of the Abbey. In accordance with Policies E20 and E26 of the Northampton Local Plan, Policy BN5 of the Submitted Joint Core Strategy and the National Planning Policy Framework.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, UARN60212-001A.

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

10. BACKGROUND PAPERS

- 10.1 Application file N/2014/0927.

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: 16th September 2014
Scale: 1:3500
Dept: Planning
Project: Planning Committee

Title

Abbey Cottage, Delapre Abbey

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Addendum to Agenda Items Tuesday 30th September 2014

5. MATTERS OF URGENCY

N/2013/1325 - Section 106 agreement for residential development comprising 69 dwellings with associated access (via Harcourt Way), public open space and local equipped area of play and balancing pond, land off Danes Camp Way

See report attached.

7. OTHER REPORTS

7A

Houses in Multiple Occupation Interim Planning Policy Statement

No update.

7B

LA/2000/0009 – variation of s106 obligations at land at Upton

No update.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9A

N/2014/0870

**Installation of Slimlite double glazing to the first and second floor windows located on the front elevation of 42 - 48 Bridge Street. Including the repair and redecoration of all windows to the property excluding the shop front windows
42-48 Bridge Street**

The Town Centre Conservation Areas Advisory Committee has no objection.

9B

N/2014/0927

**Temporary change of use of Abbey Cottage from residential (Use Class C3) to office and exhibition space
Abbey Cottage Delapre Abbey, London Road**

English Heritage have responded stating that they are supportive of the application and recommend approval, with an appropriate condition allowing the cottage to revert to residential use in the future.

10. ITEMS FOR DETERMINATION

10A

N/2014/0315

**Outline planning application with all matters reserved except access (from Bective Road and Whiston Road) for a residential development comprising 170 dwellings and public open space
Former Green Oaks Primary School, Bective Road**

Change to recommendation:

As comments from the Highway Authority are still outstanding, it is requested that determination of the application be delegated to the Director of Regeneration, Enterprise and Planning to determine in order to allow discussions between officers, the developer and the Highway Authority to continue. It is also requested that delegated authority be given to add to or amend the list of conditions as set out within Section 9 of the Committee Report and to negotiate additional Section 106 Agreement Heads of Terms in respect of this matter as may be appropriate.

Representations have been received from a resident raising concern that disused service roads may be used for vehicles (including construction traffic).

Officer's Response:

The only vehicle access points would be from Bective Road and Whiston Road as discussed within the Committee Report. A condition is recommended (no.9), which requires that a Construction Environment Management Plan be submitted to the Council for approval prior to the commencement of development. This document would include details of the routing of construction traffic.

10B

N/2014/0532

**Change of use from public house (Use Class A4) into 10 bed house of multiple occupation (Sui Generis) together with extension
Shoemakers Tavern, 52 Bath Street**

Members are informed that a nomination has been made by Spring Boroughs Voice Neighbourhood Forum that 52 Bath Street should be included on the Council's Register of Assets of Community Value, which has yet to be determined by the Council. If it was determined that the property should be included in this register, this would mean that if the owners wish to sell the property, a moratorium period would be imposed, during which time community groups would have the opportunity to bid for the purchase of the property, for community use. Even if the property were to be included in the register, it would not prevent the change of use of the property, and any purchase by a community group would be at market value.

In this case it is considered, based on legal advice, that as the nomination has not been determined, this cannot be considered as representing a material planning consideration in the determination of this planning application. Furthermore, it would be unreasonable to defer determination of the planning application until this has been determined. If the property is subsequently included on the register then the moratorium period as described above would apply whether or not a change of use has been approved or implemented.

10C

N/2014/0629

**Erection of 54 dwellings; a new foodstore of 1,534 sqm gross internal area and 1,140 sqm net sales floorspace with ancillary office accommodation; 90 customer car parking spaces including 7 disabled spaces associated with the new foodstore; A new signalled highways access junction on Kingsthorpe Road and full landscaping scheme
Grose Motors, Kingsthorpe Road**

Further representations have been received from **Northamptonshire Police's Crime Prevention Design Advisor**, confirming that the revisions to the scheme satisfactorily address concerns that have previously been raised

The **Highway Authority** has considered the latest amendments to the scheme and raise no objections subject to a condition covering the technical approval of the junction details and Section 106 obligations relating to the provision of highway improvements and bus shelters.

Officer's Response:

Technical details relating to the junction design (and a programme for implementation) would be secured through Condition 8 as set out within the Committee Report. The draft Section 106

Heads of Terms (paragraph 1.2) includes the securing of payments to fund the necessary highway improvements.

Comments have been received from **Michael Ellis MP**, which raises concerns regarding the potential impacts of the development upon the privacy levels of the adjacent school and potential impacts upon noise levels.

Officer's Response:

The applicants have confirmed, in writing, that they would be willing to erect a 3m high fence to the rear of those dwellings adjacent to the northern boundary in order to maintain the privacy levels of the school. The recommended conditions would prevent the insertion of additional windows in the northern elevation of the dwellings adjacent to the school without a further application being made to the Council. Noise emanating from plant and equipment associated with the supermarket has been considered; conditions are therefore recommended that would require that the operation of this apparatus only takes place at a noise level that would not cause demonstrable harm to the amenities of surrounding properties, including the school.

10D

N/2014/0891

Installation of a freestanding, self-contained automatic public convenience installed within car park

The Mounts Surface Car Park, Upper Mounts

No update.

10E

N/2014/0907

Extension to existing bowling club building to provide changing and locker room. Re-submission of planning approval N/2014/0473

Indoor Bowls Centre Kingsthorpe Recreation Ground, Harborough Road

No update.

10F

N/2014/0994

Application to vary section 106 agreement in respect of application 07/0004/OUTWNN to amend the mortgagee clause

Former Princess Marina Hospital site, Weedon Road

No update.



PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0315: Outline planning application, with all matters reserved except access (from Bective Road and Whiston Road) for a residential development comprising 170 dwellings and public open space at former Green Oaks Middle School, Bective Road

WARD: Sunnyside

APPLICANT: Mr D. Smith Northamptonshire County Council

AGENT: Mr T. Bode; Atkins

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Major development requiring a legal agreement

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PINCIPLE subject to conditions and for the following reason:

The proposed development would result in the satisfactory reuse of this previously developed site on account of the proposal representing a sustainable residential development that would address the established need for housing within Northampton. Furthermore, the proposal has established a number of acceptable design parameters that would ensure that the proposed development would be of a satisfactory scale and design whilst ensuring a neutral impact upon the site's mature trees, heritage assets and neighbour amenity. The proposal is

therefore in compliance with the National Planning Policy Framework, Local Plan Policies E11, E19, E20, E40 and H7.

- 1.2 The prior completion of a Section 106 Legal Agreement to secure:
- i) 35% on site affordable housing;
 - ii) A payment towards primary and secondary education provision;
 - iii) A payment towards the provision of health care facilities;
 - iv) A payment towards the provision of and/or enhancements and maintenance of public open space
 - v) The provision of at least 0.6ha of on-site open space and for this space to be continually maintained and made available for public access;
 - vi) A payment towards the provision of highway improvements within the vicinity of the site;
 - vii) A payment to fund improvements to bus shelter provision within the vicinity of the site and their ongoing maintenance;
 - viii) A scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
 - ix) The Council's monitoring fee.
- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The applicant seeks outline permission to erect 170 dwellings, with all matters reserved with the exception of access. The development would include two vehicular access points, which would be situated within Bective Road and Whiston Road.
- 2.2 As the application is in outline form, no finalised layouts have been submitted; however, the submitted documentation details that the resultant residential buildings would be between one and three storeys on site, with the dwellings having between one and four bedrooms. The indicative layout demonstrates that there would be a variety of surface treatments across the development.

3. SITE DESCRIPTION

- 3.1 The application site was originally developed as a school during the early to mid part of the twentieth century in order to serve the growth of Northampton. Following a reconfiguration of education provision within

Northampton, in 2006, part of the site was redeveloped to form the Green Oaks Primary School (accessed from Whiston Road). The remainder of the site (with an area of approximately 3.6ha) has been vacant since that time, with the site having now been cleared.

- 3.2 The immediate surroundings are characterised by the presence of residential accommodation. These are generally terraced and semi-detached properties that date from the early-mid part of the twentieth century. In contrast to this, there are some more modern houses adjacent to the Bective Road entrance to the site. Demand for car parking to serve these properties is met through a combination of on street and in curtilage provision. The wider area includes the allocated Kingsthorpe centre, which is approximately 340m to the west of the application site. There is also some designated public open space in close proximity to this allocated centre.
- 3.3 The site features some variations in land levels; however, the application site is on land that is of a higher level than much of the immediate surroundings. As a consequence of this, the site has a certain prominence within the area, although views onto the site from public areas are limited due to the pattern of development within the surrounding area.

4. PLANNING HISTORY

- 4.1 An outline application was submitted in 2005 to redevelop this site for residential purposes. This scheme was the subject of a number of amendments; however, it was withdrawn in 2011 without a decision being issued.

5. PLANNING POLICY

5.1 Development Plan

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

National Planning Policy Framework (NPPF)

- 5.1 Of particular note is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development

plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

- 5.2 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed uses (paragraph 17).
- 5.3 The NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.
- 5.4 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.
- 5.5 Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Northampton Local Plan

- 5.6 Policy L2 allocates this site as an education establishment and states that planning permission to redevelop the site should only be granted in instances where it can be demonstrated that the land or facilities is not needed in the long term for recreation or leisure purposes and that the site should not have any significant amenity or landscape value; that the scheme retains provides adequate outdoor or indoor recreational facilities for public use; and that any existing sports and recreation facilities can be retained or enhanced.
- 5.7 Policy E19 requires that new developments offer sufficient mitigation against its impacts; Policy E20 states that new buildings should be of an appropriate design; Policy E40 requires that new developments pay sufficient regard to minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.
- 5.8 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

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

Supplementary Planning Guidance

- 5.13 Affordable Housing
Developer Contributions
Parking
Planning out Crime

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request a condition relating to the submission of a strategy for managing surface water run-off.
- 6.2 **Archaeological Advisor (NCC)** – Recommend a condition related to the investigation of archaeological deposits.

- 6.3 **Construction Futures** – Request a Section 106 obligation to fund and provide construction worker training opportunities.
- 6.4 **Development Management (NCC)** – Section 106 obligations are requested to fund the provision of the education system, the fire and rescue service and libraries. It is also requested that the additional fire hydrants are provided.
- 6.5 **Environment Agency** – Recommend conditions with regards to drainage.
- 6.6 **Environmental Health (NBC)** – Request that mitigation be secured with regards to air quality and recommend an investigation into potential contaminants to be secured via condition.
- 6.7 **Highways Agency** – No objections.
- 6.8 **Highway Authority (NCC)** – Request further information regarding the submitted transport assessment and junction design. In addition, in the event of approval, the Section 106 Agreement should secure improvements to the surrounding road network and bus shelter provision. It is also requested that the pedestrian routes from the site to Boughton Green Road are lit.
- 6.9 **Housing Strategy (NBC)** – The development should provide 35% affordable housing, of which 70% should be for social/affordable rent tenures and 30% for shared ownership tenures. 10% should be constructed to mobility standards.
- 6.10 **National Grid** – The development would be carried out in proximity to National Grid apparatus. The developer should contact National Grid prior to commencing works.
- 6.11 **Northamptonshire Police Crime Prevention Design Advisor** – No objections in principle but make a number of recommendations to be taken forward to the reserved matter stage.
- 6.12 **Urban Designer (NBC)** – Recommend that there should be a more focussed street hierarchy so that there are clear routes across the development. It is also considered that a strategy should be devised so that car parking areas are as attractive as possible.
- 6.13 11 letters of objection have been received, comments can be summarised as:
- The proposal would generate excessive congestion.
 - Demand for on street car parking within the area is high. As a result, the streets feature a high number of parked cars, which reduces capacity.
 - Road usage within the area is already very high.
 - The density of the development is too high.

