



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 28 July 2015**

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:** Jane Birch, Julie Davenport, Matthew Golby, Anamul Haque (Enam), James Hill, Jamie Lane, Phil Larratt, Arthur McCutcheon, Dennis Meredith and Mohammad Aziz Rahman

**Chief Executive** David Kennedy

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[democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) or 01604 837587

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 9 June, 30 June, 28 July, 2 September, 29 September, 27 October, 24 November and 17<sup>th</sup> December 2015 and 19 January, 16 February, 15 March, 12 April, 10 May, 14 June 2016.

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 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) (if no acknowledgement is received please telephone)

### When Do I Speak At The Meeting

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

### How Long Can I Speak For?

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

### Other Important Notes

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

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Tuesday, 28 July 2015  
at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**AGENDA**

1. **APOLOGIES**
2. **MINUTES**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES**  
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
  - (A) **VARIATION OF S106 AGREEMENT DATED 13TH MARCH 2015 PURSUANT TO PLANNING APPLICATION N/2014/0155 (DEVELOPMENT OF 45 APARTMENTS) ON LAND AT OLD TOWCESTER ROAD**
  - (B) **AMENDMENTS TO THE REASONS FOR REFUSAL FOR APPLICATIONS N/2013/1035 AND N/2013/1063 - NORTHAMPTON SOUTH SUE (COLLINGTREE) AT LAND SOUTH OF ROWTREE ROAD AND WEST OF WINDINGBROOK LANE**
8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**  
None.
9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**  
None.
10. **ITEMS FOR DETERMINATION**  
ADDENDUM
  - (A) **N/2014/1291 - ERECTION OF 35 DWELLINGS COMPRISING 10 ONE BEDROOM FLATS, 15 TWO BEDROOM HOUSES AND TO THREE BEDROOM HOUSES WITH ASSOCIATED ACCESS ROAD, LAND BETWEEN BOOTH RISE AND TALAVERA WAY**

- (B) N/2015/0335 - REDEVELOPMENT COMPRISING A NEW DISTRIBUTION CENTRE (USE CLASS B8) INCLUDING RELATED SERVICE ROADS, ACCESS AND SERVING ARRANGEMENTS, CAR PARKING, LANDSCAPING BUND AND ASSOCIATED WORKS AT MILTON HAM, TOWCESTER ROAD**
- (C) N/2015/0419 - DEMOLITION OF BECTIVE WORKS AND JEBEZ HOUSE AND ERECTION OF STUDENT ACCOMMODATION COMPRISING 293 STUDY BEDROOMS AND INCLUDING RETAIL UNIT ACCESSED FROM YELVERTOFT ROAD AT BECTIVE WORKS AND JEBEZ HOUSE, BECTIVE ROAD AND YELVERTOFT ROAD**
- (D) N/2015/0438 - PHASED DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO PROVIDE NEW HEADQUARTERS AND OTHER OFFICES (INCLUDING RELATED STORAGE) WITHIN USE CLASS B1, SHOP (USE CLASS A1) AND GYM (USE CLASS D2) WITH RELATED ACCESS, PARKING, SERVICING AND LANDSCAPING AT LODGE WAY HOUSE, MANDAL HOUSE AND HARVEYS SITE, LODGE WAY**
- (E) N/2015/0478 - CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) INTO A HOUSE IN MULTIPLE OCCUPATION (HIMO) FOR 4 RESIDENTS (USE CLASS C4) - RETROSPECTIVE APPLICATION AT 66 MILITARY ROAD**
- (F) N/2015/0505 - CHANGE OF USE FROM A DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (HIMO) FOR UP TO FOUR RESIDENTS (USE CLASS C4) - RETROSPECTIVE APPLICATION AT 68 MILITARY ROAD**
- (G) N/2015/0554 - CHANGE OF USE FROM EXISTING DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 4 RESIDENTS (USE CLASS C4) AT 83 OVERSTONE ROAD**
- (H) N/2015/0561 - CHANGE OF USE FROM SINGLE DWELLING TO HOUSE IN MULTIPLE OCCUPATION FOR 5 RESIDENTS (USE CLASS C4) - RETROSPECTIVE APPLICATION AT 76 SOMERSET STREET**
- (I) N/2015/0625 - CHANGE OF USE FROM DWELLING (USE CLASS C3) INTO HOUSE IN MULTIPLE OCCUPATION FOR 5 OCCUPANTS (USE CLASS C4) - RETROSPECTIVE APPLICATION AT 29 POOLE STREET**
- (J) N/2015/0630 - CHANGE OF USE FROM SINGLE DWELLING INTO A HOUSE IN MULTIPLE OCCUPATION (HIMO) FOR 3 RESIDENTS (USE CLASS C4) - RETROSPECTIVE APPLICATION AT 75 SOMERSET STREET**

