



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 16 December 2014

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

6:00 pm

Members of the Committee

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

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

Chief Executive David Kennedy

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837587

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 19 November, 16 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 837587
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: democraticservices@northampton.gov.uk (if no acknowledgement is received please telephone)

When Do I Speak At The Meeting

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

How Long Can I Speak For?

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

Other Important Notes

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.
on Tuesday, 16 December 2014
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. **APOLOGIES**
2. **MINUTES**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES**
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
 - (A) **N/2014/1131 - CHANGE OF USE OF 19TH CENTURY STABLE BLOCK TO RESTAURANT AND CAFÉ (A3), DELAPRE ABBEY, LONDON ROAD**
 - (B) **N/2014/1337 - NON-ILLUMINATED FREESTANDING LANDSCAPE SIGN. LAND OFF KETTERING ROAD/WELLINGBOROUGH ROAD**
 - (C) **N/2014/1338 - NON-ILLUMINATED FREESTANDING LANDSCAPE SIGN. LAND OFF ST MICHAELS ROAD**
 - (D) **N/2014/1349 - ERECTION OF 3NO. NON-ILLUMINATED FREE STANDING ALUMINIUM SIGNS. ST EDMUNDS HOSPITAL, WELLINGBOROUGH ROAD**
10. **ITEMS FOR DETERMINATION**

- (A) N/2014/0596 - OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT OF LAND ADJACENT TO SIXFIELDS STADIUM TO INCLUDE SINGLE STOREY RETAIL BUILDINGS (13,380SQM), SINGLE STOREY BUILDINGS FOR USE WITHIN CLASSES A3, A4 AND A5 (695 SQM) 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
- (B) N/2014/1027 - DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT TWO STOREY DWELLING. 41 CHURCH WAY, WESTON FAVELL
- (C) N/2014/1069 & N/2014/1076 - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW 15025M2 INDUSTRIAL BUILDING (USE CLASS B2) AND ASSOCIATED WORKS - 35 SUMMERHOUSE ROAD - DEMOLITION OF WAREHOUSE AND CHANGE OF USE OF SITE TO CAR PARK (INCLUDING CYCLE STORAGE FACILITIES) TO SERVE NEW MANUFACTURING PLANT AT 35 SUMMERHOUSE ROAD - 11 PONDWOOD CLOSE
- (D) N/2014/1264 - SINGLE STOREY REAR EXTENSION, TWO STOREY FRONT EXTENSION, NEW FIRST FLOOR WINDOW IN SIDE ELEVATION AND ALTERATIONS TO FIRST FLOOR REAR WINDOWS AND FRONT PORCH (PART RETROSPECTIVE). 14 WOODLAND AVENUE

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

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

Wednesday, 19 November 2014

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

Steven Boyes, Director of Regeneration, Enterprise and Planning;
Rita Bovey, Development Manager (Acting); David Rowen,
Development Management Team Leader (Acting); Ben Clarke,
Senior Planning Officer; Theresa Boyd, Lawyer; Nathan
Birch, Democratic Services Officer

1. APOLOGIES

Apologies for absence were received from Councillors Meredith and Palethorpe.

2. MINUTES

The minutes of the meeting held on 29th October 2014 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

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

- N/2014/1092 The Ecton Brook Public House, Ecton Brook Road
Councillor Malpas
- N/2014/0866 Wardington Court, Welford Road
Councillor Yates
Lisa Mathewson
- N/2014/0986 The Manna House, St Giles Street
Wendy Wenham
Andrew Boulter
- N/2014/1122 Land at former Honda dealership between Grafton Street and
Compton Street
Craig Ryan
Andy Ward

4. DECLARATIONS OF INTEREST/PREDETERMINATION

None

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

Development Management Team Leader reported that a non-material amendment application N/2014/1253 has been received in relation to work needed to be carried out at the Northgate Bus Interchange, Sheep Street, to install air conditioning units. He advised the committee that officers believed this to be a non-material amendment to the previous application that the committee could approve.

RESOLVED: To approve the verbal report and that the introduction of the air conditioning units is considered to be a non-material amendment to the scheme approved under reference N/2012/0314

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. She added that there was only one update; in that application N/2014/0370, land rear of 102 Harborough Road, had since been allowed. She advised that the details of the decision are available on the Borough Council website.

RESOLVED: That the report be noted

7. OTHER REPORTS

None

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2014/1092 - THE ECTON BROOK PUBLIC HOUSE, ECTON BROOK ROAD: CHANGE OF USE FROM PUBLIC HOUSE (A3) TO COMMUNITY CENTRE (D1)

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 of the application subject to the conditions as set out in the report.

The Chair invited Councillor Malpas to address the committee. He advised that he believed the property to have been vacant for 6 years. The proposal for a community centre was very welcome and as a ward member for the area he was happy to support the application on behalf of local residents.

In response to a question from the committee the Senior Planning Officer advised that any application for a Premises Licence would be dealt with separately by the Licensing Department.

The committee discussed the report.

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

10. ITEMS FOR DETERMINATION

(A) **N/2014/0079 - 4A BALMORAL ROAD: ERECTION OF 13 DWELLINGS; CONSISTING OF 12 FOUR BED TERRACED HOUSES AND 1 FOUR BED DETACHED HOUSE INCLUDING 28 PARKING SPACES**

The Development Management Team Leader presented the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval of the application subject to the conditions as set out in the report.

In response to a question from the committee the Development Management Team Leader outlined that to maintain viability of the development there was no S106 agreement proposed.

The committee discussed the report.

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

(B) **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**

Item withdrawn from the agenda.

(C) **N/2014/0772 - LAND ADJ TO 8 QUINTON ROAD: ERECTION OF TWO DETACHED HOUSES WITH VEHICULAR CROSSOVERS**

Item withdrawn from the agenda.

(D) **N/2014/0866 - FORMER NORTHAMPTONSHIRE ASSOCIATION FOR THE BLIND SITE, WARDINGTON COURT, WELFORD ROAD: PROPOSED ERECTION OF EXTRA CARE ACCOMMODATION FOR THE ELDERLY INCLUDING PROVISION OF COMMUNAL FACILITIES AND CAR PARKING (REVISION TO PREVIOUSLY APPROVED APPLICATION N/2013/0351)**

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

The Chair invited Councillor Yates to address the committee. He explained that his ward neighboured the development and that he had been involved in the discussions regarding the development from the early stages. He welcomed the proposals, including the rebuilding like for like as the former stone building.

The Chair invited Lisa Matthewson, agent for the applicant, to address the committee. She explained the fire on the site had been a setback, but the developer had worked hard on the new detailed proposal and urged the committee to approve the application.

In response to a question from the committee the Legal Advisor explained that the acceptance of a *call in* was a matter of professional judgement for the Director and in this case he felt it met the test.

Committee members expressed the desire that any councillor responsible for a call in attend the meeting.

The committee discussed the report.

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

(E) N/2014/0986 - THE MANNA HOUSE, ST GILES STREET: CHANGE OF USE OF GROUND FLOOR AND BASEMENT FROM RETAIL TO RESTAURANT

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 of the application subject to the conditions as set out in the report.

The Chair invited Wendy Wenham to address the committee. Ms Wenham stated she owned a business in St Giles Street and was a member of the St Giles Quarter business group. She explained that in the past 5 years she had seen a steady increase in A3 use in the street and a move away from A1. In her view this would lead to an imbalance towards A3 use, seeing retail use fall below 60%, contrary to the Central Area Action Plan.

The Chair invited Andrew Boulter, agent for the applicant, to address the committee. Mr Boulter explained that in his professional view the property did not lend itself easily to A1 use, the windows being atypical for the area in presenting a long narrow aspect, as opposed to a large display area. He added that the potential to move to A3 use would add to the critical mass of such business and make the area a destination for customers in its own right. He explained the current occupiers intended to move to another vacant property in the town centre.

In response to questions from the committee Mr Boulter explained that while window displays with a similar design may be seen in London, his professional opinion told him that they did not lend themselves to the shopping offer usually made in Northampton. He pointed out that almost all the retail units in St Giles Street had a traditional large window display area.

In response to the representations made the Senior Planning Officer explained that the property did not fall within any allocated frontage area for St Giles Street. The current level of retailing within St Giles Street was approximately 60% of the combined frontages. It was also explained that hairdressers fell within Use Class A1 and were therefore a retail use. The property itself was locally listed any proposal to

alter the windows would require planning permission and this would be a contributing factor to any decision.

In response to questions from the committee the Senior Planning Officer explained that there would be a three year period to implement any forthcoming planning permission. During this period, any prospective occupier would have the choice of maintaining the existing retail use or implementing the planning permission for a restaurant.

The committee discussed the report.

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

(F) N/2014/1122 - LAND AT FORMER HONDA DEALERSHIP BETWEEN GRAFTON STREET AND COMPTON STREET: ERECTION OF 38 DWELLINGS COMPRISING 12 THREE BEDROOM HOUSES; 13 TWO BEDROOM HOUSES AND 13 FLATS

The Senior Planning Officer outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda and the addendum. The recommendation was for approval in principle of the application subject to the conditions as set out in the report and addendum. A verbal update was also provided, which outlined that representations had been received from Anglian Water and that it was recommended that these be addressed through a further condition.

The Chair invited Craig Ryan, representing Spring Borough Voice, to address the committee. Mr Ryan believed that the new design was much improved and that the site complimented the adjoining residential area.

In response to questions from the committee he added that the parking was much improved and the removal of the alleyway was welcomed.

The Chair invited Andrew Ward, agent for the applicant, to address the committee. Mr Ward explained that since the previous application the developer had worked closely with the planners and local community groups. They had taken on board many of the concerns expressed and believed the scheme was much improved. They developer had a Housing Association interested in taking on the property management after construction. He asked that the Council consider the resident's wishes to relocate the potential employment lost from the site close to Spring Boroughs.

In response to a question from the committee he added that there would be an allocated parking space for each property, but given the nature of the development they expected this to be adequate.

The committee discussed the report.

RESOLVED: That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and addendum, including an additional condition:

(23) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The surface water management strategy shall be fully implemented in accordance with the approved details prior to the construction any areas of hard standing and retained thereafter.

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

(G) N/2014/1144 - 44 BRIDGE STREET: LISTED BUILDING APPLICATION TO REPLACE THE EXISTING GROUND BEARING SLAB WITH NEW REINFORCED CONCRETE AND REPLACEMENT INTERNAL STEP

The Development Management Team Leader outlined the report of the Director of Regeneration, Enterprise and Planning, as set out in the agenda. The recommendation was for approval of the application in principle, subject to prior referral to the Secretary of State and subject to the conditions as 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 to the conditions as set out in the report.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

The meeting concluded at 7:17 pm

Directorate: Regeneration, Enterprise and Planning
 Director: Steven Boyes



List of Appeals and Determinations – 16th December 2014

Written Reps Procedure			
Application	Del/PC	Description	Decision
N/2014/0709 APP/V2825/A/14/2228854	DEL	Sub station EME, Countess Road. Erection of a 20m tower with 1m dish and associated works.	AWAITED
N/2014/1025 APP/V2825/A/14/2229120	DEL	35 Cowper Street. Change of use from dwelling (Use Class C3) to house of multiple occupation for 4 people (Use Class C4) - retrospective	AWAITED
N/2014/0618 APP/V2825/A/14/2223848	DEL	Rear of 25 Pleydell Road. Erection of 3 bedroom detached dwelling (re-submission of N/2013/0718)	DISMISSED
N/2014/0519 APP/V2825/A/14/2223952	PC	24 York Road - Change of Use from Offices (Use class B1) into 10 person house of multiple occupation (Sui Generis) including alteration to windows on front and rear elevations (increase of 3 persons from planning permission N/2013/0931)	ALLOWED
N/2014/0214 APP/V2825/A/14/2224274	PC	37 Semilong Road - Change of use from dwelling (Use Class C3) to 7 bed HIMO (Sui Generis)	ALLOWED
Public Inquiry			
		None	
Hearing			
N/2013/1325 APP/V2825/A/14/2220834	PC	Residential development comprising 69 dwellings with associated access (via Harcourt Way), public open space and local equipped area of play and balancing pond (as amended by revised plans received on 24/02/2014 and 09/04/2014), Danes Camp Way, Hunsbury Hill (Hearing to be held on 28 th October 2014)	ALLOWED
Enforcement Appeal			
02/2014		Installation of 3No. roller shutters and associated boxes to the frontage of 24-28 Wellingborough Road	AWAITED

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



PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1131: Change of use of 19th Century stable block to restaurant / café (Use Class A3), Delapre Abbey, London Road

WARD: Delapre & Briar Hill

APPLICANT: Northampton Borough Council

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Borough Council Application

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

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

2. THE PROPOSAL

- 2.1 The proposal is for the change of use of part of the 19th Century stable block to a café / restaurant use. This would be for use by the Friends of Delapre Abbey who currently operate this facility within the 18th Century stable and use the walled garden for an outdoor seating area.

3. SITE DESCRIPTION

- 3.1 Delapre Abbey is a Grade II* Listed Building dating from 1145 and forms part of a complex of buildings some of which are also listed Grade II. The property is approached by a tree lined drive and sits within a parkland setting located approximately 1 mile from the town centre. The building is within the Registered Battlefield (Battle of Northampton 1460) and the designated Delapre Park Conservation Area. The building is included on the English Heritage 'At Risk' register.
- 3.2 The site of this proposal comprises the 19th Century stables at Delapre Abbey. These are located towards the northern end of the Abbey complex, adjacent to residential properties and also close to the Mencap Centre to the north of the Abbey site.

4. PLANNING HISTORY

- 4.1 Two separate applications for a change of use to a conference centre and to a hotel which were approved in 1988. These consents have now lapsed.
- 4.2 An application in 2010 enabled the temporary use until 28th February 2015 of the 18th Century stable block as a tea rooms.
- 4.3 In 2010 an application was approved for the temporary use until 2015 of the walled garden for the erection of marquees, to be used for weddings and other functions. This allows for 12 events annually.
- 4.4 In October 2013 an application was approved by the Planning Committee for the Repair and refurbishment of Delapre Abbey, 18th Century Stables and Coach House including construction of kitchen building, glazed link to Coach House, rebuilding conservatory; installation of windows and doors; demolition of second floor courtyard WC; change of use of building to include functions/events (Class D2); conferences, guided tours, visitor and heritage centre and ancillary retail (Class D1); offices (Class B1); café and restaurant (Class A3) and holiday lets.

- 4.5 In respect of the 19th Century stables this application also permitted change of use to business studio/workshops (Class B1) as well as new brick building façade to north elevation; new openings with doors and shutters; new frameless glazed screen and access ramp and demolition of steel barn and lean-to.
- 4.6 In September 2014 an application was approved for the temporary change of use until September 2017 of Abbey Cottage to office and exhibition space.

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)

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

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

5.3 Northampton Local Plan 1997 (Saved Policies)

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

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

5.4 **Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy**

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making 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 BN5 “The Historic Environment” of the submitted JCS sets out that heritage assets will be conserved and enhanced and that where heritage assets are at risk they will be appropriately conserved and managed.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Conservation** – No objections.
- 6.2 **Environmental Health** – With a lease agreement to limit the range of food to a tea room / refreshment room this would not require mechanical extraction. Confirm that a limit of 20 people on outdoor seating would be acceptable.
- 6.3 **Local Highway Authority** – No observations.

