



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Wednesday, 29 October 2014**

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

6:00 pm

**Members of the Committee**

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

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

**Chief Executive** David Kennedy

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

# PLANNING COMMITTEE

## AGENDA

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

### When Do I Speak At The Meeting

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

### How Long Can I Speak For?

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

### Other Important Notes

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

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

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

on Wednesday, 29 October 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 the Director of Regeneration, Enterprise and Planning (copy herewith)
7. **OTHER REPORTS**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
  - (A) **N/2014/0996 - 56-72 ST GILES STREET: REPLACEMENT OF EXISTING REAR CRITTALL WINDOWS WITH UPVC DOUBLE GLAZED UNITS AND REAR TIMBER DOORS TO POWDER COATED ALUMINIUM FINISH**
  - (B) **N/2014/1000 - CAFE FACILITY RADLANDS SKATE PARK, BEDFORD ROAD: SINGLE STOREY SIDE EXTENSION**
10. **ITEMS FOR DETERMINATION**
  - (A) **N/2014/0596 - LAND AT SIXFIELDS STADIUM, EDGAR MOBBS WAY: OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT OF LAND ADJACENT TO SIXFIELDS STADIUM TO INCLUDE SINGLE STOREY RETAIL BUILDINGS (14,075SQM) WITH ASSOCIATED CAR PARKING AREAS, RESIDENTIAL DEVELOPMENT OF UPTO 255 UNITS COMPRISING OF 2-3 STOREY TOWN HOUSES AND 4 STOREY APARTMENT BLOCKS. EXTENSION AT FIRST FLOOR LEVEL OF THE EXISTING WEST STAND TO FORM A CONFERENCE CENTRE TOGETHER WITH A LINKED 4 STOREY UP TO 100 BEDROOM HOTEL, LANDSCAPING AND OPEN SPACE**

- (B) N/2014/0604 - PLOT 1 ZONE C, SEPALS WAY, PINEHAM: ERECTION OF A BUILDING TO BE USED FOR THE PURPOSES WITHIN GENERAL INDUSTRIAL (B2) OR STORAGE AND DISTRIBUTION (B8) WITH ANCILLARY CLASS B1 OFFICE ACCOMMODATION, ACCESS, PARKING AND LANDSCAPING PROVISIONS**
- (C) N/2014/0619 - FORMER RAEBURN SCHOOL, RAEBURN ROAD: CONSTRUCTION OF 38 DWELLINGS AND ASSOCIATED WORKS**
- (D) N/2014/0951 - LAND ADJACENT TO 25 PENFOLD LANE: ERECTION OF 3 BED BUNGALOW WITH CAR PARKING**
- (E) N/2014/0956 - CLYDE HOUSE, SOUTHFIELDS BARN, SOUTHFIELDS COMMUNITY CENTRE: CHANGE OF USE OF EXISTING STORAGE UNIT TO CREATE 3 DWELLINGS AND INSTALLATION OF FRONT AND REAR WINDOWS, TIMBER CLADDING, ENTRANCE DOORS AND DOUBLE GLAZED SCREENS**
- (F) N/2014/0987 - FORMER ASHTREE SERVICE STATION, 237 MAIN ROAD, DUSTON: VARIATION OF CONDITION 4 OF PLANNING APPLICATION N/2013/0131 TO EXTEND THE OPENING TIMES FROM 0730 - 2000 TO 0700 - 2200**
- (G) N/2014/1022 - PIG & WHISTLE PH, BLACKTHORN BRIDGE COURT: REMOVAL OF CONDITION 3 OF N/2014/0617 (REQUIRING SUBMISSION OF DETAILS OF NOISE SOURCES); VARIATION OF CONDITION 2 TO ALLOW FOR SUBSTITUTION OF PLANS INCORPORATING REVISED DOOR AND WINDOW DETAILS AND EXTENDED RECREATION AREA AND VARIATION OF CONDITION 4 TO EXTEND HOURS OF OPENING TO BETWEEN 0800 AND 2100 MONDAY TO FRIDAY, 0900 TO 2100 SATURDAY AND 0900 TO 1800 SUNDAY**
- (H) N/2014/1045 - FORMER ABINGTON VALE MIDDLE SCHOOL, BRIDGEWATER DRIVE: VARIATION OF CONDITION 15 OF PLANNING PERMISSION N/2011/1262 TO ALLOW THE PROPOSED ROAD TO BE CONSTRUCTED TO ADOPTABLE STANDARDS BY 1ST SEPTEMBER 2015 OR BY THE FIRST OCCUPATION OF THE 41ST DWELLING WHICHEVER IS THE SOONER**

**11. ENFORCEMENT MATTERS**

**12. ITEMS FOR CONSULTATION**

- (A) N/2014/1057 (SOUTH NORTHANTS DC CONSULTATION) - PINEHAM BARNs AREA, BANBURY LANE: EXTENSION OF PINEHAM BUSINESS PARK COMPRISING THE ERECTION OF BUILDINGS B1(C), B2 AND B8 EMPLOYMENT PURPOSES WITH ASSOCIATED PARKING, HIGHWAYS INFRASTRUCTURE, ENGINEERING WORKS, DRAINAGE, LANDSCAPING AND ANCILLARY WORKS, INCLUDING THE PARTIAL STOPPING UP AND DIVERSION OF EXISTING FOOTPATH LB12. OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT SITE ACCESS AND LANDSCAPING TO BOTH THE NORTHERN AND WESTERN BOUNDARIES**

**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, 30 September 2014

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

Steven Boyes, Director of Regeneration, Enterprise and Planning;  
Rita Bovey, Development Manager; Richard Palmer, Planning Policy  
Team Leader; Andrew Holden, Principal Planning Officer; Ben Clarke,  
Senior Planning Officer; Theresa Boyd, Lawyer; Nathan Birch,  
Democratic Services Officer

#### 1. APOLOGIES

Apologies for absence were received from Councillor Lane.

#### 2. MINUTES

The minutes of the meeting held on 2<sup>nd</sup> September 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.

- Houses in Multiple Occupation Interim Planning Policy Statement  
Councillor Marriott
- N/2014/0315 Former Green Oaks Primary School, Bective Road  
Arthur Newbury (Resident)  
Sarah Smith (Resident)  
Thomas Bode (Agent)
- N/2014/0532 Shoemakers Tavern, 52 Bath Street  
Councillor Stone (Ward Member)  
Joe Joyce (Spring Boroughs Residents Association)  
Craig Ryan (Spring Boroughs Forum)  
John Mitchell (Applicant)
- N/2014/0629 Former W Grose, Kingsthorpe Road  
Councillor Marriott (Ward Member)  
Councillor Beardsworth

Julie Shaw (Resident)  
Brian Burnett (Queens Park Res Association)  
Rob Riding (Agent)

- N/2014/0891 The Mounts Surface Car Park  
Councillor Stone (Ward Member)

#### **4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillor Ford declared a personal, non-prejudicial interest in Item 9b; in that his wife works at Delapre Abbey tea rooms. He could however approach the matter with an open mind, without any predetermination or prejudice.

Councillor Golby declared a pecuniary interest in Item 10a; as a member of Northamptonshire County Council and the Cabinet Member responsible for Education. He would leave the room for the duration of the item.

Councillor Golby also declared a personal, non-prejudicial interest in Item 10c; as a member of Northamptonshire County Council and the Cabinet Member responsible for Education. The school neighbouring the site had made representations regarding the application, but he had not been involved in the formation or making of those representations. He could therefore approach the matter with an open mind, without any predetermination or prejudice.

Steven Boyes, Director of Regeneration, Enterprise and Planning, declared a pecuniary prejudicial interest in item 9b; as the responsible officer for negotiations regarding development at Delapre Abbey. He would leave the room for the duration of the item.

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

**RESOLVED:** To determine the following item, that was considered by the Chair to be a Matter of Urgency, because of the undue delay if consideration of it was not made: Section 106 Agreement: N/2013/1325 – Planning Appeal in relation to 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.

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning.

The committee discussed the report.



**RESOLVED:** To delegate authority to the Borough Secretary to negotiate and agree terms for a Section 106 Agreement including terms for the transfer to the Council of open space land in consultation with the Director of Regeneration, Enterprise and Planning

## **6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Director of Regeneration, Enterprise and Planning submitted a List of Current Appeals and Inquiries.

The Development Manager introduced the written report and elaborated thereon.

**RESOLVED:** That the report be noted

## **7. OTHER REPORTS**

### **(A) HOUSES IN MULTIPLE OCCUPATION: INTERIM PLANNING POLICY STATEMENT**

The Planning Policy Team Leader introduced the written report and elaborated thereon. He explained the report was for information and the consultation period was ongoing.

The Chair invited Councillor Marriott to address the Committee. He welcomed the report and hoped that the final policy would lead to more consistent decision making with regard to House in Multiple Occupation (HIMO's) applications. He also asked that the officers consider if the 15%:50m radius guidance was appropriate in densely populated areas.

In response the Planning Policy Team Leader explained that the officers believed 15% was reasonable, other issues such as the change in character could still be considered and each application would be considered on its own merits.

**RESOLVED:** That the report be noted

### **(B) LA/2000/0009 - VARIATION OF S106 OBLIGATIONS, LAND AT UPTON**

The Development Manager introduced the written report and elaborated thereon.

The Committee discussed the report.

**RESOLVED:** To vary the obligations contained within the section 106 agreement dated 25 May 2000 as set out in this report.

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

None

## **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**

The Development Manager outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval in principle with the conditions set out in the report.

The Committee discussed the report.

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

- (B) N/2014/0927: ABBEY COTTAGE, DELAPRE ABBEY - TEMPORARY CHANGE OF USE OF ABBEY COTTAGE FROM RESIDENTIAL (C3) TO OFFICE AND EXHIBITION SPACE**

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

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The consultation period was due to end on 2<sup>nd</sup> October 2014 so the recommendation was amended accordingly to delegate authority to the Director of Regeneration, Enterprise and Planning, subject to there not being any additional objections raising new issues. The recommendation was for approval with the conditions set out in the report and addendum.

In response to questions from the Committee the Principal Planning Officer confirmed that the property had been empty for some time and the main entrance to the building would be from the car park side of the building.

**RESOLVED:** That the Committee delegate authority to **APPROVE** to the Director of Regeneration, Enterprise and Planning, subject to the conditions set out in the report.

## **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**

Councillor Golby left the meeting for the duration of the item.

The Senior Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. He drew the Committee's attention to the addendum and the need to finalise the S106 Agreement with regards to securing suitable highways mitigation. To facilitate this, the recommendation had been amended to delegate the final determination to the Director of Regeneration, Enterprise and Planning.

The Chair invited Mr Newbury to address the Committee. He believed that traffic congestion was already a major concern in the surrounding area. The S106 Agreement should address this and other infrastructure issues.

The Chair invited Ms Smith to address the Committee. She too had concerns about congestion and that amenities needed to expand to meet future demand. She also added that the vacant plot had added to the ecology in the area.

The Chair invited Mr Bode to address the Committee. He explained that the site had been vacant for 10 years and was a suitable for brownfield development. There would be 60 affordable homes in the 170 properties built. He believed that the S106 Agreement would be in place shortly and the applicant was happy to work with all parties to secure an acceptable agreement.

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

- The timescale for work commencing was not yet known.
- The Highways Authority is in discussions about the works that will be required and will form part of any S106 Agreement.
- A Construction Environmental Management Plan would be put in place to mitigate the effects to the surrounding area.
- The Highways Authority has not requested any works to the nearby junction with Kingsthorpe Road.

The Senior Planning Officer clarified the following points:

- The S106 Agreement would address future need for education places.
- The ecology of the site has been assessed. Further surveys would take place prior to construction works taking place in order to take into account any changes. Additional mitigation would also be secured through suitable landscaping and the presence of other facilities, such as bat boxes.
- That a Construction Environment Management Plan would be submitted to the Council prior to the commencement of development. This would include details over the routing of construction traffic and the hours in which building works would take place.

The Committee discussed the report.

**RESOLVED:** That the Committee delegate authority to **APPROVE** the application to the Director of Regeneration, Enterprise and Planning, subject to the conditions set out in the report and agreement being reached on the S106 Agreement

**(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**

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum. The recommendation was for approval subject to the conditions as set out in the report. He advised the Committee the applicant had agreed to fund the relocation of a lamppost currently blocking one access to the site.

The Chair invited Councillor Stone to address the Committee. She explained how the local community was working hard to enhance the area, but that this application was against their specific wish to see the building retained for community use.

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

- She did have concerns that the property could become an unmanaged hostel for vulnerable people.
- She did believe that all the alternative uses for the site had been fully explored.
- The Neighbourhood Forum had applied to have the building retained as an Asset of Community Value. They also wished to include the building as part of the neighbourhood local plan.

The Chair invited Mr Joyce to address the Committee. He explained that the Spring Boroughs Residents Association had considered the plans carefully, but did not believe that they would help maintain a cohesive community. He also raised the issue of shared facilities and a minimal number of parking spaces allocated to the property.

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

- The building had been empty for 3 years.
- The developer had not approached the Residents Association until after the application was submitted.

The Chair invited Mr Ryan to address the Committee. He believed that the proposal was contrary to Central Area Action Plan (CAAP) Policy 24, due to loss of amenity or commercial site. He also believed the 10 residents condition contained in the report would be unenforceable.

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

- Local residents had had difficulty in contacting the owners during recent years.
- As a public house the business had been successful at times, but had finally closed 3 years ago.

The Chair invited Mr Mitchell to address the Committee. He explained that his company had a policy of closely managing their buildings and this would not be a hostel type property, instead they looked to attract long term tenants. With regard to room size, bathroom numbers and kitchen facilities the plans either met or exceeded the standards required.

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

- His firm did not manage any other properties in Northampton.
- Other development on the site was not financially viable.
- There are no plans to use the cellar space.
- There will be two site entrances, with one entrance to the building itself.

The Principal Planning Officer clarified the following points:

- The application was for a HIMO and not a hostel. The proposed residents are not specified as students or otherwise.
- With regard to the CAAP, Policy 24, officers believe this development did add to the mix of housing in the area.
- Aspiration for an alternative use is not a material planning consideration.
- Emergency exits from the property will be dealt with by Building Regulations.

The Committee discussed the report.

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

**(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)**

The Senior Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and addendum.

The Chair invited Councillor Marriott to address the Committee. He welcomed the revised scheme, with a smaller retail outlet and much needed housing provision. He added that while the neighbouring school had been identified, it was good that the school and developer were working address the issues. He hoped that the S106 funds would go towards local public need and not lost into the County Council funding pool.

The Chair invited Councillor Beardsworth to address the Committee. She welcomed the smaller supermarket and the removal of the petrol station which would alleviate traffic movement in the area. She believed that the proposed gardens would be too close to the school and details of the proposed fence needed to be finalised. Concerns over the on street parking in Queens Park Parade had also been raised with her.

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

- There is other green space at the school, but they had identified the one in question for specific use as a quiet area.
- She was not aware of the detail of the fence to be constructed.

The Chair invited Ms Shaw to address the Committee. She explained she lived in Thornton Road, to the west of the site. Residents had concerns about the future opening of access to this road from the development.

The Chair invited Mr Burnett to address the Committee. He expressed support for the reduced scale of the retail development, but asked that there be clarity on access and parking issues in the area. He asked that S106 funds be identified for work on parks in the local area.

The Chair invited Mr Riding to address the Committee. He believed the reduced retail development, with a small scale housing development, would have a lesser impact on the surrounding area than the already agreed larger retail proposal. In response to a request from the school the developer had agreed to lower the level of the properties bounding the school and install a 3m fence as agreed. It was anticipated that work would start in January 2015 and last for approximately 20 months. He believed this was a suitable use for a prominent site.

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

- The changes to the development nearest to the school boundary would mean there would no overlooking.
- Any contamination would be cleared and remediation made prior to building work commencing.
- The developer was willing to agree final details of the proposed school fence with the Planning Department.

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

- The developer had agreed a 3m high, closed board fence with the school.
- That officers would ensure that the requirements of the school are fully considered when finalising the type and design of the boundary treatments and that they are consulted before the height and design are agreed.
- That the proposed Section 106 Agreement Heads of Terms had been drafted to give the Council some flexibility as to what any payments would be used for as the money may not be received for some time; however, any received funds would need to be spent in accordance with the legal tests as described in paragraph 7.37 of the Committee report.

The Committee discussed the report.

**RESOLVED:** The application be **APPROVED IN PRINCIPLE** subject to the prior completion of a Section 106 Legal Agreement and the conditions as set out in the report.

**(D) N/2014/0891: THE MOUNTS SURFACE CAR PARK - INSTALLATION OF A FREESTANDING, SELF CONTAINED AUTOMATIC PUBLIC CONVENIENCE INSTALLED WITHIN CAR PARK**

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval subject to the conditions set out.

The Chair invited Councillor Stone to address the Committee. She did not believe that the proposal met the wishes of Full Council. She hoped this was a temporary arrangement until permanent facilities are built.

The Committee discussed the report.

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

**(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)**

The Senior Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval subject to the conditions set out.

The Committee discussed the report.

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

**(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**

The Principal Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was that the variation be agreed.

The Committee discussed the report.

**RESOLVED:** That the variations to the S106 agreement be **AGREED** as set out in the report

**11. ENFORCEMENT MATTERS**

None

**12. ITEMS FOR CONSULTATION**

None

The meeting concluded at 9:07 pm



Directorate: Regeneration, Enterprise and Planning  
 Director: Steven Boyes



**List of Appeals and Determinations – 29<sup>th</sup> October 2014**

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2014/0171</b> 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	<b>ALLOWED</b>
<b>N/2014/0370</b> APP/V2825/A/14/2223072	DEL	Rear of 102 Harborough Road. Erection of 5no dwellings with vehicular access and parking	<b>AWAITED</b>
<b>N/2014/0618</b> APP/V2825/A/14/2223848	DEL	Rear of 25 Pleydell Road. Erection of 3 bedroom detached dwelling (re-submission of N/2013/0718)	<b>AWAITED</b>
<b>N/2014/0519</b> 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)	<b>AWAITED</b>
<b>N/2014/0214</b> APP/V2825/A/14/2224274	PC	37 Semilong Road - Change of use from dwelling (Use Class C3) to 7 bed HIMO (Sui Generis)	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearing</b>			
<b>N/2013/1325</b> 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 <sup>th</sup> October 2014)	<b>AWAITED</b>
<b>Enforcement Appeal</b>			
<b>02/2014</b>		Installation of 3No. roller shutters and associated boxes to the frontage of 24-28 Wellingborough Road	<b>AWAITED</b>

The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed	Author and Contact Officer Mrs Rita Bovey, Development Manager (Acting) Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0996:** Replacement of existing rear crittall windows with UPVC double glazed units and replacement of existing rear timber doors with powder coated aluminium doors at 56-72 St Giles Street

**WARD:** Castle

**APPLICANT:** Northampton Borough Council

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Council owned property

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposed alterations would have a neutral impact on the appearance of the existing building and would not adversely impact on the character or appearance of the conservation area in accordance with Policy 1 of the Northampton Central Area Action Plan, Policy S10 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 proposes the replacement of the existing Crittall metal framed windows on the rear elevations of Nos. 56-72 St Giles Street with UPVC double glazed units designed to match the profiles and sizes of the existing windows. In addition, the existing timber doors to the rear will be replaced with new aluminium powder coated and

glazed doors to match the white of the existing UPVC windows. The ground floor window on Unit 72 will be repaired.