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

- (A) N/2015/0730 - VARIATION OF PLANNING CONDITIONS FOR THE RUSHDEN LAKES DEVELOPMENT (EAST NORTHAMPTONSHIRE COUNCIL CONSULTATION)**

**13. EXCLUSION OF PUBLIC AND PRESS**



THE CHAIR TO MOVE:

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

**SUPPLEMENTARY AGENDA**

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



## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 30 June 2015

**PRESENT:** Councillor Oldham (Chair); Councillor Lynch (Deputy Chair);  
Councillors Aziz, Davenport, Haque, Hill, Larratt, McCutcheon and  
Meredith

**OFFICERS:** David Hackforth (Interim Head of Planning), Rita Bovey  
(Development Manager), Ben Clarke (Planning Officer), Sinead  
Turnbull (Senior Planning Officer) and Theresa Boyd (Solicitor)

#### 1. APOLOGIES

Apologies for absence were received from Councillors Golby, Birch and Lane.

#### 2. MINUTES

The minutes of the meeting held on 9<sup>th</sup> June 2015 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

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

**N/2014/1272**

Mrs Flynn

**N/2015/0282**

Mr Patrick Conrad  
Ms Sally Haddon  
Mr Kieran Bodkin

**N/2015/0555**

Mr Andrew Jagoe  
Mr Dave Collins

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

The Chair informed Members that the Solicitor knew the applicant of Items 10C and 10E and that this should therefore be regarded as a personal and non-pecuniary interest.

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

The Development Manager updated Members on a resolution passed on 9<sup>th</sup> June 2015 in relation to the application N/2015/0415 for the construction of a 2.5 kilometre dual carriageway (A43 Bypass) and associated landscaping, drainage and infrastructure works – Consultation by Northamptonshire County Council.

It was noted that additional information had been received from the County Council regarding the matter which had been circulated as part of the addendum. Following the Planning Committee's objection to the proposed re-connection of Thorpeville to the existing alignment of the A43 and the possibility of it becoming a 'rat-run', the County Council had proposed additional traffic calming measures along Thorpeville. It was noted that it was a Matter of Urgency due to the fact that feedback needed to be given to the County Council by the 7<sup>th</sup> of July.

**RESOLVED:** That the additional traffic calming measures were welcomed but the County Council be informed of the objections expressed previously regarding this element of the scheme would remain in place.

**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/2014/0823 erection of a 1-bed dwelling (fronting Elizabeth Street) at land rear of 74 Lower Thrift Street had since been dismissed. She advised that the details of the decision are available on the Borough Council website.

She also informed the Committee that the Brackmills South SUE (Hardingstone) public inquiry was scheduled to be reconvened on the 29<sup>th</sup> and 30<sup>th</sup> of July 2015. The public inquiry for Northampton South SUE (Collingtree) was scheduled to start on the 1<sup>st</sup> of December 2015.