6.4 Representations received from neighbouring occupiers at **1 and 3 Gardeners Cottage** and from visitors the Abbey and existing tea rooms (from East Hunsbury as well as West Bromwich, Essex, Staffordshire and Hertfordshire) making the following points in summary:

- Not happy about noise which will be created next to home.
- Seating area other side of garden fence would encourage “nosy” people, would not be able to use garden for relaxation.
- Bin store location would be a security risk.
- Council is paying “lip service” to planning process without considering the people affected.
- No objections, but value privacy, peace and quiet.
- Request that extraction system, opening hours, deliveries, bin stores and trees on the site are taken into account.
- New area looks unsafe for visitors and very remote for staff.
- Unsuitable for wheelchair users.
- Relocation of the team room will mean visitors are deprived of the walled garden.
- Should give more detail as to the use of the rest of the buildings.
- Stable yard could be turned into shopping area, craft workshops etc but unsuitable for tea rooms.
- Current tenants of tea rooms have put in 7 years hard work, leave them where they are.
- Tea room currently occupies an ideal position, cannot see where people will be able to sit near to the proposed building.
- For many years the Council has had little interest in Delapre Abbey, tea rooms have raised awareness. Without the tea rooms where they are visitor numbers would drop.
- Should keep the tea rooms in the gardens so all can enjoy the beauty of the Abbey.

7. APPRAISAL

- 7.1 The main issues to consider are the impact of the proposals on the character, appearance and historic significance of the listed building and the conservation area as well as the impact of the proposed change of use on adjoining occupiers and on the setting of the historic park and the wider area.
- 7.2 There are no physical works proposed to the building, as the installation of a new door to the rear has already previously been granted listed building consent and it has been confirmed that there will not be a need for an extraction system.
- 7.3 Therefore there would be no impact on the appearance of the building and it is not considered that the use of the building as a tea room / café would have any significant impact on the character of the building or the setting of the main Abbey buildings, or the wider conservation area, as this is the type of use which may usually be expected as an ancillary use to a historic building within a park setting.
- 7.4 In terms of the principle of the change of use, It is considered that the use can be regarded as incidental to the overall function of the Abbey as a visitor attraction, a use which currently exists to a limited extent and which will be enhanced by the works and changes of use approved in 2013.
- 7.5 Within the 2013 planning permission, the 19th Century stables were to be used for business purposes such as small scale offices and workshops. This use could still be carried out in the remainder of the stable buildings and need not be affected unduly by the current proposal.
- 7.6 Regarding the impact of the use, the site is in close proximity to residential properties at nos. 1, 2 and 3 Gardeners Cottages. Concerns have been raised by the occupiers of two of these properties, the third being vacant, as to the impact of the use due to cooking odours and also the noise and disturbance associated with the use of the outdoor seating area, close to residential gardens.
- 7.7 Environmental Health did have concern that a permission for general restaurant/cafe use would be much more detrimental to neighbours than a tea room, in terms of cooking odours and also disturbance from users of the facility, also it is not possible to define the type of food to be sold under an A3 use by condition.

- 7.8 However, as the Council is the owner of the building, it has been confirmed that the use can be restricted by means of the lease agreement to a tea room / light refreshments only. It has been confirmed by Environmental Health that this would not result in any requirement for extraction equipment. With this in mind, it is considered that the proposed use would not cause undue impact on residential amenity.
- 7.9 The outdoor area proposed to be used for seating is adjacent to residential gardens at nos. 1 and 3 Gardener's Cottages. This has the potential to cause some disturbance, however it has been specified that this area would only accommodate 20 people. Given that this area would only generally be used in warm and fair weather, with only this limited number of customers, it is considered that the impact of outdoor seating would be limited. A condition is proposed to limit the level of seating to 20 persons only.
- 7.10 The positioning of the bin store in close proximity to residents has also raised concerns, however it is considered that this impact can be managed by requiring details of the storage area, to include appropriate enclosure to prevent odours and other nuisance.

8. CONCLUSION

- 8.1 The proposed change of use will facilitate the relocation on site of the existing tea rooms which will enable this facility to continue on the site whilst refurbishment works to the main buildings are underway. It is considered that the proposal use is acceptable and in line with Development Plan Policy.

9. CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 233554 x 2.

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

- (3) The premises shall not remain open to customers outside the hours of 09:00 and 17:30 on any day.

Reason: In the interests of the protection of residential amenities in accordance with Policy E20 of the Northampton Local Plan.

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

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

- (5) The area of outdoor public seating area serving the tea room hereby approved shall be limited to seating for 20 persons only and no further seating shall be provided in this area, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers, in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

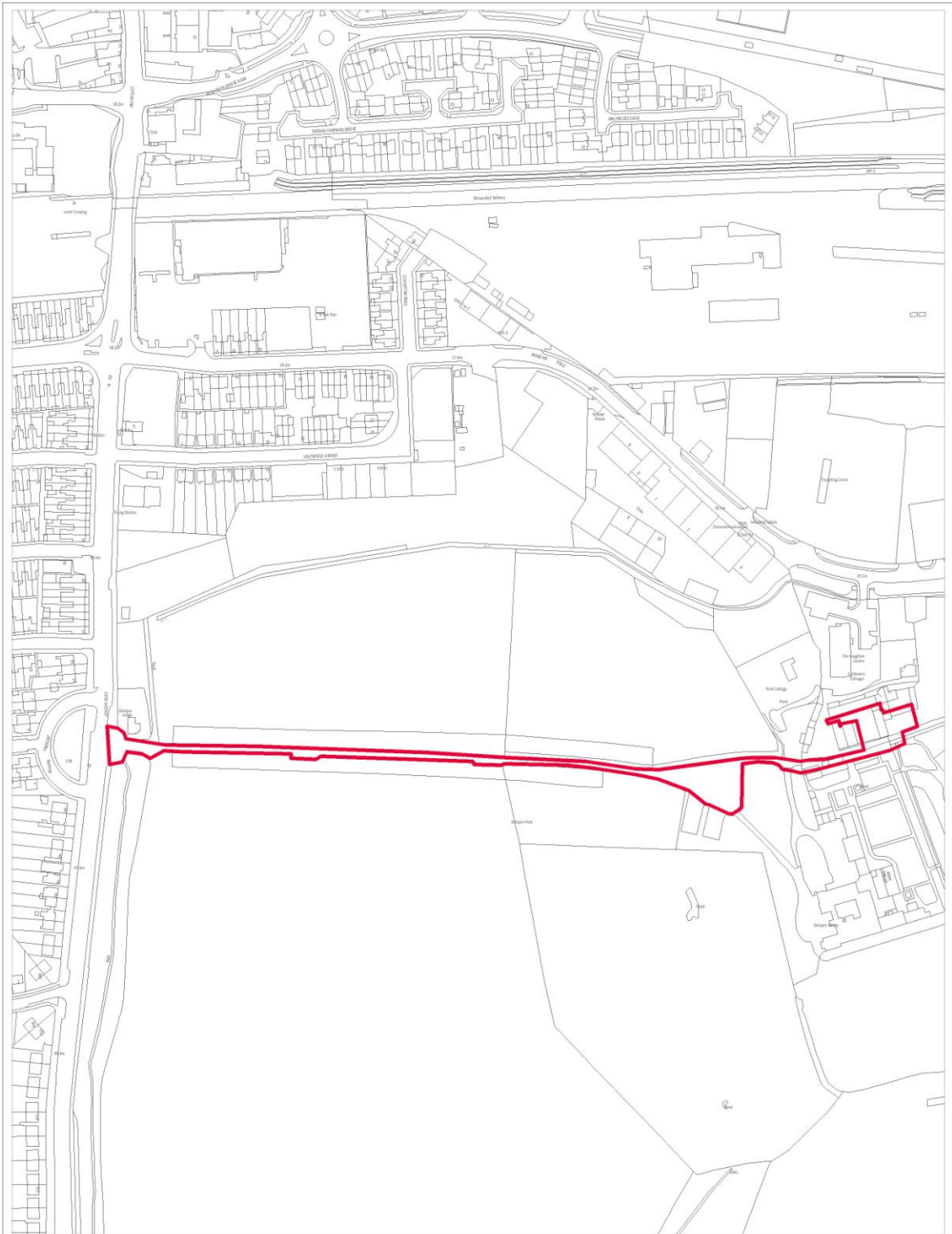
- 10.1 Application file N/2014/1131.

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: **3rd December 2014**
Scale: **1:3000**
Dept: **Planning**
Project: **Planning Committee**

Title

Delapre Abbey, London Road

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PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1337: Non-illuminated free standing landscape sign (proposed 'Boot and Shoe Conservation Area' signage) at Raglan Street

WARD: Castle

APPLICANT: Northampton Borough Council
AGENT: N/a

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: NBC application

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The proposed signage as amended would not have any significant impact on amenity or adversely impact public safety in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

1.2 As the consultation period will expire on 25th December 2014 that delegated powers be given to the Director of Regeneration, Enterprise and Planning to resolve any matters if not already raised in the Planning Committee report.

2. THE PROPOSAL

- 2.1 The application is for advertisement consent for a free-standing 'V' shaped two-sided sign to promote the Boot and Shoe Conservation Area.
- 2.2 The signage would be non-illuminated powder coated aluminium with a dark brown background and white and orange lettering. An amended scheme has been submitted reducing each fascia from 1.4m in height to 1m and the width from 2m to 1.5m in response to Conservation concerns. The overall height from the ground as amended would be 1.5m.

3. SITE DESCRIPTION

- 3.1 The application site comprises of a large area of highway verge at the junction of Raglan Street, Wellingborough Street and Kettering Road located within the Boot and Shoe Conservation Area and within the town centre boundary as defined by the Central Area Action Plan.
- 3.2 The site lies adjacent to the Unitarian Church, a Grade II listed building.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

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 2013.

5.2 National Policies - National Planning Policy Framework (NPPF)

The NPPF at paragraph 67 advises that advertisement applications should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.3 Central Area Action Plan 2013 (CAAP)

Policy 1 of the CAAP seeks to ensure that all new development within the Central Area assists in creating uncluttered streets and preserves and enhances the character, appearance and setting of the central areas heritage assets.

5.4 **Supplementary Planning Documents**

Boot and Shoe Quarter Conservation Area Appraisal and Management Plan 2011 advises that new development within the grounds or curtilage of listed buildings will be discouraged where it is considered that the setting of those buildings or the character would be compromised.

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **NBC Conservation** - comments that the proposed sign adjacent to the listed church on Raglan Street is considered inappropriate in the historic setting due to its design/size which will adversely affect the setting of the listed building. However, if there is scope for this to be reduced in size, the impact would be lessened.
- 6.2 **NCC Highways** - comments are awaited and will be reported to Committee in the addendum to this agenda.
- 6.3 The application was advertised by site notice the consultation period for which will not have expired at the time of Committee. Delegated powers to the Director of Regeneration, Enterprise and Planning are therefore requested to determine the application following the expiry of this consultation period on 25th December 2014.

7. **APPRAISAL**

- 7.1 The only issues for consideration for advertisement proposals are the impact on amenity and public safety.
- 7.2 The sign would be located in a prominent position at the junction of two main routes into the town centre and adjacent to a listed church.
- 7.3 In response to concerns raised by NBC Conservation regarding the impact of the signage on the setting of the listed building the signage has been reduced in size to 1m in height and 1.5m in width with a total height from ground of 1.5m. The scale of the amended signage is considered acceptable and would not lead to any significant impact on the character of the conservation or the setting of the listed building.
- 7.4 The comments of the Highway Authority are awaited however it is not considered that the location of the signage would lead to any adverse impact on public safety.

8. **CONCLUSION**

- 8.1 The amended scheme is considered acceptable and therefore the application is recommended for approval in principle.

9. CONDITIONS

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10. BACKGROUND PAPERS

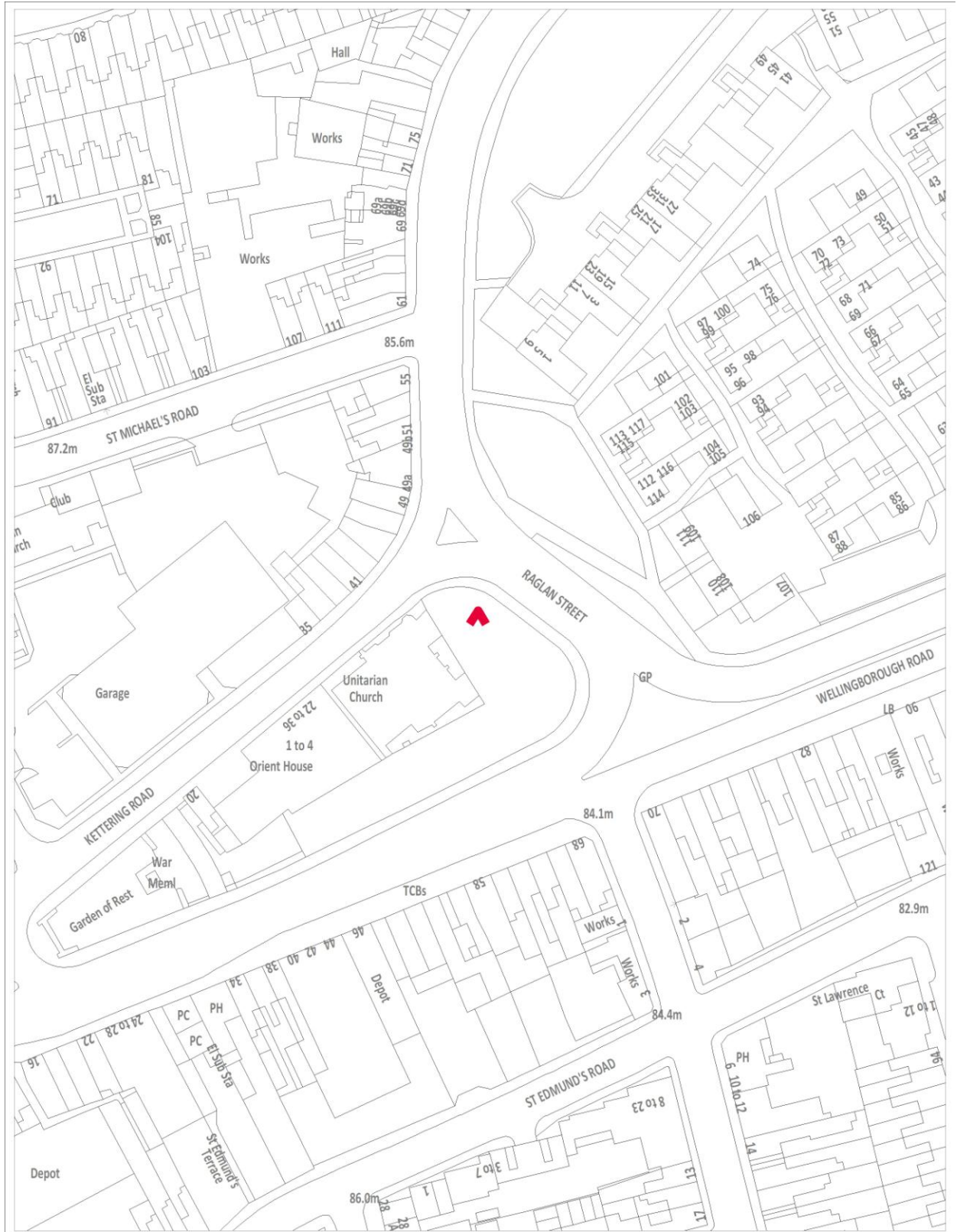
- 10.1 N/2014/1337.