### **3. SITE DESCRIPTION**

3.1 The application site is located within the Primary Shopping Area as defined by the Central Area Action Plan (CAAP) and within Derngate Conservation Area.

3.2 Nos. 56-72 St Giles Street comprise of a mix of retail and café uses. The buildings are single storey to the front with shop frontages onto St Giles Street dropping down to a basement level internally which results in a two-storey building at the rear. The rear elevations face onto a rear car park accessed from Castilian Street.

### **4. PLANNING HISTORY**

4.1 There have been various previous applications for the properties relating to change of use and advertisement consent none of which are specifically relevant to this application.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Northampton Central Area Action Plan 2012, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

Paragraph 56 advises that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 131 of the NPPF seeks to ensure that the significance of heritage assets is sustained.

#### **5.3 Northampton Central Area Action Plan 2012 (CAAP)**

Policy 1: Promoting Design Excellence – advises that all new development in the Central Area must demonstrate a high design standard and preserve and enhance the character, appearance and setting of the central area's heritage assets.

#### **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 as it has been prepared in full conformity with the NPPF.

The Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy S10 'Sustainable Development Principles' seeks to ensure development achieves the highest standards of sustainable design incorporating safety and security considerations whilst protecting, conserving and enhancing heritage assets.

#### **5.5 Derngate Conservation Area Appraisal and Management Plan 2006**

The appraisal notes that this part of St Giles Street is occupied by buildings of modern construction with flat roofs and insignificant shop fronts. Sympathetic redevelopment would benefit the extended Conservation Area and would also enhance the shopping experience.

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

- 6.1 The **Conservation Officer** has advised that the proposed alterations would have a neutral impact and has no objection.

### **7. APPRAISAL**

- 7.1 The main issue for consideration is as to whether the proposed alterations would lead to any significant adverse impact on the appearance of the existing buildings or the character and appearance of the conservation area.
- 7.2 The proposed replacement windows are required in order to upgrade the existing windows which are in a dilapidated condition, a number of which also leak. The existing rear timber doors are also in a dilapidated condition and provide insufficient security to the building the replacement of which would assist in improving security to the rear of the building which is exposed to the car park.
- 7.3 Although visible from the end of Castilian Street the proposed alterations will not be visually prominent within the wider conservation

area and would be an improvement to the dilapidated appearance of the existing building without having any significant adverse impact on the character of the conservation area. The Conservation Officer has no objection.

## **8. CONCLUSION**

- 8.1 The works are required in order to improve the standard of accommodation and security of the existing commercial units. The proposed alterations are considered to have a neutral impact on the character and appearance of the conservation area and the application is therefore recommended for approval.

## **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: drawing nos. 100, 101 & 200.

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

## **10. BACKGROUND PAPERS**

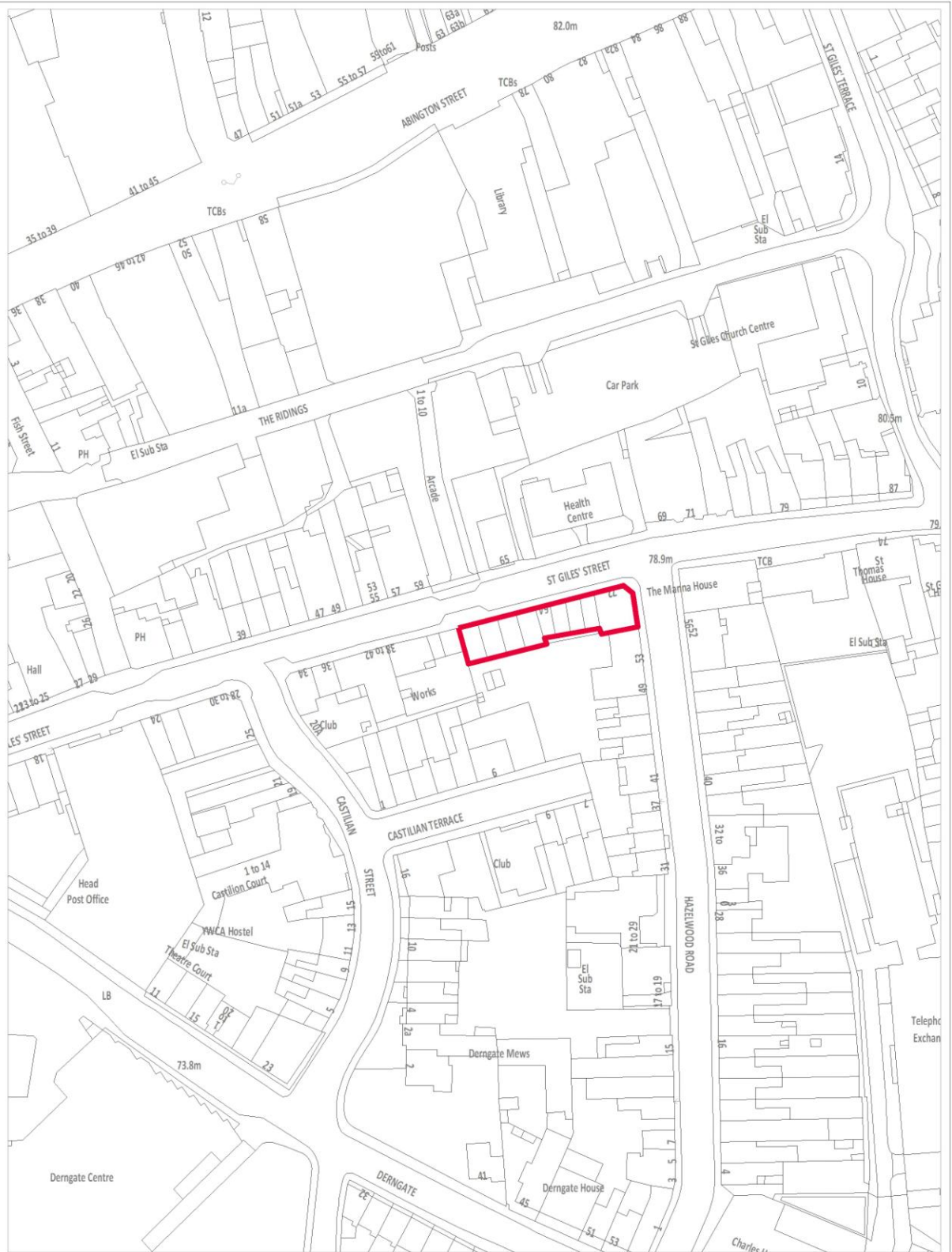
- 10.1 N/20140996.

## **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: 8th October 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**56-72 St Giles Street**

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1000:** Single storey side extension to café at Cafe Facility Radlands Skate Park, Bedford Road

**WARD:** Rushmills

**APPLICANT:** Northampton Borough Council

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Council owned property

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposal would represent an improvement in leisure facilities which would serve the Borough as a whole and which would not have any detrimental impact on the existing open space or on the amenities of adjoining occupiers. The proposal thereby complies with Policies E20, E40, L1 and L16 of the Northampton Local Plan and the National Planning Policy Framework.

### **2. THE PROPOSAL**

#### **2.1** The proposal is for a single storey extension to the existing café. This would add 39m<sup>2</sup> of floorspace to the existing 45m<sup>2</sup> of the existing cafe.

### **3. SITE DESCRIPTION**

#### **3.1** The application relates to the café at the skatepark south of Bedford Road within Midsummer Meadow.

### **4. PLANNING HISTORY**

#### **4.1** The skatepark was approved by the Planning Committee in April 2012

under application reference N/2012/0170.

- 4.2 The café was subsequently erected using the Council's permitted development rights, which was possible due to its limited size.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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

### **5.2 National Policies - National Planning Policy Framework (NPPF)**

The NPPF states at paragraph 70 that planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities.

### **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 E40 states that planning permission will not be granted for development unless its design, Layout and landscaping pay adequate regard to the need to deter crime and vandalism.

Policy L1 states that planning permission will not be granted for development which would result in the loss of open space of established amenity/landscape value unless the development secures the majority of the site as a facility for sport and recreation.

Policy L16 states that within the river valley policy area planning permission will not be granted for development other than agriculture, leisure or recreational uses.

### **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 Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy E7 states that tourism, visitor and cultural development proposals will be supported where they contribute to the achievement of regeneration aims and objectives, strengthen the overall tourism offer, benefit local communities and businesses; and development is of a use, form and scale which does not harm the quality of the natural or built environment.

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Canal and River Trust** – no observations.
- 6.2 **Environment Agency** – no comment to make.
- 6.3 **Environmental Health** – No objections or conditions to add to any decision documents.
- 6.4 **Police Crime Prevention Design Adviser** – There has been very little crime or disorder reported from the Skate Park in the last 12 months and no crime reported from this café facility. The extension is unlikely to increase crime and disorder in the area and due to its height the extension will not restrict the view of The Ark restaurant from the NBC CCTV camera. As some damage has been done to the existing shutters on the café would recommend that the shutters fitted to protect the new windows are tested and certificated Secured by Design accredited products.
- 6.5 The application was advertised by site notice and press notice. Objections have been received from the operator of the nearby **boat restaurant** which may be summarised as follows:
  - Would obscure vision to the security barrier which would cause problems for receiving deliveries.
  - Would have a negative impact on trade as customers would not be able to see the skatepark.
  - Would be unfair competition.

## **7. APPRAISAL**

- 7.1 The main issues to consider are the impact on visual amenity, the amenity value of the existing open space and any impacts resulting from increased use of the café facility.
- 7.2 The proposed extension to the café would be of similar appearance to the existing café, it is considered that the appearance of the building as extended would be acceptable and no adverse visual impact would result from the enlargement. Whilst this would increase the built form in this area of the park, when viewed in the context of the park as a whole this would be in keeping with the character of the existing building and the locality.
- 7.3 The extension proposed is required to provide additional seating for customers of the café, which are drawn from skatepark users but also other park visitors. There is reportedly demand for this and it is considered that this provision would provide a useful public service and would add to the amenity value of the park.
- 7.4 The existing café is located near to the new boat restaurant. However, due to the small scale of the extension it is not considered that the proposed development would cause undue impact on the restaurant.
- 7.5 An objection has been received from the operators of the boat restaurant on the grounds that the extension would obscure their view of the delivery barrier, and would obscure the view of their customers of the skatepark and would therefore represent unfair competition. In respect of the view to the security barrier and skatepark, it is considered that this has a limited impact, and in any event the loss of a view does not represent a material planning consideration. Similarly, the objection on the grounds of the loss of trade cannot be taken into account in the determination of a planning application.
- 7.6 The site is located within the floodzone, however this is classified as “water compatible” development under Environment Agency guidance and it can be noted that the scale of the development is such that the Environment Agency do not wish to comment.
- 7.7 Comments from the Police Crime Prevention Design Adviser indicate that there has been little crime in the area but recommend shutters are of secured by design standard, and a condition to this effect is proposed.
- 7.8 In conclusion it is considered that the proposal represents an appropriate enlargement of an existing facility which would provide a service which would enhance the leisure function of the area and that this is compliant with the aims and objectives of the policies as set out above.

## **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: 001, 6190/02/D

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

(3) 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 as specified in the application.

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.

(4) Prior to the commencement of any development, full details of the security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and completed fully in accordance with the approved details prior to the occupation of the development hereby permitted and maintained thereafter.

Reason: In the interests of security and the prevention of crime, in accordance with Policy E40 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

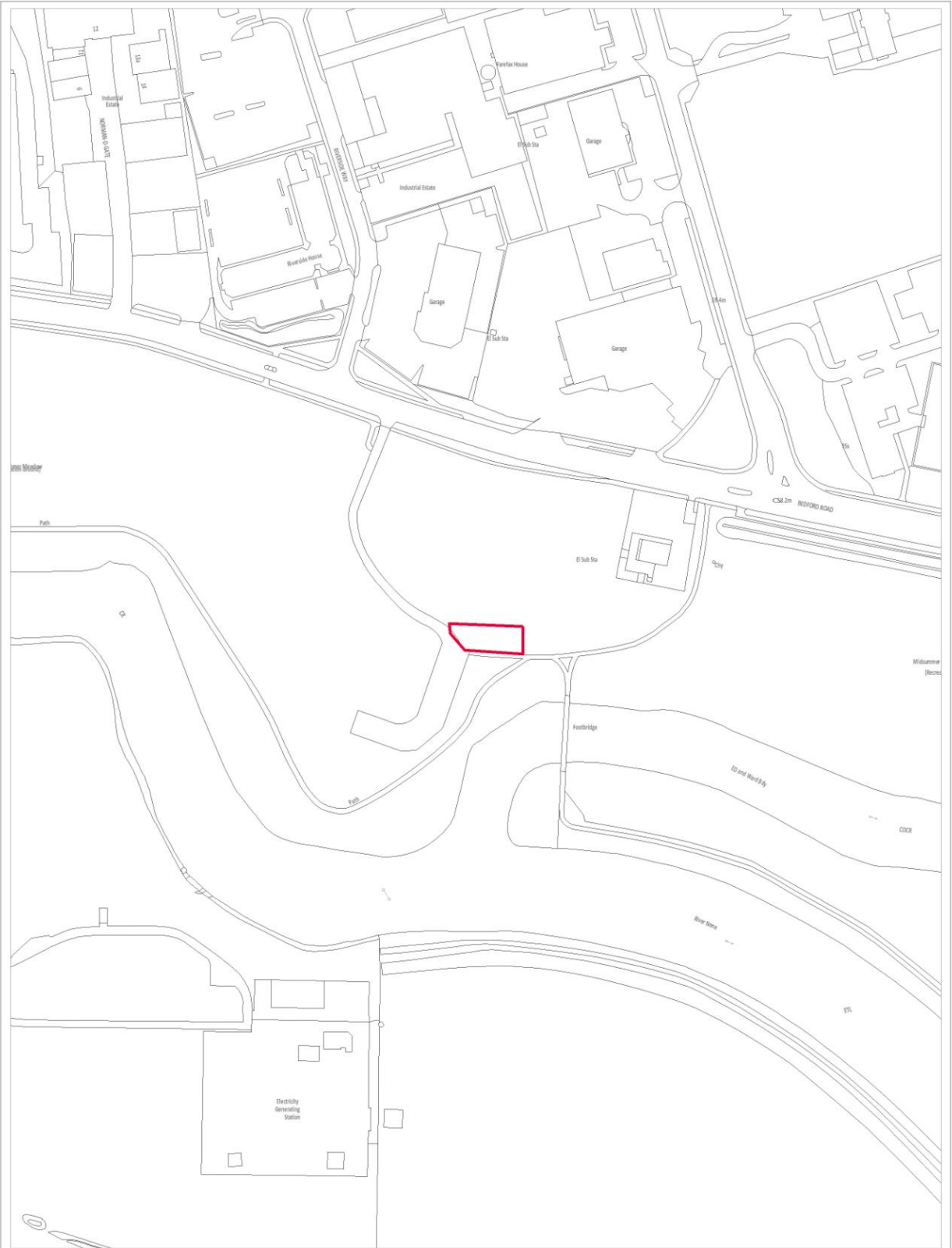
10.1 Application File N/2014/1000.


## **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.



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Name: <b>Location Plan</b>          Date: <b>8th October 2014</b>          Scale: <b>1:2250</b>          Dept: <b>Planning</b>          Project: <b>Planning Committee</b></p>	<p>Title</p> <p><b>Cafe Facility, Radlands Skate Park, Bedford Road</b></p>
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## Addendum to Agenda Items Wednesday 29<sup>th</sup> October 2014

### 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

**9A**

**N/2014/0996**

Replacement of existing rear crittall windows with UPVC double glazed units and rear timber doors to powder coated aluminium finish  
56-72 St Giles Street

No update.

**9B**

**N/2014/1000**

Single storey side extension to café  
Cafe Facility Radlands Skate Park, Bedford Road

No update.

### 10. ITEMS FOR DETERMINATION

**10A**

**N/2014/0596**

Outline planning application for mixed use development of land adjacent to Sixfields Stadium to include single storey retail buildings (14,075sqm) with associated car parking areas, residential development of upto 255 units comprising of 2-3 storey town houses and 4 storey apartment blocks. Extension at first floor level of the existing West stand to form a conference centre together with a linked 4 storey upto 100 bedroom hotel, landscaping and open space  
Land at Sixfields Stadium, Edgar Mobbs Way

**Sport England** has withdrawn its holding objection as the replacement facilities to mitigate the loss of the athletics track and football pitch can be achieved through the conditions previously imposed. Concerns are expressed though regarding the proximity of residential development to the established football stadium although Sport England accept that this is a matter of judgment for the Planning Authority.

A letter has been received on behalf of the **owners of the Grosvenor Centre** expressing concern regarding the “promotion of town centre uses in an out-of-centre location that will directly compete with Northampton City (sic) Centre and the existing retail offer”.

**10B**

**N/2014/0604**

Erection of a building to be used for the purposes within (Use Class B2) General Industrial, (Use Class B8) or Storage and Distribution with ancillary B1 office accommodation, access, parking and landscaping provisions  
Plot 1 Zone C, Sepals Way, Pineham

**Amended Conditions:**

**5.** Before the development is occupied, a scheme shall be submitted to and agreed in writing by the Local Planning Authority specifying all sources of noise on the site and the provisions to be made for its control. The scheme shall be implemented before the development hereby permitted is first brought into use and shall be retained thereafter.

**Reason:** To ensure the development does not prejudice the amenities of future nearby residential occupiers in accordance with Policy E20 of the Northampton Local Plan.

7. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation, implemented concurrently with the development and retained thereafter.

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

**10C**  
**N/2014/0619**  
**Construction of 38no dwellings and associated works**  
**Former Raeburn School, Raeburn Road**  
**Major Application requiring S106 agreement**

**NCC Highway Authority** – no objection to the proposed removal of the SUDs basin.

**10D**  
**N/2014/0951**  
**Erection of 3-bed bungalow with car parking**  
**Land adjacent to 25 Penfold Lane**

No update.

**10E**  
**N/2014/0956**  
**Change of use of existing storage unit to create 3no. Dwellings and installation of front and rear windows, timber cladding, entrance doors and double glazed screens**  
**Clyde House, Southfields Barn, Adjacent to Southfields Community Centre**

Additional objections have been received from **9 Pindar Rise, 7 Oak Park Close 8 Ten Pines, 1 Ludlow Close, 41 and 47 Farmhill Road and Community Spaces**. A petition from **Glorious Liberty Apostolic Church** at Farmhill Road including 23 signatures also objected to the application. The reasons are summarised as follows:

- The site is not suitable for redevelopment, better use would be village green status
- Adverse impact on community centre and potential conflict between car park users
- Concern on noise from community centre to occupiers of units
- Increase in anti-social behaviour
- Loss of privacy to 7 Oak Park Close
- Concern that more houses would be crammed in at the expense of a valuable community centre
- Impact on place of worship and would destroy the community
- Potential loss of trees/community centre

The **Applicant** wishes to point out that a recent article produced in Southfields Focus is factually incorrect given that the number of proposed units is 3 and not 4 and no trees are to be removed.

**10F**  
**N/2014/0987**  
**Variation of condition 4 of planning application N/2013/0131 to extend the opening times from 0730-2000 to 0700-2200**  
**Former Ashtree Service Station, 237 Main Road, Duston**

No update.