**RESOLVED:** That the report be noted.

**7. OTHER REPORTS**

**(A) VARIATION OF S106 AGREEMENTS PURSUANT TO PLANNING PERMISSIONS N/2004/0930 HARVEY REEVES ROAD AND N/2004/0931 SOUTHERN DEVELOPMENT LINK ROAD**

The Development Manager, elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was explained that approval was being sought for authority to be delegated to the Director of Regeneration, Enterprise and Planning to vary the S106 agreements as set out in the report.

The Committee discussed the report.

**RESOLVED:** That authority be delegated to the Director of Regeneration, Enterprise and Planning to vary the Section 106 agreements to amend and expand the location of the off-site habitat mitigation area and allow the remaining CCTV funds to be utilised on either the implementation and/or subsequent maintenance of the off-site habitat mitigation.

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

There were none.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

### **(A) POND EXCAVATION AND TWO SHALLOW SCRAPES, LINKED IN SEQUENCE BY SHORT DITCHES WITHIN THE FIELD. WETLAND HABITAT SITE, DUSTON MILL LANE**

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. She referred the Members to the additional information contained within the addendum. She confirmed that as the outstanding comments from the remaining consultee River and Canal Trust had been received, the recommendation was amended to APPROVAL subject to conditions.

The Committee discussed the report.

### **RESOLVED:**

That **APPROVAL** be given subject to the conditions as set out in the report and for the following reason:

- 1.1 The proposed development would lead to a net increase in biodiversity, would off-set ecological impacts associated with the historic construction of the Southern Development Link Road from Upton Way to St James Mill Road and would not increase flood risk in the area. The proposal is in accordance with policies BN1, BN2 BN7, BN8 and S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the requirements of the NPPF.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2014/1272 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPANCY FOR FOUR PEOPLE (USE CLASS C4) 84 TURNER STREET**

The Senior Planning Officer submitted a report of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the application was for planning permission to change the use to a House in Multiple Occupation (HIMO) for four people.

Mrs Flynn, as the next door neighbour, addressed the Committee and stated she objected strongly to the proposed application and stated that it would have a detrimental effect on the local amenities. She commented that the houses in the street were modest in size and as such attracted first time buyers and families to the

area. She also expressed concerns that there would be more vehicles associated with the HMO and that on street parking was already a problem in the area.

In response to questions asked by the Committee, Mrs Flynn confirmed that on street parking was already a concern and a problem in the street and also stated that whilst there were a number of bus stops in close proximity to the property, the bus service itself was very limited, the last service being mid-afternoon.

In response to questions asked by the Committee, the Senior Planning Officer commented that it would not be reasonable to put conditions on the application relating to noise issues as this would be dealt with under Building Regulations and Environmental Health legislation.

Members of the Committee discussed the report.

**RESOLVED:**

That the application be **REFUSED** for the following reasons:

- 1) By reason of the nature of the surrounding land uses, Turner Street and the surrounding road network are already heavily trafficked. As a consequence of the use of the property and without any on-site car parking provision, the proposal would exacerbate the existing parking provision in the area to the detriment of highway safety. The proposal therefore fails to comply with the requirements of the National Planning Policy Framework and Policy H30 of the Northampton Local Plan.
- 2) By reason of the loss of a dwelling that could be occupied as a single small scale family home, the development would fail to ensure the provision of an adequate mixture of house types within the area which fails to comply with the requirements of the National Planning Policy Framework; Policies H5 and S10 of the West Northamptonshire Joint Core Strategy; and Policy H30 of the Northampton Local Plan.

Councillor Larratt requested that should an application require a parking survey to be conducted, that in future, this be done before it is brought before the Committee.

**(B) N/2014/1291- ERECTION OF 34 NEW DWELLINGS COMPRISING 10NO. 1 BED FLATS, 14NO. 2 BED HOUSES AND 10NO. 3 BED HOUSES AND ASSOCIATED ACCESS ROADS. DEVELOPMENT LAND BETWEEN TALAVERA WAY AND BOOTH RISE.**

This item was withdrawn from the agenda.