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: **3rd December 2014**
 Scale: **1:1000**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Land off Kettering Road / Wellingborough Road

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PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1338: Non-illuminated free standing landscape sign (proposed 'Boot and Shoe Conservation Area' signage) at St Michael's Road

WARD: Castle

APPLICANT: NBC Council
AGENT: N/a

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: NBC application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed signage would not have any significant impact on amenity or adverse impact on public safety in accordance with Policy 1 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application is for advertisement consent for a free-standing 'V' shaped two-sided sign to promote the Boot and Shoe Conservation Area.

- 2.2 The signage would be non-illuminated powder coated aluminium with a dark brown background and white and orange lettering and would measure 1.4m in height and 2m in width with a total height from ground level of 1.9m.

3. SITE DESCRIPTION

- 3.1 The application site comprises of a large paved area of highway land situated to the front of Northampton College at the junction of St Michael's Road and Lower Mounts situated adjacent to the Boot and Shoe Conservation Area.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

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 Northampton Central Area Action Plan 2013.

5.2 National Policies - National Planning Policy Framework (NPPF)

The NPPF at paragraph 67 advises that advertisement applications should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.3 Central Area Action Plan 2013 (CAAP)

Policy 1 of the CAAP seeks to ensure that all new development within the Central Area assists in creating uncluttered streets and preserves and enhances the character, appearance and setting of the central areas heritage assets.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Conservation** – no objections.
- 6.2 **NCC Highways** – comments are awaited and will be reported to Committee as an addendum to this agenda.

7. APPRAISAL

- 7.1 The only issues for consideration for advertisement proposals are the impact on amenity and public safety.
- 7.2 The sign by virtue of its size and location would be prominently visible being located in a prominent position adjacent to a main route through the town and on the edge of the conservation area. However, in the context of the surrounding area which includes highway signage and street furniture it is not considered that the signage would lead to any significant adverse impact on the amenity of the area.
- 7.3 The comments of the Highway Authority are awaited however it is not considered that the location of the signage would lead to any adverse impact on public safety.

8. CONCLUSION

- 8.1 The proposed signage is considered acceptable and therefore the application is recommended for approval.

9. CONDITIONS

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
- a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10. BACKGROUND PAPERS

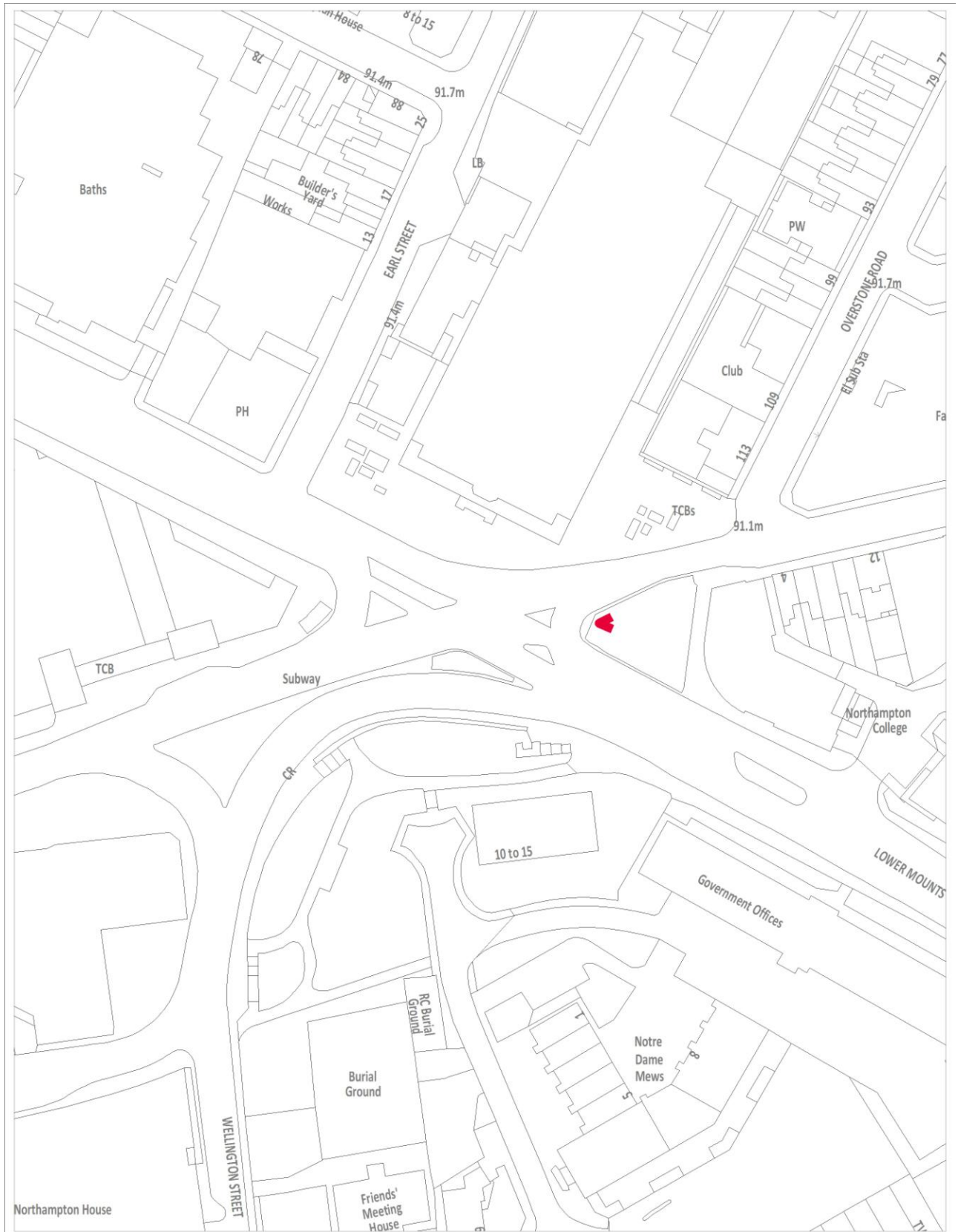
10.1 N/2014/1338.

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: **3rd December 2014**
 Scale: **1:1000**
 Dept: **Planning**
 Project: **Planning Committee**

Title

Land off St Michael's Road

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PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1349: Erection of 3no. non-illuminated free standing aluminium signs at St Edmunds Hospital, Wellingborough Road

WARD: Castle

APPLICANT: Northampton Borough Council
AGENT: N/A

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: NBC application

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

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

The proposed signage is intended to promote the development of the site with the aim of the long-term preservation of the listed building. In view of the temporary nature of the signage it is not considered that the proposal would lead to any long-term adverse impact on amenity and there would be no impact on public safety. The proposal is therefore considered to be in accordance with the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application is for advertisement consent and proposes the erection of 3 non-illuminated freestanding signs to the front of the former St. Edmunds Hospital as information boards providing details of the proposed future development of the site, subject to planning permission.
- 2.2 The signs would be 1.5m in height and 3m wide with a total height from ground level of 3m including the posts.

3. SITE DESCRIPTION

- 3.1 The application site is located on the edge of the town centre on Wellingborough Road on the principal approach to the town centre. The site comprises of the former St Edmund's Hospital part of which comprises of a former workhouse which is Grade II listed located within the front block and range of curtilage listed buildings which extend back northwards into the site.

4. PLANNING HISTORY

- 4.1 St Edmund's Hospital was closed by the National Health Service in 1998. The site has remained largely undeveloped since this time with the exception of the development of part of the south west corner as a Tesco Express and a restaurant and takeaway in the eastern corner.
- 4.2 Permission for the development of the site for mixed use comprising of a retirement village and ancillary facilities, A1/A2/A3 units with 6 apartments at first floor, conversion of the St Edmund's Suite to B1 (office) and conversion and extension to comprise a specialist care facility and visitor accommodation was granted in July 2010 by West Northants Development Corporation but not implemented.

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)

The NPPF at paragraph 67 advises that advertisement applications should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.3 Northampton Local Plan 1997 (Saved Policies)

No relevant policy.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 NBC Conservation and NCC Highways have been consulted. Comments are awaited and will be reported to Committee as an addendum to this report.

7. APPRAISAL

7.1 The only issues for consideration for advertisement consent are the impact on amenity and public safety.

7.2 The signs would be located to the front of the site in a prominent location visible from Wellingborough Road.

7.3 By virtue of their location and size the signs would inevitably have an impact on the setting of the listed building on site. However, the signs are freestanding and would be of a temporary nature. The standard condition for advertisement consent is 5 years however a 3 year period is recommended which could be reviewed as necessary after this period.

7.4 In view of the existing dilapidated state of the building and site overall and that the signage is intended to promote the development of the site thereby bringing the site back into use with a view to retaining and restoring the listed building and curtilage buildings, it is considered that the temporary adverse impact of this signage would be with the aim of the long term benefit and preservation of the listed building. On balance the proposed signage is considered to be acceptable.

7.5 It is not considered that the signage would lead to any adverse impact on public safety.

8. CONCLUSION

8.1 On balance, the temporary nature and overriding intentions of the signage to promote the development of the site and the retention of the listed building is considered to outweigh any temporary adverse impacts on the setting of the listed building and therefore the proposal is recommended for approval.

9. CONDITIONS

- (1) This consent shall be for a period of 3 years only expiring on 31st December 2017.

Reason: In the interests of amenity and the setting of the listed building in accordance with the aims and objectives of the National Planning Policy Framework.

- (2) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (3) No advertisement shall be sited or displayed so as to:
- a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (4) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (5) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (6) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10. BACKGROUND PAPERS

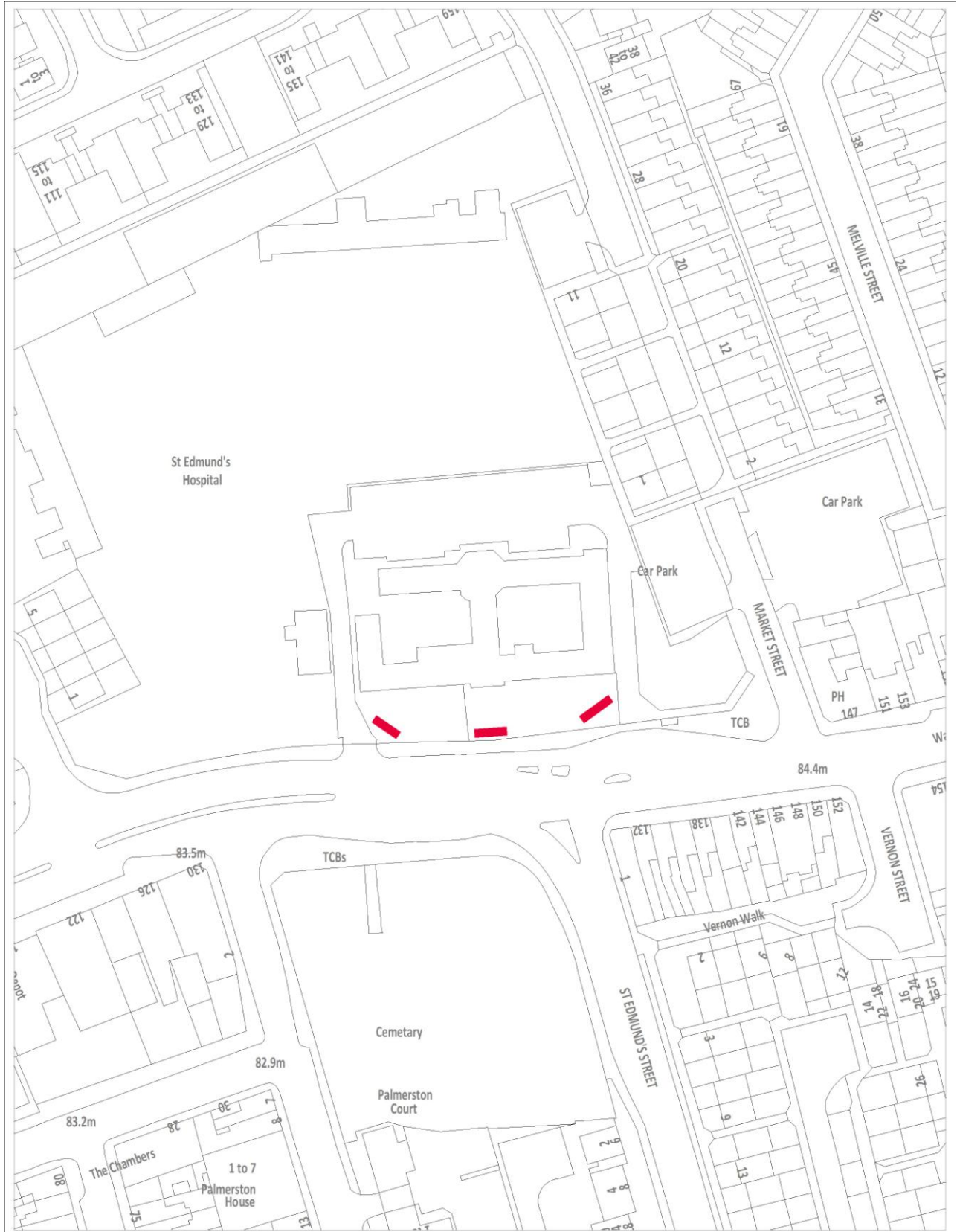
- 10.1 N/2014/1349.

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: **3rd December 2014**
 Scale: **1:1000**
 Dept: **Planning**
 Project: **Planning Committee**

Title
St Edmund's Hospital, Wellingborough Road

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Addendum to Agenda Items Tuesday 16th December 2014

5. MATTERS OF URGENCY

5A

N/2013/0338 – S106 agreement for outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road at land to the east of Hardingstone north of Newport Pagnell Road

See report attached.

5B

West Northamptonshire Joint Core Strategy

Following the resolution of the West Northamptonshire Joint Strategic Planning Committee meeting on 15th December 2014 to adopt the West Northamptonshire Joint Core Strategy (JCS), the JCS now forms part of the Development Plan for considering planning applications and carries full weight. The JCS will also replace some of the Northampton Local Plan saved policies as these policies will no longer form part of the Development Plan.

It is recommended therefore that delegated authority be given to the Director of Regeneration, Enterprise and Planning to amend references to Development Plan Policies in decision notices to reflect the above, if appropriate, following Planning Committee resolutions on 16th December 2014.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9A

N/2014/1131

**Change of Use of 19th Century Stable Block to Restaurant and Café (A3)
Delapre Abbey, London Road**

Objection received from **1 Tewkesbury Close** for the following reason:

The conversion of the 19th Century stable block is unnecessary as consent already exists for a new restaurant/café for Delapre Abbey as part of the Phase 1 Restoration Project. The introduction of a similar use in close proximity could prejudice the financial success of the new Abbey restaurant, the profits from which will be used towards public access and the upkeep of the Abbey.

In addition, the proposal conflicts with the outline plans for Phase 2 of the restoration project for the 19th century stables which envisage a community hub. As detailed plans have yet to be prepared this proposal could jeopardise these future plans.

Officer response:

This objection could be viewed as a commercial objection to competition, which is not a material planning consideration. However, it is important to consider the uses of all parts of the Abbey which will need to function in a complementary fashion. In this respect, although there is

consent for a restaurant / café as part of the restoration project, this will not be available for some time, and the existing premises occupied as a café (18th Century stables) must be vacated before this new restaurant becomes available, to enable the restoration work to go ahead in this area. In the longer term it is considered that the café currently proposed can make a different offer to the restaurant.