- Since falling into disuse, the site has become a good wildlife habitat.
- The proposal does not include the provision of a community hall.
- The development should not prejudice the use of private access roads, particularly as wear and tear would increase.

6.14 Additional information has been submitted to address the points raised within paragraph 6.8. At the time of preparing this report, the comments of the Highway Authority are awaited. An update will be provided to members via means of the addendum, which will be circulated prior to the Committee meeting commencing.

7. APPRAISAL

Principle of the development

- 7.1 Whilst it is accepted that the site has an allocation within the Local Plan as being a school site, it should be noted that the school has been vacant for a number of years and the site has been cleared. As a consequence of this, there is no realistic likelihood of the site being used for education or community uses within the foreseeable future. Furthermore, the site does not have any significant landscape value or facilities that could be used for sports or leisure uses. As a consequence of this, it is considered that the development of this site for residential purposes would not be in breach of Local Plan Policy L2.
- 7.2 It should be recognised that the Local Plan is exceedingly dated and as a consequence, more recent policy documents carry a significant amount of weight. In particular, the submitted JCS recognises that there is a significant need for delivering new housing within the existing built fabric of Northampton. In addition, the NPPF requires that local authorities demonstrate a five year supply of housing land. The bringing forward of this site for residential uses would contribute towards addressing these issues.
- 7.3 By reason of the site's positioning within an existing residential area and relative proximity to an allocated centre containing a mix of retail and commercial facilities, in addition to good public transport links, combined with the general availability of schools and open space within the area, it is considered that the proposal represents sustainable development and is therefore acceptable. The sustainable nature of the proposal is further emphasised by the fact that the development would result in a previously used site being bought back into a productive use.
- 7.4 Of the provided dwellings, 35% would be secured for use on affordable tenures and a minimum of 10% of the development would be constructed to the Council's mobility standards. These factors when combined with the mix of dwellings in terms of houses and apartments and the likely variation in bedrooms means that a development would be provided that would include a significant amount of choice in terms

of house type, which would be in conformity with the aims and objectives of the NPPF.

- 7.5 As discussed within paragraph 3.2 of this report, the site was previously used as a school and prior to that was an undeveloped site. Nonetheless, there is a risk arising from potential contaminants, such as those that are naturally occurring. As a result of this, a condition is recommended that would require a thorough investigation into this matter and, if necessary, identifying a suitable mitigation strategy.
- 7.6 It is noted that the comments have been received from the Council's Environmental Health section regarding the potential impact of the development upon the Air Quality Management Area within Harborough Road. Whilst these points are noted, it is considered that as the site has a historic use that would have potentially generated a significant amount of traffic, combined with the design of the development, which includes significant pedestrian links to the surrounding area, the overall impact upon air quality of this area would not be significant. The Section 106 Agreement could secure some practical works (such as improvements to bus shelter provision) to reduce the impact of the development upon air quality.
- 7.7 In order to secure a good standard of development, conditions relating to the provision of foul water drainage and the implementation of the submitted strategy for managing surface water run-off are necessary and reasonable.

Design and appearance

- 7.8 As this application is in outline form with all matters reserved with the exception of access, the developer is not required to submit detailed plans showing proposed layout or elevations. Nonetheless, an indicative layout has been submitted that demonstrates that the site could accommodate a development of the number of units proposed, whilst ensuring a satisfactory standard of amenity for the future residents of the development, including the provision of sufficient private garden space. It is accepted that the likely number of units would result in a relatively high density; however, this would not appear incongruous given the character of the site's environs.
- 7.9 The indicative layout includes the provision of a centrally located area of public open space, which is necessary to ensure that the future needs of occupiers of the development are satisfactorily addressed. As this is an outline application, the final position and design of this space would be considered during the reserved matters stage. However, in order to provide some certainty, it is recommended that the associated Section 106 Agreement includes the provision of a minimum level of space (0.6ha) and for this space to be maintained and be available for public access in perpetuity. The proposed indicative layout also includes a reasonable amount of landscaping within public areas,

which is sufficient to create a strong sense of place and a distinct identity for the proposed development.

- 7.10 In terms of the comments received from the Council's Urban Designer, it is recognised that a request has been made for a clearly defined primary street across the development; however, this needs to be balanced against the desirability of deterring 'rat running' across the site. As a consequence, the shared surface approach around the central area of open space is appropriate as it would promote the more residential feel of the development and therefore encourage lower vehicle speeds. This would therefore make the road less attractive to those seeking a short cut.
- 7.11 The development also includes the potential for pedestrian routes to the wider area, including Ruskin Road and Bective Road which assists in creating a sustainable and inclusive form of development by promoting non-car journeys within the vicinity.

Impact upon neighbouring properties

- 7.12 This is an outline application and therefore the siting and position of each unit is not fixed; however, in order to provide some certainty regarding the scale of the development, a condition is recommended that would place a maximum limit upon the number of units that would be accommodated on site. Given the primarily low level character of the surrounding buildings, a further condition is also proposed limiting buildings to a maximum of three storeys in height with the bulk of the buildings adjacent to the site boundaries being between one and two storeys. These mechanisms are considered sufficient to ensure that the development has a neutral impact upon the amenities of the occupiers of existing properties.
- 7.13 It is accepted that the carrying out of the development is likely to create some noise and disturbance during construction works. In order to counteract this, a condition is recommended that would require the submission of a Construction Environment Management Plan (CEMP) prior to the carrying out of any development. This plan would cover, but would not be limited to, matters such as the hours in which buildings works would take place, strategies for the suppression of dust and noise and facilities for the washing of wheels of construction vehicles.
- 7.14 The proposed development includes the reopening of the site's entrance onto the pedestrian route that runs from Ruskin Road (which also serves as access to a number of properties within this street). Whilst it is accepted that usage of this path would increase over the current situation due to the non-operation of the school site, it is considered that the level of usage of the path is unlikely to be significantly more intense than that associated with the school use. Moreover, it is likely that usage would be staggered over longer periods of the day. As a consequence, it is likely that this situation would not

cause any undue detrimental impact upon existing residents, whilst promoting more sustainable means of travel.

Highway impacts

- 7.15 The matter of access has not been reserved for future consideration, with the applicant proposing two vehicular entry points (one each from Bective Road and Whiston Road). This approach is considered to be appropriate as it would enable a more even distribution of traffic from the site. The indicative layout shows that the internal roadways would be reasonably sinuous and would, in key sections, feature shared surfaces. These arrangements are considered sufficient to prevent any significant 'rat running' across the development.
- 7.16 The application has been revised in order to alter the design of the access points of the site to improve visibility and to enable the safe movement of vehicles. These revisions would therefore ensure that the proposed access is safe and of an appropriate design to address the likely demands of the proposed development.
- 7.17 Although the site has been vacant for a number of years, it should be recognised that it was previously used as a large school. As a consequence of this, the former use of the site would have also attracted a significant amount of traffic and as a result, the development of this site for residential purposes would not pose any unduly significant impact upon the highway network.
- 7.18 The applicant has submitted a Transport Assessment, which has concluded that proposed development would not have a significant adverse impact upon the highway network. The Highway Authority has sought clarification on a comparatively small number of points, which have been addressed by the applicant. At the time of preparing this report, the revised comments from the Highway Authority are awaited. An update will therefore be provided to members at the Committee meeting. Notwithstanding this assessment, it is likely that the proposal would result in an increase in the level of traffic using the surrounding road network, which should be mitigated. As a consequence, it is considered that a Section 106 obligation to make road improvements is necessary and reasonable.
- 7.19 The highway authority has requested a Section 106 obligation for the provision of new bus shelters (including a payment to fund their on-going maintenance). This is considered to offer some mitigation from the impacts of the development in the form of encouraging more sustainable forms of travel. This would also contribute to improving air quality within the vicinity of the site as discussed within paragraph 7.6.

Trees and ecology

- 7.20 It is accepted that the site is predominantly scrub at this moment; however, there are a number of mature trees, albeit none covered by

any Trees Preservation Orders. The applicant has carried out a full assessment of the health and wellbeing of the site's trees and has identified a number for retention. The trees that are to be removed are generally of poor quality species or health. As a result of this, the development would not have an adverse impact upon the natural landscape and is in accordance with the requirements of Local Plan Policy E11.

- 7.21 The site has been the subject of an ecological assessment, which has identified evidence of some badger activity on site; however, due to the scale of planting, in addition to the presence of debris in proximity to a potential sett, it is likely that the sett has only been used on an intermittent basis. Although the site features areas of rough grassland and scrub, which would potentially form shelter and a foraging area for reptiles, no evidence of their activity was observed on site. In addition, there is limited evidence of bat activity on site.
- 7.22 The redevelopment of the site could bring forward some ecological benefits in terms of enhancements to landscaping (such as in the use of native species); however, these are matters that would be addressed during the reserved matter stage. The submitted ecology assessment recommends that prior to any development commencing additional surveys into the presence of badgers and bats are carried out in order to ensure that such species are not harmed as a result of this development coming forward.
- 7.23 The ecology assessment also recommends the installation of bird and bat boxes in order to enhance biodiversity of the site. This is considered to be a worthwhile objective and would be secured by condition.

Legal Agreement

- 7.24 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.25 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.

- 7.26 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards improvements to public open space, the health service and construction worker training opportunities. These matters address on going shortages of provision within the vicinity of the application site that would be further exacerbated if this development to proceed without the legal obligations.
- 7.27 Development of this type would ordinarily secure, via the Section 106 Agreement, payments towards education provision. Although the proposed composition (in terms of unit types) of the development is unknown at this stage, it is reasonable to assume that a significant proportion of the development would be in use as family accommodation. As a consequence of this, it is likely that the development would place a greater pressure on school provision within the area. Therefore and with reference to the legal tests as described previously, an obligation to secure enhancements to primary and secondary education is necessary and reasonable. The County Council has also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured needs would be addressed by this obligations. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and does not need to be replicated as part of the planning process.
- 7.28 The Section 106 agreement would also secure payments towards the provision of new bus shelters within the vicinity of the site. Separate to this point, the Highway Authority has requested funding to enable each household of the development to be provided with a temporary travel card in order to promote the use of public transport. Whilst the aims of this suggestion are laudable, it is extremely doubtful that the proposal would have lasting mitigation in terms of enabling a modal shift in travel patterns. The Highway Authority has also requested that the pedestrian route from the application site to Boughton Green Road be lit. Whilst the rationale behind this request is noted, it is understood that the part of this route is not within the control of the applicant and as a consequence, such a provision could not be secured. Furthermore, the scale of the works relative to the nature of the proposal means that this request would not comply with the legal tests discussed within paragraph 7.24.
- 7.29 It is noted that the representations have been submitted requesting that a community centre be provided on site. In respect of this point, it is noted that there is no development plan policy that would support such a provision for a development of this size. In addition, the scale of the proposed development is such that the provision of a community centre on the site could not be justified in terms of the legal tests as discussed previously.