**(C) N/2015/0282 - CHANGE OF USE TO 3NO ONE-BED APARTMENTS TOGETHER WITH TWO STOREY REAR EXTENSION. 15 BEACONSFIELD TERRACE**

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Attention was drawn to further information contained within the addendum.

Mr Patrick Conrad, a local resident and member of 'Friends of the Racecourse' spoke against the application, citing the size of the property as being unsuitable for conversion, there was ongoing problem of refuse on the street, a lack of parking spaces, and could potentially increase parking demand if converted and concerns regarding access of emergency vehicles accessing the whole road.

In response to questions asked by the Committee, Mr Conrad explained that the proposed flats would be very small and raised concerns about the current permitted use of the property.

Ms Sally Hadden, resident of Watkins Terrace, spoke against the application and expressed concerns and noted that the creation of flats could potentially increase the number of vehicles associated with the property and stated that it would likely to increase the amount of rubbish. She also noted that if converted into flats it would be highly unlikely that in the future it would revert back to a family home.

Mr Kieran Bodkin, owner of the property, spoke in favour of the application. He explained that he had purchased the property 8 years ago and it was an HMO when bought. He stated that the property was in need of a complete refurbishment and converting it into 3 flats was a preferable option.

In response to questions asked, Mr Bodkin confirmed that 3 flats could home up to 6 people and that he would be responsible for maintaining the properties. He confirmed that he did not have a license with the Borough Council for the HMO.

The Committee discussed the report.

#### **RESOLVED:**

That **APPROVAL** be granted subject to the conditions as set out in the report and for the following reason:

The proposed development would have no adverse impact on the character of the street or conservation area, would not result in significant additional demand for parking and would not affect the amenities of adjoining occupiers. The proposal thereby conforms with Policies S1 and H1 of the West Northamptonshire Joint Core Strategy, Policies E20, H6, H21, H23 and H24 of the Northampton Local Plan and the National Planning Policy Framework.

Councillor Larratt asked that the Council investigate the current licensing status of the HMO.

**(D) N/2015/0431 -LAYING OF HARD SURFACE AND CREATION OF SEATING AREAS WITH ASSOCIATED LANDSCAPING TO FORM MEMORIAL GARDEN. TOWCESTER ROAD CEMETERY, TOWCESTER ROAD**

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED** subject to the conditions as set out in the report and for the following reason:

The proposal would be in keeping with the character and appearance of the site and the surrounding area; it would not have a detrimental impact on the setting of the grade II listed building. The proposed development is considered to be in accordance with Policy E20 of the Northampton Local Plan and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework.

**(E) N/2015/0555 - PROPOSED SINGLE STOREY EXTENSION TO REAR, TWO-STOREY FRONT EXTENSION, A NEW FIRST FLOOR WINDOW IN SIDE ELEVATION, ALTERATIONS TO FIRST FLOOR REAR WINDOWS AND FRONT PORCH (PART-RETROSPECTIVE). 14 WOODLAND AVENUE**

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Attention was drawn to further information contained within the addendum. She confirmed that an additional objection letter had been received from 27 Lime Avenue and the objections submitted by the occupiers of 13 and 16 Woodland Avenue had been circulated to all Members of the Planning Committee.

Mr Andrew Jagoe, next door neighbour, spoke against the application and explained that the applicant had breached the original planning permission and a similar proposal had previously been declined by the Planning Committee.

Mr Dave Collins, spoke on behalf of the applicant and spoke in favour of the application. He commented that he was responsible for not getting the appeal submitted on time and it was not intentional. He further commented that materially, the impact on the nearby properties was very limited.

The Committee discussed the report.

**RESOLVED:**

That the application be **REFUSED** for the following reasons:

The development would have a detrimental impact on the amenity of neighbouring residents due to overshadowing and loss of light. This would be contrary to Policy S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H18 of the



Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

The Chair confirmed that as planning permission had been refused, the single storey extension at the back was unauthorised development. The applicant has a right of appeal against the refusal of permission within 12 weeks of the Council's decision. If after the 12 week period no appeal has been submitted, the Council shall carry out enforcement action to ensure that the height of the rear extension is reduced to a level allowed under planning permission N/2014/0311 granted in May 2014.