In respect of the use of the stables as a “community hub”, the approved new use of the stables is as business units, intended as a small business studio complex. It is considered that a café would not conflict with this and could be complimentary to this use. An alternative use which was also included in the masterplan is niche retailing market place including a micro brewery and a café, the current proposal is consistent with this.

9B

N/2014/1337

**Non-illuminated freestanding landscape sign
Land off Kettering Road/Wellingborough Road**

No update.

9C

N/2014/1338

**Non-illuminated freestanding landscape sign
Land off St Michaels Road**

No update.

9D

N/2014/1349

**Erection of 3no. non-illuminated free standing aluminium signs
St Edmunds Hospital, Wellingborough 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 (13,380sqm), single storey buildings for use within classes A3, A4 and A5 (695 sqm) 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**

Planning Policy Update

Policies E18 and E40 of the Northampton Local Plan are now superseded.

E18 has been replaced with Policy BN2 of the Joint Core Strategy which states that development will be supported which would maintain and enhance existing designations and assets and which would deliver a net gain in bio-diversity.

E40 has been replaced with Policy S10 of the JCS. This policy is outlined within the original report to Committee which is included as an appendix to the report to be considered by Members.

Additional Consultation Response

A further letter has been received on behalf of the **owners of the Grosvenor Centre** reiterating their client's concerns over the impact of the development on Northampton Town Centre in terms of trade diversion and the subsequent detrimental effect on the vitality and viability of the town centre. This would be contrary to the NPPF and Central Area Action Plan.

Update

Since the report to Members was published there has been progress on the outstanding matters. This progress is outlined below.

Highways

Following the submission of additional work by the applicants the Highway Authority is of the view that while a fully agreed transport assessment has not been submitted the additional information received demonstrates:

1. A reasonable estimation of the expected local and wider traffic movements related to the proposed development;
2. An indication of the scale and location of mitigation which could be required to address development impacts at junctions on the local network;
3. An indication of the junctions on the wider network which could reasonably be expected to be impacted by the development; and
4. Suitable sustainable transport links to and from the development site.

Given this, and bearing in mind that this is an outline application with access not a detailed consideration, the Highway Authority are able to recommend that should the Local Planning Authority be minded to grant outline planning permission the conditions outlined below are included as well as various requirements under Section 106.

Section 106 Planning Obligations

A viability appraisal of the scheme was submitted by the applicant and this has been appraised by consultants acting on the Council's behalf. As a result of this exercise and following discussions between the applicant and officers it has been concluded that the provision of a Section 106 agreement to deliver various benefits would not impact upon the viability of the scheme.

The **Heads of Terms** of this agreement would therefore be:

- The provision of 35% of the 255 units as affordable housing or the provision of a sum in lieu for off-site provision;
- A financial contribution towards education provision of £840,985;
- A financial contribution towards the monitoring and maintenance of CCTV of £30,000;
- A financial contribution towards town centre improvements of £329,015;
- A financial contribution of £500,000 towards road/transport improvements;
- A financial contribution of £850,000 towards a replacement athletics facility and sports pitch;
- The provision and maintenance of on-site public open space;
- The Council's monitoring fees.

In addition there would be £776,918 payable towards CIL.

The affordable housing contribution is in accordance with the level of provision stipulated within the Council's Planning Obligations SPD.

Northamptonshire County Council requested a total of £1,681,970 for education provision. To allow the Section 106 package to address a number of areas it is considered that to provide half of this request is reasonable. The County Council also requested contributions for libraries and fire and rescue. Given the finite amount available it is considered that there are other matters on which this money could be spent.

As part of the retail development would be the installation of CCTV. For this to link with the existing system would require on-going monitoring and maintenance at a rate of £3,000 per annum for 10 years as advised by the Council's Community Safety Partnership Manager.

Since the report to Members was originally drafted it has emerged that there is a further application in relation to the Rusden Lakes development to vary conditions of the original permission. This would result in a small increase to the floorspace of that scheme. As outlined in the report to Members it is considered that the cumulative impact on Northampton Town Centre from the various 'committed' developments would not be unacceptable. The proposed increase in floorspace at Rushden Lakes would not be sufficient to render this application unacceptable in retail impact terms with an estimated trade diversion from Northampton Town Centre of less than half of a percentage point. However this impact would increase the cumulative impact on the town centre further and to mitigate this it is considered that a financial contribution from the Sixfields development should be used for improvements to the town centre

The financial contribution towards road/transport improvements would allow for works identified by the Highway Authority to make the proposed development acceptable from their perspective, including £250,000 towards bus service improvement, £45,000 towards junction improvement works and £45,000 towards provision and maintenance of additional bus shelters. Several of the roads which would access the site are unadopted and improvements cannot therefore be secured through the usual mechanisms under the Highway Act. The remainder of the contribution would be used by this Authority for road improvements within its control in the vicinity.

The athletics facility and sports pitch at the site was originally to be lost through the extension of the east stand of the football stadium and the replacement of this was to be secured through a condition on that permission. In terms of funding that replacement facility part of this was to be done through an agreement between the developer and the Council in relation to land ownership. It is however considered appropriate that the remainder of this facility and a replacement sports pitch be funded through the Section 106 agreement.

Areas of on-site public open space are indicated and it is considered necessary to secure the provision and on-going maintenance of these.

It will also be necessary to revisit the Section 106 agreement should the level of retail development fall below a certain threshold owing to financial arrangements which the applicants have in place with the HCA relating to the purchase of part of the site.

The NHS requested £158,255 towards doctor surgeries. However it is considered that the surgeries listed by the NHS in their response are not reasonably associated with the site and that such a contribution would not be appropriate.

As the Highway issue has been satisfactorily resolved the recommendation needs to be amended and should now read:

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

- a) prior referral of the application to the Secretary of State;
- b) the completion of an appropriate and reasonable Section 106 legal agreement to deliver:
 - The provision of 35% of the 255 units as affordable housing or the provision of a sum in lieu for off-site provision;
 - A financial contribution towards education provision of £840,985;
 - A financial contribution towards the monitoring and maintenance of CCTV of £30,000;
 - A financial contribution towards town centre improvements of £329,015;
 - A financial contribution of £500,000 towards road/transport improvements;
 - A financial contribution of £850,000 towards a replacement athletics facility and sports pitch;
 - The provision and maintenance of on-site public open space.
 - The Council's monitoring fee.
- c) planning conditions; and
- d) as the consultation period will expire on 18th December 2014 that delegated authority be granted to the Director- Regeneration, Enterprise and Planning to resolve any matters if not already raised in the Planning Committee report and any minor amendments to planning conditions for the following reason:

The development would not adversely impact upon the character and appearance of the area; road safety; flood risk; the viability and vitality of Northampton Town Centre and would bring jobs and facilities within the Northampton Waterside Enterprise Zone as well as utilising brown field and contaminated land with no unduly detrimental impact to public health. This would accord with Policies S9, S10, BN2, C2, E7, H1, H2, INF1 and N1 of the West Northamptonshire Joint Core Strategy, Policies E20 and H17 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework .

It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of any confirmation or approval being received from the Secretary of State, 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 the National Planning Policy Framework.

Additional Conditions:

In addition to the conditions outlined in the Committee report the conditions outlined below are also considered to be necessary.

28. Prior to commencement of any phase of development or the submission of any reserved matters application for any phase of development in which details of access are included, that the applicant submits a full Transport Assessment to be prepared in accordance with a scope to be agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing the developer shall thereafter undertake any mitigation identified within the agreed Transport Assessment prior to the commencement of development, to include the works identified in conditions 29 and 30.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework

29. Unless otherwise agreed in writing, no phase of development shall take place until full engineering, drainage and constructional details of the highway works summarised below, (including any subsequent variations or iterations identified through the Transport Assessment process secured under condition 28 and agreed with the Local Planning Authority), where relevant to that phase of development, have been submitted to, and approved in writing by, the Local Planning Authority:

- a. Site access arrangements;
- b. Capacity improvements at the junction of Tweed Road / Weedon Road (as identified indicatively on plan ref. SK01 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- c. Capacity and pedestrian / cycle connectivity improvements at the junction of Gambrel Road / Weedon Road (as identified indicatively on plan ref. SK02 – appended to the applicants Dec 14 Capacity Assessment Report);
- d. Capacity and pedestrian / cycle connectivity improvements at junction of Upton Way / Telford Road / Edgar Mobbs Way (as identified indicatively on plan ref. SK03 – appended to the applicants Dec 14 Capacity Assessment Report);
- e. Capacity improvements at the Upton Way / Weedon Road junction;
- f. Capacity improvements to the internal roundabout junctions on Walter Tull Way (if found to be required following the TA process);
- g. Sustainable transport measures as broadly identified on the sketch plan provided as Appendix D of the applicant’s Capacity Assessment report dated December 2014; and
- h. Works to Walter Tull Way between Weedon Road and the first internal site roundabout to accord with Northamptonshire County Council’s adoption standards.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework.

30. Unless otherwise agreed in writing, prior to occupation of any part of the development, that the applicant shall deliver the highway improvement works identified below (in accordance with the detailed designs agreed with the planning authority as per condition 29) where relevant to that phase of development:

- a. Site access arrangements;
- b. Capacity improvements at the junction of Tweed Road / Weedon Road (as identified indicatively on plan ref. SK01 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- c. Capacity and pedestrian / cycle connectivity improvements at the junction of Gambrel Road / Weedon Road (as identified indicatively on plan ref. SK02 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- d. Capacity and pedestrian / cycle connectivity improvements at junction of Upton Way / Telford Road / Edgar Mobbs Way (as identified indicatively on plan ref. SK03 – appended to the applicants Dec 14 Capacity Assessment Report);
- e. Capacity improvements at the Upton Way / Weedon Road junction;
- f. Capacity improvements to the internal roundabout junctions on Walter Tull Way (if found to be required following the TA process);
- g. Sustainable transport measures as broadly identified on the sketch plan provided as Appendix D of the applicants Capacity Assessment report dated December 2014; and
- h. Works to Walter Tull Way between Weedon Road and the first internal site roundabout to accord with Northamptonshire County Council’s adoption standards.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework.

- 31.** In the event of the street layout associated with the residential element of the proposed development not being proposed for adoption as public highway, that:
- a. Details of a site management company and associated management and maintenance methodology to operate in perpetuity will be submitted to the planning authority and agreed in writing prior to 1st occupation;
 - b. The streets will in any event be required to be laid out to adoptable standards to ensure a safe and practical operation;
 - c. That, prior to 1st occupation, an undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and
 - d. That the street will be identified as private through the use of appropriate street name plates.

Reason: To ensure the provision of an adequate road layout in the interests of road safety in accordance with the requirements of the NPPF.

10B

N/2014/1027

**Demolition of existing dwelling and erection of replacement two storey dwelling
41 Church Way, Weston Favell**

Planning Policy Update:

Policy H6 of the Northampton Local Plan has now been superseded and replaced by Policy H1 of the Joint Core Strategy.

Policy BN5 of the JCS is also relevant to the application and this states that designated and non-designated heritage assets and their settings will be conserved and enhanced.

10C

N/2014/1069

**Demolition of existing building and construction of new 15025m² industrial building (Use Class B2) and associated works
35 Summerhouse Road**

and

N/2014/1076

**Demolition of warehouse and change of use of site to car park (including cycle storage facilities) to serve new manufacturing plant at 35 Summerhouse Road
11 Pondwood Close**

Planning Policy update:

Policies B2 and B14 of the Local Plan have been replaced by Joint Core Strategy (JCS) Policy E1, which requires that existing employment sites are retained for purposes falling within Use Classes B1, B2 and B8. The same policy also requires that any non-business use should only be permitted in instances where there would be significant benefits to the local area.

Policy E11 has been replaced by JCS Policy BN3, which requires that existing woodlands are supported and managed.

Policy E19 has been superseded by JCS Policy INF2, which states that development should only take place when there is reliable mechanism for the delivery of necessary on and off site infrastructure and mitigation.

Policy E40 has been replaced by JCS Policy S10, which requires that the design incorporates safety and security considerations to create a strong sense of place.

Additional Consultation Response:

Comments from the Council's **Arboricultural Officer** have been received in respect of **N/2014/1069**. These can be summarised as:

The trees adjacent to Red House Road are a relatively important feature within the landscape and will provide some screening of the proposed development. It would appear that the proposed development will have limited impact on the tree belt and therefore there are no arboricultural reasons why this application should be refused. A tree protection condition is recommended.

Additional Condition (14) for N/2014/1069:

Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall specify any trees which are to be removed and any pruning. The Method Statement shall also include a Tree Protection Plan clearly showing the location and specification of the tree protection fencing. Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a neutral impact upon trees of particular note in accordance with the requirements of Local Plan Policy E11.

10D

N/2014/1264

**Single storey rear extension, two storey front extension, new first floor window in side elevation and alterations to first floor rear windows and front porch (part retrospective)
14 Woodland Avenue**

Further letters and photographs received from neighbours at **2, 13, 16, and 21 Woodland Avenue**, objecting to the application. The main objections are already covered in Committee report, additional matters raised are as follows:

- Builder did not stop work when challenged over not building in accordance with approved plans.
- Original approval by the Planning Department can be considered flawed, not only in application but also in procedures followed within the department. The result has been the wanton destruction of a unique architectural building and the desecration of a unique avenue of properties. An irreplaceable part of Northampton's history has now been destroyed.
- Misrepresentation of height of building by owner's agent in application correspondence.
- Breach in planning without disclosure and misrepresentation of plans.
- Front porch is an unnecessary extension wholly out of keeping with the street scene, which destroys the turret feature of the house and reduces the hard standing for parking.
- Party Wall Agreement breached.
- Disagreed with Officer's comments and considerations in the Committee Report.

Officer Response:

The additional points raised by objectors have already been covered in the report. The only point of clarification is that the existing turret to the front would be in-situ but with the addition of a front porch. Previously the turret was to be brought forward by 0.5m. The proposed two storey front extension will be the same as what has previously been approved.

PLANNING COMMITTEE: 16th December 2014

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Section 106 Agreement

N/2013/0338 – Outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road (as amended by revised plans received 14/03/14 & revised Transport Assessment- January 2014) at Land to the east of Hardingstone north of Newport Pagnell Road, Northampton

1. RECOMMENDATION

- 1.1 That the Committee **AGREE** to delegate authority to the Borough Secretary to negotiate and agree terms for a Section 106 Agreement as part of the appeal process, in consultation with the Director of Regeneration, Enterprise and Planning.

2. BACKGROUND

- 2.1 Planning Committee resolved on 6th May 2014 to refuse Planning Application N/2013/0338 for reasons pertaining to the applicant failing to demonstrate sufficient highway mitigation measures and sufficient mitigation measures for the impact of the development on the landscape, skyline and rural character of the area.

- 2.2 As detailed within the 6th May Committee Report, it was recommended by officers that the Application be approved in principle subject to conditions and the prior completion of a Section 106 Agreement to secure the planning obligations detailed below.
- 2.3 The Applicant has lodged an appeal with the Planning Inspectorate against the Council's decision to refuse the Application requesting that the appeal be dealt with by way of a Public Inquiry.
- 2.4 As part of the appeal process the Council and the Appellant are required to co-operate in agreeing terms for a Section 106 Agreement which will only come into effect should the Appeal be allowed.
- 2.5 Therefore, in light of the Committee's resolution to refuse the Application and not to take forward the officer's associated recommendations with regard to a Section 106 Agreement, it is hereby requested that the Borough Secretary in consultation with the Director of Regeneration, Enterprise and Planning be granted the necessary delegated authority to progress and agree the terms of a Section 106 Agreement.