8. CONCLUSION

- 8.1 The proposed development represents the efficient and sustainable reuse of this previously developed site and in addition the proposal would contribute towards addressing the established need for housing within the borough. The applicant has submitted a number of indicative parameters, which are sufficient to ensure that the resultant development would have a neutral impact upon the character and appearance of the locality and neighbour amenity.

9. CONDITIONS

- (1) Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans schedule.

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

- (5) The development hereby permitted shall be for a maximum of 170 dwellings.

Reason: For the avoidance of doubt and to ensure conformity with the National Planning Policy Framework.

- (6) The development hereby permitted shall be carried out in accordance with the submitted Building Heights Parameter Plan.

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

- (7) A phasing plan for the implementation of the residential development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- (8) The access arrangements with Bective Road and Whiston Road as shown on drawings 5125794.TG.GA/005; 5125794.TP.GA.006 and the Access and Movement Parameter Plan shall be constructed prior to the first occupation of the development hereby permitted and retained thereafter.

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

- (9) Prior to the commencement of each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.
 - vi) Measures to prevent mud being deposited on the surrounding highway.
 - vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework.

- (10) No development shall take place on each phase of the development until a desk top study in respect of possible contaminants within that phase is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local

Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion of each respective phase

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

- (11) 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 and where remediation is necessary a remediation scheme must be which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- (12) No building works, which comprise the erection of a building required to be served by water services shall be undertaken in any phase of the development hereby permitted until full details of a scheme including phasing for the provision of mains foul sewage infrastructure has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme, which shall be retained thereafter.

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

- (13) No hard-standing areas shall be constructed until the works have been carried out in accordance with the submitted surface water strategy (as contained within the Flood Risk Assessment – Level 2, dated March 2014) have been fully implemented.

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

- (14) Prior to the first occupation of each phase of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the phase and retained thereafter.

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

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

Reason: To ensure adequate provision is made for people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

- (16) The development hereby permitted shall be carried out in accordance with the recommendations contained within paragraphs 5.6 and 5.7 of the submitted ecological appraisal dated January 2014, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

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

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework.

- (18) 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.

10. BACKGROUND PAPERS

10.1 N/2014/0315

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.



PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0532: Change of use from public house (Use Class A4) into 10-bed house of multiple occupation (Sui Generis) together with extension at former Shoemakers Tavern, 52 Bath Street

WARD: Castle

APPLICANT: Town and Country Properties (GB) Ltd
AGENT: Planning and Development Solutions

REFERRED BY: Cllr Stone
REASON: Overdevelopment and cuts across the proposed neighbourhood plan

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would not have an undue detrimental impact on the character of the locality or on residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the National Planning Policy Framework and Policies E20 and E26 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The proposal was originally for the change of use of the former public house, which has been closed for some time, to an 11 person house in multiple occupation. The scheme has subsequently been amended to reduce the number of residents to 10 together with a small single storey extension to the rear.

- 2.2 Three off-street car parking spaces will be provided including cycle and bin storage areas.

3. SITE DESCRIPTION

- 3.1 The site is located at the corner of Lower Cross Street and Bath Street. It comprises a two storey former public house, which is of a traditional design for a building of this type. The surrounding area consists largely of flatted development of various ages and styles.

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

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 50 states that local authorities are required to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive, mixed communities by identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

5.3 Northampton Local Plan 1997 (Saved Policies)

The Local Plan states in Policy E20 that new developments should be of an acceptable design, whilst Policy H30 sets out the criteria for assessing proposals for Houses in Multiple Occupation. These are that the property should be of sufficient size to accommodate the proposed use, the use would not lead to an over-concentration of similar uses in the locality and would not lead to substantial demand for on street parking in area experiencing local difficulties.

5.4 Central Area Action Plan (CAAP)

Strategic objectives SO7 is to repopulate the Central Area, to substantially increase the resident population through the redevelopment of redundant industrial areas and the regeneration of Spring Boroughs.

Policy 24 sets out the detailed priorities for Spring Boroughs, one of which is to encourage a more balanced community in terms of age, wealth, household size and reducing the turnover of residents, through to appropriate provision of housing management, housing types and tenures and access to necessary social and physical infrastructure.

5.5 Other Material Considerations

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

Policy H6 of the JCS states that the existing housing stock will be managed and safeguarded by allowing houses in multiple occupation (HiMOs) where they would not adversely affect the character and amenity of existing residential areas.

In December 2013, the Borough Council formally designated Spring Boroughs as a Neighbourhood Area and “Spring Boroughs Voice” as a Neighbourhood Forum, for the purposes of preparing a Neighbourhood Plan. Due to the early stages of the Neighbourhood Plan preparation, the Plan is considered to carry little weight at this time.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Environmental Health** – Suggest that the bin store area is conditioned to ensure that this is constructed and retained for future residents. Also suggest that the Private Sector Housing team are consulted for their comments.
- 6.2 **Private Sector Housing** – *Comments on original plans for 11 person Himo* - The space and bathroom, toilet facilities indicate that the property will be suitable to let to 11 individuals from 11 separate households. However the kitchen facilities only meet the standards for 10 persons, for 11 - 12 tenants at least two separate kitchens are required containing 3 sets of kitchen facilities.

- 6.3 **Private Sector Housing – Comments on amended plans for 10 persons** - The property has been assessed based on the plans submitted against the Housing Act 2004. The space and bathroom, toilet facilities indicate that the property will be suitable to let to 10 individuals from 10 separate households. The kitchen will require two complete sets of facilities. The property will require an automatic fire detection system, fire doors etc. Bins are required for each household.
- 6.4 **Police Crime Prevention Design Adviser** – The gates should be automatic and the bin store should be lockable. There is also a need for details of the cycle store, access control and other security measures.
- 6.5 **Local Highway Authority** - Parking area to be retained and constructed with a hard bound surface for first 5m back from the highway boundary, any gate to be 5.5m back from the boundary.
- 6.6 **Spring Boroughs Neighbourhood Forum – Comments on original plans** - The Spring Boroughs Neighbourhood Forum was shocked to see this application had been submitted. As people are aware the Spring Boroughs Area is one of great need but also a great community to live/work in. Whilst the neighbourhood plan is not yet drawn up the three priorities for the area so far identified and consulted upon are: to enable new family homes to be built in Spring Boroughs; to provide more play spaces for younger and older children; to provide a central community centre. Object to this application on the grounds of overdevelopment of the site; it does not increase family housing; residents of this development would need to use shared bathroom facilities; lack of car parking spaces; a loss of community space.
- 6.7 **Spring Boroughs Neighbourhood Forum – Comments on amended plans** - The updated plans do not address any concerns, there are too many bedrooms and not enough living space. The proposal is contrary to CAAP Policy 24. The Spring Boroughs Neighbourhood Forum has been designated under the Localism Act 2011 and is currently preparing a plan for the regeneration of the area, this proposal is contrary to community consultation where local residents have stated that any residential developments should be "Family sized properties with Gardens".
- 6.8 **Spring Boroughs Residents Association – Comments on original plans** - consider it to be an appalling application and misuse of the site. Insufficient detail has been provided on the plan submitted. Deplorable lack of facilities for the number of people proposed, insufficient space for each person.

Lack of parking. Development will be a hostel. Residents will have partners, girlfriends, boyfriends and friends to stay leading to even more overcrowding in an already crowded house. Only one kitchen facility for all of the residents/visitors is not good enough. Not enough toilet/washing facilities for residents/visitors. Health concerns. No parking facilities in an area that suffers from lack of parking.

- 6.9 **Spring Boroughs Residents Association – Comments on amended plans** – Concerns over entry and access points, kitchen facilities, parking, living space, access. Request that permission should be refused.
- 6.10 **Councillor Danielle Stone** – Object to the hostel nature of what is planned. Not appropriate to offer dwellings with shared facilities. Other issues regarding overdevelopment include car parking, rubbish disposal and pressure on local services. None of the consultation in the Neighbourhood Forum has suggested hostel type facilities, rather the need for family housing has been identified. *(Councillor Stone also expressed concern that a hostel was proposed and that vulnerable people may be accommodated – it has been confirmed with the agents that this is not proposed).*
- 6.11 Representations received from neighbouring properties at 14 Priory House, 106 Omega House, 37 St Peter’s House and 6 Simons Walk, with verbal comments also recorded from the occupant of 2 Priory House , raising the following points in summary (in respect of original plans, no further comments received in respect of revised plans):
- Insufficient car parking – two spaces for 11 units
 - Insufficient detail to see what is proposed
 - Over development
 - Loss of community resource
 - Amount of space per person would not be sufficient
 - Would not create a balanced community as Spring Borough has twice the number of single households as Northampton as a whole.
 - Would exert further pressure on local infrastructure.
 - People don’t lead isolated lives, visitors would need to share the little space available.
 - Request that gates are of a height to prevent overlooking, due to previous problems of antisocial behaviour from the pub.
 - Insufficient facilities, with only 1 kitchen for 11 units.

- 6.12 Letter received from the applicant stating that if the application is refused the use may have to revert to a pub, accompanied by signed copies of a flyer distributed by the applicants, signed from 33 residents in the area and from one business, stating a preference for residential use rather than re-opening as a pub. Further comments made on one of these that a pub has never worked and has led to trouble. One additional flyer returned unmarked therefore not expressing a preference.

7. APPRAISAL

Principle of residential use

- 7.1 The principal issue to consider in respect of planning policy is whether residential use for the building is acceptable. The NPPF directs that local authorities provide a range of homes and tenure to ensure that people's housing requirements are met.
- 7.2 The CAAP seeks to encourage a more balanced community through the provision of various housing types and tenures. The proposal is for a house in multiple occupation, of which there are very few in the area at present and this would therefore assist in contributing to this mix of types, providing lower cost accommodation for which there is demand.
- 7.3 Whilst there are aspirations for more family housing in the area, the proposal relates to the change of use of an existing building to a house in multiple occupation and the application will therefore need to be considered on its own merits.
- 7.4 Reference has been made to the Neighbourhood Plan for the area by objectors, however given the early stage of preparation of this plan, this cannot be considered to carry significant weight, however this plan will be in conformity with CAAP policy 24, which is discussed above.
- 7.5 It is therefore considered that a residential use, of the type proposed, is acceptable in principle.

Suitability of the premises for the proposed use

- 7.6 Policy H30 of the Northampton Local Plan remains a relevant consideration. This sets out the following detailed criteria for the consideration of a HiMO use:

A) Whether the premises are of sufficient size

- 7.7 The first of the criteria under Policy H30 is that the property should be of sufficient size to accommodate the use proposed. In this respect, comments from Private Sector Housing on the initial plans indicated the requirement for a second kitchen for over 10 residents.

Amendments were therefore made to the plans to reduce the occupancy to 10 residents, thereby removing this requirement and it has now been confirmed by Private Sector Housing that the facilities would be adequate for 10 residents. In addition, a small extension will be added to enlarge one of the bedrooms. On this basis it is considered that the premises are of sufficient size and the proposal would comply with this criterion of Policy H30.