#### **11. ENFORCEMENT MATTERS**

There were none.

#### **12. ITEMS FOR CONSULTATION**

There were none.

The meeting concluded at 8.25pm.



Directorate: Regeneration, Enterprise and Planning  
Director: Steven Boyes

**List of Appeals and Determinations – 28<sup>th</sup> July 2015**

**Written Reps Procedure**

Application	DEL/PC	Description	Decision
<b>N/2014/0772</b> APP/V2825/W/15/3011903	PC	Erection of two detached houses with vehicular crossovers at land adjacent to 8 Quinton Road, Wootton	<b>AWAITED</b>
<b>N/2014/1054</b> APP/V2825/W/15/3028094	DEL	Listed Building Application for new balcony to front elevation at first floor at 15 Albion Place	<b>AWAITED</b>
<b>N/2014/1055</b> APP/V2825/W/15/3008861	DEL	New balcony to front elevation at first floor at 15 Albion Place	<b>AWAITED</b>
<b>N/2014/1123</b> APP/V2825/W/15/3002726	DEL	Application to vary condition 4 of planning permission N/2010/0887 to allow opening hours of Sunday to Thursday 1200 to 2300 and Friday to Saturday 1200 to 0100 at 200 Wellingborough Road	<b>AWAITED</b>
<b>N/2014/1292</b> APP/V2825/D/15/3017293	DEL	Proposed conservatory at 16 Lanercost Walk	<b>AWAITED</b>
<b>N/2015/0211</b> APP/V2825/X/15/3063787	DEL	Lawful Development Certificate for an existing single storey rear extension at 69 Raeburn Road	<b>AWAITED</b>

**Public Inquiry**

<b>N/2013/0338</b> APP/V2825/A/14/2228866	PC	Site at Land to East of Hardingstone, North of Newport Pagnell Road - Outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (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 – <b>Public Inquiry to resume on 29<sup>th</sup> July and end on 30<sup>th</sup> July at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>
<b>N/2013/1035</b> APP/V2825/W/15/3028151	PC	Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved accept access, land south of Rowtree Road and west of Windingbrook Lane – <b>Public Inquiry to begin on the 1<sup>st</sup> of December at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>
<b>N/2013/1063</b> APP/V2825/W/15/3028155	PC	378 dwellings served by a new access from Windingbrook Lane, and the re-configuration of part of the Collingtree Park Golf Course including a new temporary hole 17 and the demolition of all existing buildings and structures within the site, green infrastructure including formal and informal open space, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements), land south of Rowtree Road and west of Windingbrook Lane - <b>Public Inquiry to begin on the 1<sup>st</sup> of December at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>

Hearing			
		None	
Enforcement Appeal			
		None	

<p>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.</p>	<p>Appeal decisions can be viewed at - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a></p>
<p>Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed</p>	<p>Author and Contact Officer Mrs Rita Bovey, Development Manager Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE</p>



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015

**DIRECTORATE:** Regeneration, Enterprise and Planning

**DIRECTOR:** Steven Boyes

**REPORT TITLE:** Variation of s106 agreement dated 13<sup>th</sup> March 2015 pursuant to planning application N/2014/0155 (Development of 45 apartments) on land at Old Towcester Road

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## 1. RECOMMENDATION

1.1 That the Committee **agree** to delegate authority to the Director of Regeneration, Enterprise and Planning to vary the Section 106 agreement to accept off-site contribution towards provision of affordable housing.

## 2. BACKGROUND

2.1 As part of planning application N/2014/0155, for the development of 45 residential flats, the developer entered into a legal agreement to secure planning obligations to mitigate the adverse impacts of the development.

2.2 The Section 106 agreement was completed on 13<sup>th</sup> March 2015 between Northampton Borough Council, Northamptonshire County Council, Bellway Homes Limited and The Canal and Rivers Trust.