**10G**  
**N/2014/1022**  
**Removal of condition 3 of N/2014/06174 (requiring submission of details of noise**

sources); variation of condition 2 to allow for substitution of plans incorporating revised door and window details ad extended recreation area and variation of condition 4 to extend hours of opening to between 0730 and 2100 Monday to Friday, 0900 to 2100 Saturday and 0900 to 1800 Sunday  
**Pig & Whistle PH, Blackthorn Bridge Court**

No further comments received.

**10H**

**N/2014/1045**

**Variation of condition 15 of planning permission N/2011/1262 to allow the proposed road to be constructed to adoptable standards by 1<sup>st</sup> September 2015 or by the first occupation of the 41<sup>st</sup> dwelling, whichever is the sooner  
Former Abington Vale Middle School, Bridgewater Drive**

No further comments received.

## **12. ITEMS FOR CONSULTATION**

**12A**

**N/2014/1057**

**Extension of Pineham Business Park comprising the erection of buildings B1(c), B2 and B8 employment purposes with associated parking, highways infrastructure, engineering works, drainage, landscaping and ancillary works, including the partial stopping up and diversion of existing footpath LB12. Outline application with all matters reserved except site access and landscaping to both the northern and western boundaries. (Application accompanied by an Environmental Statement). (SNC Consultation)  
Pineham Barns Area, Banbury Lane**

No update.



**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0596:** Outline planning application for mixed use development of land adjacent to Sixfields Stadium to include single storey retail buildings (14,075sqm) with associated car parking areas, petrol filling station, residential development of up to 255 units comprising of 2-3 storey town houses and 4 storey apartment blocks. Extension at first floor level of the existing West stand to form a conference centre together with a linked 4 storey up to 100 bedroom hotel, landscaping and open space, land at Sixfields Stadium, Edgar Mobbs Way

**WARD:** St James

**APPLICANT:** County Developments Northampton Ltd.  
**AGENT:** Douglas & Warner Professional Services

**REFERRED BY:** Director - Regeneration, Enterprise and Planning

**REASON:** Major Development requiring S106 agreement and Council owned land

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to the prior referral of the matter to the Secretary of State; the completion of an appropriate and reasonable Section 106 legal agreement; appropriate conditions and the satisfactory resolution of the following matters:



- The impact of the retail and leisure elements of the application being demonstrated to be compliant with policy;
- The impact on the local road network being demonstrated as acceptable;
- Issues of ground contamination being shown as capable of being adequately remediated;
- The objection from the Environment Agency being adequately addressed;
- Demonstration that any ecological impacts can be satisfactorily addressed; and
- The holding objection from Sport England being satisfactorily addressed.

A further report will be presented to the Committee at a future meeting, most likely that of the 18th November, to outline the progress made on addressing these matters and to therefore allow Members to make a final decision on their resolution.

## **2. THE PROPOSAL**

- 2.1 The application seeks outline planning permission for a mixed use development. This would involve a retail development of 14,075 square metres with associated car parking areas and a petrol filling station. Also a residential development of up to 255 units (comprising 167 houses of two and three storeys and 88 flats in four storey blocks). It is also proposed to develop a conference centre and hotel which would be linked to the west stand of the football stadium. Landscaping and open space would be provided.
- 2.2 All matters are reserved for future consideration, however an indicative masterplan has been submitted which shows the retail development being accessed from Weedon Road/Tweed Road and Walter Tull Way. The retail development would have one retail unit of 6,330 sqm which has been identified as a food store (supermarket). Two small retail units are shown attached to this which would have a combined size of 695 sqm. Two further non-food retail units of 5,100 and 1,950 sqm are also indicated.
- 2.3 The residential development is shown as being accessed from three points on Edgar Mobbs Way and would occupy the lower portion of the site. A pedestrian link is shown between the residential and the retail areas.
- 2.4 It is proposed to link the first floor of the rear of the west stand of the stadium to the conference facility which would see the existing ground level concourse/car parking immediately behind the stand remain. The

conference facility would then link to a four storey hotel building providing 80 bedrooms.

- 2.5 As the application proposes “development outside town centres” (retail and leisure) exceeding 5,000 sqm it is required under The Town and Country Planning (Consultation) (England) Direction 2009 to be referred to the Secretary of State before a decision may be issued by the Local Planning Authority.

### **3. SITE DESCRIPTION**

- 3.1 The application site is in distinct parcels due to the difference in land levels. The upper part of the site, which would be the location of the retail development, is somewhat ‘L’ shaped adjoining Walter Tull Way, Weedon Road and Tweed Road. At present part of the site is a vacant site used as overflow car parking, while the north eastern element is a household recycling centre.
- 3.2 The lower part of the site sits approximately three to four metres lower, with a sloping grass bank between the two levels, and forms overgrown scrubland adjacent to Edgar Mobbs Way which runs across the southern boundary. Directly to the west is Sixfields Stadium with its car parking area sitting to a higher level to the west.
- 3.3 This area is a former land fill, as evidenced by a number of ventilation pipes and was allocated within the Local Plan as a Development Site. The site is within the Enterprise Zone with the surrounding area generally being characterised by various commercial uses. On the opposite side of Edgar Mobbs Way is Stortons Pits Nature Reserve, which is a Local Nature Reserve.

### **4. PLANNING HISTORY**

- 4.1 N/2013/1048 Planning permission granted for extension of east stand of stadium including erection of conference/banqueting suite in November 2013. Planning permission N/2014/0889 was granted in September 2014 to allow different plans to be used in the development including the removal of the conference/banqueting facility.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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

## 5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the Government's overarching approach to planning. It encourages sustainable development and requires good quality design as well as setting out the need to build a strong economy and deliver a wide choice of quality homes. The NPPF also aims to ensure the vitality of town centres.

## 5.3 Northampton Local Plan

Policy E18 (Nature Conservation) requires development to have no adverse effect upon the nature conservation value of Local Nature Reserves.

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

Policy E40 (Crime and Vandalism) requires development to pay adequate regard to the need to deter crime and vandalism.

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

Policy H17 (Mobility Housing) requires 10% of dwellings on schemes of ten or more units to be built as 'mobility housing'.

## 5.4 Northampton Central Area Action Plan (CAAP)

The CAAP aims to regenerate the town centre and as such defined 'town centre' development should be located within the area of the CAAP.

Policy 14 of the CAAP sets targets of 61,000 sqm of gross comparison retail floorspace and 4,500 sqm of gross convenience floorspace to be provided by 2026 in the Town Centre.

## 5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations SPD 2013

## 5.6 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 Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy S2 sets out the hierarchy of centres and defines Northampton as the regional town centre.

Policy S9 (Distribution of Retail Development) states that retail floor space will be accommodated firstly within town centres and when not in the town centre proposals will be subject to a sequential approach and an impact assessment to ensure no negative impact on the town centre.

Policy S10 (Sustainable Development Principles) requires high standards of sustainable design and accessibility.

Policy C2 (New Developments) states that all new development in Northampton should maximise travel choice from non-car modes and should be supported by a transport assessment and travel plan.

Policy E7 (Tourism, Visitor and Cultural Industries) indicates that such development will be supported where they contribute to regeneration; strengthen the tourism offer; benefit local communities and businesses and do not harm the natural or built environment.

Policy H1 (Housing Density and Mix and Type of Dwellings) requires new housing development to provide a mix of types, sizes and tenures. Development is also required to make the efficient use of the location and character of the site; the character of the surrounding area; accessibility and amenity.

Policy H2 (Affordable Housing) requires 35% affordable housing provision on sites of 15 dwellings or more within Northampton.

Policy INF1 (Infrastructure Delivery) states that new development will be supported by and provide access to infrastructure.

Policy N1 (The Regeneration of Northampton) places a focus on the town centre and central area for retail and leisure development. It also focuses on employment development through regeneration and redevelopment of the Enterprise Zone.

Policy N2 (Northampton Central Area) emphasises the focus for development within the central area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** have commented that the Transport Assessment and Travel Plan submitted with the application are insufficient to allow them to form a view on the application.
- 6.2 **NBC Environmental Health** have commented on noise, air quality and contamination. Conditions are recommended with regard to noise (both in terms of the noise generated by the development and protecting future residents from external noise). An air quality assessment is required which has not yet been produced. With regard to the issue of contamination it is considered that the broad principle of remediation has been shown as being possible, however the detail of how this is to be achieved needs to be looked into further.
- 6.3 **NBC Community Safety** request CCTV coverage of the commercial element of the scheme and a contribution towards monitoring and maintenance of £3,000 per annum, for ten years.
- 6.4 **Northamptonshire Police** have raised several design and detailed issues concerning the indicative layout.
- 6.5 **Sport England** have submitted a holding objection due to insufficient information being submitted to understand the application in relation to the athletics track/playing field within the application site to the rear of the east stand of the stadium.
- 6.6 **NCC Development Management** have requested a contribution of £992,906 towards primary education; £689,064 towards secondary education; £23,460 towards fire and rescue for the residential element of the scheme and a contribution of £55,678 towards libraries. A contribution towards fire and rescue for the commercial element of the scheme would be required if sprinklers are not to be installed.
- 6.7 **Highways Agency** have not commented on the Transport Assessment.

- 6.8 **Natural England** have referred to their standing advice which requires LPAs to fully understand the impact on Local Nature Reserves.
- 6.9 **Nene Valley Nature Improvement Area** do not object to the principle of development but have comments on the need for landscaping to be incorporated within the development.
- 6.10 **National Grid** do not object but highlight equipment in the vicinity.
- 6.11 **Western Power** have no observations.
- 6.12 **NBC Housing Strategy** have commented on the need for affordable housing to be provided.
- 6.13 **NBC Urban Design** have made several comments regarding the indicative layout of the development and in particular the residential element of this.
- 6.14 **NHS** request a contribution of £158,355 towards health provision.
- 6.15 **Environment Agency** recommend the refusal of the application on the basis that the submitted Flood Risk Assessment is inadequate, particularly in terms of addressing surface water run off and attenuation

## 7. APPRAISAL

### *Background*

- 7.1 The application site sits within a Development Site for mixed use proposal as defined in the Local Plan and the surrounding area has been intensively developed over the last twenty years with a variety of commercial/leisure uses including Sixfields Stadium, the home of the town's professional football club. The site is also within the Northampton Waterside Enterprise Zone
- 7.2 Aspects of the development, the hotel and conference facility, are linked to the stadium and are intended to provide additional income streams for the football club.

### *Planning Policy*

- 7.3 The NPPF generally encourages sustainable development which would have economic benefits, as well as requiring a range of housing to be provided and for local authorities to ensure they have an adequate five year supply of housing to aid the delivery of this.
- 7.4 The NPPF also recognises the need to protect town centres from out of centre development which would harm the role of that centre.
- 7.5 Policies of the Joint Core Strategy are consistent with the NPPF in seeking to promote economic development and housing development

while ensuring that such development is appropriately located and would not compromise the role of designated town centres.

- 7.6 The CAAP set out the Council's objective to revitalise the town centre and to make this the focus for retail and leisure development.
- 7.7 Local Plan Policies which are relevant reiterate to an extent these considerations.

#### *Retail Impact*

- 7.8 14,075 sqm of retail floor space is proposed as part of the application. 6,330 sqm of this would be for a food store. Due to this scale of retail development, as outlined previously, the application must be referred to the Secretary of State as it is "out of centre" development.
- 7.9 The NPPF and the emerging policies of the JCS require that outside an established town centre proposals for retail, and indeed leisure, development require an impact assessment to be carried out and for a sequential test to be applied to make sure that development is appropriately located and will not be to the detriment of the established centre.
- 7.10 A retail impact assessment, incorporating a sequential test, has been submitted with the application and the Council has employed an external consultant to evaluate this. The consultant has concluded that while there may be a case to justify the development, in particular the possible need for a further food store, there are flaws in the analysis conducted and that consequently there needs to be further work undertaken to satisfactorily demonstrate the retail impact of the scheme would not be adverse and would not conflict with the advice of the NPPF, the policies of the JCS or indeed the Council's own aspirations for the town centre as set out in the CAAP.

#### *Highways*

- 7.11 The Highway Authority have raised concerns over the lack of information provided within the submitted Transport Assessment and that, presently, this does not allow for a judgement to be formed on the likely impact which the development would have on the road network in the vicinity. At present the applicant is in discussion with the Highway Authority regarding this matter.
- 7.12 Concerns have also been expressed regarding the layout within the housing element of the application. The application is in outline only and the layout indicative and it is therefore considered that this issue can be considered and addressed at a detailed stage.
- 7.13 The Highways Agency has, so far, expressed the view that the development is unlikely to impact on the strategic road network.

#### *Character of Area/Design*

- 7.14 The application site is on two distinct levels. The upper level which would be the site for the retail element of the application would see the continuation of Walter Tull Way which has a number of commercial uses. The site also fronts Weedon Road and Tweed Road which are commercial in nature. Consequently it is not considered that the principle of large scale retail buildings being developed on the site would detrimentally impact upon the character of the area and would, indeed, complement surrounding land uses.
- 7.15 The lower level of the site would be the location for the residential element of the development. This portion of the site has a distinctly different character with the Stortons Pits Nature Reserve on the opposite side of Edgar Mobbs Way contributing to a more open and undeveloped nature. In this context the principle of residential development on this lower section is considered broadly acceptable.
- 7.16 However, consideration would need to be given at a detailed stage as to the design of the scheme, particularly how it fronts Edgar Mobbs Way and the nature reserve, as well as to landscaping to ensure the assimilation of the development into its surroundings.

#### *Contamination/Environmental*

- 7.17 As part of a detailed scheme for the site consideration will also need to be given as to how the residential development relates to the retail element of the application in environmental terms as well as to other surrounding commercial land uses. In terms of the principle of the development, which is what is currently being considered, it is considered that this can work and as such the application is considered acceptable from this perspective.
- 7.18 In terms of considering the principle of the application the more significant issue from an environmental perspective is the matter of ground contamination. The site was formerly used for landfill and consequently is significantly contaminated. The development of retail units on such a site is not too much of an issue. However the development of dwellings in this context is, potentially, a major concern due to the potential risks to the health of future residents.
- 7.19 Reports have been submitted with the application which indicate that the ground conditions existing at the site could, potentially, be satisfactorily remediated so as not to provide a risk to the health of future residents of the development. However it is considered that further information needs to be provided around this issue and consideration given as to the mechanisms required to secure the necessary remediation.

#### *Wildlife/Ecology*

- 7.20 The ecology report submitted with the application identifies the potential for protected species to exist within the site and also identifies



the possibility of the site being interconnected with the nearby nature reserve. It is considered that the impact of the development from this perspective needs to be understood in more depth prior to granting planning permission and discussions are currently taking place with the applicant regarding the potential for an ecology strategy for the site.

#### *Sport England*

- 7.21 Sport England have currently submitted a holding objection to the application on the basis of the loss of the athletics track and football pitch adjacent to the Sixfields Stadium which is within the western part of the housing section of the application site. If a Local Planning Authority is minded to grant planning permission where Sport England objects it is required to refer the matter to the Secretary of State.
- 7.22 The loss of the athletics track and football pitch was originally proposed as part of the application to extend the east stand of Sixfields Stadium and to erect a conference/banqueting facility. Replacement facilities were required to be provided by means of a condition. While this condition has not formally been agreed at present it is intended that a new athletics facility will be provided at Moulton College and a planning application for this is currently being considered by Daventry District Council. The football pitch was previously used by Northampton Ladies FC who have subsequently found a new home in Daventry.
- 7.23 Consequently it is considered that a mechanism exists through the previous planning permission to secure alternative provision and it is hoped that, as a result, Sport England will remove their holding objection shortly.

#### *Flooding/Drainage*

- 7.24 A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have commented that this is unacceptable and in particular that it does not adequately address the issue of surface water run-off and attenuation. The applicants are currently addressing this matter with the Agency and it is hoped to provide an update to Members at the Committee meeting.

#### *Section 106/Viability*

- 7.25 The County Council have requested Section 106 contributions totalling £1,761,108 towards education, libraries and fire and rescue. The Council's Community Safety team have requested the provision of CCTV and a contribution towards this of £3,000 per annum for 10 years. Also the NHS has requested a contribution of £158,355 towards health provision.
- 7.26 In addition to these requests there is the policy requirement for 35% of the residential units to be affordable. The issue of public open space should also be addressed in a Section 106 agreement. In addition it is

possibly the case that issues arising from the on-going consideration of various aspects of the application, for example, highway and ground contamination matters, may result in further requirements to be included within any Section 106 agreement.

- 7.27 The NPPF sets out that Local Planning Authorities should not seek Section 106 contributions where it is demonstrated that such contributions would render the scheme unviable. A viability assessment has been submitted with the application and the Council has appointed independent consultants to evaluate this. At present it has not been verified that the submitted financial details are accurate and consequently the exact amount of money available to form a Section 106 package has not been established. It is, however, anticipated that owing to the considerable ground remediation, as outlined previously, which is required that the package of Section 106 contributions will not be able to fulfil all of the requirements.

## **8 CONCLUSION**

- 8.1 It is considered that in very broad terms the application could potentially be seen as complying with the NPPF in terms of promoting economic development and providing a range of housing and the contribution it would make towards the requirement for a five year supply of housing within the Borough. It would also potentially, create a number of jobs within the Enterprise Zone as well as potentially supporting the EZ through providing hotel and conference facilities. In addition the development would see derelict and contaminated land brought into productive use.
- 8.2 However the potential benefits of the development need to be weighed against the risk of adverse impacts in terms, particularly, of the impact on Northampton town centre, the impact on the local road network and the potential risks to public health from ground contamination.
- 8.3 It is accepted that there are a number of matters which need to be resolved and that the information being presented to Committee is, unfortunately, less than comprehensive. However it is considered that if it can be demonstrated that the potentially unacceptable impacts are actually acceptable, or can be suitably mitigated, then the development can have significant benefit in accordance with the wider aims of the Council, and that delegation to officers to resolve those outstanding issues, within a set time frame, is the most appropriate way to deal with this matter.

## **9. CONDITIONS**

- 9.1 It is not at this point considered practical to provide a list of possible conditions owing to the extent of matters requiring further consideration.

**10. BACKGROUND PAPERS**

10.1 N/2014/0596.

**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: 7th October 2014  
Scale: 1:3250  
Dept: Planning  
Project: Planning Committee

Title

## Land Adjacent to Sixfields Stadium

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0604:** **Erection of a building to be used for the purposes within General Industrial (Use Class B2) or Storage and Distribution (Use Class B8) with ancillary Class B1 office accommodation, access, parking and landscaping provisions, Plot 1, Zone C, Sepals Way, Pineham**

**WARD:** Upton

**APPLICANT:** Prologis UK Ltd.  
**AGENT:** Turley Associates

**REFERRED BY:** Director - Regeneration, Enterprise & Planning

**REASON:** Major planning application

**DEPARTURE:** NO

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The application would result in employment development within an established employment site and would have no unduly adverse impacts on the character and appearance of the area, nearby residents, highway safety and drainage. This would accord with the aims and objectives of the National Planning Policy Framework and Policy E20 of the Northampton Local Plan.

**2. THE PROPOSAL**

2.1 The application seeks full planning permission to erect a building with a floorspace of 9,807 square metres for Class B2 (General Industrial) or B8 (Storage and Distribution) purposes with ancillary Class B1

(Business) office accommodation. The height of the building would be approximately 15 metres.

- 2.2** The building would take up the eastern half of the site and would run north to south. The western half of the site would comprise of a service yard and landscaping. An area running across the south of the site would be split between a landscaped staff amenity area and car parking.