3. SECTION 106 HEADS OF TERMS

- 3.1 As specified in the 6th Committee Report, the Section 106 Agreement is anticipated to secure:
- a) 24% of the development to be used for affordable housing, 70/30 split between affordable rent/shared ownership;
 - b) Contribution to Northampton Growth Management Strategy (NGMS) (M1/A45 junction improvements);
 - c) Funding of Traffic Regulation Order for Landimore Road – altered speed limit;
 - d) Pedestrians crossings – Newport Pagnell Road;
 - e) Provision of public transport service and infrastructure;
 - f) Travel Plan;
 - g) Primary School provision;
 - h) Secondary Education provision;
 - i) Healthcare provision;
 - j) Provision of local centre and community facility;
 - k) Contribution towards social facilities;
 - l) Open space provision including provision of LEAP, formal sports pitch provision and associated changing facilities and future maintenance arrangements of open space including maintenance of SUDS;

- m) Contribution towards formal indoor sports provision;
- n) Brackmills Wood – provision of future management strategy;
- o) Design contribution;
- p) Construction Training;
- q) Council’s Monitoring Fee.

4. CONCLUSION

- 4.1 Delegating the authority to negotiate the terms of the Section 106 Agreement will enable the Council to comply with the appeal procedures outlined by the Planning Inspectorate, which require the Council to actively engage in progressing and finalising an appropriate Section 106 Agreement.
- 4.2 Members should be aware, that in accordance with the guidance contained within the National Planning Practice Guidance, failure to work in co-operation with other parties would constitute unreasonable behaviour which could result in an award of costs against the Council.
- 4.3 Members are advised that negotiation of the terms of the S106 agreement will in no way prejudice the decision of the appeal.

5. LEGAL IMPLICATIONS

- 5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

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

7. BACKGROUND PAPERS

- 7.1 Report to Planning Committee 6th May 2014 – N/2013/0338.



PLANNING COMMITTEE: 16th December 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 (13,380sqm), single storey buildings for use within classes A3, A4 and A5 (695 sqm) 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.

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

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- a) prior referral of the application to the Secretary of State;

b) the completion of an appropriate and reasonable Section 106 legal agreement, the heads of terms of which are to be outlined in the Addendum Report;

c) planning conditions as attached to this report;

d) delegated authority be granted to the Director- Regeneration, Enterprise and Planning, in consultation with the Chair, to satisfactorily resolve the following issue:

- The impact on the local road network being demonstrated as acceptable and any associated Planning Obligation or necessary planning conditions in relation to transport improvement;

e) as the consultation period will expire on 18th December 2014 that delegated authority be granted to the Director- Regeneration, Enterprise and Planning to resolve any matters if not already raised in the Planning committee report.

2. THE PROPOSAL

2.1 Members will recall that this application was reported to the 29th October meeting of the Planning Committee where it was resolved to approve the application 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.

2.2 A copy of the report and addendum presented to Members previously are appended for information and set out the details of

the proposal, the nature of the site, the relevant planning policies and the consideration of the relevant planning matters.

- 2.3 The purpose of this current report is to update Members on the progress of this application and to seek a decision from the Committee on the recommendation outlined above.
- 2.4 A clarification has been provided in respect of an element of the application. 695 square metres of retail floorspace is indicated on the masterplan adjoining the foodstore unit. It has been confirmed by the applicants that this floorspace is to be used for purposes falling within Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-aways).

3 APPRAISAL

Retail & Leisure

- 3.1 Further to the considerations set out in the 29th October Committee report the applicant has submitted further information in respect of the retail and leisure elements of the scheme. This has been examined by the Council's consultant and it is now considered that the sequential test required by the NPPF has been met as there are no sites within the established town centre which could reasonably accommodate the development proposed. It is also considered that there are no suitable sites which are located in greater proximity to the central area which could be classed as sequentially preferable.
- 3.2 In terms of the impact of the retail development on the vitality and viability of the town centre this can be assessed in two categories.
- 3.3 Firstly, the impact of the convenience retailing from the site, ie. the proposed food store, is considered acceptable due to previously 'committed' developments not coming forward and consequently there being a restricted impact on the town centre as a result.
- 3.4 Secondly, is the more complex matter of the impact from the retailing of comparison goods. It is considered that approximately 20% of the turnover of the comparison goods retailing proposed as part of the application would be diverted from the town centre. This represents approximately 2% of the town centre's trade. In conjunction with other 'committed' developments in the Borough, and the Rushden Lakes development, it is considered that the cumulative diversion of trade away from the town centre would be approximately 9.8%. This level is not in itself considered to be significantly adverse and is based on the assumption that only

'bulky goods retailing' would be taking place. Consequently a condition would be required to restrict the range of goods and services to be sold to those which could be classified as 'bulky goods'. Conditions would also be required to restrict the quantities of floorspace and to prevent subdivision of the units.

3.5 A formal objection to the application has been received on behalf of the Northampton Shopping Centre Limited Partnership, the operators of the Grosvenor Centre. This objection is on the basis of:

- The significant amount of open A1 floorspace in an out of centre location;
- The proposal is contrary to guidance and policy at national and local level;
- The retail impact is significant and warrants the refusal of the application;
- Sequentially preferable sites exist to accommodate the development; and
- The benefits of the development do not outweigh the harm.

The letter also recommends that robust planning conditions should be imposed on any planning permission.

3.6 To respond to this objection, as outlined above it is considered that the retail impact assessment and sequential test carried out by the applicants are adequate and conform with the relevant policies, and demonstrate that the retail impact would not be significantly adverse and that no sequentially preferable sites exist. This is not only the view of officers but also of the independent consultant employed to advise on this matter. To some degree the interpretation of the significance of the retail impact and the benefits of the scheme are subjective and is a matter of balance. As outlined above, conditions are proposed in relation to the retail development and as such any development would not be for "open A1 floorspace".

Highways

3.7 In terms of the impact on the local road network the applicants have been involved in discussions with the Highway Authority. The conclusion of these was that further work was required to be undertaken to more fully assess the impact of the development. This work has been submitted to the Highway Authority and is considered to be inadequate in demonstrating that the impacts of

the development can be mitigated satisfactorily. As such the Highway Authority currently objects to the application.

- 3.8 It is, however, considered that with further work by the applicants this issue could be satisfactorily addressed and indeed discussions have taken place between the applicants and the Highway Authority to this end with the applicants agreeing to undertake further survey and modelling work. An update on the progress regarding this matter will be provided to Members at the Committee meeting.

Contamination

- 3.9 It is considered by the Council's Environmental Health team that appropriate conditions can be imposed to satisfactorily address the issue of ground contamination. These are included within the list of conditions later in this report.

Environment Agency

- 3.10 The Environment Agency have confirmed that on the basis of additional work undertaken by the applicant there are no objections to the application subject to conditions.

Ecology

- 3.11 Further information has been submitted with regard to ecology matters and this is considered to be adequate to allow conditions to be imposed to adequately address the ecological impact.

Sport England

- 3.12 The addendum report for the 29th October Committee meeting, which is attached for Member's information, outlined that their holding objection had been removed.

Viability/Section 106

- 3.13 Discussions are currently taking place between the applicant and officers with regard to the viability of the scheme and the amount of money which could be available for a Section 106 package. It is anticipated that an update on this will be presented to Members in the Addendum Report.

4. CONCLUSION

- 4.1 It is considered that significant progress has been made in terms of addressing the matters outstanding at the time of the 29 October Planning Committee meeting, especially in terms of

addressing the objection of the Environment Agency and demonstrating that the likely retail impact on Northampton Town Centre would not be significantly adverse. It is acknowledged that, at the time of writing this report, there are two issues outstanding, the impact on the road network and the details of the Section 106 agreement. However it is believed to be realistic that the further outstanding matters will be addressed sufficiently in time to provide updates to the Planning Committee.

5. CONDITIONS

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

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

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

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

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

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

4. The development hereby permitted shall only be carried out in accordance with the general zones identified on the indicative site masterplan.

Reason: To ensure the site is developed in the way envisaged by the Local Planning Authority to ensure a satisfactory form of development in accordance with Policy E20 of the Northampton Local Plan.

5. Prior to the submission of any reserved matters application, a detailed phasing plan for the development that identifies stages at which each element of the proposed development shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be implemented in full accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that appropriate infrastructure, mitigation and facilities are in place in a timely manner to support the proposed residential community.

6. No development shall take place in each phase of development until details of the materials to be used in the construction of the external surfaces of the buildings to be constructed within that phase have been 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 the visual amenity of the area in accordance with Policy E20 of the Northampton Local Plan.

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

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

8. i) No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval.

ii) No development shall commence until such time as a comprehensive site investigation and appropriate risk assessments addressing soil, groundwater, surface water and gas have been carried out. The results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval before development commences.

iii) All remedial works found to be required under Condition 8ii shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

iv) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 8ii and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8ii, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 8iii.

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.

9. 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 for each phase, 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.

10. Before development commences a scheme for air quality mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of the quality of the environment in accordance with the advice contained in the National Planning Policy Framework.

11. Any static sources of noise introduced to the proposed retail sites shall meet the target criteria for noise generation specified in Table 5 of the submitted report SJC/615930/R8-ACO at the façade of the nearest noise sensitive premises.

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.

12. Before development commences for each phase a scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies any non external static sources of noise on the site and the provisions to be made for its control. The

scheme agreed shall be implemented prior to the development coming into use and the applicant shall demonstrate that the scheme agreed has achieved its design criteria, and shall be retained thereafter.

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

13. Before the A3, A4 and A5 uses hereby permitted are first brought into use a scheme for the control of odour shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

14. Before development commences of the proposed residential units the applicant shall submit for approval in writing by the Local Planning Authority a scheme of acoustic protection measures for housing as specified in Table 3 of the submitted report SJC/615930/R8-ACO. The development shall only be carried out in accordance with the agreed scheme.

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

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

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

16. Before the retail development and A3,A4 and A5 uses hereby permitted are first brought into use details of the hours of opening of these shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the approved scheme thereafter.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

17. Before development commences for the retail element of the proposal, a scheme for the management of the service areas of the retail development, including, but not exclusively, details of the timing of deliveries and method of outside storage, associated with the retail development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the agreed scheme.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

18. Before development commences for the retail element of the proposal, a scheme for the management of the car parking areas, including, but not exclusively, details of any paraphernalia to be erected and the installation of CCTV, associated with the retail development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only operate in accordance with the agreed scheme.

Reason: To ensure the development operates in a satisfactory way in the interests of residential and visual amenity to accord with Policy E20 of the Northampton Local Plan.

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

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

20. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

development of each phase, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

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

21. Prior to the commencement of development an ecological report, including a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The ecological report should make provision for the protection or replacement of habitats and provide for ecological enhancement of the site. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the Protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the advice contained in the National Planning Policy Framework.

22. The Class A1 retail floorspace hereby permitted shall not exceed 13,380 sq m Gross Internal Area (GIA). This shall be provided in no more than three units (“the foodstore unit” and “the two non food units”; together “the units”) as indicated on the Site Masterplan and in the submitted Retail Assessment. The “foodstore” unit shall not exceed a maximum floorspace of 6,330 sq m GIA. The two “non food” units shall not exceed a combined maximum floorspace of 7,050 sq m GIA.

Reason: To ensure the retail development is of the scale envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

23. Within the “foodstore” unit referred to in condition 21 the convenience goods sales area shall be restricted to a maximum of 2,675 sq m net and the comparison goods sales area shall be restricted to a maximum of 1,440 sq m net.

Reason: To ensure the retail development is of the scale envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

24. The two “non food” units referred to in condition 22 shall each have a minimum floorspace of 1,950 sq m GIA and shall only be used for the sale of the following goods and services:

DIY
Gardening
Furniture
Carpets and floor coverings
Electrical goods
Car and cycling accessories
Pictures, frames and prints;
Pets, pet accessories, pet care and advice;
Hobbies, toys and crafts;
Baskets, wicker work and country crafts;
Christmas decorations and trees;
China and glassware;
Kitchen accessories;
Outdoor and country pursuits items and equipment e.g. fishing, equestrian, hiking, climbing etc;
Camping equipment and supplies.

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

25. None of the units shall be amalgamated, or subdivided to form separate units and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create or extend an upper floor level shall be constructed in any of the units.

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

26. The remaining 695 square metres of retail floorspace, as indicated on the Site Masterplan shall only be used for purposes within Classes A3, A4 or A5 of the Town and Country Planning Use Classes Order 1987 (as amended). Notwithstanding the provisions of this Order or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification) there shall be no change of use to any use within Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: To ensure the retail development is of the scale and nature envisaged to safeguard the viability of Northampton Town Centre in accordance with the National Planning Policy Framework.

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

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

6. BACKGROUND PAPERS

- 6.1 N/2014/0596.

7 LEGAL IMPLICATIONS

- 7.1 None

8. SUMMARY AND LINKS TO CORPORATE PLAN

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



 NORTHAMPTON BOROUGH COUNCIL	Name: Location Plan	Title
	Date: 7th October 2014	Land Adjacent to Sixfields Stadium
	Scale: 1:3250	
	Dept: Planning	
	Project: Planning Committee	
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PLANNING COMMITTEE: 29th 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

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.

APPENDIX

Addendum to Agenda Items Wednesday 29th 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/2014/0617 (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 st September 2015 or by the first occupation of the 41 st 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: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1027: Demolition of existing dwelling and erection of replacement two-storey dwelling with garage (as amended by revised plans received 10/11/14) at 41 Church Way

WARD: Park

APPLICANT: Mr Mick Kaare
AGENT: Mr Bernard Chester, Tuckley Chester Design

REFERRED BY: Cllr Duncan & Cllr Markham
REASON: Impact on conservation area and character of area and setting of listed building

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The amended design and appearance are considered acceptable and appropriate within the context of the conservation area and the setting of the listed building and the proposed development would not lead to any significant harm to neighbouring amenity or adversely impact on existing highway conditions in accordance with the requirements of Policies E20, E26 & H6 of the Northampton Local Plan, Policies H1 & 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 demolition of the existing bungalow, garage and outbuildings on site and the erection of a two-storey four-bedroom dwelling with detached double garage. Materials would comprise of natural stone, wooden windows and a slate roof.
- 2.2 The existing vehicular access would be widened on one side by the removal of approximately 0.9m section of the existing 1.8-2m stone wall to the right of the existing access increasing the driveway to 3.6m. Amended plans have been submitted showing the stone wall to the left of the access retained and a brick pier to be constructed to match the existing wall.

3. SITE DESCRIPTION

- 3.1 The application site comprises of a bungalow, garage and outbuildings located on a corner plot with frontage to both Church Way and High Street and situated in the heart of Weston Favell Conservation Area.
- 3.2 The bungalow sits back in the plot with a 1.8-2m stone wall forming the boundary with Church Way and the footway along High Street with an existing vehicular access from High Street.
- 3.3 The surrounding properties are of varying ages and construction and predominantly two-storey. To the south of the site is St Peter's Church, a grade II* listed building and the cemetery located to the south west.

4. PLANNING HISTORY

- 4.1 There is no planning history.

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)

The NPPF, paragraph 131, requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

5.3 Northampton Local Plan 1997 (Saved Policies)

Policy E20 requires that any new development should adequately reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be designed and located to ensure adequate standards of privacy, daylight and sunlight.