2.3 Under the terms of the agreement, the developer Bellway Homes are obligated to provide a number of affordable housing units as an integral part of the development. Bellway are required to market those units to affordable housing providers for a defined marketing period prior to the occupation of 36 dwellings.

2.4 Firstly, the developer is required to market 5 affordable rented units to providers for a period of three months. Affordable rented units are flats which would be rented out for no more than 80% of the local market rent.

- 2.5 If, following the initial marketing period, no affordable housing provider has taken up this offer the developer is required to additionally market 9 units, as discounted sale units, at a price which is 70% of the open market value.
- 2.6 Should no agreement be able to be made with an affordable housing provider, the agreement makes provision for the payment to the council of an off-site affordable housing contribution of £250,000 to be used toward the provision of affordable housing in Northampton.
- 2.7 Bellway commenced the first marketing period on 5<sup>th</sup> June 2015, offering each of the registered providers either of the options. The Council has also assisted by providing a list of affordable housing providers. So far they have received responses from 8 providers of which copies have been provided to the Council. Unfortunately, none of the providers are interested in either of the options for a number of reasons including too few units and the units are too large for their requirements.

### **3. PROPOSED VARIATION**

- 3.1 Section 106A of the Town and Country Planning Act 1990 allows a planning obligation to be modified by agreement between both parties. As such Bellway Homes have requested the Borough Council voluntarily agree to a variation of the planning obligations.
- 3.2 Bellway suggest continued marketing is likely to prove unsuccessful as they have approached the major providers in the area. The negative stance of the providers is unlikely to change in the coming months. As such they request that the council agree to the removal of obligation to undertake continued marketing, bringing to an end the period(s) of marketing and allowing immediate payment of the off-site contribution.