### **3. SITE DESCRIPTION**

- 3.1** The site is approximately 2.4 hectares in size and constitutes the last remaining undeveloped plot within the 'Prologis Park'. The surrounding land uses are commercial with large scale buildings.

### **4. PLANNING HISTORY**

- 4.1** N/2002/1676 - outline planning permission granted for mixed employment uses, business support centre and parkland with ancillary infrastructure and landscaping 8/3/2006.
- 4.2** Several subsequent applications for approval of reserved matters 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 current Development Plan comprises of the Northampton Local Plan 1997.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the Government's overarching approach to planning and places a particular emphasis on building a strong and competitive economy as well as encouraging sustainable development and high quality design.

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

Policy E20 requires development to be well designed and in keeping with its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

Policy B5 sets out the principles for the development of the entire Pineham site in terms of uses, landscaping, connectivity and building form.

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

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

#### 5.5 **Other Material Considerations**

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

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

The Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

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

Policy E1 (Existing Employment Areas) requires existing employment sites to be retained for these purposes.

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

Comments received are summarised as follows:

- 6.1 **NCC Highways** do not object.
- 6.2 **NCC Archaeology** have no comments.
- 6.3 **Anglian Water** recommend a condition regarding surface water drainage.
- 6.4 **Highways Agency** have no objections.
- 6.5 **South Northamptonshire Council** have no objections.
- 6.6 **Northamptonshire Police** has no objections.



- 6.7 **NBC Environmental Health** recommend further noise assessment be carried out prior to determination of the application.
- 6.8 **Construction Futures** require a contribution of £63,350 towards construction training.

## 7. **APPRAISAL**

### **Principle**

- 7.1 The site is the last plot within the established 'Prologis Park'. The surrounding land uses are employment uses within Classes B1, B2 and B8 and housed within buildings of a significant scale.
- 7.2 Consequently the principle of a 9,807 square meter building for Class B2 or B8 use would seem acceptable in this context.
- 7.3 Policies at national level and through the submitted Joint Core Strategy encourage economic development, while the Local Plan set out how the wider Pineham Barns site should be developed. It is considered that the proposed development accords with these policies.

### **Design/Appearance**

- 7.4 Given the nature of the site and the surrounding buildings it is not considered that the development proposed would have an adverse impact on the character and appearance of the area. The building proposed is similar in terms of height, appearance and mass to those nearby and as such is considered to complement these.
- 7.5 Details of landscaping are included within the application and it is considered that these proposals would assimilate the development into its surroundings and result in an acceptable appearance to the completed development.

### **Amenity/Highway Safety/Drainage**

- 7.6 Environmental Health have raised concerns regarding the level of noise which may be generated from the development and have requested that this be further assessed prior to the determination of the application. There is a concern over the noise impact on residential development to the north.
- 7.7 However between the application site and the residential development is a further site with planning permission for employment development. When this planning permission was granted in December 2013, it was subject to conditions limiting noise and hours of operation and no noise assessment was requested prior to the determination of that application. It is therefore considered to be appropriate to determine the current application in a similar manner, given the further distance to

the residential development, to not require further noise assessment at this stage.

- 7.8 The unit immediately to the east of the application site does not have any hours of operation restrictions in place and would have a similar relationship with the residential development. It is therefore not considered reasonable to impose an hours of operation condition on this development.
- 7.9 The Highway Authority have no objections to the application and it is not considered that there would be any unduly adverse impacts on the surrounding road network.
- 7.10 Anglian Water request a condition regarding surface water drainage and it is considered reasonable to request details of this by means of an appropriately worded condition.

### **Section 106 Planning Obligations**

- 7.11 A contribution of £63,350 has been requested by Construction Futures with regard to the provision of construction training during the erection of the development. No similar proposal was sought on the development to the north of the site. In addition under the provisions of the original outline permission for the wider site the same building (albeit for different uses) could be applied for as a reserved matter with no contribution being paid. Consequently it is not considered to be consistent or reasonable to require the requested contribution. This is particularly the case as the applicants are formalising independent training arrangements with several education providers in and around the Borough with the intention of providing training as part of potential large scale developments at Grange Park and Pineham. The current site could link in to this wider scheme.

## **8. CONCLUSION**

- 8.1 It is considered that the development would not have any unduly adverse impacts on the character and appearance of the area, residential amenity, highway safety and drainage and would accord with the wider principles of the established Pineham site and planning policies at both the national and local level. Consequently it is recommended to grant planning permission.

## **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: F135-001 Rev. A; F135-002 Rev. D; F135-003; F135-004; F135-005; F135-006; F135-007; F135-008; MCS5618-SK65/P1; MCS5618-SK66/P6; 001-P00 and 01.

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

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

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

4. Before development commences, a surface water management strategy shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first construction of any hard standing areas.

Reason: To prevent surface water flooding in accordance with the requirements of the National Planning Policy Framework.

5. Before development commences, a scheme shall be submitted to and agreed in writing by the Local Planning Authority specifying all sources of noise on the site and the provisions to be made for its control. The scheme shall be implemented before the development hereby permitted is first brought into use and shall be retained thereafter.

Reason: To ensure the development does not prejudice the amenities of future nearby residential occupiers in accordance with Policy E20 of the Northampton Local Plan.

6. Before the development hereby permitted is occupied a scheme shall be agreed in writing with the Local Planning Authority that specifies the provisions to be made for the collection, treatment, and dispersal of process odour and dust. The agreed scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: To ensure that the development does not prejudice the amenities of future residential occupiers in the vicinity of the development in accordance with Policy E20 of the Northampton Local Plan.

7. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

construction work on site, implemented concurrently with the development and retained thereafter.

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

8. No goods or articles shall be stored on any part of the site except inside the building(s).

Reason: To ensure that the proposed development does not prejudice the enjoyment neighbouring occupiers of their properties and the appearance of the locality in accordance with Policy E20 of the Northampton Local Plan.

9. No industrial process shall take place on any part of the site except inside the building(s).

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with Policy E20 of the Northampton Local Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping illustrated on the approved plans 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.

11. The car parking facilities indicated on the approved plans shall be provided before the development hereby permitted is first brought into use and retained thereafter.

Reason: To ensure adequate car parking facilities in the interests of road safety in accordance with the National Planning Policy Framework.

12. The cycle parking facilities indicated on the approved plans shall be provided before the development hereby permitted is first brought into use and retained thereafter.

Reason: To ensure adequate facilities for cycle parking are provided to promote sustainable travel in accordance with the National Planning Policy Framework.

**10. BACKGROUND PAPERS**

10.1 N/2014/0604.

**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: 7th October 2014  
Scale: 1:2750  
Dept: Planning  
Project: Planning Committee

Title

## Plot 1 Zone C, Sepals Way, Pineham

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0619:** Construction of 38no. dwellings and associated works at former Raeburn School, Raeburn Road

**WARD:** Kingsley

**APPLICANT:** Mr. C Wickham. Westleigh Developments  
**AGENT:** RDC Development Consultants

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Major development requiring a legal agreement

**DEPARTURE:** YES

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 APPROVAL IN PRINCIPLE** 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 neighbour amenity. The proposal is therefore in compliance with the National Planning Policy Framework, Policies E19, E20, E40, H7, H17, H32, L2 and T12 of the Northampton Local Plan and Policies S1, S4, S10, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

- 1.2 That determination of the application be delegated to the Director of Regeneration, Enterprise and Planning in order to resolve the outstanding Highway concerns as detailed within the report including amending and adding to the list of Conditions as included within Section 9.
- 1.3 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 scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
  - iv) The Council's monitoring fee.
- 1.4 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the 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 application seeks full planning permission to erect 38 dwellings comprising 17no. two bedroom houses, 17no. three bedroom houses, 2no. two bedroom maisonettes and 2no. two bedroom bungalows together with access and associated infrastructure on land off Raeburn Road.
- 2.2 The development would be served by 58 car parking spaces. Vehicular access to the site would be from Wallace Road with a further pedestrian access from Raeburn Road.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located off Raeburn Road and Wallace Road and has an area of approximately 0.84 hectares. It consists of land which was formally used as a school with associated playing fields. The school has now been demolished and the site is vacant.
- 3.2 The site is allocated as a school site in the Northampton Local Plan. It is surrounded on three sides (north, west and south) by established housing. To the east of the site is Kingsley Primary School and Wallace Road Nursery School.



3.3 Vehicular access to the site is located on Wallace Road. The access served the former school and also serves the Nursery School. There is an additional pedestrian access into the site from the corner of Raeburn Road/Rothesay Road.

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

4.1 70/695 – Erection of school – Deemed consent 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 Local Plan 1997. Whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

##### **5.2 National Planning Policy Framework (NPPF)**

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.

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).

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.

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.

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).

### **5.3 Northampton Local Plan**

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.

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.

In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

### **5.4 Other Material Consideration – 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 as it has been prepared in full conformity with the NPPF.

The Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

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.

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.

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.

## 5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

### **Original Consultation**

- 6.1 **Environment Agency** – Recommend condition regarding drainage.
- 6.2 **Environmental Health (NBC)** - Recommend conditions regarding contamination.
- 6.3 **Waste Planning (NCC)** - the applicant should submit a Waste Audit and a Waste Management Facilities Strategy.
- 6.4 **Highway Authority (NCC)** – requires Transport Statement or Assessment. Express concern regarding stagger of proposed junction with Wallace Gardens. Require dimensions of visibility splays at the junction. Concerns about SUDs drainage. Request amended plans to address various issues - width of road, parking bays, length of turning head and visibility splays.
- 6.5 **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 an additional fire hydrant is provided.

- 6.6 **Sport England** – no objection. No locally important sports facilities are to be lost and the amount of housing proposed falls below the threshold that is considered could make a significant impact on the need for additional sports facilities.
- 6.7 **Arboricultural Officer (NBC)** – recommend conditions regarding tree protection and landscape scheme.
- 6.8 **Northamptonshire Police Crime Prevention Design Advisor** – no objections in principle but make a number of recommendations for improvements.
- 6.9 **Archaeology (NCC)** – the area has been archaeologically evaluated and the archaeological potential of this site is low. No further archaeological works will be required.
- 6.10 **Anglian Water** - recommend conditions regarding drainage
- 6.11 **Construction Futures** - request a Section 106 obligation to fund and provide construction worker training opportunities.
- 6.12 **Urban Designer (NBC)** – notes that the site has severe constraints and considers the design is poor and unacceptable.
- 6.13 **Housing Strategy (NBC)** – the proposal is for 38 dwellings with 13 being identified as affordable and 25 market dwellings. In terms of policy requirements 35% would equate to 14 dwellings if rounded up. An extra 2 or 3 bed would be acceptable. 10% of dwellings should be to mobility standard to comply with Policy H17 of the Local Plan. In particular the bungalows address the needs of wheelchair users which is to a higher standard than Lifetime Homes and effectively ensures policy requirements will be met.
- 6.14 **Councillor Udall** – requests meeting to discuss option of opening up a second access way at the Rothesay Road/Raeburn Road junction. (The applicant was in touch with Councillor Udall and advised her that the Highway Authority would not accept a second access way off Rothesay Road/Raeburn Road, in view of this a meeting is no longer required).
- 6.15 Objections have been received from **2 Rothesay Road, 81 Kenmuir Avenue, 2, 3, 5, 7 and 12 Wallace Road, 46 Raeburn Road**, comments can be summarised as:
  - The development will adversely affect the flow of traffic within the area. Wallace Road already suffers from a high level of congestion and usage especially at school times.

- Vehicular access to the development should be via or shared with Rothesay Road/ Raeburn Road entrance.
- New extension to the primary school will open in Sept 2014. Traffic counting statistics are therefore not accurate.
- Concerns about safety of children using Nursery and Primary Schools.
- The noise and pollution levels would be unacceptable during development.
- Construction traffic would cause damage to existing houses.
- Future increase in road maintenance requirements need to be considered.
- Concerns about security of houses backing onto the site.
- Questions boundary treatment adjacent to existing housing.
- Considers bungalows adjacent to 2 Rothesay Road would be less imposing.
- Concerns about loss of last green area in the neighbourhood.

**Revised consultation (following submission of revised layout, amended plans and further Highway information)**

- 6.16 **Highways (NCC)** – state that whilst the stagger of the junction with Wallace Gardens does not comply with LHA’s standards on junction spacing, because of the number of dwellings served by Wallace Gardens and considering the am and pm trip rates and the required visibility splays being met, the LHA will allow the junction spacing of 11 metres on this occasion.

State that a swept path analysis will need to be provided to justify the S-bend arrangement near the entrance of the new access road.

Make comment regarding surface treatment.

State that the proposed SUDs basin is not acceptable due to its proximity to highways adoptable footpath link.

State that the parking arrangement where more than 4 parking spaces that abut each other on a street frontage is not acceptable.

- 6.17 **Wallace Road Nursery School** – concerned about impact of traffic during the build and on completion of the development. Unsure about footpath leading to the development - it shows no details as to footpath crossing the nursery car park entrance. Not sure how the splay at the entrance will be achieved. Concern about loss of nursery land. Asks if

serious consideration has been given to accessing the site from the Raeburn Road entrance. Would like to see details of street lighting and road markings for the new road. Asks if consideration has been given to parents parking down the road to bring/collect children from school. States this would cause a problem for school deliveries and a hazard for those walking to school.

6.18 **Northamptonshire Police Crime Prevention Design Advisor** – considers the amended layout is an improvement and the majority of previous concerns have been addressed.

6.19 **Sport England** – no further comments.

6.20 **12 Wallace Road** – still objects as can see no changes to concerns over traffic, vehicle access, state of road maintenance. States that no effort has been made to address concerns of people who live in the area such as providing an additional access. Also no traffic survey has taken place whilst the school and nursery are active.

## 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 Kingsley area 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, maisonettes and bungalows and the 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 The site was previously used as a school and is now proposed for residential purposes. There is a risk arising from potential contaminants, such as those that are naturally occurring. A ground investigation report has been submitted with the application and 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.

### **Design and appearance**

- 7.6 The site is unusually shaped with a long linear section to the south east providing access to Wallace Road and another linear section to the south west which formerly provided the pedestrian access to the school. It is set behind existing housing on three sides (north, west and south boundaries) with the playing field to Kingsley Primary School and Wallace Road nursery forming the eastern boundary. The site is laid out to back onto the common boundaries with the surrounding dwellings. The access road is centrally placed to serve dwellings on both sides and terminates with a turning head at the north of the site. The linear section that links to Raeburn Road/Rothesay Road accommodates 2 bungalows that will front onto a drainage easement area. The easement area is used as a private drive to serve the bungalows and the remainder of it will be landscaped. This section will also accommodate a public footpath link to/from the site. It is considered that the proposed layout and makeup of the scheme represents an efficient and logical use of the site.
- 7.7 The immediate area of the site is made up of Local Authority Housing built during the 1930s, much of which is now within private ownership. The housing is 2 storey and traditionally elevated with brick quoins, timber eaves and fascia, brick cills and stone heads. The houses are mainly in groups of 2, 3 or 4 and are built in red brick or red and buff brick or brick and render. The design of the original scheme was considered to be unacceptable but it has since been revised to comply with comments received from the Council's Urban Designer and Northants Police. The amended elevations now reflect details found on surrounding housing including brick detailing, rendering and gable fronts. Changes to layout ensure clarity between public and private areas, active frontages and improved surveillance. As a consequence it

is considered the revised layout and detailing adds interest to the scheme which is now satisfactory in the context of its surroundings.

### **Impact upon neighbouring properties**

- 7.8 As stated above the proposed dwellings are laid out to back onto the common boundaries with the surrounding dwellings. The separation distances between the rear elevations of the dwellings are approximately 30 metres and therefore acceptable. At the entrance to the site adjacent to 2 Rothesay Road are two single storey dwellings. The provision of single storey properties at this point to a maximum ridge height of 5 metres reduces the impact of the development on this adjacent property. A condition is also proposed restricting permitted development rights with regard to extensions to the new properties. These measures are considered sufficient to ensure that the development has a neutral impact upon the amenities of the existing neighbouring properties.
- 7.9 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.
- 7.10 The proposed development includes the reopening of the site's entrance onto the pedestrian route that runs from Raeburn Road/Rothesay Road. 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**

- 7.11 Although the site has been vacant for a number of years, it should be recognised that it was previously used as a school. As a consequence of this, the former use of the site would have also attracted a significant amount of traffic. It is not considered therefore that the development of this site for residential purposes would pose any unduly significant impact upon the highway network. Numerous objections have been received on traffic grounds and suggestions have been made regarding providing vehicular access at the Raeburn Road/Rothesay Road pedestrian entrance. This point lies adjacent to a crossroad junction and any further access joining this junction would not be acceptable to the Highway Authority.



- 7.12 The scheme includes the provision of 58no. off street parking spaces which equates to 1.5 spaces per unit and represents an appropriate level of car parking in this instance.
- 7.13 The applicant has submitted a Transport Assessment, which has concluded that the proposed development would not have a significant adverse impact upon the highway network. With regard to the access to the site, plans have been amended which now satisfy Highways in terms of visibility splays. The adjacent nursery has expressed concerns about loss of land to accommodate revised visibility splays but as the land is owned by the County Council who are also the Highway Authority the requirement for safe access takes precedence. The Highway Authority has made various observations which the applicant has aimed to address with amended plans. At the time of writing this report however, further comments are awaited from the Highway Authority. An update will therefore be provided to members at the Committee meeting.
- 7.14 Matters outstanding relate to the submission of a swept path analysis to demonstrate that a large bin lorry can safely navigate the development, the inclusion of a tactile crossing point where the carriageway surface material changes (adjacent to plot 38), removal of SUDs basin and submission of updated Flood Risk Assessment and amended parking arrangement to comply with NCC standards in terms of spacing between blocks.
- 7.15 The applicant has confirmed that the existing rear access to the nursery school will remain.

### **Trees and ecology**

- 7.16 The site is currently covered in grass. There are a number of existing trees and hedges around the periphery of the site that will be retained where possible. The Council's Arboricultural Officer has confirmed no objection to the proposals in an arboricultural context. A planning condition should be applied to ensure that appropriate tree protection is applied during construction to existing trees on the site.
- 7.17 An ecology and protected species report has been submitted with the proposal. This assessment concludes that the site has no potential for supporting breeding or roosting barn owls. The site has no ponds or similar water body which could be used by great crested newts for breeding. No reptiles were seen and none would be expected to occur at the site. There are no buildings which could support roosting bats and none of the trees has any features which could be used by bats for roosting. The site has no badger sett and no sign of use by badgers. The site has no open water habitats which could be used by water voles or otters. The site has limited potential nesting habitat for bird species. There are no habitats suitable for use by specially protected birds. The sites habitats are not of significant nature conservation

importance since they are common and widespread in built up areas. Therefore for the foregoing reasons, the development would not pose an unacceptable detrimental impact upon the natural environment.

### **Legal Agreement**

- 7.18 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.
- 7.19 35% of the development would be utilised for the provision of affordable housing. The tenure mix will be agreed to 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.
- 7.20 Development of this type which includes family accommodation is likely to place greater pressure on school provision in the area. It is therefore reasonable to secure, via the Section 106 Agreement, payments towards primary and secondary education provision. 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.
- 7.21 To comply with adopted policy the Section 106 agreement would also secure payments towards a construction training scheme to provide construction worker training opportunities.