Policy E26 allows for development in conservation areas providing it preserves or enhances the character of the area and does not include the demolition of buildings which make a significant contribution.

Policy H6 allows for new residential development in primarily residential areas subject to scale and density being appropriate, compliance with highway standards, the development not being piecemeal and not resulting in loss of facilities for which there is a need in the area.

5.4 Supplementary Planning Documents

Weston Favell Conservation Area Appraisal and Management Plan (March 2010) advises that the designation of the area as a conservation area is due to the concentration of historic buildings dating from 17th to the 19th centuries within the core of the village along High Street and the area around St Peter's Church. The plan acknowledges the importance of St Peter's Church which dates back to at least the 12th century and that key views within the conservation area are of the church and from the north and south of Church Way.

The plan acknowledges that "boundary walls play an important role in creating the special character of Weston Favell. This is particularly so in Church Way and the southern part of High Street."

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 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 H1 of the JCS seeks to concentrate development primarily in and adjoining the urban area, making best use of previously developed land.

Policy S10 requires development to achieve the highest standards of sustainable design and amongst other things protect, conserve and enhance the natural and built environment and heritage assets and their settings.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation Officer** - no objection. The design of the proposed development is considered appropriate within its context and the scale, massing and materials of the building sit well within the conservation area. The building is well proportioned for the plot and its ridge height sits beneath that of the immediately adjacent building at 39a Church Way. The success of the development will be significantly dependant on the details and quality of execution which should be conditioned.
- 6.2 The amended scheme has reduced the forward projection to the front of the building and provided this is no further forward than the bay windows of the adjacent properties there is no objection.
- 6.3 A number of objections have been raised to the removal of the stone wall to facilitate access to the existing driveway. The Weston Favell Conservation Area Appraisal and Management Plan acknowledges that *boundary walls play an important role in creating the special character of Weston Favell, this is particularly so in Church Way and the southern part of High Street.* The boundary wall to be removed is however a small remaining section of wall that has presumably been demolished to make way for the existing driveway entrance. There is some scope for the wall to be reduced to a similar width to the adjacent neighbouring pillar, which would retain the visual separation between the two properties.

6.4 **NBC Arboricultural Officer** – no objection. The trees on site are visible and contribute to the overall amenity of the area but are not of sufficient merit to warrant protection with a Tree Preservation Order.

6.5 **19 letters of objection** have been received including objections from **Weston Favell Residents Association and the Rector of the Church of St Peter**. A petition with 23 signatures has also been received. Comments are summarised as follows:

- No objection to existing property being demolished or materials proposed.
- Out of scale with existing properties.
- Out of character with conservation area and will detract from listed church.
- The property will be outside of the existing building line by several feet.
- Overlooking.
- Overshadowing.
- Loss of view of church tower and clock.
- Current sewer to bungalow prone to blocking.
- Impact on existing parking problems - further dropping the kerb to allow for the enlarged driveway will result in the loss of two parking spaces.
- The new house will become the dominant building on the corner of Church Way/High Street detracting from the former prominence of the church, closing off the aspect to the north when viewed from the church and will become an overbearing presence.
- Building forward of the building line is likely to impede the currently unimpeded view of the church travelling southwards down Church Way.
- Parking on and access to the church from High Street is difficult. The effect of taking an extra 1.5m for the new buildings drive plus visibility will push pedestrian activity and stationary traffic back towards the sometime dangerous and blind corner.
- Impact on parking will cause immediate issues between the church and the new residents.
- The 2010 Conservation Area Appraisal clearly marks the entirety of the boundary walls to the existing 41 Church Way as important.
- Removal of some 1.7m of stone wall in part of conservation area.
- The size of the proposed house is significantly larger in footprint and height than the bungalow being replaced.
- There has been excessive and incongruous recent infill further down Church Way.
- The plot should be more modestly developed with less impact on its surroundings.

- The Conservation Area Appraisal and Management Plan (2010) recognises St Peter’s Church and immediate geographical area as being of “special historical importance”.
- At present 41 Church Way is an unobtrusive one-storey building with a narrow entrance drive.
- Construction work at this junction will cause problems.

6.6 Amended plans were received on 10th November 2014. A **further 6 letter of objection** were received with comments summarised as follows commenting:

- Pleased that stone wall is being kept.
- Property still too large and ostentatious.

7. APPRAISAL

Principle of Development

7.1 The NPPF advises that housing applications should be considered in the context of a presumption in favour of sustainable development. The site is a brownfield site located within a residential area as identified in the Northampton Local Plan where Policy H6 allows for new residential development subject to specific criteria as set out above. Subject to meeting the requirements of these criteria as assessed below and there being no adverse impacts on heritage assets the residential development of the site is considered acceptable.

Design

7.2 The existing bungalow due to its scale, simple form and siting set back within the plot is visually unassuming within the surrounding context. However, the property has become vacant in recent years and subsequently fallen into a state of disrepair and currently does little to enhance the appearance of the area.

7.3 The proposed dwelling would increase the existing footprint by approximately 31.46 square metres and would be two-storey in height with ridge height of 7.8m and 7.3m respectively and an eaves height of 4.2m. Whilst the proposal evidently represents an increase in overall scale and height to the existing bungalow on site the proposed ridge line and eaves would remain lower than the neighbouring properties either side. The increase in footprint is not considered excessive and is broken down into relatively small additions to the side rear and front of the property.

7.4 The scheme has been amended to reduce the forward projection of the front gable and porch from 1.6m to 0.7m to such that the main body of the house would sit in line with the predominant building line of adjacent properties along Church Way and the front gable would not protrude beyond the adjacent bay windows to the front of properties on Church Way.

- 7.5 The side elevation facing towards High Street would be more visually prominent with the increase to two-storey when viewed from the east however this would be viewed in the context of the adjacent two-storey properties
- 7.6 The existing single garage would be demolished along with the adjacent outbuildings and replaced with a double garage with a pitched roof. The garage would be set back within the plot retaining its existing alignment with the neighbouring property at No. 100 High Street.
- 7.7 Materials would comprise of natural stone with wooden windows and a slate roof in keeping with more traditional properties located along High Street, the details of which would be secured by condition.
- 7.8 It is acknowledged that the proposed development is a significant alteration to the existing bungalow on site however, the overall scale, footprint and form are not considered excessive for the plot and the varied roof heights and window details add visual interest. The building would remain set back within the plot retaining the alignment with properties on Church Way and would be constructed with traditional materials in keeping with the character of properties on High Street. The design and appearance is therefore considered acceptable.

Impact on Conservation Area and Listed Buildings

- 7.9 St Peter's Church is a Grade II* listed church located directly opposite the application site and despite being predominantly surrounded by properties on all sides the general setting of the church has an open character interspersed with several mature trees and enclosed by a stone boundary wall. The surrounding properties are generally set back from the road frontage adding to this open character and to the dominant presence of the church within a central part of the conservation area.
- 7.10 By virtue of its location on the corner of High Street and Church Way the application site is viewed in the context of the setting of the church from all sides with the exception of the rear. The proposed dwelling would be more visually prominent than the existing bungalow when viewed along Church Way from the North West due to its height and proportions slightly narrowing the view southwards towards the church, however, the amended alignment of the front of the proposed dwelling and lower ridge height than adjacent dwellings would assist in reducing the impact. The increased sense of enclosure of this view would be minimal retaining the visually open setting of the church and its visual prominence such that it is not considered the proposal would lead to any significant adverse impact on the setting of the listed building.
- 7.11 The scheme has been amended to retain the entire length of the stone wall that extends along the front of the site to the left hand side of the existing driveway.

A 900mm section of stone wall would be removed to the right hand side to the access to allow for a wider entrance. Subject to conditioning a method statement for the removal of this section of wall and the making good of the remaining stone pier it is not considered that the historic importance of these walls within the conservation area would be harmed.

- 7.12 The design and appearance of the scheme is considered appropriate within the context of the conservation area and the setting of the listed church and is therefore considered acceptable.

Impact on Residential Amenity

- 7.13 No. 39a Church Way is a two-storey dwelling located to the north west of the site. The property has been extended to the rear with part two-storey and part single storey extension. Windows facing towards the application site comprise of ground floor toilet, landing and first floor bathroom. Whilst the increase in height from the proposed dwelling may have some impact on light to these windows due to the orientation, these windows could not be considered main habitable rooms and therefore are afforded less protection.
- 7.14 No. 100 High Street is a two-storey dwelling located to the east with no main windows facing towards the application site. The proposed dwelling would be orientated towards the rear garden off this property which is some 29m in length. A proposed first floor bedroom window would be situated approximately 9m away from this neighbouring boundary but at an angle looking down the garden such that it is not considered there would be any adverse impact on the immediate private space to the rear of this property in terms of overlooking.
- 7.15 The protection of views of the listed building from neighbouring properties is not a planning consideration.

Highway Impacts

- 7.16 Local concern has been raised regarding the loss of already limited on-street parking due to the widening of the existing access. Parking is already restricted at the point of access due to be altered by an existing white line which extends across the front of No. 100 High Street ending at the section of wall on the application site to be removed. The alterations to the access would therefore not lead to any further reduction in the level of on-street space to that existing.
- 7.17 The proposal would make provision for on-site parking for four vehicles with a double garage and area of hardstanding. Whilst visibility is restricted in both directions by existing boundary walls the access is existing. As such it is not considered that the proposed alterations would lead to any increased adverse impact on existing highway conditions and is therefore considered acceptable in this regard.

Other Matters

- 7.18 The application site has a number of trees located to the front including Hollies and Apple trees which are visible from the public highway and add to the amenity of the site. The application advises that it is the intention to retain as much of the existing landscaping as possible. The trees are not considered of sufficient merit to warrant protection by a Tree Preservation Order however the retention of some trees would provide a degree of maturity to the development. A condition requiring a tree protection plan is proposed to ensure protection of retained trees during construction.

8. CONCLUSION

- 8.1 The amended design and appearance are considered acceptable and appropriate within the context of the conservation area and the setting of the listed building and it is not considered that the development would lead to any significant harm to neighbouring amenity or adversely impact on existing highway conditions. 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) Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- (3) A sample panel of the stonework a minimum of 1 square metre in area to be used in the construction of the external walls shall be made available for viewing on site prior to the commencement of construction work on site. The stone shall be laid, coursed and pointed in the traditional manner in the area. The works shall be carried out in accordance with the approved details.

Reason: To ensure that materials are appropriate to the appearance of the building/area in accordance with Policy E20 of the Northampton Local Plan.

- (4) Notwithstanding the submitted details, prior to any works commencing on the stone boundary wall, a detailed method statement shall be submitted in relation works to be carried out to the stone wall and the construction of the stone pier and a sample of the stonework made available for inspection on site. The works shall be carried out in accordance with the approved details and completed prior to the occupation of the dwelling.

Reason: To ensure that materials are appropriate to the appearance of the building/area and sympathetic to the character of the conservation area and setting of the adjacent Grade II* listed building in accordance with Policy E20 of the Northampton Local Plan and the requirements of the National Planning Policy Framework.

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

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

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

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

- (7) Prior to commencement of development a Tree Protection Plan showing details of trees to be retained on site and measures for their protection during construction including details of protective fencing shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be implemented prior to commencement of development and maintained throughout the duration of the development and no plant shall be sited, no materials nor waste shall be deposited, no bonfires shall be lit or the ground level altered within the vicinity of the trees shown to be protected on the approved plan.

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.

- (8) Before any work is carried out, further precise details of the windows including sections and profiles at a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that materials are appropriate to the appearance of the building/area in accordance with Policy E20 of the Northampton Local Plan.

- (9) The access, driveway and parking area shall be laid out in accordance with the drawing 2554/PL/1 rev B prior to the occupation of the dwelling hereby permitted and retained thereafter.

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

- (10) The development hereby permitted shall be carried out in accordance with the following approved plans: 2554/PL/1 rev B, 2554/E/1B rev B, 2554/FP/1B rev B received 10 November 2014, 2554/G and 2544/SS received 17 September 2014.

- (11) The first floor bathroom window in the north-west elevation shall be glazed with obscured glass before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

- (12) 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 and in the interests of the character and appearance of the conservation area and the setting of the adjacent listed building in accordance with the aims of the National Planning Policy Framework.

10. BACKGROUND PAPERS

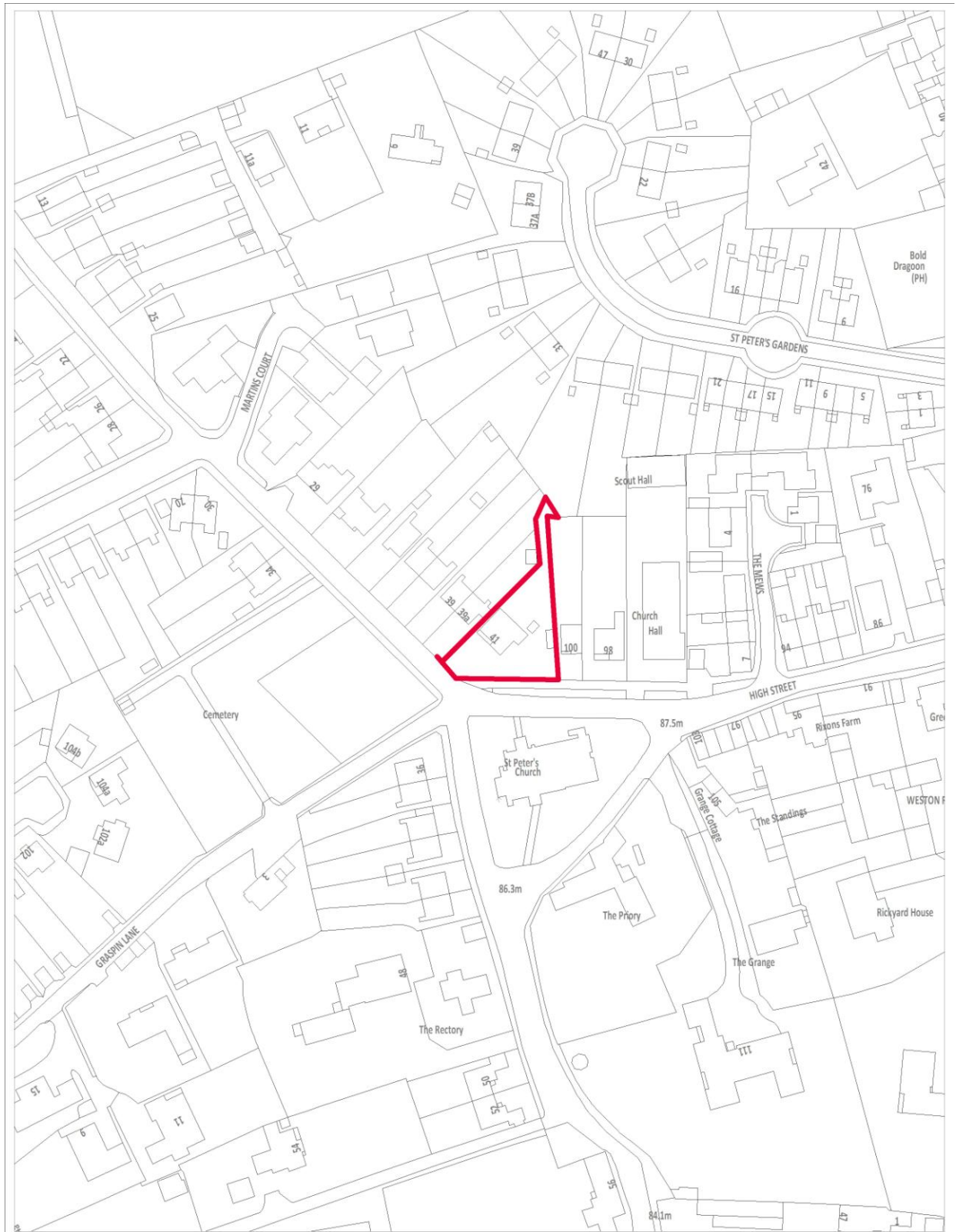
- 10.1 N/2014/1027.