### **4. CONCLUSION**

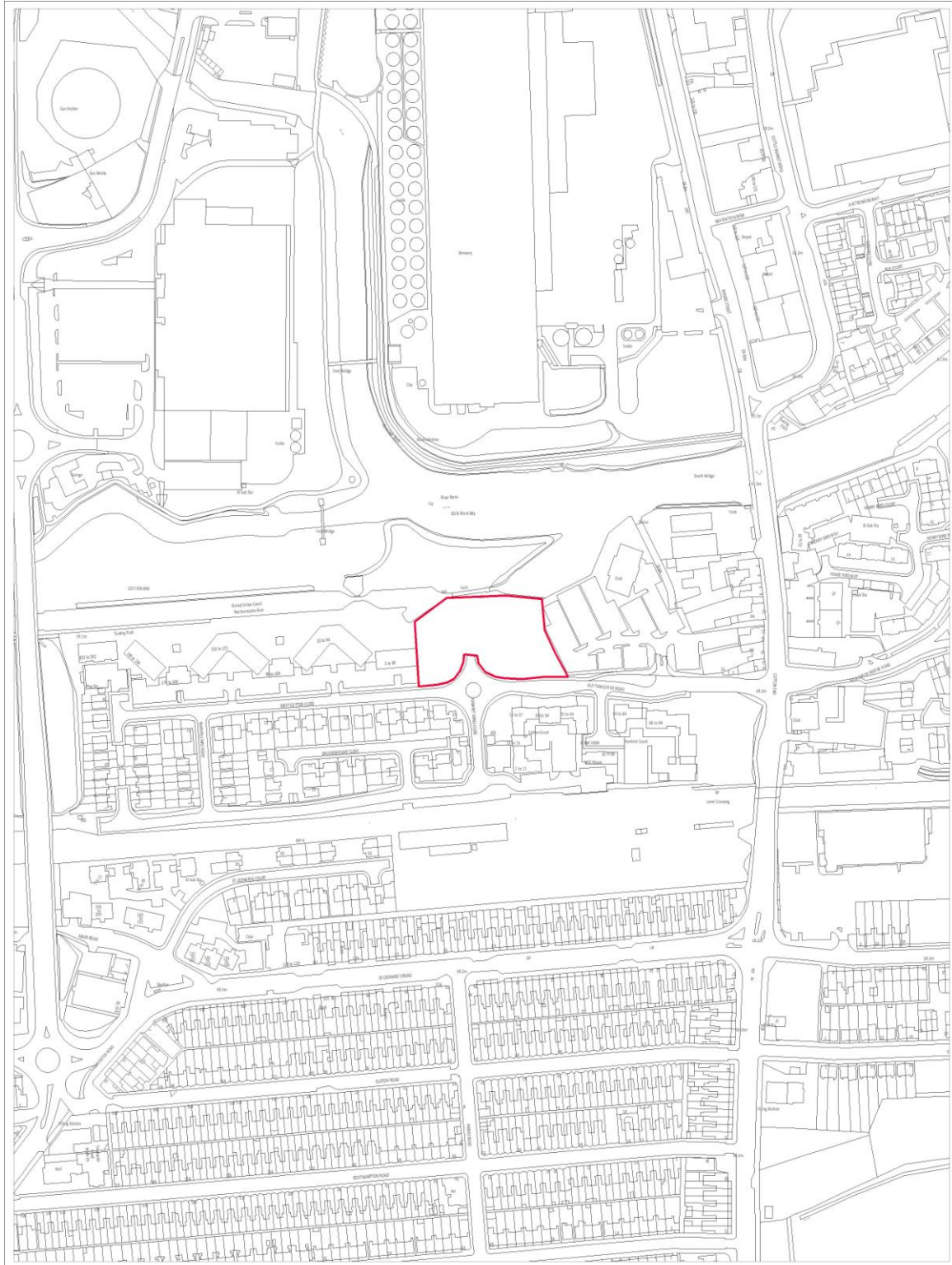
- 4.1 Evidence has been presented to the Council to confirm that Bellway has undertaken a period of marketing to affordable housing providers and that there has been a lack of interest in taking the affordable housing. Officers also agree that Bellway has marketed of the affordable housing units and that the responses show that the prospect of uptake by providers is unlikely.
- 4.2 Payment of the off-site contribution will allow the delivery of appropriate affordable housing in Northampton and therefore the impact of the development can be mitigated. It is therefore considered that the request is reasonable and recommended that Members agree to delegate authority to the Director of Regeneration, Enterprise and Planning to vary the Section 106 agreement as set out in this report.

**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.



Name: **Site Location Plan**  
 Date: **13th July 2015**  
 Scale: **1:3000**  
 Dept: **Planning**  
 Project: **Planning Committee**

Title

## Bellway Homes Development Land, Old Towcester Rd

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**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes  
**REPORT TITLE:** Amendments to the Reasons for Refusal

**N/2013/1035:** Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved except access at land south of Rowtree Road and West of Windingbrook Lane

and

**N/2013/1063:** Full Application for 378 dwellings served by a new access from Windingbrook Lane, and the re-configuration of part of the Collingtree Park Golf Course including a new temporary hole 17 and the demolition of all existing buildings and structures within the site, green infrastructure including formal and informal open space, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) at land south of Rowtree Road and West of Windingbrook Lane

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## 1. RECOMMENDATION

1.1 That Members **agree** to the amendments to the reasons for refusal for both applications N/2013/1035 and N/2013/1063 as follows:

(1) The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative



impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in Northampton. The proposed development would therefore be contrary to the policies of the National Planning Policy Framework and Policies C2, INF1, INF2, N1 and N5 of the West Northamptonshire Joint Core Strategy.

(2) The proposed development would introduce unacceptable impact on residential and general amenity due to the increase in traffic on the local highway network contrary to the policies of the National Planning Policy Framework and Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

(3) The proposed development site is located within close proximity of the M1 motorway. The noise mitigation measures proposed fail to demonstrate that a satisfactory residential environment could be created for the future residents of the proposed development detrimental to residential amenity and contrary to the policies of the National Planning Policy Framework and Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

(4) Due to the proximity of Village 1 and the historic settlement of Collingtree Village, the proposed development would fail to preserve the setting of Collingtree Village Conservation Area and the Grade II\* listed St Columba's Church, contrary to the policies of the National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy.