B) Whether there would be an overconcentration of such uses

- 7.8 Policy H30 also states that the change of use should not result in an overconcentration of such uses in the area. The area surrounding the application site is characterised by flatted development, however, records held by the Council indicate very few HiMOs in this area and therefore the proposal would comply with this criterion on the policy.

c) Parking

- 7.9 The final criteria of the policy relates to parking. In this respect, three spaces are proposed for 10 bedrooms. It is considered that the use is of a type which would not generally attract high level of car ownerships and which is in any event in close proximity to the amenities and transport links of the town centre, meaning that occupiers need not have cars. It can be noted also that there has been no objection raised by the Highway Authority.

Impact on the character and amenity of the area

- 7.10 It is also necessary to consider the impact on the character of the area from physical changes to the property.
- 7.11 The proposal in fact indicates very limited physical changes to the building, principally these related to the infilling of the existing doorway and some additional windows. A small extension is proposed to the rear but it is considered that the proposed design would be in keeping with the existing building and would not cause undue impact on nearby properties due to great separation distance. On this basis it is considered that the street scene would not be unduly affected.
- 7.12 There are also benefits in bringing a vacant property back into use, not just from its improved physical appearance but also as an occupied property is more likely to contribute to the character of the area than a vacant unit, which can also be prone to vandalism.

Impact on neighbouring residents

- 7.13 The premises are located in a residential area and it is considered that a residential use in this area would not in itself have a detrimental impact on existing residents.

Whilst the intensity of the use could, in theory, have more impact than the small level of family housing which could be accommodated on this site, this would not necessarily be the case and any anti-social behaviour which may result from the occupiers of either type of residential use is a matter which falls outside the scope of a planning application. However, it is relevant to note that there was reportedly a problem with anti-social behaviour from the previous use, and this use would be removed by this proposal.

Other matters

- 7.14 Comments from the Local Highway Authority refer to the need for the gates to be set back 5.5m. It is considered that setting back the gates would result in a feature which would be alien to the street scene and would also be a security risk for the residents of the building. It is not considered that this can reasonably be justified in any event, due to the fact that this access is for only three cars.

8. CONCLUSION

- 8.1 It can be concluded that the principle of using the property as a HiMO is acceptable as is the detailed layout and that the character and amenity of the area and its residents would not be adversely affected by the proposed change of use.

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: A0292-001, A0292-002, A0292-005a, A0292-006 and A0292-007.

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

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

4. The premises shall be used as a house in multiple occupation for a maximum of 10 residents only.

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

5. 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 H30 of the Northampton Local Plan.

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

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

7. Full details of the proposed surface treatment of the access, parking and turning areas, which for the avoidance of doubt shall include a hard bound surface for first 5m back from the highway boundary, shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed in accordance with the approved details prior to the commencement of the use and retained thereafter.

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

10. BACKGROUND PAPERS

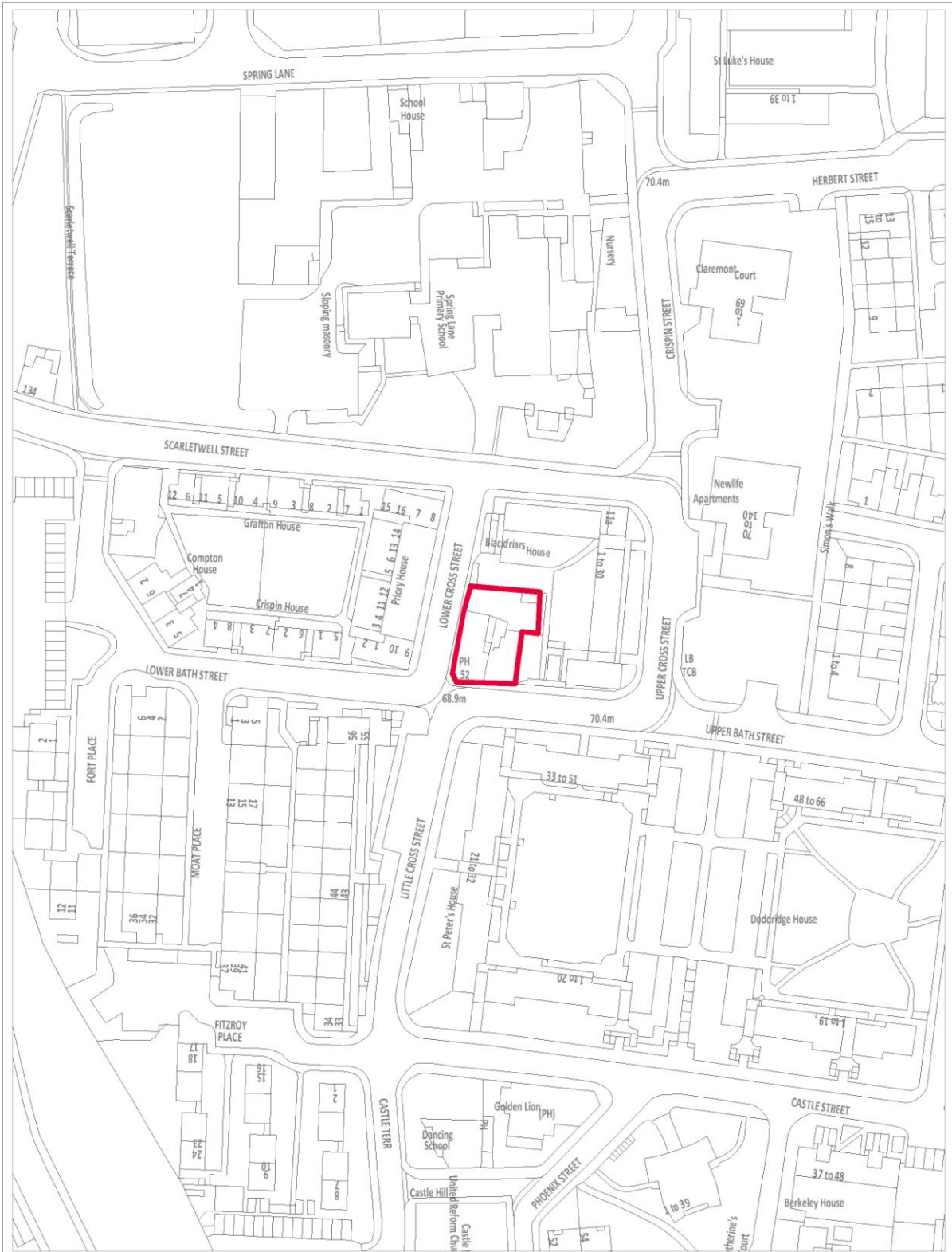
- 10.1 Application file N/2014/0532.

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: 15th September 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Shoemakers Tavern, 52 Bath Street

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PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0629: Erection of 54 dwellings of mixed type and tenure; a new foodstore with 90 customer car parking spaces; a new signalled highways access junction on Kingsthorpe Road at Former Grose Motors site, Kingsthorpe Road

WARD: Semilong

APPLICANT: Mulberry Property Developments Ltd
AGENT: Mr R. Riding; Pegasus Group

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Major development requiring a legal agreement

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE for the following reason:

The proposed development would result in the delivery of residential accommodation whilst the proposed retail unit would have a neutral impact upon the viability and vitality of the hierarchy of centres within Northampton. In addition all elements of the proposal would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal therefore complies with the requirements of the National Planning Policy Framework and Local Plan Policies E19, E20, E40, H7 and T12.

1.2 The prior completion of a Section 106 Legal Agreement to secure:

- i) A financial payment to fund highways improvements at the junction between Kingsthorpe Road and Mill Lane adjacent to the Cock Hotel; and/or the Kingsthorpe Road corridor to Regents Square;
- ii) A payment to fund the maintenance of new bus shelters;
- iii) 35% affordable housing on site;
- iv) A payment for the provision of health care;
- v) A payment for the provision of education facilities;
- vi) A payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;
- vii) Construction worker training opportunities; and
- viii) The Council's monitoring fee.

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

2. THE PROPOSAL

2.1 The application seeks full planning permission to erect 54 dwellings comprising 32 two bedroom houses; 20 three bedroom houses and 2 one bedroom flats. The application also includes the provision of a new supermarket, which would have a floor space of 1,534 square metres, of which 1,140 square metres would be used for the display and sale of goods. The application identifies that the retail unit would be occupied by an Aldi store.

2.2 The residential development would be served by 102 car parking spaces (including garages), whilst the retail store would feature 90 car parking spaces, including 7 dedicated spaces for use by customers with disabilities.

2.3 Access to the development would be from Kingsthorpe Road, with a new signalised junction being installed. The proposed development would also include various elements of landscaping and drainage attenuation works.

3. SITE DESCRIPTION

3.1 The site had a number of buildings that were associated with the sale and repair of cars. This use ceased earlier in 2013, with the majority of buildings being demolished during the spring of that year. The site has

currently been secured by a number of wooden hoardings. A petrol filling station remains operational.

- 3.2 The surrounding land uses include various dwellings to the east and west (in Kingsthorpe Road and Studland Road) and commercial activity to the west. Retail developments are located to the south of the site and a school and parkland to the north. The application site is located approximately 400m south of the Kingsthorpe Centre, which contains two supermarkets (Waitrose and Asda) and is approximately 1,300m north of the town centre. The site is also 1,000m north of the former Barrack Road Sorting Office, for which planning permission has been granted for a supermarket.
- 3.3 The site is directly adjacent to Kingsthorpe Road, which serves as one of the main routes into the town centre. The site is approximately 360m south of the Cock Hotel Junction.
- 3.4 The site and those areas to the west are allocated in the Northampton Local Plan as being an existing business area. The remainder of immediate vicinity is either unallocated or allocated for residential use.

4. PLANNING HISTORY

- 4.1 N/2013/0197 – Prior notification of demolition – Approved and implemented
- 4.2 N/2013/0170 – Application for a new foodstore with ancillary office accommodation; petrol filling station; on-line delivery service; service area and recycling centre; new signalled highway access junction; highways infrastructure and utilities; car parking spaces and landscaping – Approved and unimplemented.

5. PLANNING POLICY

5.1 Development Plan

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

National Planning Policy Framework (NPPF)

- 5.2 The NPPF (paragraph 21) states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality. Paragraph 24 of the NPPF requires that the consideration of

applications for town centre uses (which includes retailing) should include a sequential assessment, covering available town centre and edge of centre sites.

- 5.3 Separate to the outcomes of the sequential assessment, the NPPF (in paragraph 26) requires that any retail development with an area in excess of 2,500 square metres should be accommodated by an impact assessment. This should include the impact of the proposal on existing, committed and planned in centre investment and the impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 5.4 Paragraph 27 requires that town centre uses that do not pass the sequential assessment or would be likely to have a significant adverse impact upon centre viability and vitality should be refused.
- 5.5 In addition to the assessment of the above matters, the NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.
- 5.6 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.
- 5.7 Of particular note to residential proposals is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
- 5.8 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17).
- 5.9 Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that

new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Northampton Central Area Action Plan (CAAP)

- 5.10 The application site is not situated in the Central Area; however, Policy 12 of the CAAP identifies a primary shopping area and for this to become the prime focus for retailing in Northampton. Policy 11 states that developments for town centre uses (such as retailing) should be subject to an impact assessment when the quantum of development is in excess of 1,000 square metres. Policy 14 of the CAAP also requires that an additional 40,700 net square metres of comparison retailing and 3,000 net square metres of convenience retailing be provided in the Central Area during the plan period up to 2026.