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: **3rd December 2014**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title

41 Church Way, Weston Favell

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PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1069: Construction of new 15,025m² industrial building and associated works at 35 Summerhouse Road

and

N/2014/1076: Demolition of warehouse and change of use of site to car park (including cycle storage facilities) to serve new manufacturing plant at 11 Pondwood Close

WARD: Parklands

APPLICANT: Greencore Group
AGENT: TSL Projects Ltd

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Major development requiring a legal agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE OF PLANNING APPLICATION N/2014/1069 subject to conditions and for the following reason:

The proposed development would have a neutral impact upon the character and appearance of the locality in addition to supporting the continued economic development of the town. The highway impacts of the development can be successfully mitigated. The development is therefore in accordance with the requirements of the National Planning Policy Framework and Local Plan Policies B2, E19, E20 and E40.

- 1.2 The prior completion of a Section 106 Legal Agreement to secure:
- i) A payment towards the provision of sustainable transport measures within the Moulton Park industrial estate; and
 - ii) The Council's monitoring fee.

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

1.4 **APPROVAL IN PRINCIPLE OF PLANNING APPLICATION N/2014/1075** subject to conditions and for the following reason:

The development has a neutral impact on visual and neighbour amenity and highway safety. As the development supports the creation of significant employment opportunities the scheme is in conformity with the requirements of the National Planning Policy Framework and Local Plan Policies B2, E20 and E40.

1.5 It is requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning to determine this planning application at the point that the Section 106 Agreement as set out in paragraph 1.2 has been completed. In the event that this legal agreement is not completed within the three month period specified above, it is requested that delegated authority be given to either refuse or finally dispose of the application (at his discretion) on the grounds that the proposal, as a standalone development, represents an unacceptable land use.

2. THE PROPOSAL

2.1 This report covers two planning applications for two separate sites; however, there are significant linkages between the proposals and therefore it is important to be considered simultaneously.

2.2 The first application (reference N/2014/1069) relates to land at 35 Summerhouse Road and seeks permission for the erection of an industrial building, which would operate as part of the adjoining industrial facility. The building would have a maximum height of 19m and would encompass three floors (including a mezzanine floor), which would have a total area of 15,025m². It is expected that should the development proceed, it would generate between 400 and 450 employment opportunities. The facility would operate for significant sections of the day, most likely between 12am and 6pm.

- 2.3 The building would predominantly be used for the manufacture of food products; however, there would also be areas for the receipt and dispatch of goods; ancillary plant and equipment; staff recreation facilities and office accommodation.
- 2.4 Lorries serving the development would access the site from Summerhouse Road via Red House Road and enter the site via the existing vehicular entrance. Vehicles would then service the proposed and existing facilities before exiting onto Deer Park Road.
- 2.5 The development does not include any car parking; however, a separate application is under consideration to provide alternative facilities. Parking for those with disabilities will be provided within the applicant's existing facility accessed from Deer Park Road.
- 2.6 The second planning application (reference N/2014/1076) seeks permission to construct a new car park, which would provide 202 car parking spaces, including three for use by people with disabilities and 18 motorcycle parking spaces. In order to facilitate this, the existing warehouse on the site will be demolished, although the office accommodation will be retained. The use of the site for car parking has already commenced.

3. SITE DESCRIPTION

- 3.1 The Summerhouse Road site is predominantly level; however, the site is slightly lower than the surrounding road network. There is also some mature landscaping adjacent to the northern and western boundaries of the site, although the bulk of this is outside of the control of the applicant. The surrounding land uses predominantly fall within Use Classes B1, B2 and B8 as expected within an allocated commercial area. There are a variety of building scales within the environs of the application site.
- 3.2 The northern boundary of the site is adjacent to Red House Road, which serves as one of the main routes through the Moulton Park commercial area. The application site was originally developed during the 1980s as part of the development of the wider area, prior to that the site had been used for agricultural purposes.
- 3.3 The Pondwood Close site is also situated within a commercial area, albeit with buildings of a smaller scale. The site is approximately 300m east of the Summerhouse Road site. The site is also predominantly level, with a significant grass verge adjacent to the eastern boundary.
- 3.4 The site currently features an office building; which would be retained and an attached warehouse (constructed from prefabricated materials) that would be demolished in order to increase car parking at the site. A pedestrian route exists from the rear of the site to Red House Road. At this point there is pedestrian crossing leading to Deer Park Road.

4. PLANNING HISTORY

4.1 History relevant to N/2014/1069:

07/0139/FULWNN – Demolition of existing warehouse and erection of five industrial/warehouse units with associated works – Approved.

N/2014/0916 – Application for Prior Notification of proposed demolition – Approved.

4.2 The 2007 planning permission for five new industrial units on this site was never implemented and has since expired. The 2014 prior notification application to demolish the building was approved and works have now commenced.

4.3 There is no planning history relevant to N/2014/1076.

5. PLANNING POLICY

Development Plan

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

National Planning Policy Framework (NPPF)

5.2 The NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.

5.3 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.

5.4 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).

- 5.5 The NPPF also requires that the planning system strongly supports economic growth and the promotion of growth is a significant material consideration (paragraph 19). Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities (paragraph 22).

Northampton Local Plan

- 5.6 Policy B2 requires that the allocated business areas within the Borough are developed for uses falling within Classes B1, B2 and B8 and that uses falling outside of these classes should only be permitted in instances where significant employment opportunities and community benefits are generated (Policy B14).
- 5.7 Policy E19 requires that new developments offer sufficient mitigation against its impacts; Policy E20 states that new buildings should be of an appropriate design; Policy E40 requires that new developments pay sufficient regard to minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

- 5.8 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.
- 5.9 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.
- 5.10 Of particular note is that Policy S7 requires there is a need to create an additional 28,500 new employment opportunities in West Northamptonshire between the period 2008 and 2029. In addition, Policy S8 identifies that the bulk of these will be concentrated within the existing urban area of Northampton and, in part, delivered through the renewal and regeneration of existing employment sites.

Supplementary Planning Guidance

- 5.11 Developer Contributions
Parking
Planning out Crime

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request conditions in respect of drainage in relation to planning application *N/2014/1069*. Observations are also made regarding the proximity of this site to a sewage pumping station.
- 6.2 **Environmental Health (NBC)** – In respect of *N/2014/1069*, it is requested that conditions are attached to any approval requiring the submission of a scheme in respect of odour control and to cover the eventuality of unsuspected contamination being discovered. There are no objections to *N/2014/1075*.
- 6.3 **Highways Agency** – No objections
- 6.4 **Highway Authority (NCC)** – There are no objections in principle to *N/2014/1069*; however, it is requested that Section 106 obligations are secured to fund improvements to sustainable transport provision and improvements to the Round Spinney roundabout. It is also requested that the traffic routing measures submitted as part of the application are secured and a travel plan is submitted. There are no objections to *N/2014/1075*; however, it should be noted that the multiple accesses from Pondwood Close would not be acceptable and gates should be set back from the highway by a distance of at least 5m. A travel plan should also be submitted.
- 6.5 **Northamptonshire Police Crime Prevention Design Advisor** – No objections to *N/2014/1069*; however, in respect of application *N/2014/1075* it is recommended that a condition covering details of entry systems to the car park as the gatehouse does not have a ready line of site of this point.
- 6.6 An objection has been received from the occupier of **4 Pondwood Close** to *N/2014/1075* as the site's appearance is unattractive; that the car park should be finished with tarmacadam; that the highway system would be unduly impacted and other proposals for non-business uses in the area have been refused planning permission due to the lack of employment opportunities. The site would generate more jobs if the previous use was retained.

7. APPRAISAL

Principle of the factory building

- 7.1 As discussed previously within paragraphs 3.1 the Summerhouse Road site is located within a site allocated by the Northampton Local Plan as being suitable for commercial purposes. As the proposed development would have a use that falls within Class B2 (General Industrial), it is considered that the proposed development is compatible with the objectives of the Local Plan in this regard. Furthermore, there is conformity between this policy and the aims and objective of the NPPF and the JCS.
- 7.2 In addition to the acceptable land use, the development would generate between 400 and 450 employment opportunities, which contributes to addressing the established need for jobs as discussed within the JCS. The development therefore assists in the development of the local economy, which is also supported through local and national planning policies.
- 7.3 The application site originally incorporated a factory; however, the use of this ceased in 2013 and demolition works have since commenced. As a consequence, the development appropriately assists in the reuse of previously developed land, which is in keeping with the aims and objectives of the NPPF in terms of promoting sustainable development.
- 7.4 Whilst it is accepted that the site was, up until the 1980s, an undeveloped site, there is the possibility of naturally occurring contamination or contamination arising from the previous industrial uses of the site. As a consequence, the applicant has undertaken an assessment of possible contamination, which has concluded that there is no reason why the development should not proceed on this basis. Nonetheless, it is considered necessary and reasonable to recommend a condition requiring the investigation and remediation of any unsuspected contamination that may be discovered during the development process.
- 7.5 In response to the consultation response from Anglian Water, a condition is recommended that would require the implementation of the submitted drainage strategy. Anglian Water have raised some concerns regarding the proximity of the site to a sewage pumping station as it is preferred that new developments do not prejudice the ongoing operation of this facility. In response, it is considered that the development is not of any unusual sensitivity given the presence of the applicant's existing facilities in very close proximity to the application site and the fact that the site has a history of being used for industrial purposes.

Design and appearance

- 7.6 It is accepted that the proposed factory building is of a large scale due to its maximum height of 19m (although significant sections of the building would have a maximum height of approximately 16m) and footprint of approximately 62m by 141m (at the building's largest point); however, the proposed building would be viewed against a backdrop of large scale buildings, which would prevent the building from forming an overly dominant or incongruous feature. Of additional note is that the application site is located on a lower level than the surrounding road network, which offers further mitigation.
- 7.7 The building features a variety of building heights, with the tallest element of the building being situated adjacent to the junction between Summerhouse Road and Red House Road. This ensures a more gentle progression between this proposal and the smaller buildings located to the east of the application site. Furthermore, the varied height of the building offers some mitigation as the massing of the building has been reduced.
- 7.8 Although of a functional design, the palette of proposed materials is considered acceptable. The reasoning for this is that the proposed variations in colour serve to break up the massing of the building, which ensures that there would be a neutral impact upon visual amenity. A condition is recommended that would enable the Local Planning Authority to approve the precise specification of the building's materials.
- 7.9 The site's surroundings (and specifically the areas to the north and west) already feature mature landscaping, which would not be adversely affected by the proposed development. This offers some screening at street level.
- 7.10 In addition, the building has been designed in accordance with the requirements of the Planning out Crime SPG and Local Plan Policy E40. As a consequence, the development is unlikely to result in an increase in crime and anti-social behaviour.

Impact on neighbours

- 7.11 The building has been designed and sited in such a way so as to minimise the impacts on the amenities of neighbouring properties in terms of considerations such as light, outlook and privacy. The proposed development is therefore in conformity with the requirements of the national and local planning policies within this regard.

- 7.12 Although the site is situated within an allocated commercial area where activities comparable to those carried out by the applicant are normally expected, it is recognised the cooking odours could potentially impact upon the amenities of the occupiers of neighbouring properties (such as the surrounding office buildings). As a result, and in line with the recommendations of the Council's Environmental Health section, a condition is recommended that would require the submission of strategy for addressing this matter and for this to be fully implemented prior to the first use of the factory building.
- 7.13 The applicant has carried out a survey into the likely levels of noise that would emanate from the development. This survey has concluded that the development would not cause any undue impact upon surrounding properties. This is of particular importance as the proposed factory will be operating for significant periods of time. As the site is situated within an allocated commercial area in which businesses are operational for substantial sections of the day, it would not be reasonable to restrict the hours in which this facility shall be operational.

Highway and traffic impacts

- 7.14 The layout of the proposed development enables a coherent plan to be formed for the movement of lorries across the site. It is proposed that all such vehicles (whether serving the existing or proposed facilities) would travel from Red House Road (to the north) to the site via the entrance on Summerhouse Road. Vehicles would then service one the buildings and then exit onto Deer Park Road via the applicant's existing site. This arrangement is beneficial as it improves highway safety by limiting the number of directions that commercial vehicles may travel in and ensures that lorries do not have to wait at junctions waiting for vehicles to enter/leave the site. As a consequence it is considered that the development would have a neutral impact upon highway safety, with a condition recommended in order to ensure the implementation of this strategy.
- 7.15 A suitable level of secure cycle storage has been provided within the existing facility in order to encourage more sustainable means of travel. Further encouragement towards sustainable means of travel will be secured by a condition requiring the submission of a travel plan.
- 7.16 As discussed previously no on site car parking has been provided as part of this specific proposal, which ordinarily would render the application unacceptable. Notwithstanding this assessment, the applicant has submitted a separate planning application (reference: N/2014/1076 – 11 Pondwood Close), which seeks permission for a new car parking. By reason of the inherent links between the two applications, they should be considered simultaneously.

Car parking

- 7.17 In addition to the Summerhouse Road site, the land at Pondwood Close is allocated for business purposes. An element of business accommodation would be retained on site (the existing offices), which means that the development is not strictly a departure from allocated policies; however, the level of car parking that would be provided on site is substantially in excess of the level normally required for a building of this scale and prevents the site from being used for productive purposes.
- 7.18 Irrespective of this, the proposed car parking is readily accessible from the Summerhouse Road as there is only a distance of approximately 300m (along a lit route) between the two sites and the proposed car parking is of a sufficient scale to readily meet the parking requirements of both sites. Furthermore, the substantial redevelopment of this site for a car park would facilitate the construction of the previously described factory, which would provide substantial employment opportunities significantly above the number that would be reasonably expected in the Pondwood Close site.
- 7.19 Therefore the situation exists where individually neither application is acceptable; however, if both developments were to proceed in unison, then any concerns would be overcome. In order to provide certainty over this point, the applicant has submitted a Unilateral Undertaking (which would be legally binding upon the existing and future landowners), which states that the factory building would only be occupied at the point when the proposed car parking has been provided in its entirety and that this situation would be maintained for the life of the development. As a consequence of this, it is considered that there is a suitable mechanism to secure suitable car parking to serve the factory building and for this to overcome any concerns regarding the scale of the proposed car park and resultant loss of a commercial building.
- 7.20 Separate to this assessment, it is considered that the car parking benefits from a reasonable level of natural surveillance, which is considered necessary to ensure a safe and secure development; however, it is recognised that site's gatehouse does not have a readily available line of site view over the pedestrian access from Red House Road. In order to mitigate this, a condition is recommended that would secure details of the future boundary treatments the site (which would include entrances) in order to prevent unauthorised access to the site, which may jeopardise the overall level of security at the site.
- 7.21 The use of the site for car parking would not cause any undue detrimental impact upon the occupiers of neighbouring properties. In addition as the associated factory would operate on a shift system, the overall impact upon the highway system is neutral.