## **8. CONCLUSION**

- 8.1 In conclusion, it is considered that the proposed development represents the efficient and sustainable use of this previously developed site. It reflects the character of its surroundings, secures a satisfactory residential environment and would contribute towards meeting the established need for housing within Northampton. The development is therefore in accordance with National Planning Policy Framework, Policies E19, E20, E40 and H7, H17, H32 and T12 of the Northampton Local Plan and Policies S1, S4, S10, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

## 9. CONDITIONS

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

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

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

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

3. Prior to the commencement of the development hereby permitted, a detailed remediation scheme which has regard to the Geoenvironmental Report May 2014 (Ref:C5919) to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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.

4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to the Local Planning Authority. The use shall not commence until the verification report has been approved.

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.

5. The development shall be carried out in accordance with the submitted drainage strategy.

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

6. 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.

7. Prior to the commencement of the development, 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;
  - Hours of operation of building works; and
  - Waste Management Strategy to minimise and deal with construction waste.

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.

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

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

9. 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.

10. 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.

11. 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 and parking areas 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.

12. All planting, seeding or turfing comprised in the details of landscaping approved 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.

13. All trees shown to be retained in the details submitted to discharge Condition 11 of this permission shall be protected for the duration of the development by (a) stout fence(s) to be erected and maintained on (an) alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby

permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure shall take place without the prior written consent of the Local Planning Authority.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no dormers shall be constructed in the roof of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

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

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

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

## **10. BACKGROUND PAPERS**

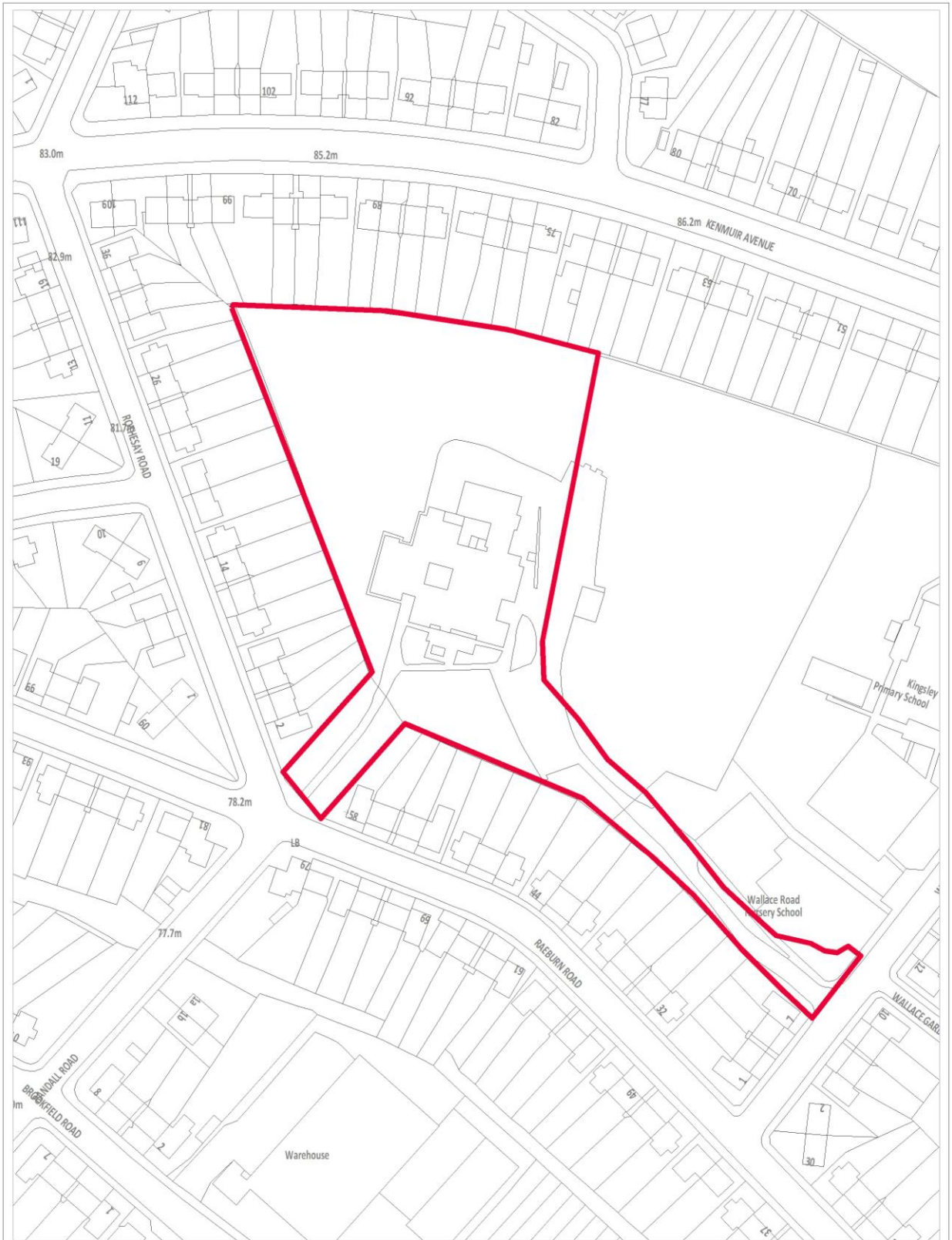
- 10.1 None.

## **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: 8th October 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title

## Former Raeburn School, Raeburn Road

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0951:** Erection of a 3-bed bungalow with car parking at land adjacent to 25 Penfold Lane

**WARD:** Billing

**APPLICANT:** JJ Moon Ltd  
**AGENT:** None

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Committee decision on a previous application on this site

**DEPARTURE:** NO

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The impact of the proposed development on the character of neighbouring properties and the wider area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, H6 and H10 of the Northampton Local Plan and the National Planning Policy Framework.

### **2. THE PROPOSAL**

#### **2.1** The proposals involve the construction of a standalone bungalow within the rear garden area of No.25 Penfold Lane. The new property's principal elevation would front directly onto Penfold Lane and would be set back 10.5m to 12.5m from the Penfold Lane boundary broadly in line with neighbouring properties. The footprint of the property is in the form of a single block, with small front and rear projections. A parking area is proposed to the front of the proposed dwelling. A new vehicular access and driveway would be created to Penfold Lane involving the



removal of 7.5m of existing low-level stone wall and planting immediately behind the wall.

### **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a notable part of the former rear garden area of No.25 Penfold Lane, which has now been separated from the remainder. No. 25 is located at the junction of Penfold Lane and Lady Winefride's Walk such that its principal elevation actually faces Lady Winefride's Walk to the south. The rear garden area in question abuts the western side of Penfold Lane (running a distance of 27m to the boundary with No.27 Penfold Lane) where a low-level stone wall is in existence with a mature hedgerow and landscaping located immediately behind. The garden stretches back (to the west) a distance of 32m when measured from the Penfold Lane boundary.
- 3.2 The existing dwelling at No.25 Penfold Lane is a bungalow setback approximately 8m from both its Penfold Lane and Lady Winefride's Walk frontages. It is afforded vehicular access leading to a single integral garage on Penfold Lane. Surrounding residential properties are typically 1½ storeys in built height (i.e. there is living space above the ground floor level with roofs served by either dormer or gable end windows), there are also examples of 2no. storey properties located to the opposing eastern side of Penfold Lane.

### **4. PLANNING HISTORY**

- 4.1 An application for the erection of single storey dwelling including detached garage was refused by the Planning Committee on June 6<sup>th</sup> 2013 (reference N/2013/0297) and a subsequent appeal against this was dismissed by the Planning Inspectorate on 5<sup>th</sup> December 2013.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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

#### **5.2 National Policies - National Planning Policy Framework (NPPF)**

The NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

### 5.3 Northampton Local Plan

Policy E20 deals with new development and states that planning permission for new development will be granted subject to the design of any new building adequately reflecting the character of its surroundings and being located and used in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy H6 deals with new housing development and sets out the criteria against which this is assessed, in respect of its scale and density being appropriate to the area, compliance with highway standards, not being piecemeal in character and not resulting in the loss of facilities for which there is a need in the area.

Policy H10 of the Local Plan refers to the development of residential backland and states that planning permission shall not be granted unless it can be shown that the siting and layout would not be detrimental to the amenity of the locality and would not adversely affect the privacy of adjoining dwellings. The preamble to this Policy (para 3.18) suggests that backland development is problematic when the development consists of one house immediately behind another sharing the same access.

### 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 Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy H1 of the JCS states that new housing development will provide for a mix of house types, sizes and tenures to cater for different accommodation needs and that housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents and the impact on the amenities of occupiers of neighbouring properties.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Environmental Health** - No objections to the proposal, but would suggest that a standard site investigation condition is attached to any decision document to ensure that the site is suitably investigated for naturally occurring contaminants such as arsenic.

6.2 **Parish Council** – No comments received.

6.3 Objections received from neighbouring occupiers **at 4, 8, 9, 10, 11, 14, 15, 17, and 19 Lady Winefrides Walk, 22, 24, 26, 27, 28, and 30 Penfold Lane, 11 Cattle Hill and 1 and 15 Penfold Gardens** making points which can be summarised as follows:

- Garden has been divided before being sold to obviate ban on back land development.
- All dwellings are characterised by large gardens, would set a precedent for similar development.
- Would be in breach of covenants.
- Would change the balance between built form and garden space.
- Would result in permanent loss of mature trees.
- Impact on conservation area should be assessed.
- Additional exit onto Penfold Lane would result in increased risk to vehicles and pedestrians.
- Would involve knocking down a portion of the stone wall, a feature of the village
- Would result in loss of light to neighbouring dwelling.
- Plans differ only slightly from those refused last year.
- Does not deal with objections made at appeal.
- Objections remain the same as with previous application.

## 7. APPRAISAL

### Principle of Development

7.1 As detailed within the NPPF housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is located within a primarily residential area as designated by the Northampton Local Plan, Policy H6 of which states that planning permission shall be granted for residential development subject to compliance with specific criteria as set out above. The principle of residential development is therefore considered to be acceptable on this site.

- 7.2 In respect of Policy H10 of the Local Plan, which refers to backland development, it is considered that as the proposed bungalow would front on to and be accessed directly from Penfold Lane this would not lead to the problems of tandem development in respect of which the policy was introduced.

### **Impact on the Street Scene**

- 7.3 The proposal is for a bungalow 14m in width and 4.8m in height, which would therefore be of similar dimensions to the neighbouring properties. This would front onto Penfold Lane at a similar degree of set-back to the neighbouring properties and it is considered that this would be in keeping with the street scene and the character of the area.
- 7.4 It is not considered that the scheme would result in an overdevelopment of the site notwithstanding a notable reduction in the size of the rear garden area serving No.25 Penfold Lane. This rear garden is particularly generous in its dimensions relative to other rear gardens in the vicinity and would still measure in excess of 100 sq m following the implementation of the proposed scheme.
- 7.5 It is not felt that the proposed development would set a precedent for similar applications in the vicinity of the site. The existing rear garden is unusually orientated in the sense that it is served by a long side boundary (27m) that directly fronts a highway. It is felt that these special site circumstances afford a development opportunity to this particular site. In any event all planning applications must be determined on their individual merits.
- 7.6 The proposed plans indicate a palette of materials that would match surrounding dwellings – this would constitute concrete interlocking roof tiles, light-coloured brickwork and UPVC window and door openings. Brick coursing would be provided above window openings and under-eaves to the gable ends. Full material samples shall be secured via planning condition. It is felt that the proposals are acceptable in this context in compliance with the requirements of Policies H6 and E20 of the Northampton Local Plan.
- 7.7 The Penfold Lane frontage would be amended to allow for the introduction of both a new vehicular access (width of 7.5m). This would result in the loss of this width of the existing low-level stone walling that runs the western side of Penfold Lane in this area. Existing shrubbery

would also be removed and trees and shrubbery trimmed back to the Penfold Lane frontage. Although it is considered that it would be preferential for this walling to be retained in a visual sense, it is noted that the removal of the wall is essential to allow the new dwelling to be served by its own independent access.

7.8 This constitutes a short length of walling in the context of its full length (which is already interrupted by various other access and entry points along Penfold Lane); it is not felt that its removal would be to the detriment of the underlying character of the area. Furthermore as the site is outside a conservation area the removal of the stone wall would not in itself require planning permission.

7.9 Whilst the dwelling would be screened by the stone wall and retained planting, it is not considered that simply screening an otherwise unacceptable development represents a satisfactory approach. However, even in the absence of any screening it is considered that the design of the dwelling now proposed is acceptable and in keeping with the general street scene.

#### **Impact on the setting of Great Billing Conservation Area**

7.10 Comments have been raised through the consultation process in respect to the vicinity of the Great Billing Conservation Area and the potential for the scheme to affect the setting of this designated area. The application site is in fact located approximately 80m from the northern extent of this conservation area, this northern boundary is located at the southern end of Penfold Lane where it feeds into the High Street, Great Billing. It is not considered that the proposals could be reasonably described as affecting the setting of this area, being setback beyond the access to Lady Winefride's Drive and beyond the existing built extent of No.25 Penfold Lane.

#### **Impact on residential amenity**

7.11 The proposals would not be overbearing nor cause undue overshadowing by virtue of their single-storey stature. As detailed on the originally submitted plans, the dwelling would be setback 1.5m from the northern boundary of the site (abutting No. 27 Penfold Lane) and would be set far enough forward within the site so as to avoid directly opposing the side-facing window opening of No. 27. It should be noted that this boundary would also be afforded a 1.8m high close-boarded fence treatment to protect privacy.

7.12 To the southern side of the site a 1.8m high close-boarded fence has now been installed, which forms the boundary with the existing No.25 Penfold Lane. This serves to guard against any potential sensitive overlooking concerns.

7.13 To the western side of the site is located the grounds of No.2 Lady

Winefride's Walk – this is a 1 ½ storey dwelling with an obscure-glazed dormer window opening located to the property's east-facing roof slope. It is not felt that the privacy of the occupiers of this property would be prejudiced by these proposals. In any event, the newly proposed west-facing openings (at ground floor level) would be set at an oblique angle to the dormer window and existing mature coniferous landscaping is to be retained both along the western boundary of the site and within the rear garden area of the application site. Potential overlooking would be further mitigated as the proposed dwelling would be single storey.

### **Highways & Parking**

- 7.14 The proposals involve the creation of a new vehicular crossover to Penfold Lane – a private drive would be positioned adjacent to the existing driveway serving No.25 and would be afforded 2m x 2m pedestrian visibility splays on either side in accordance with the Local Highway Authority's (LHA) Standing Advice. A parking area would be provided, together with a turning head feature. It is felt that this level of off-street parking provision is acceptable to serve a new standalone dwellinghouse and the proposals would not compromise the existing off-street parking provision of the host property.
- 7.15 The details of the proposal are in compliance with the Highway Authority's Standing Advice, i.e. in terms of junction position, access width, etc. It is felt that planning conditions should be imposed, in accordance with the Standing Advice, to secure drainage and hard surfacing details to ensure that both surface water and loose material do not discharge on to the public highway. As a further note, it is not considered that the proposed access would conflict with the usability or safety of any other private drive in the vicinity of the site.

### **Covenants**

- 7.16 Some neighbour responses have referred to restrictive covenants which may exist preventing more than one dwelling can be built per plot. This is not a material planning consideration and therefore cannot be taken into account in the determination of any planning application. However, any planning permission does not override any covenant that may exist in civil law.

### **Previous Appeal Decision**

- 7.17 As stated above, the previous application on this site was refused by the Planning Committee and the subsequent appeal was dismissed. It is therefore necessary to also consider whether the reasons given by the Planning Inspector for the dismissal of the appeal have been overcome.

- 7.18 The concerns as raised by the Inspector and which form the reasons for dismissing the appeal can be summarised as follows:
- Character and appearance – Would be some distance forward of the building line, would be much closer to and obvious from the road.
  - Garden Size – Would result in a garden area and plot size which would be considerably smaller than those in the immediate area.
  - Living Conditions – Would be around 2m from the side of 27 Penfold Lane, would result in a significant change of outlook when looking from the window in the side elevation and would be overbearing.
- 7.19 In order to attempt to overcome these reasons for the dismissal, the siting of the dwelling has been amended to be in line with the neighbouring properties, the scale of the proposed dwelling has been reduced and the design amended to remove the prominent gables and replace these with hipped ends. The overall height of the building has, however, been slightly increased.
- 7.20 The proposal is now for more of the wall to the front of the site to be retained than under the previous refusal, as the separate pedestrian access is not now proposed. More of the mature planting would also be retained due to this and the smaller size of the bungalow. The plot size remains the same but due to the smaller footprint of the dwelling the available garden area is increased.
- 7.21 It is considered that the reduced scale of the proposed dwelling would reduce its visual impact on the street scene, as would the retention of the stone wall and boundary planting.
- 7.22 The inspector also refers to the plot size being significantly smaller than those in the immediate area, and in this respect the applicant has produced a diagram showing plot sizes. This indicates that the plots of 25 Penfold Lane and the application site would be smaller than their neighbours, although by a slight amount in some cases, and would be larger than other plots in the immediate area. In this respect, it is considered that the garden area for the proposed dwelling would be adequate, given the absence of any adopted policy setting a minimum garden size.
- 7.23 In respect of the impact on No. 27 Penfold Lane, the siting of the part of the proposed building closest to this neighbour has now been extended to 3m, the distance to the nearest wall of the neighbouring property is 5m. The design of the building has been adjusted such that there is a hipped end rather than a gable end facing this neighbour. Furthermore, it must be recognised that the affected window of this neighbour is only a secondary window and on this basis it is considered that the impact on this neighbour would be acceptable.
- 7.24 The visual break in development also referred to by the Inspector

would also be lost, however the applicant has pointed out that there is not a similar break on the other side of Lady Winifrede's Walk and in fact this is not a common feature. It is considered, therefore, that a refusal on this point alone would be difficult to defend.

## **8. CONCLUSION**

8.1 Overall, it is considered that the development as now proposed is acceptable in respect of its impact on the street scene and on the amenities of adjoining occupiers, subject to the conditions as proposed, and the concerns raised by the Inspector have been addressed.

## **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: 13/H156/20A, 13/H156/100B.

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

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

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

(4) Prior to the commencement of development, details of hard bound surfacing to the vehicular access hereby permitted shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

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

(5) Prior to the commencement of the development, details of a positive means of drainage to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.



Reason: To ensure that surface water from the vehicular access does not discharge onto the public highway in the interests of highway safety in accordance with National Planning Policy Framework.

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

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

(7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment.

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

Reason: To prevent overdevelopment of the site in accordance with Policies H6 and E20 of the Northampton Local Plan.

(10) 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 dormers or additional windows shall be constructed in the roof of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of nearby residents in accordance with Policies H6 and E20 of the Northampton Local Plan.

(11) The existing stone boundary wall fronting onto Penfold Lane shall be retained apart from the section that needs to be removed and altered to provide access to the development as shown on drawing 13/H156/100B.

Reason: In the interests of visual amenity and to safeguard the setting of the conservation area in accordance with Policy E26 of the Northampton Local Plan.

(12) Visibility splays of 2.0 x 2.0m as shown on drawing 13/H156/100B shall be provided prior to the occupation of the development and retained thereafter.

Reason: To ensure vehicular and pedestrian safety in accordance with the NPPF.