Northampton Local Plan

- 5.11 By reason of its age, the majority of the policies in the Local Plan pertaining to retail provision have not been saved. Nonetheless, Appendix 15 provides a schedule of 66 recognised shopping centres (outside of the town centre) but does not distinguish between any of these in terms of scale or hierarchy. This list of centres is relevant to the sequential assessment of the proposed development.
- 5.12 Policy B14 seeks the retention of allocated business sites for employment purposes (Use Classes B1, B2 and B8) unless it can be demonstrated that the proposed redevelopment would generate significant employment and community benefits.
- 5.13 Of additional note, Policy E19 requires that new developments offer sufficient mitigation against its impacts; Policy E20 states that new buildings should be of an appropriate design; Policy E40 requires that new developments pay sufficient regard to minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.
- 5.14 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

- 5.15 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 as it has been prepared in

full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited

- 5.16 Policy S2 of the submitted JCS identifies Northampton as performing the role of a regional town centre and allocates Kingsthorpe and Weston Favell as being district centres. The same policy also allocates Far Cotton, Kettering Road, St James and Wellingborough Road as being local centres. The policy also requires that the viability and vitality of these centres should be maintained.
- 5.17 Policy S9 of the JCS reiterates the sequential approach in the location of retail developments and requires that an impact assessment is carried out for developments with a floor space in excess of 1,000 square metres.
- 5.18 Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.19 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.20 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

Supplementary Planning Guidance

- 5.21 Affordable Housing
Developer Contributions
Parking
Planning out Crime

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request conditions in respect of drainage.

- 6.2 **Environment Agency** – No objections in principle, but request conditions relating to the investigation and remediation of contamination.
- 6.3 **Environmental Health (NBC)** – Recommend conditions with respect to contamination, light and noise. Separate controls over noise, operating hours and delivery times should be secured.
- 6.4 **Development Management (NCC)** – Request financial contributions, through the Section 106 Agreement, towards the provision of education, the fire and rescue service and the library service. Additional fire hydrants should also be secured.
- 6.5 **Highways Agency** – No objections.
- 6.6 **Highway Authority** – An acceptable Transport Assessment has been submitted. Some revisions are requested including amendments to the design of some driveways and footpaths. Section 106 obligations are requested in respect of improvements to the adjacent road network and the provision of bus shelters.
- 6.7 **Housing Strategy (NBC)** – The development proposes 35% affordable housing, which is acceptable. 70% of these should be for affordable/social rented tenures and 30% intermediate home ownership. The design of the development indicates that more than 10% would be constructed to mobility standards.
- 6.8 **Nene Valley Nature Improvement Area** – No objections.
- 6.9 **NHS England** – Request a Section 106 obligation towards the provision of health care within the vicinity of the site. This is required as doctors surgeries are operating at capacity within the surrounding area.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor** – The car parking area for the supermarket should be covered by CCTV. Amendments should be sought to the scheme to improve surveillance.
- 6.11 **Urban Designer (NBC)** – The design of the supermarket is acceptable and the matters relating to the design of the residential properties have been addressed.
- 6.12 **Cllr. S Beardsworth** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park.
- 6.13 **County Councillor S. Uidall** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park.
- 6.14 **Queens Park Residents Association** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park as the proposed development is likely to increase usage.

- 6.15 Six letters of objection have been received. Comments can be summarised as:
- Parking levels for existing residents would be adversely affected.
 - The development will adversely affect the flow of traffic within the area. Kingsthorpe Road already suffers from a high level of usage and congestion.
 - Access to the development should be via Thornton Road/Studland Road, where existing junctions are in place.
 - The noise levels associated with this development will be very intrusive.
 - The new access will adversely affect privacy levels.
 - The dwellings on the northern side of the site would adversely impact upon the privacy of the adjoining school. Some of these dwellings are tall, which would lead to further impacts.
 - There is the possibility of unauthorised access to the rear of the store building.
 - An additional supermarket is not required in this area.
- 6.16 One letter of support has been submitted, which states that the current application is a suitable and appropriate use for the site. Furthermore, the current vacant site has an adverse impact upon safety.
- 6.17 Additional information has been submitted to address the points raised in paragraphs 6.6 and 6.10. An update to these matters will be provided to members via means of an addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the development

- 7.1 In light of the established need for residential accommodation within Northampton, it is considered that the provision of an additional 56 units is an acceptable form of development. Notwithstanding this, it is recognised that the site is allocated within the Local Plan as being a location for employment uses and clearly, the introduction of residential accommodation would be contrary to this policy requirement. However, this Local Plan policy is exceedingly dated and as discussed within paragraph 5.7 in instances such as this, the NPPF requires that applications are determined on the basis of whether they represent sustainable development.
- 7.2 On account of the site's proximity to a major road (which serves as a link into the town centre) that includes public transport links and an existing local centre, it is likely that residents of the new development would have ready access to a range of employment, leisure and commercial facilities, the site is sustainably located. Furthermore, the development would assist in bringing back into use a prominent and vacant previously used site. In addition to these points, a mixture of

house types would be provided, of which 35% would be affordable and 10% constructed to mobility standards. Therefore a broad mixture of housing and tenures would be provided in line with the requirements of the NPPF. As a consequence of this, it is considered that the residential development would be sustainable and as a consequence, this departure from the Local Plan is acceptable.

7.3 The NPPF requires a five year housing land supply to be demonstrated and at present, Northampton does not have such a supply. Accordingly, the relevant Local Plan Policies are considered to be out of date and as a consequence can only be given a comparatively small amount of weight in the determination of this application. Given that the development would provide additional housing, it therefore follows that the proposed development would make a contribution to the established housing need within the Borough (as identified by JCS Policy S4). The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions). It is considered that due to the prevailing character of the site and surroundings and its lack of specific allocation in the JCS, the development of housing within the site contributes to meeting this objective.

7.4 It should also be recognised that the retail unit is also contrary to the Local Plan requirements. However, Local Plan Policy B14 permits such departures in instances when significant employment and community benefits would be generated. The submitted documentation details that 40 full time employment opportunities would be generated in the retail unit. The proposal would create some community benefits in terms of increased consumer choice and redeveloping a disused site. Furthermore, it should be recognised that the previous use of the site (comprising a composite of car sales, car repairs and fuel sales) did not fall in Use Classes B1, B2 or B8. As a consequence, the proposed development is acceptable in the context of Policy B14. In addressing this point, considerable weight also needs to be given to the fact that there remains an extant permission for retail development of this site.

Retail impact

7.5 Irrespective of this proposal being acceptable in pure land use terms, it is necessary to assess the potential impacts of the development upon the viability and vitality on the existing hierarchy of centres within Northampton.

7.6 In assessing retail proposals, regard should be paid to the NPPF as this provides the criteria against which such proposals should be assessed. The NPPF requires applicants for out of centre retail development to submit an impact assessment covering the following:

- i) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 7.7 In addition, applicants are required to undertake a sequential assessment of alternative sites either in, or on the edge of established centres. Where an application fails to satisfy the sequential test, or would have a significant adverse impact on one or more of the factors referred to above, the NPPF states that it should be refused.
- 7.8 It is accepted that there is a policy need to increase the level of convenience goods retailing in Northampton; however, it should also be recognised that some of the planned growth in retail provision has already been accounted for through the granting of previous permissions, some of which have been implemented. This includes an extant permission on this site for the erection of a store with a floor area of 4,518 square metres, of which 2,993 square metres would have been used for the display and sale of goods. The current application cannot be implemented in conjunction with the previous approval and as a result of this store being smaller than the extant scheme, it therefore follows that the impacts of this development would be no greater than the level previously deemed acceptable. In addition, the proposed store would be predominantly be used for the display and sale of convenience goods. This type of retailing would not generally compete with the retail offer within the town centre.
- 7.9 In sequential terms, the applicant has considered that potential to accommodate the proposed store within the allocated centre at Kingthorpe; however, there are no available sites to accommodate to the proposed store. At the request of the Council, the sequential assessment has been extended to include the town centre and other district/local centres.
- 7.10 In terms of the town centre, Policy 14 of the CAAP identifies two town centre sites (Abington Street East and College Street/the Drapery), as being suitable for retail development. However, the plan period for bringing these sites forward for redevelopment is 2021-2026. As a consequence of this, they can be discounted from the sequential assessment due to a lack of availability.
- 7.11 The applicant has considered the potential for located the store within the Greyfriars site. Whilst the intention is to develop this site to improve the town's retail and leisure offer, plans for this redevelopment are at a comparatively early stage, with the Council currently undertaking public consultation regarding the future use of the site. As a consequence of this, it can be argued that as this specific point in time the Greyfriars site does not represent a sequential more preferable site as the level of

convenience retailing (if any) that would be accommodated within this location is yet to be established. Obviously this conclusion will need to be reassessed as and when future applications for retail developments are submitted.

- 7.12 The applicant has also considered locating the proposed store within the existing Primark unit in Abington Street, which is shortly to be vacated. However, this has been discounted on the grounds that there is no direct link between the front of the store and the nearest public car park. Furthermore, the car park would not be for the exclusive use of supermarket customers. For these reasons, it is considered that this site can be discounted from the sequential assessments. As a consequence of these conclusions, it is considered that all potential town centre sites have been considered.
- 7.13 The applicant has considered the possibility of locating the development within other centres in Northampton. Of these, St James can be discounted on account of there already being an Aldi store within this location. As such, it would not be considered viable for a further store to operate in such proximity. The centre at Weston Favell can also be discounted as the named operator has a store within 900m of this centre.
- 7.14 The applicant has assessed the potential of siting the store in the centres at Mereway and Far Cotton; however, these centres have been discounted due to the absence of suitable and available sites.
- 7.15 In conclusion, it is considered that at this present time there are no sequential preferable sites to accommodate the proposed development, which when combined with the conclusions on retail impact as set out previously, the principle of a retail development of the quantum and type proposed is acceptable. In order to provide certainty regarding the future impacts of the retail unit, conditions are recommended that would place a threshold on the maximum amount of floor space that would be used for the display and sale of goods and the proportions of this figure that would be used for the display and sale of convenience and comparison goods.
- 7.16 Separate to these matters, a condition preventing the subdivision of the store is necessary and reasonable. It is noted that stores similar to the type proposed within this application have been subject to conditions requiring their use only as a 'limited assortment discounter'. In this specific instance, as an extant permission for a supermarket stocking a wider array of convenience goods exists, such a condition would be unreasonable.

Design and appearance

- 7.17 The design of the proposed retail unit is of a modern design that makes a positive contribution to the visual amenity of the surrounding area

and is suitable for being located adjacent to a major route into the town. The building features a variety of materials – primarily render and bricks – which would assist in breaking up the massing of the building and adding interest into the streetscene. The substantial use of glass within the building frontage allows a clear line of sight into the building, which creates further interest and activity to this prominent elevation. As there is a wide mixture of building types within the area, it is considered that the contemporary design approach is appropriate.