7.22 It is noted that the Highway Authority have requested conditions relating to the preventing additional entrances being formed onto Pondwood Close and that vehicle gates should be set back at least 5m from the edge of the highway. In response, it should be noted that the additional entrances would likely require planning permission and the submitted plans demonstrate that the position of the access gate is acceptable.

Legal agreement

7.23 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.

7.24 The Highway Authority have requested a payment towards the funding of more sustainable means of travel within the vicinity of the application site (which could be used for items such as improvements to bus services or cycle way provision). This is considered to be necessary and reasonable as it would assist in creating a more sustainable form of development that is consistent with the aims and objectives of the NPPF and JCS. Furthermore, such measures could also reduce the number of car journeys, which would improve the flow of traffic in the area.

7.25 A further request has also been received for a financial contribution towards the recently commenced improvements to the Round Spinney roundabout. Whilst it is accepted that a number of vehicles serving the proposed factory development (particularly lorries) would use this roundabout, it is understood that the works will be carried out irrespective of whether this development proceeds. As a consequence, it does not comply with the requisite legal tests as described within paragraph 7.22 and therefore cannot be supported.

8 CONCLUSION

8.1 In conclusion, it is considered that a building of suitable design has been proposed, which would also have a neutral impact upon the area and support economic growth within Northampton. The highways impacts can be adequately mitigated through the securing of alternative car parking on an adjacent site and a further Legal Agreement securing improvement to more sustainable means of travel.

9 CONDITIONS

Conditions for N/2014/1069

(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 plans.

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

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

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

(4) 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.

(5) Full details of the method of the treatment of the external boundaries of the site 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.

(6) Notwithstanding the details submitted, a scheme shall be submitted and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the collection, treatment and dispersal of cooking odours. Development shall be carried out in accordance with the approved details; shall be fully implemented prior to the first use of the building hereby permitted and retained thereafter.

Reasons: In the interests of the amenity of the surrounding locality and to secure a satisfactory standard of development in accordance with the advice contained in the National Planning Policy Framework.

(7) Prior to the first occupation of the premises hereby approved, a travel plan for employees shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented at all times that the development is occupied.

Reason: To reduce the reliance on the private car for journeys to work in accordance with the National Planning Policy Framework.

(8) Prior to the first occupation of the development hereby permitted a scheme for the implementation of an Employee Training Scheme for new workers shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in full accordance with the approved Scheme.

Reason: To ensure the scheme constitutes sustainable development and supports vibrant communities in accordance with the guidance contained within the National Planning Policy Framework

(9) No hard standing areas shall be constructed until the works specified on drawing TSL-191-A-LAY-960-002, Rev. P3 have been fully implemented. The works shall be retained thereafter.

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

(10) The lighting details as shown on drawing TSL-181-E-LAY-900-002 Rev. P02 shall be fully implemented prior to first occupation of the building and retained thereafter.

Reason: In the interests of creating a safe and secure form of development in accordance with the requirements of Local Plan Policy E40.

(11) The development hereby permitted shall, at all times, operate in accordance with the HGV routes as shown on drawing TSL-181-A-LAY-910-007, Rev. P3.

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

(12) The development hereby permitted shall be carried out in accordance with the findings and recommendations of the submitted Phase I Desk Study and Phase II Exploratory Investigation as received by the Council on the 15th September 2014.

Reason: In the interests of ensuring the suitable remediation of contaminants in accordance with the requirements of the National Planning Policy Framework.

(13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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

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.

Conditions for N/2014/1075

(1) The development hereby permitted shall be carried out in accordance with the attached schedule of plans.

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

(2) Notwithstanding the details submitted, full details of the permanent surface treatment of the car park and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

(3) A travel plan (including a timetable for implementation) for employees shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented at all times that the development is occupied.

Reason: To reduce the reliance on the private car for journeys to work in accordance with the National Planning Policy Framework.

(4) Within three months from the date of this decision, full details of proposed boundary treatments, including secure pedestrian entrance gates shall be submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented within five months from the date of this permission and retained thereafter.

Reason: In the interests of creating a secure and safe development in accordance with the requirements of the Policy E40 of the Northampton Local Plan.

(5) A timetable for the implementation of the external lighting scheme as shown in drawing TSL-181-E-LAY-900-001 Rev. P02 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of creating a secure and safe development in accordance with the requirements of the Policy E40 of the Northampton Local Plan.

(6) The development hereby permitted shall include a minimum of 202 car parking spaces

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

10 BACKGROUND PAPERS

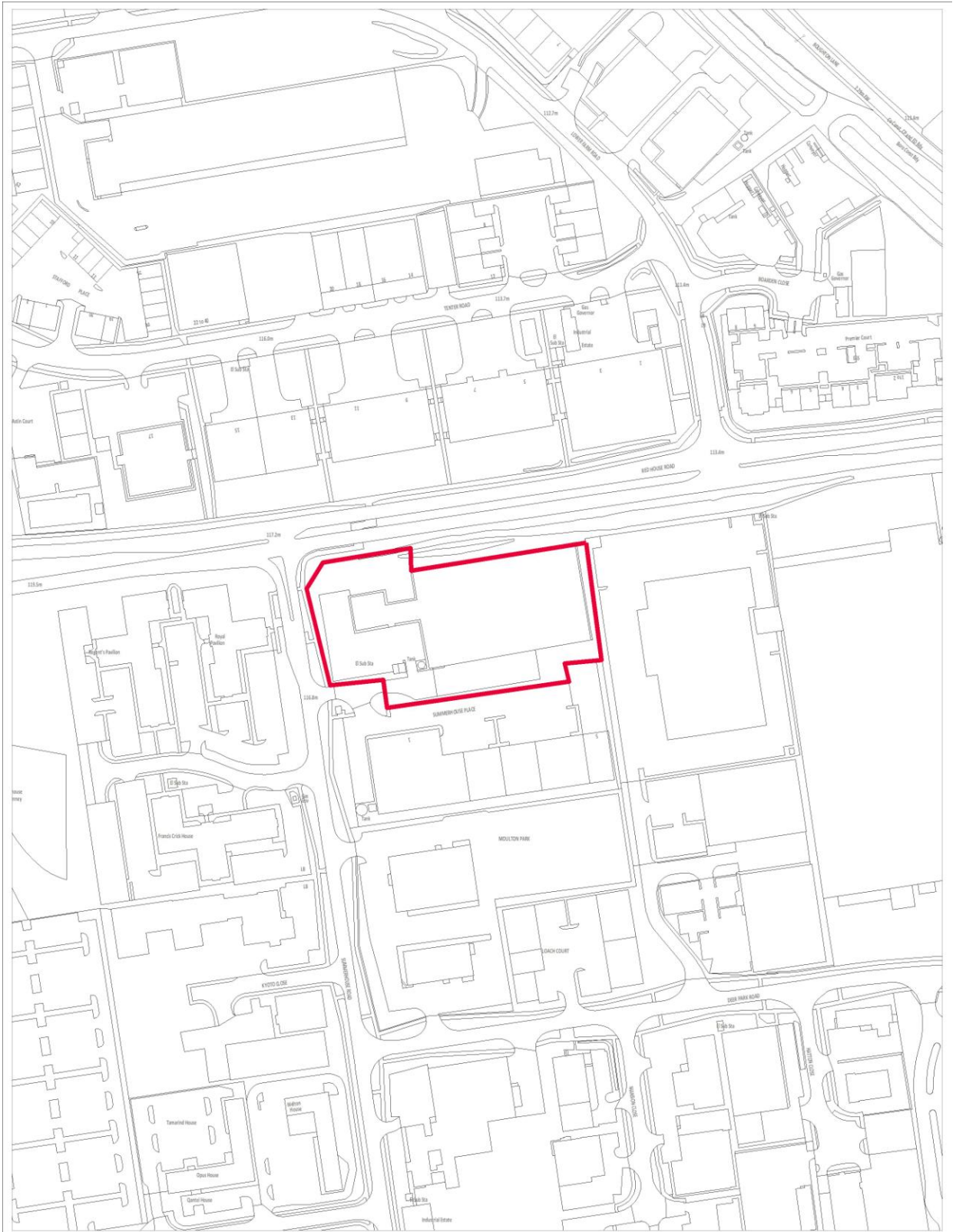
10.1 N/2014/1069 and N/2014/1076

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: **3rd December 2014**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Former N'pton Footwear Factory, Summerhouse Rd

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PLANNING COMMITTEE: 16th December 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

2014/1264: Single storey rear extension, two storey front extension, new first floor window in side elevation, alterations to first floor rear windows and front porch (part retrospective) at 14 Woodland Avenue

WARD: Phippsville

APPLICANT: Mr. E. McTaggart
AGENT: Mr. P. Dooley

REFERRED BY: Cllr. King
REASON: The proposed development would cause demonstrable harm to the amenities currently enjoyed by the occupiers of neighbouring properties

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

1.2 The proposed development will have no significant undue impacts upon the character of the original building, street scene and residential amenity and highway safety, and is therefore considered acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 Permission is sought for a single storey rear extension, two storey front extension, new first floor window in side elevation, alterations to first floor rear windows and front porch (part retrospective).
- 2.2 This application follows approval of a previous similar application ref. N/2014/0311. The changes comprise the increased height of the single storey rear extension from 3.1m to 3.5m, and a front porch.

3. SITE DESCRIPTION

- 3.1 A 1920's detached dwelling with spacious gardens located in a residential street mostly of similar era dwellings. The street runs north-south, rising slightly to the north, and the application site is on the east side of the road. The dwelling is of a pebble-dash finish with a front gable, turret, and an integral garage under an extended gable roof.

4. PLANNING HISTORY

- 4.1 N/2013/1054 – single storey front and two storey rear extensions – withdrawn.
N/2014/0311 – single storey rear and two storey front extensions with new first floor side window – approved.

5. PLANNING POLICY

5.1 Development Plan

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

The NPPF states at paragraph 17 that high quality design and a good standard of amenity should always be sought for all existing and future occupants of land and buildings.

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

Policy E20 of the Local Plan allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale and appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

Policy H18 of the Local Plan allows for extensions to dwellings provided the design is acceptable and in keeping with the appearance and character of the host dwelling; and the effect upon adjoining properties.

5.4 **Supplementary Planning Documents**

Residential Extensions and Alterations Design Guide SPD 2011

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 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 S10 of the JCS seeks to achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place.

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 Surrounding neighbours and Ward Councillor were notified of the application. At the time of writing this report, responses have been received from nos. **4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, 23 Woodland Avenue and 25 Lime Avenue** objecting to the application. Comments are summarised as follows:

- Extension has not been built in accordance with the approved plans;
- Development would overshadowing adjacent properties;
- The premises would potentially be used for multiple occupation;
- Proposed design would damage the character of the building and not preserving distinctive character of the area;
- Garage is too short to accommodate a car;
- Development would put more pressure on demand of parking spaces;
- The extension is too big, too high and tower over neighbouring properties and breach the 45 degree rule;
- The garage door is out of keeping;
- The first application should have been referred to Planning Committee.

6.2 **Councillor Anna King** – called in the application for consideration by the Planning Committee as the proposed development would cause demonstrable harm to the amenities currently enjoyed by the occupiers of neighbouring properties.

7. APPRAISAL

Background

- 7.1 Planning application N/2013/1054 for the single storey front and two storey rear extensions to the property was submitted in October 2013. The application was subsequently withdrawn by the applicant as Officers considered that the proposal was unacceptable due to the potential impact on neighbouring properties.
- 7.2 A second planning application N/2014/0311 for the two storey front and single storey rear extension was submitted in March 2014. The nearby residents were consulted and a significant number of objection letters received. However, the application was not called in by the Ward Member to be considered by the Planning Committee. Following consideration of the submitted proposal against Development Plan Policy, notwithstanding the objection received, the proposal was considered acceptable and the application was determined and approved under delegated powers by Officers, in accordance with the Council's Constitution.
- 7.3 Following the planning approval, the applicant has commenced construction work. Unfortunately the development carried out so far has not been fully in accordance with the approved plans, the applicant has therefore submitted the current application to regularise the situation.

Principle of Development

- 7.4 The difference between the current proposal and the originally approved scheme relates to the height of the rear flat roof extension in that the height has been increased by 0.4m to 3.5m. This part of the extension has partially been completed. In addition, a front porch is proposed. The proposed front two storey extension would remain the same in terms of scale and design as that previously approved.
- 7.5 Notwithstanding the increase in height of the rear extension and with the addition of a front porch, it is considered that the principle of development has been established by the previous approval.

Design and Layout

- 7.6 The proposed front porch has a single-pitch roof and will project 1m beyond the garage frontage, but not beyond the existing bay-window frontage. In design terms this is considered acceptable, as it will not significantly detract from the character and appearance of the host dwelling or the street scene.
- 7.7 The proposed two storey front extension creates a matching front gable to existing and would provide a balanced feature to the existing front turret. The proposed roller shutter garage door type is commonly used in dwellings and it is considered that the proposal is acceptable in terms of design and layout.
- 7.8 The proposed rear extension projects 5.8m and has a flat roof with two roof lanterns. Although it is substantial in size, it is not considered to be out of keeping with the host building bearing in mind the application property is contained within a spacious plot. Notwithstanding the increase in height by 0.4m, it is considered that the proposed design is acceptable.

Residential Amenity

- 7.9 In terms of neighbour amenity, it is considered that the additional height will not add substantially to impacts of overshadowing or overbearing over that previously approved. This bears in mind existing permitted development rights, which permit single storey rear extensions up to 4m high overall, 3m at the eaves, and a 4m projection.
- 7.10 The northeast corner of the proposed rear extension falls within the 45 degree visual line from the rear ground floor window at no.16, bearing in mind an outbuilding was previously positioned on the boundary, it is not considered that the proposed extension, which is 1m from the boundary line, would cause unacceptable impact. As the proposed front extension is exactly the same as that previously approved, it is not considered that the impact on neighbour properties is unacceptable.

- 7.11 The proposed front porch would not cause undue impact on residential amenity.

Parking

- 7.11 The point raised regarding parking and the garage being too small for a vehicle is acknowledged, however, it is noted that garages can be used to house a variety of items/vehicles at the property owner's discretion, and there will still remain enough space to the front of the property for two vehicles to park off street, and this is considered acceptable and would not have undue impact on highway safety.

Other Matters

- 7.12 In addressing the point raised by neighbours concerning the use of the property as a house in multiple occupation (HMO), there is no evidence to suggest that the proposed extension will be used for any purposes other than a family dwelling. Members are advised that this property could lawfully be used as a house in multiple occupation for up to six people without planning permission, with or without the proposed extensions, as the property is not located within an Article 4 Direction (HMO) that prevents such change of use.
- 7.13 It is considered that the issue regarding HMO use could be given limited weight in this instance.

8. CONCLUSION

- 8.1 The main design issue is the enlarged rear extension. However, given that this will not affect the street scene, and given the former approval of a very similar scheme, it is considered that the impact upon surrounding visual amenity could not be substantiated.
- 8.2 In terms of residential amenity, it is considered that the additional height of the rear extension is not significant enough to impact on neighbouring properties in terms of overshadowing and overbearing to warrant refusal of this application.
- 8.3 Accordingly, this application is considered to be in line with Development Plan policies and recommended for approval.

9. CONDITIONS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 13/E178/12C, 13/E178/1A.

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

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

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

10. BACKGROUND PAPERS

10.1 Application files N/2014/1264 and N/2014/0311.

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: **3rd December 2014**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
14 Woodland Avenue

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