(13) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to OS Datum 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 Policies E20 and H6 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

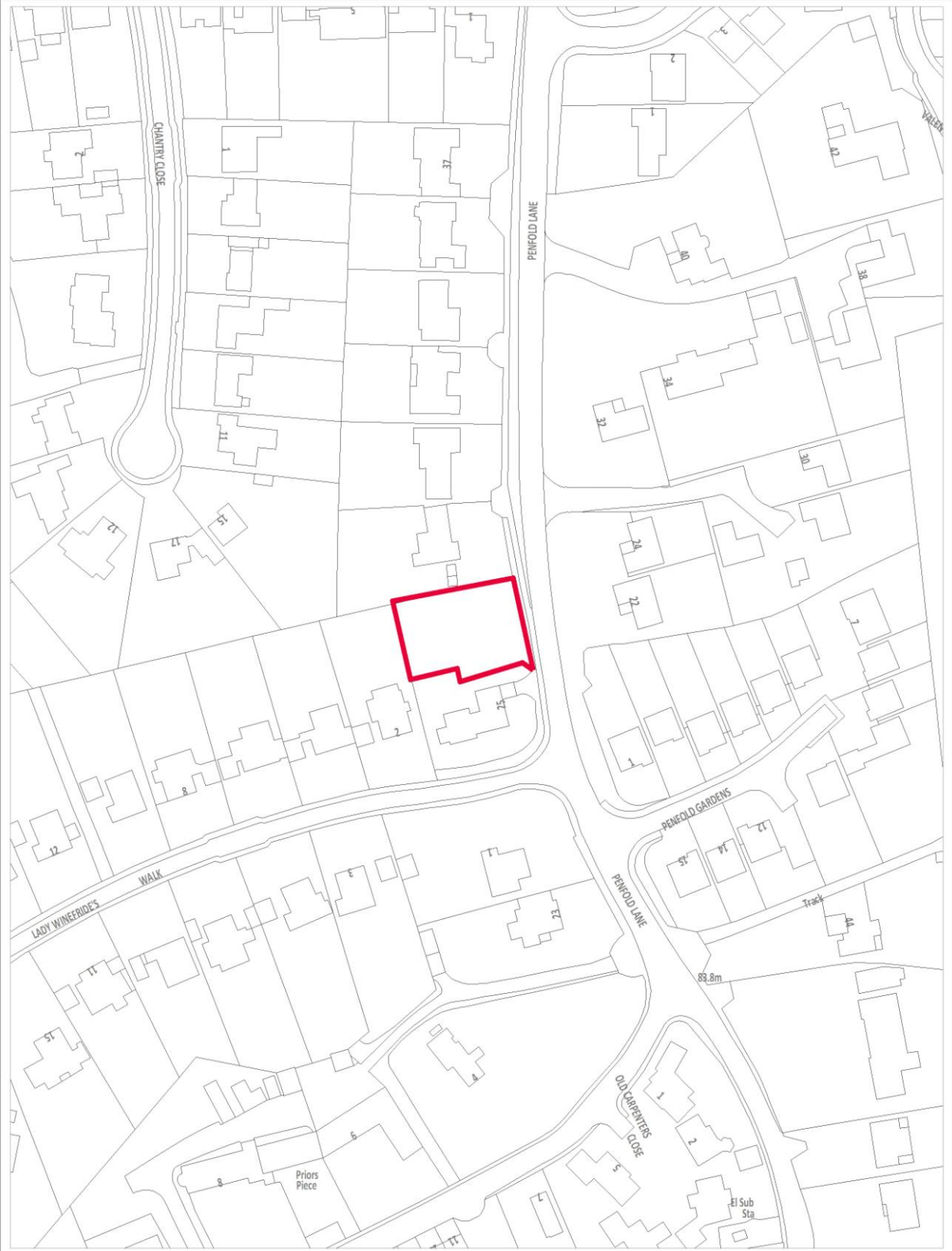
10.1 Application file N/2014/0951

## **11. LEGAL IMPLICATIONS**

11.1 None.

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

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



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

Title

### Land Adjacent to 25 Penfold Lane

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steve Boyes

**N/2014/0956:** Change of use of existing storage unit into three residential units and installation of front and rear windows, timber cladding, entrance doors and double glazed screens at Clyde House, Southfields Barn, Hamsterly Park

**WARD:** Talavera

**APPLICANT:** Clyde Mechanical Services  
**AGENT:** Mr P Dooley, Architectural Solutions

**REFERRED BY:** Councillor Dennis Meredith  
**REASON:** Impact on adjacent Community Centre

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed conversion is considered acceptable in principle in this residential area and would not have an undue detrimental impact on the appearance and character of the host building, wider area, neighbours amenity and highway safety or on the adjacent Community Centre and complies with Policies E20, E40 and H6 of the Northampton Local Plan, Policy H1 of the submitted West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Permission is sought for conversion of an existing two storey storage building into 3 residential units with new fenestration to front and rear elevations as well as timber cladding, entrance doors and double

glazed screens. The applicant has amended their original proposals to omit a proposed two storey rear extension given concerns from officers and reduced one of the units to 1 bed only. The number of window openings have also been reduced. Two of the proposed units would be 2 bed dwellings. Each unit would be 65 and 66 square metres in floor area with the smallest being 49 square metres.

### **3. SITE DESCRIPTION**

3.1 The application site consists of an existing stone built storage unit and is located in a Primarily Residential Area in the Northampton Local Plan. It lies adjacent to the Southfields Community Centre and has a car park to the front capable of accommodating several vehicles. The site is not listed nor within a Conservation Area. It is nonetheless an attractive stone built building with grassed area to the rear within the applicant's ownership.

### **4. PLANNING HISTORY**

4.1 None recent

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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. Paragraphs 56 and 57 encourage high quality design and Paragraph 32 safe and suitable access for all.

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

E20 – Design of New Development - Encourages good design in new development and satisfactory impact on amenity of neighbours in terms of light, privacy.

E40 - Crime and Vandalism - Seeks to address reduction of crime and vandalism in determination of planning applications

H6 - Housing Development within Primarily Residential Areas - Relates to residential development in Primarily Residential Areas in terms of parking, design and over-development.

### **Supplementary Planning Guidance**

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

#### **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 as it has been prepared in full conformity with the NPPF.

The Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

H1 – Housing Density and Mix

States that new housing development will be expected to make efficient use of land and have regard to living conditions for future residents and impact on neighbours amenities.

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

**Public Protection** - No objections, as the application site has previous use which may lead to site contamination, would recommend that a suitable site investigation condition be secured.

**Local Highway Authority** – no comment to make on the application.

**Highways Agency** - no objections.

**Councillor D Meredith** referred to committee due to concerns over the potential impact on adjacent community centre.

Letters of objection received from **Southfields Community Centre, 6 and 7 Oak Park Close and 92 Hamsterly Park:**

- Impact on adjacent community centre
- Increase in noise and dust that would disrupt children's play sessions
- Overlooking
- Effect on character and appearance of barn
- Concern over access to rear of site as side alley would be used by the Community Centre only
- Parking and increase in traffic
- Effect on pre-school using community centre
- Conflict between traffic using centre and properties proposed
- Would result in over-development of the site
- Concern over potential construction traffic
- There are no mains services available to proposed properties
- Access to site would involve cutting down of trees
- Proposed change of use is inappropriate in close proximity to busy community centre
- Would cause disputes between users of properties /community centre

## 7. APPRAISAL

### Principle of development

- 7.1 The site has been used as storage connected with Clyde Mechanical Services and is within a Primarily Residential Area as defined by the Northampton Local Plan. Given the prevailing character of the surrounding area, it is considered that there is no objection in principle for conversion to residential use subject to acceptable design, parking and impact on neighbouring occupiers.

### Design and impact on appearance and character of the area

- 7.2 Associated with the proposed change of use, the proposal includes the introduction of additional windows and doors to both rear and front elevations of the building as well as timber cladding and 3 new rear facing roof lights. Officers have negotiated with the applicant and the number of rear openings been significantly reduced from the original submission. This is a positive step to try and preserve the appearance of what is an attractive stone building that contributes positively to the appearance of the area.
- 7.3 It is contended by one objector that the proposal would constitute over-intensive development of the site. This is not a view shared by officers given the 3 units can be accommodated satisfactorily. The rear of the site is proposed as private rear gardens to be used by the occupants of the dwellings and can be accessed via the rear doorways on each unit.
- 7.4 Details of refuse storage are to be agreed by condition on the grant of planning permission. It is considered that the proposed design complements the host building and the street scene comply with Policy

E20 of the Local Plan and Paragraphs 56 and 57 of the NPPF in promoting good design in new development.

### **Impact on amenity of neighbours**

- 7.5 The original plans proposed a two storey rear extension to be constructed in brick. The applicant has now omitted this from the scheme following advice from officers in order to reduce any likely adverse impact on neighbouring properties.
- 7.6 While the proposed first floor front windows will result in some degree of overlooking to the rear garden of no. 6 Oak Park Close, it is considered that given the separation and presence of existing trees, the impact would not be significant to justify refusal of planning permission. It is noted that the two first floor windows nearest to no. 6 are existing windows.
- 7.7 Although it is acknowledged that the proposed units could create some activities in terms of “comings and goings” by traffic, it is not considered that the level would significantly exceed that generated when the building is being used for commercial storage. All habitable rooms would also be served with sufficient light and outlook. This would comply with Policies E20 and H6 of the Northampton Local Plan.

### **Parking and Highway Safety**

- 7.8 In terms of car parking, the proposed development has the shared use of the adjacent car park which can accommodate up to 12 spaces, although no designated space is proposed. The use of the car park is to be shared with the existing Community Centre, however, it is not considered that this arrangement is unacceptable and would cause undue impact on highway safety. The Local Highway Authority has no objection to the application.

### **Security and Crime Prevention**

- 7.9 The proposed dwellings would provide an element of direct surveillance of the existing car park and would therefore assist in reducing crime and vandalism associated with the adjacent uses. This would comply with Policy E40 of the Northampton Local Plan and aims of the SPG on Planning Out Crime.

### **Other issues**

- 7.10 The alley way currently used by the Community Centre is outside the current application site and therefore would not be used by the future occupiers to access their properties. In terms of construction traffic and associated noise and dust, as this is likely to be of temporary nature and unlikely to result in impact that would justify refusal of planning application. The Council’s Environmental Health Officers suggest a condition for site investigation given the background to the site as a



commercial use. It is considered that this is now not necessary given that there would be no additional floor space created. In terms of the effect on trees in the existing car park, the applicant has no plans to remove any of these.

## **8. CONCLUSION**

- 8.1 The impact on the appearance of the area, residential amenity, adjacent community centre and highway safety is considered acceptable and is recommended for approval subject to the conditions below.

## **9. CONDITIONS**

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

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

- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extensions or other forms of enlargement to the residential development hereby permitted including erection of porches, outbuildings and additional windows shall take place without the prior written consent of the Local Planning Authority.

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

- (3) Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the development hereby permitted and retain thereafter.

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

- (4) The development hereby approved shall be implemented in accordance with the approved drawings numbers 14/H176/1, 2C and 3A.

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

- (5) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local

Planning Authority, implemented prior to the occupation or bringing into use of the dwellings and thereafter retained.

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

**10. BACKGROUND PAPERS**

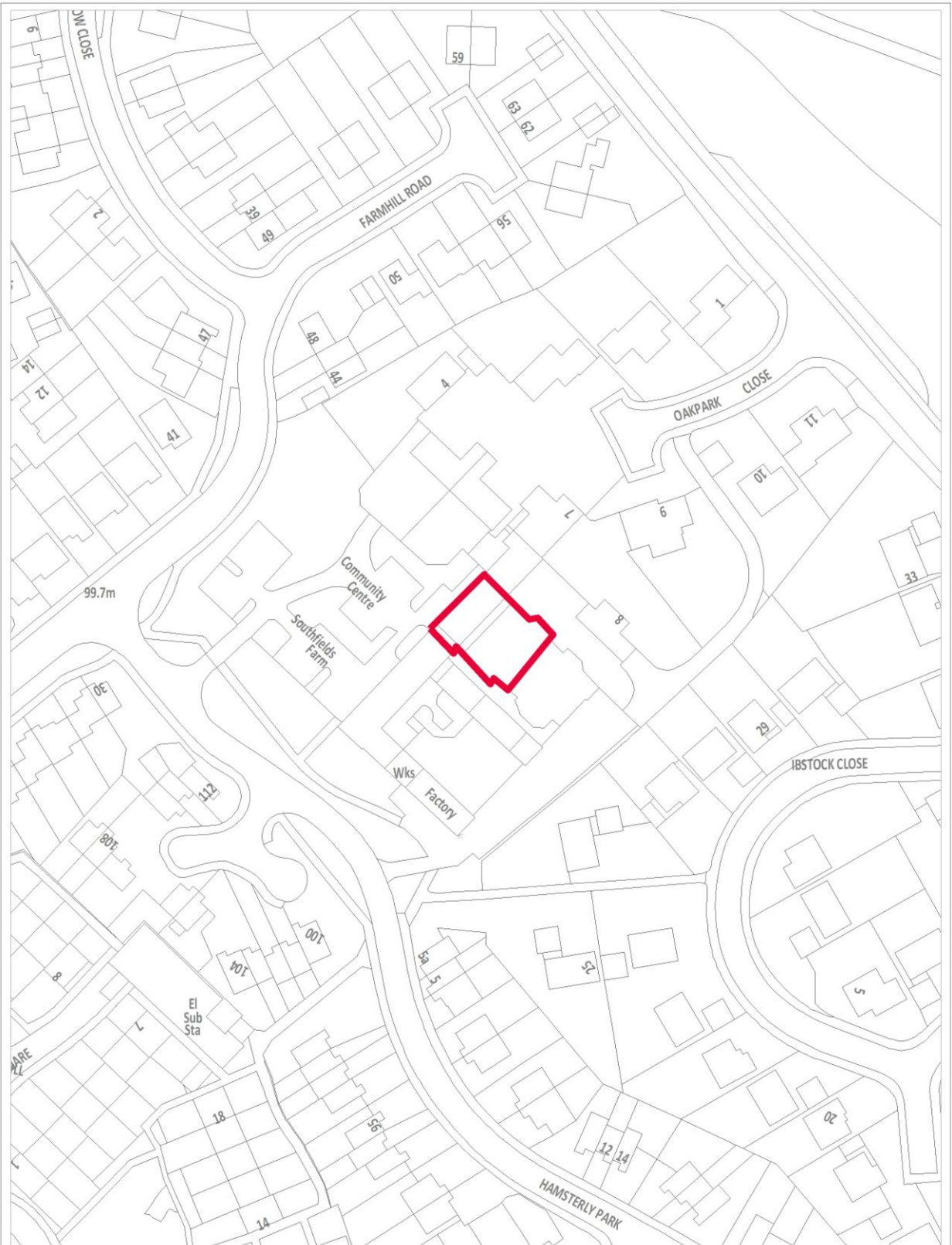
10.1 N/2014/0956

**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: 8th October 2014  
 Scale: 1:1000  
 Dept: Planning  
 Project: Planning Committee

Title  
**Clyde House, Southfields Barn, Southfields Community Cen**

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0987:** Variation of Condition 4 of Planning Permission N/2013/0131 to extend the opening times from 0730-2000 to 0700-2200 at 237-245 Main Road, Duston

**WARD:** New Duston

**APPLICANT:** Central England Co-operative  
**AGENT:** Mr D. Prichard, Marrons Planning

**REFERRED BY:** Cllr. T. Hadland  
**REASON:** The proposal is contrary to a Planning Inspector's decision

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposed variation in operating times would have a neutral impact upon the occupiers of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.

### **2. THE PROPOSAL**

2.1 The applicant seeks permission to vary the requirements of Condition 2 of Planning Permission N/2013/0131 to allow the store to be open to customers between the hours of 7am and 10pm on any day rather than the 7.30am and 8pm that is currently permitted.

### **3. SITE DESCRIPTION**

3.1 The application site is located within an allocated local centre as defined by the Northampton Local Plan. The surrounding land uses include a variety of commercial functions, including two convenience

stores, takeaways and hairdressers. The wider area predominately features residential accommodation of a variety of ages, scales and styles. The site is located on Main Road, which serves as the main route through the Duston area.

- 3.2 Planning permission was granted in 2013 (on appeal) for the erection of a convenience store. Construction work on the store is at an advanced stage; however, the building is not currently operational.

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

- 4.1 N/2013/0131 – Redevelopment of site to provide a convenience store (Use Class A1) including ancillary parking and service area – Approved following an appeal.

#### **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

##### **5.2 National Planning Policy Framework (NPPF)**

Of particular note is that Paragraph 17, which requires that developments be of a high standard of design and encourage mixed use and sustainable developments. Paragraph 123 requires that new developments do not have an adverse impact upon amenity arising from excessive noise. Where appropriate, mitigation should be secured, such as through the use of conditions.

##### **5.4 Northampton Local Plan**

Policy E20 requires that new buildings should be built of an appropriate design.

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

Comments received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – No objections.
- 6.2 **Cllr. T. Hadland** – The trading hours were considered by a Planning Inspector. There is insufficient evidence to grant an extension of time as the store is not yet operational. Therefore the application is premature. Whilst the previous garage/filling station did not have any restrictions on opening times, it closed at 7pm.
- 6.3 **Duston Parish Council** – Object due to the extended opening times having a detrimental impact upon local residents and businesses.

- 6.4 Three letters of objection have been received. Comments can be summarised as:
- The proposed extension of time would encourage littering and anti-social behaviour.
  - The greater opening hours would create an adverse impact upon neighbour amenity as a result of people leaving the site. It is noted that lights from vehicles would cause disturbance.
  - Permission would not have been granted if the hours currently proposed were included within the original application.

## 7. APPRAISAL

7.1 The condition contained in the planning approval N/2013/0131 limits the store to being open between the hours of 7.30am and 8pm. The reason for this condition is to ensure that the operation of the store does not cause any undue detrimental impact upon the amenities of the occupiers of the nearby residential properties.

7.2 As part of the appeal process, the appellant requested the same hours that permission is now sought for this application. In declining this request, the Inspector found that:

*“...allowing the store to open between 0700 hours and 2200 hours... would inevitably lead to noise and disturbance even later than these times – as staff arrive and leave and the store is opened and closed.”*

7.3 The Inspector concluded his assessment of the store’s opening times with the following:

*“I find that the scale and nature of the proposal before me... is such that its use is capable of generating levels of noise and disturbance over and above that which currently exist. There is no substantive information before me to demonstrate that this would not be the case”.*

7.3 From this, the inference is that the Inspector did not rule out the principle of the store extending its operating times; but that any such extension should only be permitted in instances where sufficient, compelling evidence is provided that would demonstrate that the store would not adversely impact upon neighbour amenity.

7.4 In support of the current proposal, the applicant has undertaken an appraisal of the current background noise levels. This assessment has been carried out over a significant period and covering all times of the day. Whilst it is accepted that construction work was being carried out during the assessment period, the times in which building works were taking place were limited to 7.30am and 6.30pm on Mondays to Fridays; 7.30am and 4pm on Saturdays and an no point on Sundays. As a result of this, no construction work was taking place during the

time periods that are the subject of this application. As a consequence of this, the current building works would not have skewed the levels of background noise.