- 7.18 The store has been designed to enable the plant and servicing areas (including deliveries) to be situated either towards the rear or side (northern) elevations. This prevents any significant views of these elements of the proposals from being formed, which is of importance due to the possibility of such items having a negative impact upon the visual amenity of the wider area.
- 7.19 The store would have maximum height of 5.5m, which would ensure that the building harmonises with its surroundings to some degree on account of the general low level form of development within the vicinity of the site.
- 7.20 The development includes 90 car parking spaces for use by the retail unit. This provision is acceptable given the scale and location of the store. The development has been designed in such a way so as to ensure that these spaces would benefit from a high level of natural surveillance due to the proximity of these spaces to the road and the main entrance of the store.
- 7.21 The proposed retail unit also includes cycle storage that would be situated adjacent to the store's entrance. It is likely that due to the convenience of this feature, more sustainable means of travel would be encouraged. A condition is recommended that would ensure that this storage is provided prior to the store first coming into use.
- 7.22 The proposed residential units are of a comparatively simple design, but contemporary design, which ensures that the development forms its own distinctive character which is of importance due to the mixture of house types within the surroundings of the site and the size of the development proposed. . The palate of proposed materials will include a mixture of brick types and renders, which would ensure some variety in appearance, which is necessary due to the scale of the development. Furthermore, a number of units would include areas of cladding that would serve to highlight key elevations and add interest to the streetscene of the development. For these reasons, it is considered that the development would have a neutral impact upon visual amenity.
- 7.23 All of the houses have a sufficient private garden space and are situated in such a way so as to ensure a satisfactory level of light, privacy and outlook for future residents. It is noted that boundary treatments are of importance in creating a safe and attractive

development and a condition is recommended that would enable the Council to approve these details.

- 7.24 The design of development is sufficient to prevent any significant loss of amenity to the occupiers of neighbouring properties. Details of land levels, which can have a bearing on this will be submitted to the Council by condition.
- 7.25 It is noted that some concerns have been raised by the neighbouring school regarding the height of two of the units (plots 39 and 40, which are situated to the north of the site) and the potential for overlooking from the dwellings adjacent to the northern boundary. In response, as the two taller dwellings are only an additional 0.5m higher than the remainder of dwellings within this section of the site, there would not be a significant impact upon the adjoining school. In terms of privacy levels, it is considered that due to the fenestration pattern, the differences in land levels and the new boundary treatments that would be installed on this boundary; there would be no undue loss of privacy to the school. In order to provide certainty of this factor in the future, a condition is recommended that would remove permitted development rights for the insertion of additional windows within the northern elevations of these units.
- 7.26 The proposal includes the erection of some dwellings in comparatively close proximity of the commercial building to the south of the site. This is appropriate as it allows for the development of the site to be carried out in a more efficient manner and a satisfactory level of amenity would be secured for the future residents of the development by reason of the bespoke design that has been utilised on some units, the general layout of the development and the differences in land levels. In order to ensure that this development does not prejudice the future operation of the existing commercial unit, a condition is also recommended that would remove permitted development rights for additional windows for selected units.
- 7.27 The applicant has revised the scheme during the application process in order to re-site the dwellings that were to be originally accessed from Studland Road. The positions of these dwellings have been revised so that they are now orientated towards the internal access road and the new pedestrian route that would run from Studland Road to Kingsthorpe Road. This amendment assists in the creation of a more integrated proposal as well as improving the safety of the pedestrian routes, which responds to the comments previously made by Northamptonshire Police.
- 7.28 As discussed previously, the residential accommodation would incorporate a total of 102 parking spaces. The bulk of these would be situated within the curtilage of the associated dwelling. The parking spaces that are not in curtilage are grouped together within central areas that are readily overlooked by a number of dwellings. These

arrangements are sufficient to ensure that the parking areas would be safe and readily used. The layout of the development would include a variety of surface treatments for the parking areas, which ensures interest within the streetscene and is an effective means of delineating public and private spaces.

Highway considerations

- 7.29 This proposed parking provision is acceptable given the scale of the proposals. Conditions are recommended that would require these spaces to be provided prior to the first bringing into use of each respective phase of the development.
- 7.30 The scheme has been revised in order to improve highway safety and visibility within the development. As a consequence of this, it is considered that the development would have a neutral impact upon highway safety. A signalised junction would be provided in Kingsthorpe Road, which would ensure adequate and safe access for vehicles. A condition is recommended that would require the full details of the technical specification of this junction to be approved by the Council prior to works taking place.
- 7.31 It is noted that Kingsthorpe Road features a significant amount of traffic. However, the traffic impacts of this development are likely to be less than the extant scheme and therefore the proposal is acceptable within this regard. Nonetheless, it is accepted that there would be an increase in the total level of traffic using the surrounding network should this development proceed, which should be mitigated. Accordingly, a Section 106 obligation is recommended that would result in a contribution towards the Highway Authority's planned programme of upgrades between Regent Square and the Cock Hotel Junction. This programme of works is designed to reduce congestion and improve journey times. Works are designed to reduce congestion and improve journey times. Therefore, on balance, the proposed development would have a neutral impact upon highway capacity.
- 7.32 The development would also result in the provision in new bus shelters on Kingsthorpe Road. Funding for the on-going maintenance of these shelters would be secured through the Section 106 Agreement. A condition is recommended that would secure the submission of a Travel Plan to encourage more sustainable means of travel. This would also assist in mitigating any air quality impacts arising from the development.

Noise, disturbance and potential land contamination

- 7.33 The extant permission is unrestricted in terms of opening times and features comparatively lenient times for deliveries. As residential accommodation will be constructed in closer proximity to the store than

has previously been the case, more detailed conditions covering these matters are necessary and reasonable.

- 7.34 In terms of disturbance, further conditions requiring a scheme for the mitigation of noise from the retail unit (e.g. from plant and equipment) and details relating to the usage and type of external lighting within the car parking and vicinity of the store are also required. The proposal also includes acoustic fences, which would offer some mitigation to the new dwellings from the retail unit.
- 7.35 In order to mitigate any adverse impact that the construction process would have upon the occupiers of neighbouring properties, a Construction Environment Management Plan will be submitted prior to the commencement of each phase of the development. This would include matters such as the times in which construction works would take place, strategies for the suppression of dust and noise and procedures for washing the wheels of vehicles when leaving the site.
- 7.36 The development has been assessed by the Environment Agency, which has raised no objections to the development taking place subject to conditions relating to the investigation into and mitigation of any contamination that may be within the site.

Legal Agreement

- 7.37 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.38 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.
- 7.39 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards the provision of primary and secondary school education within the vicinity, improvements to public open space, the health service and construction worker training opportunities. These matters address on going shortages of provision within the vicinity of

the application site that would be further exacerbated if this development to proceed without the legal obligations.

7.40 As discussed in paragraph 7.26, the Section 106 Agreement would also secure enhancements to the Kingsthorpe Road transport corridor and the maintenance of new bus shelters. This would mitigate the transport impacts of the proposed development, in addition to encouraging more sustainable means of travel.

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

8. CONCLUSION

8.1 In conclusion, it is considered that the proposed development represents a suitable reuse of this prominent vacant site. The residential development would contribute towards meeting the established need for housing within Northampton, whilst it has been demonstrated the retail unit would not harm the viability and vitality of the hierarchy of centres within Northampton. It has also been demonstrated that the proposal would not adversely impinge upon the amenities of surrounding properties and is of a good standard of design. Further mitigation would be secured via conditions and the associated Section 106 Agreement.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to ensure conformity with the Planning Application.

3. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

- (i) A preliminary risk assessment, which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources; and
 - pathways and receptors of potentially unacceptable risks arising from contamination at the site
- (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and detailed risk assessment to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set in the remediation strategy in (iii) are complete identifying any requirements of longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

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

4. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the installation of underground tank(s). The scheme shall include the full structural details of the excavation, the tank(s), tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented prior to the first use of the development hereby permitted and retained thereafter.

Reason: To protect controlled waters in accordance with the requirements of the National Planning Policy Framework.

5. 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 and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination. This is to ensure accordance with the requirements of the National Planning Policy Framework.

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

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

8. No development shall take place until further details of the site access to Kingsthorpe Road has been submitted to and approved in writing by the Local Planning Authority. The further details shall provide particulars of the new pedestrian crossings, signalised junction; improvement works on Kingsthorpe Road, details of the bus stops and shelters, and details of any retaining structures. The development shall be carried out in accordance with the approved details in accordance with a programme of implementation that is subject to the written approval of the Local Planning Authority.

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

9. Notwithstanding the details submitted, full details of the reinstatement of vehicular crossovers to footway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, fully implemented prior to the development hereby permitted being first brought into use and retained thereafter.

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

10. Notwithstanding the details submitted, full details of the surface treatments to the car park, access roads and pedestrian routes serving the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.

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

11. Prior to the first occupation of the retail development hereby permitted, the following works shall be fully implemented:
- Footway connections and vehicular access between the store and Kingsthorpe Road in accordance with drawing 17192/10001C; and
 - The car park circulating aisles, the car parking spaces and parking spaces for those with disabilities and parent and child priority.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the retail unit hereby permitted and retained for their designated use throughout the life of the development.

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

12. Prior to the commencement of the development of the retail unit, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- The control of noise and dust during the development process;
 - Traffic management and signage during construction;
 - Enclosure of phase or sub-phase development sites;
 - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - The safe means of access of construction traffic to the site;
 - Routing agreement for construction traffic; and
 - Hours of operation of building works.

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

13. Details and/or samples of all proposed external facing materials for the retail unit 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.

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

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

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the retail unit and associated car park, manoeuvring spaces and access road. 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.

16. All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to Condition 15 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.

17. Notwithstanding the details submitted, any external plant and equipment serving the retail unit shall meet L_{Aeq} of at least 6dB below the minimum background level ($L_{A90, 1 \text{ hour}}$).

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

18. The acoustic noise barriers as shown on drawings 17192/1001c and 17192/100 shall be fully constructed prior to the first occupation of the retail unit hereby permitted and retained thereafter.

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

19. Notwithstanding the information submitted, full details of the proposed cycle storage to serve the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the store hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policies E20 and E40.

20. Notwithstanding the details submitted, full details of CCTV covering the retail unit site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.

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

21. Notwithstanding the details submitted, full details of the position and specification of the proposed external lighting (including hours of usage) for the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.

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

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

23. The retail unit hereby permitted shall only be open to customers between the hours of 8am and 10pm on any day on Mondays to Saturdays and 10am and 5pm on Sundays.

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

24. Deliveries shall only be made to the retail unit hereby permitted between the hours of 6.30am and 10pm on any one day on Mondays to Saturdays and 8.30am and 5pm on Sundays.

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

25. The net sales area of the retail store shall be limited to a maximum of 1,140 square metres. Of this floor space, no more than 912 square metres shall be used for the display and sale of convenience goods and no more than 228 square metres shall be used for the display and sale of comparison goods.

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

26. The retail store hereby permitted shall not be sub-divided to form more than one retail unit.

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

27. Prior to the commencement of the development of the residential units, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:

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

- Hours of operation of building works.

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

28. Details and/or samples of all proposed external facing materials for the residential units 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.

29. Full details of the method of the treatment of the external boundaries and individual plot boundaries of the residential development shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the development hereby permitted and retained thereafter.

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

30. Prior to the first occupation of the residential development hereby permitted, the following works shall be fully implemented:

- Footway connections and vehicular access between the store and Kingsthorpe Road and Studland Road in accordance with drawing 17192/10001C.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the residential development hereby permitted and retained for their designated use throughout the life of the development.

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

31. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping, including surface treatments for roads, parking areas and driveways for the residential development. 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.

32. All planting, seeding or turfing comprised in the details of landscaping approved pursuant to Condition 31 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include 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.

33. 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 northern elevation of the proposed units on Plots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 as shown on drawing 17192/10001c.

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

34. 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 southern elevation of the proposed units on Plots 2 and 3 as shown on drawing 17192/10001c.

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

35. Notwithstanding the details submitted, full details of the refuse storage of the flats (Plots 24 and 25 as shown on drawing 17192/10001c) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be fully implemented prior to the first occupation of Plots 24 and 25 and retained thereafter.