- 7.5 There are two likely causes of noise arising from the extended opening times. The first is that associated with the operation of plant and equipment and the second is that generated from people entering and leaving the store.
- 7.6 The only plant and equipment comprises two air conditioning units and a refrigeration condenser. Whilst this equipment would need to be in operation during the periods in which the store is open, it has been demonstrated that the noise levels generated by this equipment would either be the same or lower than existing background noise levels. As a consequence of this, it is considered that the proposed revision in opening times would not cause any greater detrimental impact upon the neighbouring properties.
- 7.7 In terms of noise arising from the use of the car park, noise is likely to come from vehicle movements in addition to the movement of patrons. In terms of the increase in opening times in the morning (from 7.30am to 7am), it is noted that noise levels within the vicinity are already increasing at this point due to the busy nature of Main Road, combined with the likelihood of commercial vehicles also visiting some of the nearby commercial units. As a consequence of this, it is likely that the proposed increase in times in the mornings would not generate any significant adverse impact upon the amenities of surrounding properties.
- 7.8 Based upon stores of a comparable size, the application has evidenced that the level of additional customers between 8pm and 10pm is unlikely to be significant. Typically, there would be no more than 20 car journeys being made to such a store between 8pm and 9pm and no more than 8 journeys between 9pm and 10pm. As a result of this comparatively limited increase, combined with the separation distances between the store and the nearest residential properties it is considered that the proposal would have a neutral impact upon residential amenity.
- 7.9 The technical study used to support the application (including the methodologies for carrying out of survey work) has been reviewed by the Council's Environmental Health section, which has raised no objections to the conclusions of the submitted assessment.
- 7.10 Therefore for the foregoing reasons, it is considered that robust evidence has been submitted to justify an extension in the opening times of the store, which satisfactorily addresses the concerns expressed by the Inspector at the appeal.
- 7.11 As this permission would represent a new 'chapter' in the site's planning history, it is necessary to restate all relevant planning



conditions from the original planning permission (such as delivery times), in order to provide certainty regarding the potential impacts of the development.

7.12 It is noted that representations have commented upon a potential increase in littering and anti-social behaviour. However, as it is likely that the use of store in the additional hours would not be significant, it therefore follows that there would not be a major impact upon these factors.

7.13 Observations have also been submitted that have commented upon the likely impacts of the proposal upon the viability of surrounding businesses. Whilst these views are noted, it is considered that the level of competition between individual businesses is not a planning matter. Moreover, the two convenience stores within the locality do not feature any planning restrictions over opening times.

## **8. CONCLUSION**

8.1 In conclusion, it is considered that suitable evidence to justify the proposed extension in operating times has been submitted and as a consequence, the development would have a neutral impact upon the amenities of the occupiers of neighbouring properties. The proposed revision is therefore in accordance with the requirements of the National Planning Policy Framework and local planning policies.

## **9. CONDITIONS**

1. The sales area within the store hereby permitted shall not exceed 279.7 square metres.

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

2. The store hereby permitted shall only be open to customers between the hours of 7:00am and 10:00pm on any single day.

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

3. All deliveries to the store shall take place between the hours of 7:00am and 8:00pm only.

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

4. The parking and manoeuvring space as shown on drawing 01 Rev. S shall be fully implemented prior to the first occupation of the

development hereby permitted and retained thereafter. The manoeuvring space shall also be kept clear throughout the life of the development.

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

5. Development shall take place in accordance with the landscaping scheme as detailed on drawings 04, Rev. F and R/1546/1.

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

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

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

7. The development shall operate in accordance with the noise levels detailed within the Environmental Noise Survey and Noise Impact Assessment, dated 14<sup>th</sup> August 2014 (reference RF 84988/NIA rev. A).

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

8. Notwithstanding the details submitted, full details of CCTV, protective bollards to the ATM, external lighting and security shutters shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The development shall only be carried out in accordance with the approved details and retained thereafter.

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

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

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

10. Notwithstanding the details submitted, an external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interest of securing a satisfactory standard of development in terms of neighbour amenity and crime prevention in accordance with the requirements of the National Planning Policy Framework and Local Plan Policy E40.

11. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments as shown in drawing R/1546/2. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

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

## **10. BACKGROUND PAPERS**

- 10.1 N/2013/0131

## **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: 8th October 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**

**Former Ashtree Service Station, 237 Main Road, Duston**

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1022:** Removal of Condition 3 (requiring submission of details of noise sources); variation of Condition 2 to allow for substitution of plans incorporating revised door and window details and extended recreation area and variation of Condition 4 to extend hours of opening to between 0730 and 2100 Monday to Friday, 0900 to 2100 Saturday and 0900 to 1800 Sunday & Bank/Public Holidays at former Pig and Whistle Public House, Blackthorn Bridge Court

**WARD:** Talavera

**APPLICANT:** Blackthorn Good Neighbours  
**AGENT:** Mr Phil Bates

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Application site is in the ownership of Northampton Borough Council

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed amendments to conditions would not lead to any increased adverse visual impact or impact on the amenity of adjacent occupiers and would maintain the provision of a facility and job opportunities to serve the local community. The proposal would have

an acceptable impact upon highway safety, would safeguard existing residential amenity and would pay adequate regard to the need to deter crime in compliance with the guidance contained within the National Planning Policy Framework, Policies E20 and E40 of the Northampton Local Plan and Policies RC1, N1 and N11 of the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

## **2. THE PROPOSAL**

- 2.1 The site was subject to a recent planning approval by Committee in July 2014 for the change of use of the public house into a childcare community nursery (Use Class D1) with associated external alterations (N/2014/0617).
- 2.2 The current application seeks to vary Condition 2 of this consent relating to approved plans to allow for amendments to the proposed external alterations. A new external door is proposed in the east elevation to allow separate access to the first floor flat; doors to the south elevation are to be replaced by a window; and the extent of the external area to be enclosed by 1.8m high palisade perimeter fencing has been increased along the western and part of the northern boundary to follow the edge of the site adjacent to the footpath.
- 2.3 The removal of Condition 3 is sought which requires the submission of a scheme to specify the internal and external noise sources on the site and provisions to be made for its control. Details of noise sources have been submitted as part of this application.
- 2.4 A variation of Condition 4 is sought to amend the approved opening hours of 0800 to 1800 Monday to Friday and no opening on Saturdays, Sundays or Bank or Public Holidays to openings times of 0730 to 2100 hours Monday to Friday, 0900 to 2100 hours Saturday and 0900 to 1800 hours Sundays and Bank/Public Holidays. The variation is sought to allow a breakfast club to start 30 minutes earlier and an after school club finishing 30 minutes later on weekdays to assist parents whose hours do not totally coincide with the nursery opening hours. The extended evening and proposed weekend hours are intended to allow for community activities within the building. The applicant has advised that this is likely to be for small meetings for community groups and targeted youth groups of small numbers of not more than 15 at any one time which would be managed by supervising staff.

## **3. SITE DESCRIPTION**

- 3.1 The site comprises of a Public House located within the Blackthorn Local Centre with surrounding uses comprising of retail and a community centre with the wider area typified by residential housing. The public house is set at a lower level than the adjacent shared public car park and constitutes a detached brick-built property that provides 280 sq. m of gross internal floor space at ground floor level and a small

manager's flat located at first floor level (94 sq. m) within the roofspace which is to be retained. Footpath links surround the site with steps at the southern end to account for the change in ground level. A local play area is located to the west of the building.

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

- 4.1 N/2014/0617 – Change of use from public house (Use Class A4) into childcare community nursery (Use Class D1) to include the installation of entrance doors, new north-facing window openings and addition of solar panels to the east-facing roof slope. Approved 30.07.14.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies 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 17 of the NPPF outlines the main principles that should underpin decision taking including proactively driving and supporting sustainable economic development, securing high quality design and a good standard of amenity, and supporting local strategies for the delivery of community and cultural facilities to meet local needs.

Paragraph 56 advises that design is a key aspect of sustainable development.

Paragraph 70 advises that decisions should plan positively for the provision of shared space and community facilities.

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

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

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

#### 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 as it has been prepared in full conformity with the NPPF.

The Inspector's report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

Policy RC1 – 'Delivering Community Regeneration' requires existing levels of social and economic deprivation to be reduced by encouraging partnership working with stakeholders and by co-ordinating planning and regeneration strategies to ensure that improved services, community facilities and infrastructure are provided.

Policy N1 – 'The Regeneration of Northampton' requires regeneration to be supported by addressing factors of deprivation within the communities of 'Northampton East'.

Policy N11 – 'Supporting Areas of Community Regeneration' supports the regeneration of 'Northampton East' through such measures as creating local opportunities for employment and business development.

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

6.1 The application was advertised by site notice. In addition, consultation of local neighbours and consultees has been undertaken. The consultation period has not expired at the time of writing this report. Any comments received will be reported to Committee in the Addendum to this agenda.

6.2 **NBC Environmental Health:** No objection.

### 7. **APPRAISAL**

#### **Variation of Condition 2**

7.1 The proposed alterations to the exterior of the building which include the insertion of a new external door on the east elevation to allow



separate access to the upstairs flat and the insertion of a window in place of a door would not have any significant impact on the appearance of the building or adjacent amenity and are considered acceptable.

- 7.2 The principle of using 1.8m green palisade fencing to enclose part of the external area was approved under the previous application. The current application proposes to increase the extent of the area to be enclosed to follow the line of the adjacent footpath along the western boundary and part of the northern boundary. The fencing would assist in providing security to the building and would not be visually harmful in the context of the surrounding area.

### **Removal of Condition 3**

- 7.3 The application is supported by information that advises that no plant serving coolers or air conditioning is to be installed or retained with all existing plant to be removed from the building. Noise from children under school age would not be excessive and would be monitored by qualified staff. Youth groups would also be under supervision.
- 7.4 Environmental Health is satisfied with the information provided and has no objection to the removal of the condition. On the basis of the previous use of the premises as a public house it is not considered that the proposed use would lead to any increased impact in terms of noise on adjacent residential amenity.

### **Variation of Condition 4**

- 7.5 The application seeks to extend the opening hours from that previously approved to allow for a breakfast club to start at 0730 hours Monday to Friday and to extend hours into the evenings Monday to Friday until 2100 and weekend hours of Saturday 0900-2100 and Sundays, Bank/Public Holidays 0900-1800 to allow for evening and weekend community uses predominantly aimed at supervised youth groups. The applicant, Blackthorn Good Neighbours, advises that the proposed use would be complementary to the use of the adjacent Blackthorn Community Centre in the evenings which currently holds youth groups on a Monday and Thursday evening run by applicant.
- 7.6 The previous use of the premises as a public house and the subsequent approval for use as a nursery both provide a community facility for the area. The proposed increase in hours would assist in expanding the provision of community facilities within the locality in line with the aims of national and local policy and are considered to complement rather than compete with the uses of the existing Blackthorn Community Centre.
- 7.7 Environmental Health has no objection to the increased hours proposed which would remain less than the previous use of the premises as a public house.

## **8. CONCLUSION**

- 8.1 The proposed amendments to the conditions are considered acceptable and would assist in increasing the security of the building and expanding the community provision for the local area without leading to any significant increased impact on adjacent residential amenity to previous uses. The proposal accords with the aims and objectives of the above policies and is therefore recommended for approval.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be begun before 30<sup>th</sup> July 2017.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; drawing nos. 13.061.05B, 13.061.06B & 13.061.07A.

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

- (3) The premises shall be open between the hours of 0730 and 2100 from Mondays to Fridays, 0900 to 2100 Saturday and 0900 to 1800 Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy E20 of the Northampton Local Plan.

- (4) Prior to the first occupation of the development hereby permitted the external areas of the application site shall be fully bound with 1.8m palisade fencing erected in full accordance with fence position depicted upon the approved Site Plan (13.061.07A); the palisade fencing shall be retained at all times thereafter.

Reason: To ensure a safe and secure development in accordance with Policy E40 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

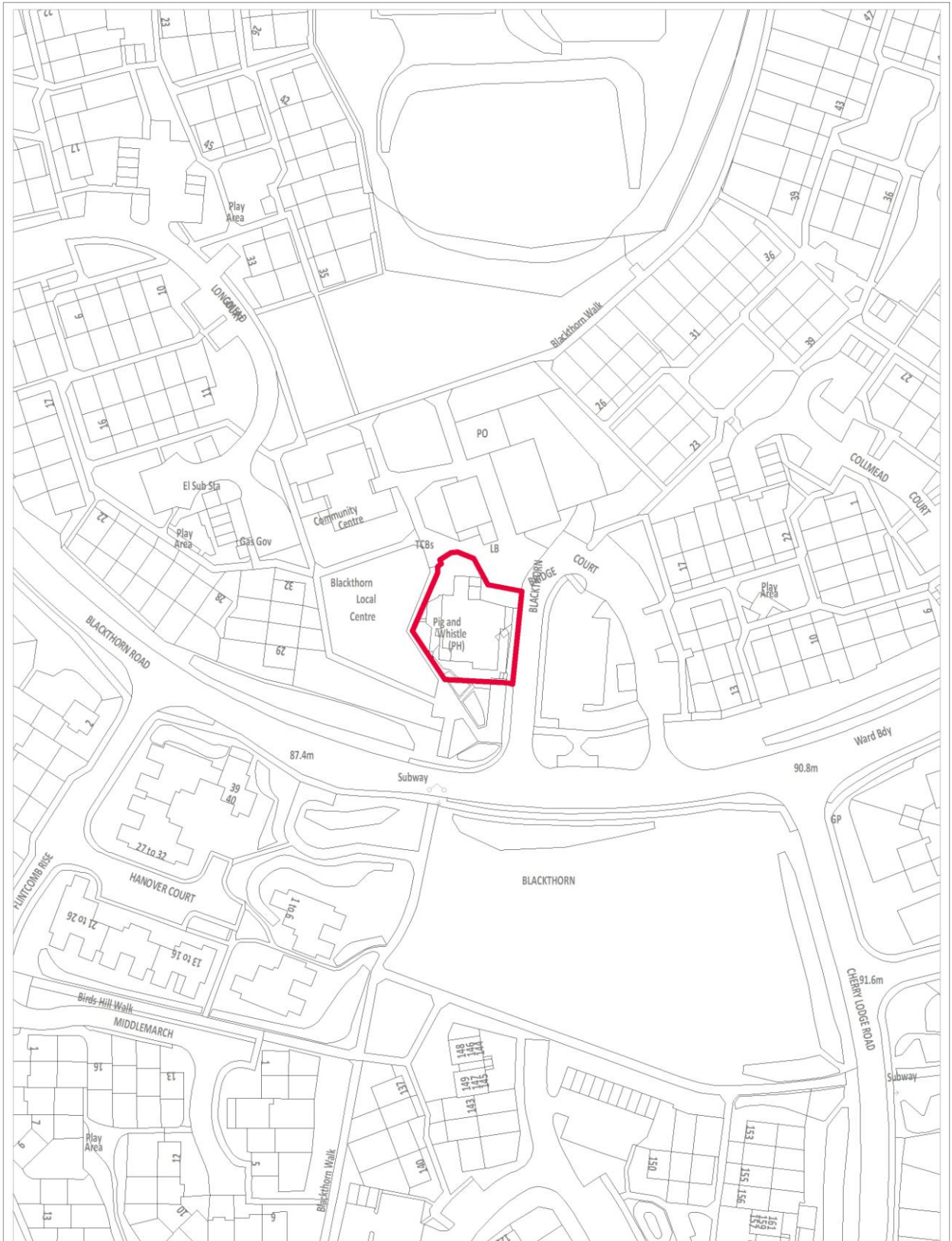
- 10.1 N/2014/1022.

## **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: 8th October 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**Pig & Whistle Public House, Blackthorn Bridge Court**

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1045:** Variation of Condition 15 of planning permission N/2011/1262 to allow the proposed road to be constructed to adoptable standards by 1<sup>st</sup> September 2015 or by the first occupation of the 41<sup>st</sup> dwelling whichever is the sooner. Former Abington Vale Middle School, Bridgewater Drive

**WARD:** Park

**APPLICANT:** Miss Elaine Connolly, Bellway Homes Limited

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Major development with a S106

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION BY:**

**1. RECOMMENDATION**

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

The principle of residential development of the site has previously been established through the grant of outline consent under application N/2011/1262. The variation of Condition 15 as proposed would not lead to any adverse impact on highway safety and is considered acceptable. The development proposal remains in accordance with Policies L2, H7, H17, H32, E11, E12 & E17 of the Northampton Local Plan, Policies H1, H2 & S10 of the submitted West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

**1.2** The prior completion of a S106 to secure obligations as defined in the S106 associated with application N/2011/1262.

- 1.3 That delegated powers are given to the Director of Regeneration, Enterprise and Planning to amend planning conditions as necessary following any subsequent discharge of conditions of the original outline consent prior to issuing the decision notice. An application to discharge conditions of the outline consent is currently under consideration.
- 1.4 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the 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 application proposes the variation of Condition 15 of the outline consent for the residential development of the site to allow the road from Bridgewater Drive to the school turning facility to be constructed after the commencement of development to adoptable standards either before 1<sup>st</sup> September 2015 or prior to the occupation of the 41<sup>st</sup> dwelling on site, whichever is the sooner. The original condition required the following:

‘The proposed adoptable road from Bridgewater Drive to the school turning facility must be constructed to Provisional Certificate Standard prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.’

The condition was imposed in the interests of highway safety and to maintain safe vehicular and pedestrian access and to accommodate construction traffic.

- 2.2 The variation is sought due to the developer not being able to undertake the intrusive works required to construct the road during school holidays thereby avoiding any disruption to access to the school. Timeframes afforded by half-term closures during the school year would offer insufficient time to complete the works and therefore summer 2015 will be the next available time slot in which the works can be undertaken. This would delay commencement of any other building works on site in the meantime. The variation of condition would allow building to commence prior to works being carried out to the road.

## **3. SITE DESCRIPTION**

- 3.1 The application site is approximately 2.5 ha in area and located on part of the former Abington Vale Middle School situated to the northeast of

the town centre and within the vicinity of Abington Park located to the northwest of the site. The surrounding area is predominantly residential in character and the site is bordered on two sides by existing residential development. A small area of open space borders the site with Bridgewater Drive beyond which are further residential properties. To the southeast is Bridgewater Primary School and Abington Vale Pre-School. An informal public footpath runs along the northwest boundary of the site.

- 3.2 The site rises gently from the Bridgewater Drive to the west and northwest with a steep rise towards the western boundary. A sewer easement runs northwest to southeast across the western half of the site. Trees with Tree Protection Order (TPO) are situated along the southwest boundary.
- 3.3 Access to the site is from Bridgewater Drive which also provides access to Bridgewater Primary School and the pre-school located to the south east.

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

- 4.1 N/2014/0275 – Application for approval of reserved matters except access pursuant to planning approval N/2011/1262 (application to extend time limit for implementation of outline permission 06/0022/OUTWN) for residential development comprising of 82 dwellings and local area of play. Approved 4.08.14.
- 4.2 N/2011/1262 – Application to extend time limit for implementation of 06/0022/OUTWN for residential development (all matters reserved except access). Approved 19.12.13.
- 4.3 06/0022/OUTWN – Outline application for residential development. All matters reserved except for access. Approved 23.12.08.

#### **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)

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

*E1 – Landscape & Open Space* - development should not be detrimental to character and structure of landscape.

*E11 – Protection of trees* - planning will not be granted for development involving destruction or substantial damage to trees of significant environmental or amenity value unless the features are already damaged.

*E19 – Implementing Development* - permission for residential development only granted where adverse impacts are mitigated for & where infrastructure and amenities made necessary are provided for.