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

36. Notwithstanding the details submitted, full details of the type of glazing and ventilation to Plots 42, 43, 44, 45, 46 and 47 (as shown on drawing 17192/10001c) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of the relevant dwellings and retained thereafter. Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Informative Notes:

- i. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods.
- ii. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services

10. BACKGROUND PAPERS

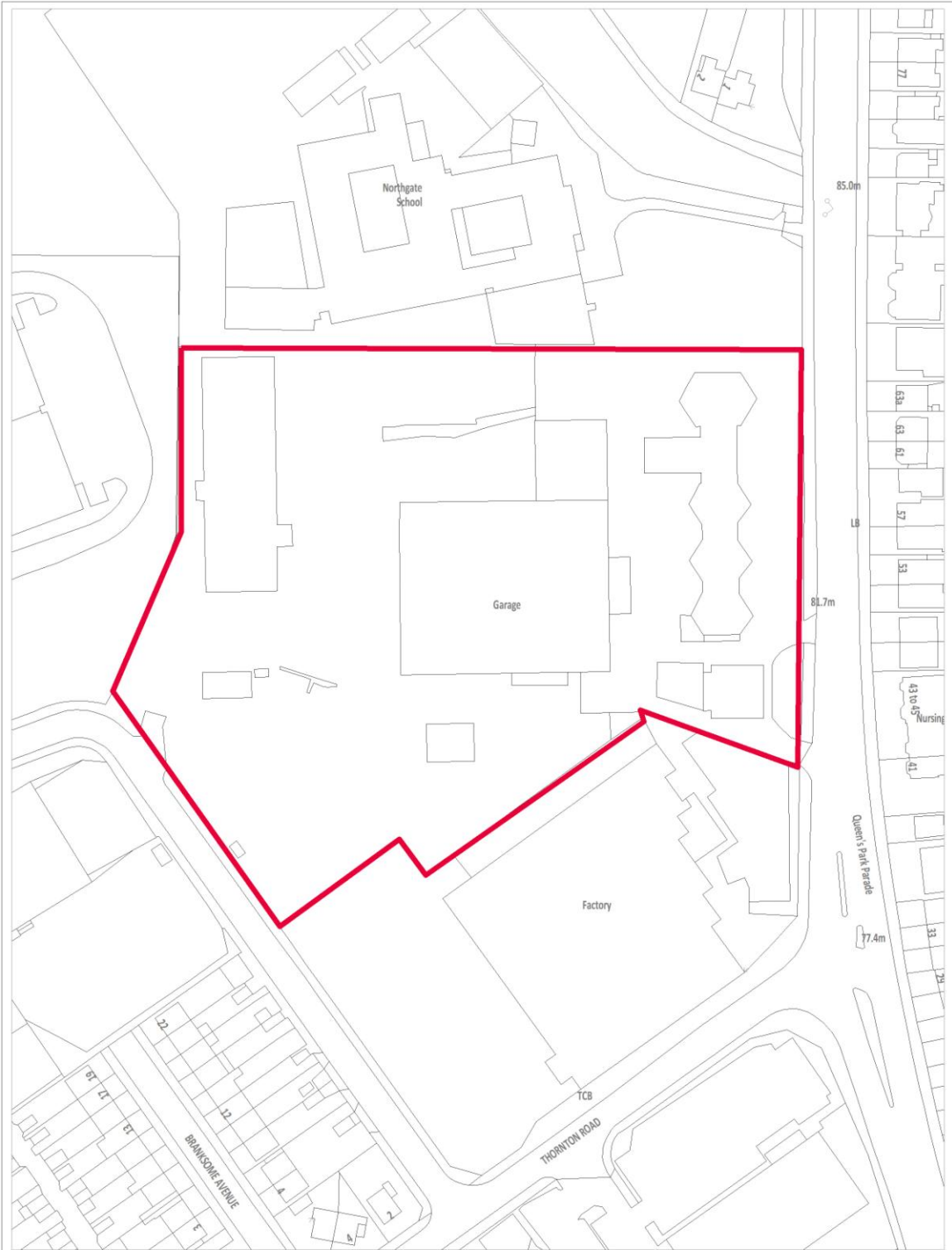
- 10.1 N/2013/0170 and N/2014/0629

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: 15th September 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
W Grose Ltd, Kingsthorpe Road

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PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0891: Installation of a freestanding, self-contained automatic public convenience installed within car park at The Mounts NBC car park, Upper Mounts

WARD: Castle

APPLICANT: J.C. Decaux LTD
AGENT: None

REFERRED BY: Scheme of Delegation
REASON: Council Owned Land

DEPARTURE: NO

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

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

1.2 The proposal would have no adverse impact on the street scene or on the amenities of adjoining commercial occupiers and would provide an important public facility for the users of the car park and adjacent bus stops. The proposal therefore complies with Policies 3 and 17 of the Central Area Action Plan, Policies SA and RC2 of the Submitted West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal is for the erection of a freestanding fully automatic public convenience. The structure will be 3m in height, 4.1m in length and 2.47m in width. It will be located on the western side of the car park fronting Victoria Street. The installation will help to serve the needs of passengers using the National Express services.

3. SITE DESCRIPTION

- 3.1 The site comprises a part of the existing Upper Mounts Car Park and adjacent to Victoria Street. There is no other structure in the vicinity apart from the existing ticketing machine and the nearby bus shelters.

4. PLANNING HISTORY

- 4.1 There is no specific planning history relating to the site or the current proposal.

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 defined central area of Northampton, comprises the saved policies of the Northampton Local Plan, the policies of the Northampton Central Area Action Plan 2013 and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this scheme. 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.

5.3 Northampton Central Area Action Plan (CAAP) (2013)

Policy 1: 'Promoting Design Excellence' requires that new development positively contributes to the character of an area and preserves and enhances the character, appearance and setting of the central area's heritage assets.

Policy 3: 'Priority Public Realm Improvement' relates to this site and states that within the central area changes to the public realm should be consistent with the Public Realm Implementation Framework. This in turn states that "Street furniture within a public realm should strengthen and add to the identity of the public realm".

Policy 17: 'Grosvenor Centre Redevelopment' also relates to this site and sets out detailed criteria for this redevelopment.

5.4 Other Material Considerations

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

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

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

Policy RC2 – ‘Community Needs’ states that new residential and commercial development will be required to make provision for community facilities.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 At the time of writing this report consultation responses are awaited, as are any representations which may be received from the public. Any representations received will be reported to Committee by means of the Addendum.

7. APPRAISAL

7.1 The issues to consider are the impact on the street scene and on the amenities of adjoining and nearby commercial occupiers. There are no residential properties in the immediate area.

7.2 The proposal is for a public convenience of a type already installed within the town centre and which represents a common feature in towns and cities throughout the country. It is not considered that this would be detrimental to the character of the street scene when viewed in the context of the existing surface car park or the adjacent bus shelters within the street.

7.3 Opposite the car park are office premises. It is not considered that the users of these would be adversely affected by the proposal.

7.4 In terms of planning policy context for the site, it is considered that as the proposed facility would be of a style seen elsewhere in the town, that this would be consistent with the aims of Policy 3 of the CAAP.

7.5 Furthermore, it is considered that given the small scale of the development, and the ease with which the facility could be relocated in

the future should this be necessary, that this would not conflict with the aims of Policy 17 for the Grosvenor Centre redevelopment.

- 7.6 It is considered also that the proposal is consistent with the overall aims of JCS Policy RCS in that it would provide a necessary public facility, for the users of the car park and adjacent National Express bus stops.

8. CONCLUSION

- 8.1 The proposal would have no adverse impact on the street scene or on the amenities of adjoining commercial occupiers and would provide an important public facility for the users of the car park and adjacent bus stops in line with Development Plan Policy.

9. CONDITION

- (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 Plans, Layout Plan, Pillar Model Technical Details.

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

10. BACKGROUND PAPERS

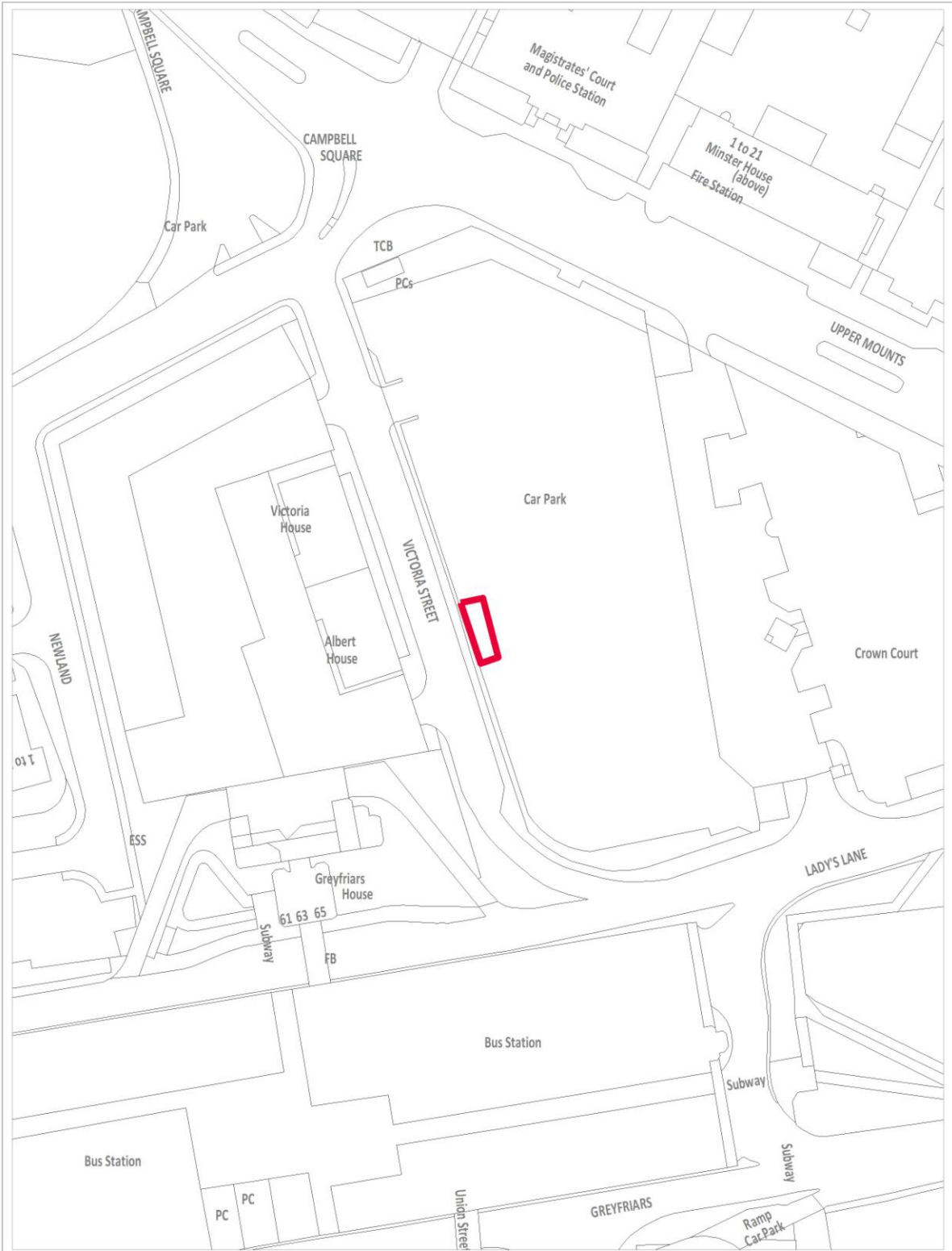
- 10.1 Application file N/2014/0891.