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

*E40 – Planning and crime and anti-social behaviour* - the design of new development should pay adequate regard to the need to deter crime & vandalism.

H7 – *Development outside residential areas* - needs to be in keeping with character of area, comply with highway design requirements, not result in loss of amongst other things educational facilities, trees or land of significant amenity value.

H14 – Provision of children’s play in amenity open space.

H17 – Provision of mobility housing – not less than 10%.

H32 – Provision of affordable housing.

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

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing Interim Statement (February 2013)

#### 5.5 **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 as it has been prepared in full conformity with the NPPF.

The Inspector’s report on the examination into the JCS was published on 7<sup>th</sup> October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

H1 – Housing Density and Mix and Type of Dwellings

H2 – Affordable Housing



## **6. CONSULTATIONS/ REPRESENTATIONS**

- 6.1 The **Highway Authority** has no objections to the proposed variation.
- 6.2 The consultation period has not expired at the time of writing this report. Any comments received will be included in the addendum to the committee agenda.

## **7. APPRAISAL**

- 7.1 The main issue for consideration is as to whether the variation of condition would lead to any adverse impact in terms of highway safety and maintaining safe vehicular and pedestrian access to the school in particular during construction.
- 7.2 The existing access road to the site from Bridgewater Drive is adopted at the entrance to the junction with the remainder of the road leading up to the school entrance being a tarmacadam surface which is proposed to be upgraded to adoptable standards as part of the residential development providing access to both the school and the proposed residential development.
- 7.3 To ensure suitable and safe access is maintained to the school during the construction of the residential development the outline consent is subject to a condition to agree and approve a Construction Environmental Management Plan (CEMP) which will include a Traffic Management Plan incorporating the routing of traffic and details of heavy vehicle movement patterns including earliest and latest times and suspension of trips during local peak traffic times.
- 7.4 The applicant has also confirmed that as part of the Transfer Deed, linked to the developers Title to the land, they are required to permit access between Bridgewater Drive and the school land as indicated on the Transfer Plan at all times, with works to complete the roadway to cause minimal disruption to the operation of the school.
- 7.5 The Highway Authority has no objection to the variation of the condition as proposed which would ensure that the road is constructed to adoptable standards within a reasonable time in the development process. The agreement of the CEMP by condition and the requirements imposed on the developer under the land transfer will ensure that safe and suitable access is maintained to the school throughout the construction period.
- 7.6 As a Section 73 variation of condition consent would in effect result in a further planning consent for the development of the site it is recommended that a S106 agreement is secured to ensure the obligations of the previous consent N/2011/1262 are secured.

## 7. **CONCLUSION**

- 8.1 The variation of condition as proposed would ensure that the road is still constructed to adoptable standards as part of the development albeit at a later stage but without detriment to highway safety. The proposal is therefore recommended for approval.

## 9. **CONDITIONS**

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

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

- (2) The development shall be carried out in accordance with the plans approved under Condition 2 of the reserved matters consent N/2014/0275.

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

- (3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- (5) 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 H7 of the Northampton Local Plan.

- (6) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy H7 of the Northampton Local Plan and the NPPF.

- (7) A full Arboricultural survey and report on all existing trees and hedges on the site shall be submitted with the reserved matters application and shall be approved in writing by the Local Planning Authority before any development takes place. The survey and report shall include details of all trees and hedges to be removed and those to be retained and the method of protection of the retained trees during the course of development. The tree and hedge retention shall be implemented in accordance with the approved scheme.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Local Plan Policy H7 and the NPPF.

- (8) All dwellings must be fitted with security systems. The standards of locks to be installed in the external doors and windows of the dwellings shall be made to secure standards set out in BS 3621:1998.

Reason: To ensure the development provides an acceptable level of security for future occupiers in accordance with Local Plan Policy H7 and the NPPF.

- (9) Prior to the commencement of development, a detailed Stage 2 Flood Risk Assessment (FRA) including an assessment of overland flood routing through the site prior to and after development shall be submitted to and approved in writing by the Local Planning Authority. The Stage 2 FRA shall also include a detailed surface water drainage strategy for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved FRA and the NPPF.

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the Local Plan Policy H7 and the NPPF.

- (10) The approved surface water strategy for flood risk protection shall be implemented fully in accordance with the requirements of the approved flood risk assessment and with the approved implementation programme. The applicant shall confirm the completion of the approved scheme in writing with the Local Planning Authority within 1 month thereafter.

Reason: To prevent increase in flood risk in accordance with the Local Plan Policy H7 and the NPPF.

- (11) No development approved by this planning permission shall be commenced until:
- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatic representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatic representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken relating to human health, ground and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements.
  - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
  - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters, using the information obtained from the Site Investigations has been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
  - e) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

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 and to ensure the proposed site investigations and remediation will not cause pollution of controlled waters in accordance with Local Plan Policy H7 and the NPPF.

- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall take place until the details of archaeological measures have been approved by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of archaeological research in accordance with Local Plan Policy H7 and the NPPF.

- (13) A maximum of 112 household units are permitted by this approval.

Reason: In the interests of the character and amenity of the area and to ensure highway safety is maintained as assessed within the Traffic Report, in accordance with Policy E20 of the Northampton Local Plan in accordance with Local Plan Policy H7 and the NPPF.

- (14) Prior to the commencement 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:

- a) A site Waste Management Plan
- b) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns (including earliest and latest times and suspension of trips during local peak traffic times).
- c) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle-reversing alarms;
- d) Details of siting of all vehicles of site operatives and visitors;
- e) The unloading and loading arrangements for heavy plant and machinery;
- f) Details of the design, appearance, erection and maintenance of security hoardings to include informative displays;
- g) The location, extent and duration of any temporary compounds and stockpiling areas;
- h) Measures to prevent mud being deposited on the surrounding highway;
- i) A programme of implementation for items (a) - (h).

Reason: To protect the amenity of neighbours and in accordance with objectives of the NPPF.

- (15) The proposed road from Bridgewater Drive to the school land as shown on the Transfer Plan 12137 (B) 520 must be constructed to adoptable standards by 1<sup>st</sup> September 2015 or by the first occupation of the 41<sup>st</sup> dwelling whichever is the sooner.

Reason: In the interests of highway safety and to maintain safe vehicular and pedestrian access and to accommodate construction traffic in accordance with the requirements of the NPPF.

**10. BACKGROUND PAPERS**

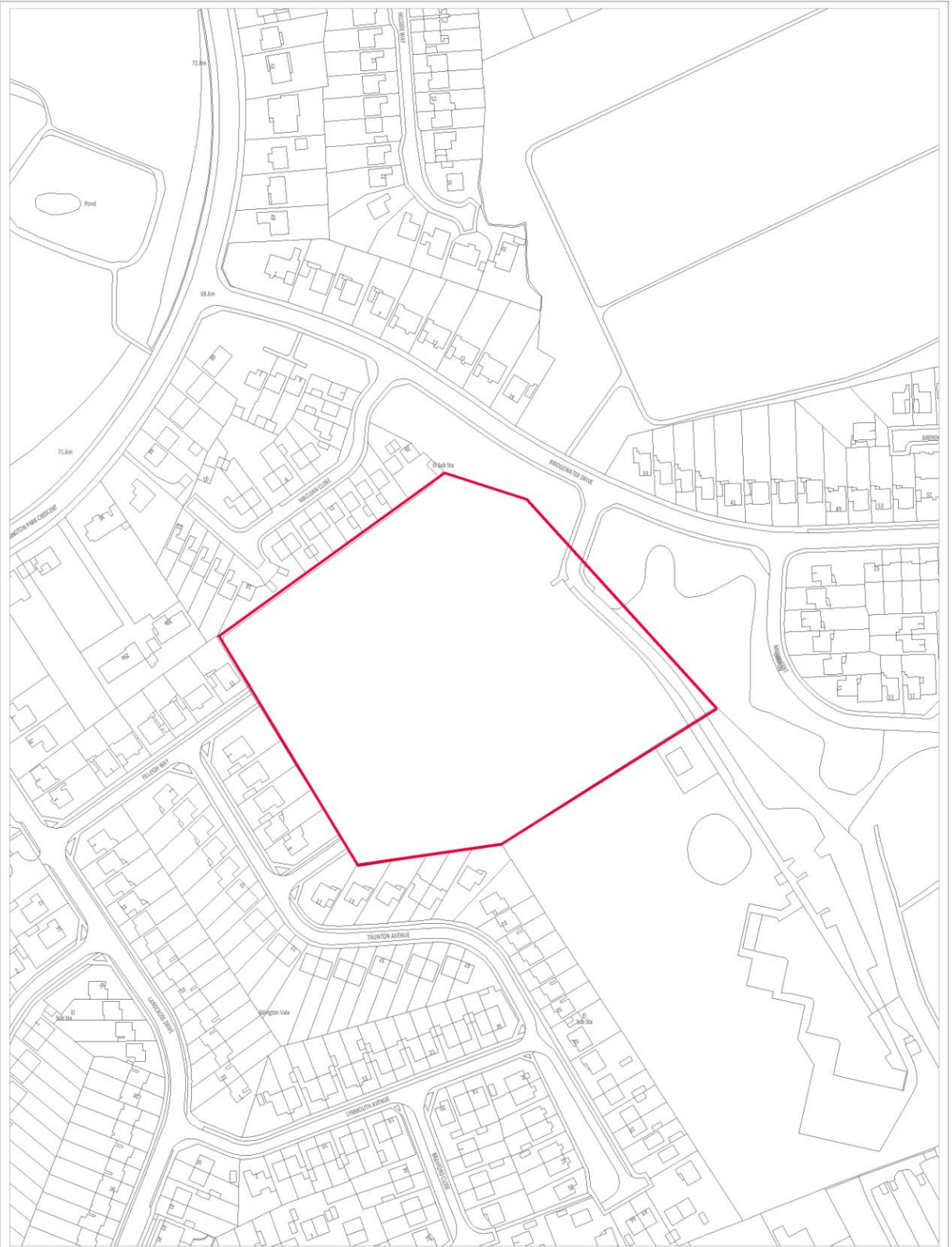
10.1 N/2014/1045.

**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: **8th October 2014**  
 Scale: **1:2250**  
 Dept: **Planning**  
 Project: **Planning Committee**

**Title**  
**Former Abington Vale Middle School, Bridgewater drive**

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**PLANNING COMMITTEE:** 29<sup>th</sup> October 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1057:** Extension of Pineham Business Park comprising the erection of buildings Classes B1(c), B2 and B8 employment purposes with associated parking, highways infrastructure, engineering works, drainage, landscaping and ancillary works, including the partial stopping up and diversion of existing footpath LB12. Outline application with all matters reserved except site access and landscaping to both the northern and western boundaries (SNC Consultation) Pineham Barns Area, Banbury Lane

**WARD:** Upton

**APPLICANT:** Prologis UK Ltd  
**AGENT:** Turley Associates

**REFERRED BY:** Director Regeneration, Enterprise and Planning

**REASON:** Major Fringe Application

**DEPARTURE:** NO

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## **CONSULTATION BY SOUTH NORTHAMPTONSHIRE COUNCIL:**

### **1. RECOMMENDATION**

1.1 **RAISE NO OBJECTIONS** to the principle of development subject to the following matters being addressed by South Northamptonshire Council when determining the application:

- No objections being received from the Highway Authority or Highways Agency regarding the impact on the road network/traffic flows in the vicinity.



- The visual and landscape impact of the development being considered acceptable and any necessary landscaping being secured.
- The impact on the amenity of nearby residents being assessed as acceptable, and any necessary mitigation being secured.
- The impact on air quality being assessed as acceptable, and any necessary mitigation being secured.
- The impact on ecology being assessed as acceptable, and any necessary mitigation being secured.
- Construction training opportunities to be secured.

## **2. THE PROPOSAL**

- 2.1 The application seeks outline planning permission from South Northamptonshire Council for the expansion of the existing Pineham business park. All matters are reserved except access and landscaping.
- 2.2 The development would result in the expansion of the business park to the west/north west towards Kislingbury. An access would be created from Upton Valley Way to serve part of the development, while an existing access road would be extended to provide a further access to the site.
- 2.3 The details submitted with the application indicate that 105,000 square metres of floorspace would be created and the illustrative plans show this being split between three buildings.
- 2.4 An Environmental Impact Assessment has been submitted with the application which considers the issues of landscape and visual impact, lighting impact and archaeology and heritage impact.
- 2.5 The development would require the diversion of a public footpath which runs through the north eastern part of the site (within the Borough boundary). This would require a separate application under Section 257 of the Town and Country Planning Act.

## **3. SITE DESCRIPTION**

- 3.1 The application site is a green field one immediately to the north of the M1. To the west of the site is open countryside heading towards Kislingbury, with further countryside to the north. Upton Valley Way runs through the north east of the site, while to the south east is the existing Pineham business park.
- 3.2 The majority of the application site is within the administrative area of South Northamptonshire Council (SNC). However a portion of the site

in the north east is within Northampton Borough and decision making powers were delegated to SNC at the Full Council meeting in April this year to enable them to determine the application in respect of this area.

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

4.1 No history relevant to this application.

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

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

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

The National Planning Policy Framework (NPPF) sets out the Government's overarching approach to planning and places a particular emphasis on building a strong and competitive economy as well as encouraging sustainable development and high quality design.

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

Policy E20 (New Development) requires development to be well designed and in keeping with its surroundings in terms of layout, siting, form, scale and use of appropriate materials.

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

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

##### **5.5 Other Material Considerations**

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

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

The Inspector's report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

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

Policy S7 - 'Provision of Jobs' requires provision to be made for a minimum of 19,000 jobs to be created to 2026.

Policy S10 - 'Sustainable Development' requires developments to be located sustainably and to achieve high quality design.

## **6. APPRAISAL**

- 6.1 It is considered that the application proposes a development which would extend an existing, established employment site in close proximity to Junction 15A of the M1 and with established road links to Northampton with Upton Valley Way and the A43. There are also established public transport links to the Pineham area. The development would therefore appear, from a connectivity perspective, to be sustainably located. However it is suggested that the issue of the impact on the road network in the vicinity of the site would need to be looked at when determining the application.
- 6.2 The development would result in a significant incursion into the open countryside and would potentially have a significant impact from a landscape and visual perspective. The application proposes landscaping as a detailed matter and it is considered that the significant areas of tree planting would reduce this impact. However this issue will need to be examined carefully to ensure the resultant impact is acceptable.
- 6.3 There is residential development currently being carried out to the north of the existing Pineham business park. It is not considered that there would be any greater impact on the residents of this arising from the development proposed than from the existing business park. However this is a matter which should be considered during the determination of the application.
- 6.4 The application submission indicates that 1,500 jobs could be created by the development. This would contribute towards the job creation targets set out in the JCS and is likely to have significant benefits for the local economy.
- 6.5 Due to the scale and nature of the proposed development the potential exists for significant impacts on ecology and air quality and these

matters would need to be considered as part of the determination of the application.

- 6.6 When considering an application of this nature and scale the Borough Council would, in most circumstances, seek from the developer a contribution towards construction training opportunities and therefore it would seem appropriate to request that SNC attempt to secure such a contribution.

## **7. CONCLUSION**

- 7.1 It is considered that overall, due to the relatively sustainable location of the development, the economic benefits which may arise from this and the requirements of national and local policies that the principle of the development may be supported. However there are a number of matters, as contained in paragraph 1.1 above, which would need detailed consideration prior to any planning permission being granted.

## **8. BACKGROUND PAPERS**

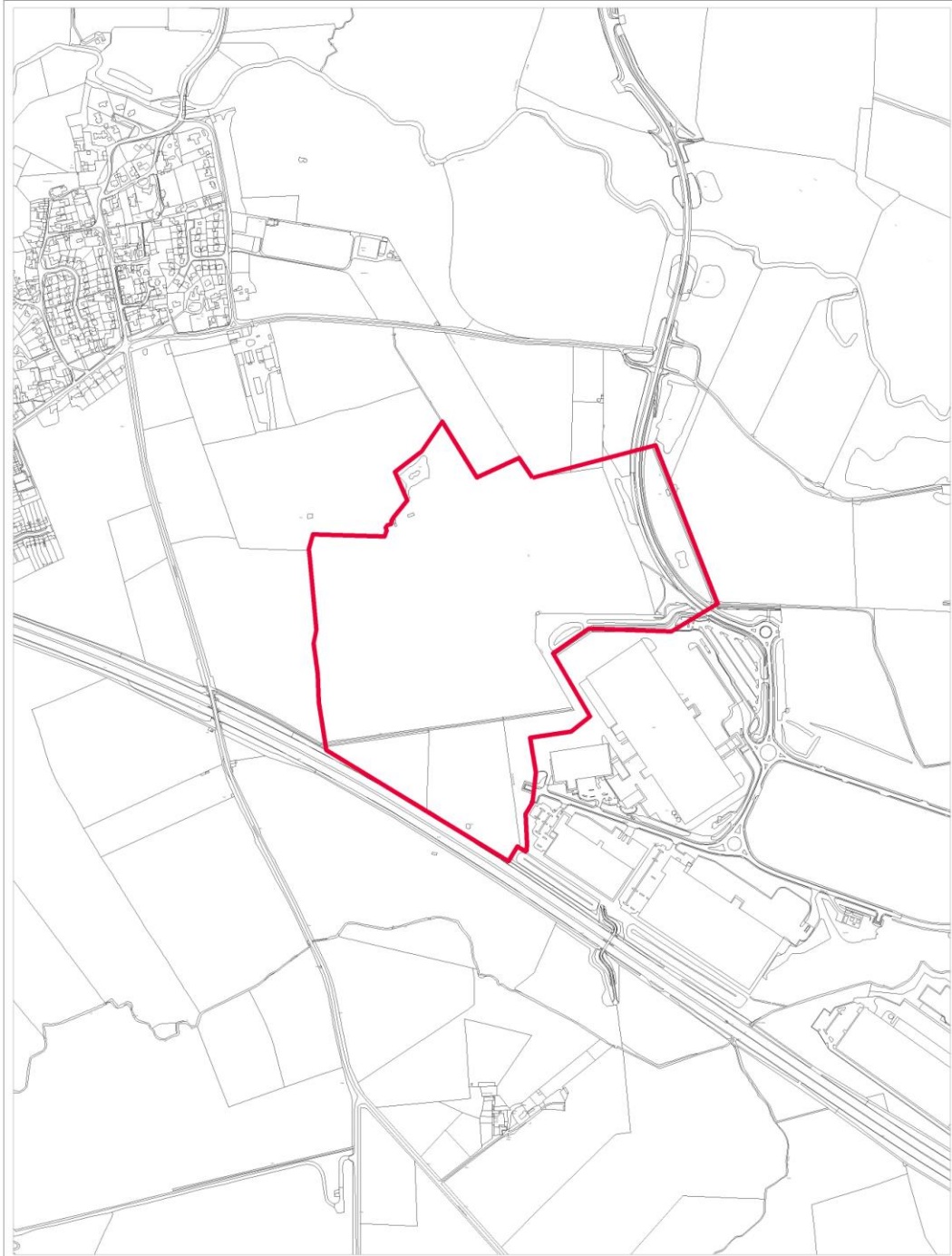
- 8.1 N/2014/1057

## **9. LEGAL IMPLICATIONS**

- 9.1 None.

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

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



Name: Site Location Plan  
Date: 20th October 2014  
Scale: 1:9500  
Dept: Planning  
Project: Committee

Title

## Pineham Business Park, Kisingbury

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