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: 16th September 2014
 Scale: 1:1000
 Dept: Planning
 Project: Planning Committee

Title
The Mounts Car park, Upper Mounts

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PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0907: Extension to existing bowling club building to provide changing and locker room (Re-submission of planning approval N/2014/0473) at Indoor Bowls Centre, Kingsthorpe Recreation Ground, Harborough Road

WARD: Sunnyside

APPLICANT: Mr Colin Dalglish, Northampton & District IBA

AGENT: Mr Matthew Fox

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Council owned property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions for the following reason:

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

2. THE PROPOSAL

2.1 The application is a re-submission of N/2014/0473 for the erection of a single storey extension on the north-western side of the indoor bowling club to provide new changing and locker facilities. The only

amendments to the previously approved scheme are the proposed materials which were previously shown on plan as a brick built construction now proposed as a metal frame construction with brown metal cladding to match the existing building. The dimensions of the building would be as previously approved being 39.15m in length and extending 3.4m out from the side of existing building with a sloping roof up to a height of 3.7m below the height of the main building. The existing fire escape would be re-located to the outside of the extension.

3. SITE DESCRIPTION

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

4. PLANNING HISTORY

- 4.1 N/2014/0473 – Extension to existing bowling club building to provide locker room. Approved 11.06.14.
- 4.2 94/0151 – Flat roofed extension to existing indoor bowling club. Approved 6.04.94.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

National Planning Policy Framework (NPPF)

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

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

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

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

5.4 **Other Material Considerations**

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

No relevant policies.

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** – no objections.

7. **APPRAISAL**

7.1 The principle of an extension to the existing bowling club building has already been established by the previously planning approval N/2014/0473 in June 2014. The existing building is predominantly a metal frame construction with brown metal cladding. Later additions including an extension to the front were constructed in brick. The proposed amendment to alter the approved materials for the proposed extension from brick to brown metal cladding is considered acceptable and would ensure the appearance of the extension remains in keeping with the existing building.

7.2 The nearest residential properties are located adjacent to the southern boundaries of the site. There are no windows proposed in the extension and the building would not be located any nearer to these residential properties than the existing building such that it is not considered there would be any increased impact on adjacent residential amenity.

8. **CONCLUSION**

8.1 The proposed amended materials would be in keeping with the appearance of the existing building and are in accordance with the above policy requirements and therefore considered acceptable.

9. **CONDITIONS**

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

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

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

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Materials Plan, Proposed Site Plan, Proposed Floor Plan and Proposed Elevations Plan.

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

10. BACKGROUND PAPERS

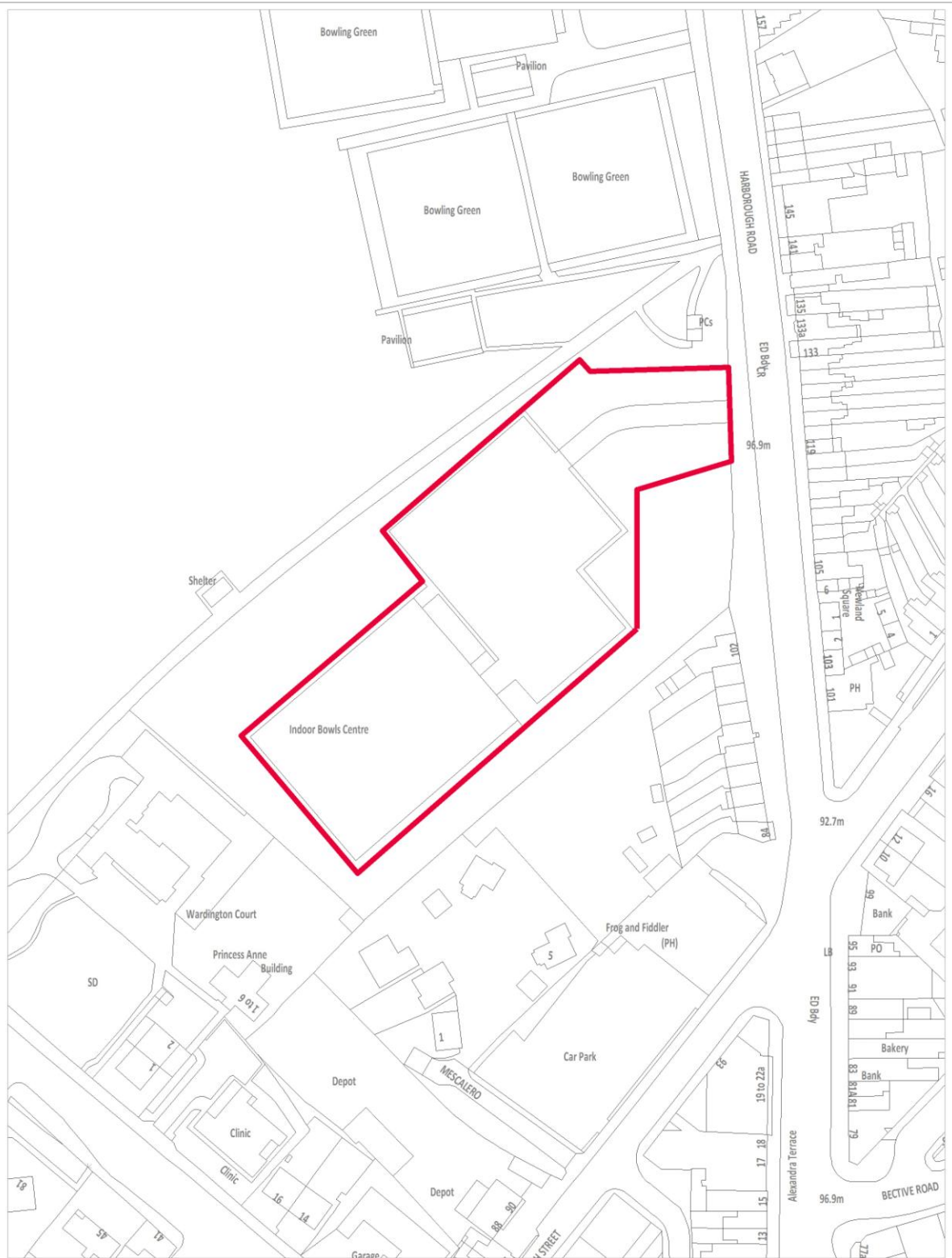
- 10.1 N/2014/0907.

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: 16th September 2014
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Indoor Bowls centre, Kingsthorpe Rec. Ground

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PLANNING COMMITTEE: 30th September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0994: Application to vary section 106 agreement in respect of application 07/0004/OUTWNN, to modify the Mortgagee Clause in relation to the development at the former Princess Marina Hospital site, Weedon Road, Upton

WARD: Upton

APPLICANT: Spire Homes
AGENT: Perrins Solicitors

REFERRED BY: Scheme of Delegation
REASON: Proposes modification of a legal agreement

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 Planning Committee is recommended to **AGREE** the variation of the Section 106 agreement to modify the mortgagee clause.

2. BACKGROUND

2.1 The original outline application for the residential development of the former Princess Marina Hospital site as a whole was approved by WNDC in March 2009 under application reference 07/0004/OUTWNN.

2.2 This was subject to a Section 106 Agreement to secure planning obligations. The legal agreement includes clauses, inter alia, on restrictions on the disposal of the affordable housing units to ensure that these remain as affordable housing.

3. SITE DESCRIPTION

3.1 The application site forms a parcel of land within the former Princess Marina Hospital site, which has now been cleared of the former hospital buildings, other than those to be retained. Development of some parts

of the wider site is now complete and other parts are underway following previous reserved matters approvals.

4. PLANNING HISTORY

- 4.1 The original outline application for the residential development of the site as a whole was approved by WDC in March 2009 under application reference 07/0004/OUTWNN.
- 4.2 Subsequently there has been a renewal of this application to extend the time limit under WDC reference 11/0041/REPWNN and various reserved matters applications.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan

H32 – Affordable Housing.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Housing Strategy** - No objection to the change proposed. These types of requests are likely to become more prevalent due to the types of funding markets that registered providers are now using. The risk of the chargee invoking the clauses is exceptionally small due to Spire Homes being a registered provider; these are organisations that hold significant assets whilst having proportionately low levels of borrowing. In the event the clauses are invoked the risk to the Council of the properties not remaining as affordable housing should the chargee invoke notice will also be exceptionally small due to other safeguards that are in place to ensure that the housing can be offered to other registered housing providers. Through discussion with Spire the funds that it has raised will be used to support further acquisition of affordable on S.106 sites and its own proposed developments in Northampton which have been supported by the Council and the HCA. Therefore there will be benefit in the longer run in terms of the number of affordable houses in Northampton of supporting the change if it is necessary to attain funding.

- 6.2 The application has been advertised by site notices and a press notice. At the time of writing this report no representations had been received, any which are received will be reported to Committee by means of the Addendum.

7. APPRAISAL

- 7.1 The issues to consider are whether the proposed changes to the mortgagee clause of the Section 106 agreement would result in any material change in the provision of affordable housing.
- 7.2 The proposed changes essentially insert a clause to the effect that in the event that the affordable housing provider defaults on their mortgage (which would only be likely to occur if the provider becomes bankrupt), the properties can be sold by the mortgage provider at a sufficient price to pay off the outstanding debt. It is still a requirement that the affordable units be offered in the first instance to other affordable housing providers, but if this cannot be achieved within three months, they can be sold on the open market.
- 7.3 This differs from the previous clause only in setting a minimum price for the properties. This therefore introduces the possibility that if the properties could not be sold for the minimum price to an affordable housing provider, they would therefore be sold on the open market and lost as affordable housing.
- 7.4 It is considered that the likelihood of an affordable provider going out of business is remote and even if this did occur it is likely that the whole portfolio of the provider would be transferred to other affordable housing providers. It is therefore considered that the risk of allowing this change in terms of losing affordable housing units to the private market would be extremely low.
- 7.5 However, this change is required by the mortgage provider who would otherwise not provide funding for the housing to be built, without the assurance that their money could be recovered in the event of a default on the payment. This is now standard procedure and in the absence of the amendments to this clause, advice is that it is unlikely that any lender would be prepared to lend and to fund the provision of affordable housing. Consequently it is considered that the risk of not amending the clause could be that there would be no funding available to the affordable provider and hence the affordable housing would never be built.

8. CONCLUSION

- 8.1 It is considered that the amendment to the mortgagee clause as proposed would not result in any significant risk in respect of the loss of affordable housing. In the absence of this change it is likely that funding for the affordable housing will not be obtained from the registered provider's lender. This could slow down affordable housing

delivery on this site, as the registered provider will have to find alternative financing to pay for the dwellings. It is recommended, therefore, that the application to vary the Section 106 agreement by amending the mortgagee clause as requested is agreed.

9. BACKGROUND PAPERS

9.1 Application N/2014/0994 and 07/0004/OUTWNN

10. LEGAL IMPLICATIONS

10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Location Plan
Date: 16th September 2014
Scale: 1:3000
Dept: Planning
Project: Planning Committee

Title

Former Princess Marina Hospital

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