## **2. PURPOSE OF REPORT**

- 2.1 This report seeks Planning Committee's agreement to amend the refusal reasons following the Committee resolution to refuse the application proposals on 28<sup>th</sup> January 2015.
- 2.2 The applications are currently the subject of appeals to be dealt with by Public Inquiry scheduled to commence on 1<sup>st</sup> of December 2015. Queen's Counsel acting on behalf of the Council has advised that the amendments to the refusal reasons should be considered by Planning Committee.

## **3. BACKGROUND**

- 3.1 The outline planning application N/2013/1035 (for development of up to 1,000 dwellings) and the full planning application N/2013/1063 (the development of 378 dwellings) on land to the south of Rowtree Road and west of Windingbrook Lane, Collingtree were considered by the Planning Committee on 28<sup>th</sup> January 2015. The Committee resolved to refuse planning permissions for the following reasons:

(1) The proposed development is contrary to the resolution of Northampton Borough Council on 19th January 2015 to confirm an objection to the identification of the site for the development of 1,000 dwellings in Policy N5 (Northampton South SUE) of the West Northamptonshire Joint Core Strategy.

(2) The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in

Northampton. The proposed development would therefore be contrary to the objectives of the National Planning Policy Framework and Policy C2 of the West Northamptonshire Joint Core Strategy.

(3) The proposed development would introduce unacceptable impact on residential and general amenity due to the increase in traffic on the local highway network contrary to the objectives of the National Planning Policy Framework and Policy S10 of the West Northamptonshire Joint Core Strategy.

(4) The proposed development site is located within close proximity of the M1 motorway. The noise and air quality mitigation measures proposed fail to demonstrate that a satisfactory residential environment could be created for the future residents of the proposed development detrimental to residential amenity contrary to the objectives of the National Planning Policy Framework and Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

(5) Due to the proximity of Village 1 and the historic settlement of Collingtree Village, the proposed development would fail to safeguard the setting of Collingtree Village and Collingtree Village Conservation Area, contrary to the objectives of the National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy.

#### **4. Current Situation**

- 4.1 Appeals were lodged on 22<sup>nd</sup> of May 2015 in relation to the refusals of the planning applications. The appellant Bovis Homes Ltd have asked that the appeals are to be considered by way of a public inquiry, scheduled to commence on 1<sup>st</sup> of December 2015.
- 4.2 The Council needs to adhere to a very strict time table set by the Planning Inspectorate in terms of submitting relevant documentations prior to the public inquiry. The Council needs to submit its Statement of Case to the Planning Inspectorate by 7<sup>th</sup> of August 2015.
- 4.3 The Council has engaged a leading barrister and a team of independent consultants to defend the Council's decisions to refuse planning permission and to act as expert witnesses at the forthcoming public inquiry.
- 4.4 Following a recent conference with the appeal team, and in line with NPPG advice to review cases early in the appeal process, Officers have been strongly advised that out of the 5 original reasons for refusal, reason 1 would need to be removed and reasons 2, 3, 4 and 5 would need to be amended in order to avoid the Council defending reasons for refusal which cannot be substantiated with sound evidence. Removing and amending the reasons as proposed will avoid both the Council and the appellant incurring unnecessary costs through the appeal process.

#### **5. Government Guidance of Appeal Process**

- 5.1 The National Planning Practice Guidance (NPPG) published by the Government advises that all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. It also encourages Local Planning Authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay.

- 5.2 The NPPG guidance is that Local Planning Authorities are at risk of costs awarded against them for failure to produce evidence to substantiate each reason for refusal on appeal and for not reviewing their case promptly following the lodging of an appeal against refusal of planning permission, as part of sensible on-going case management.

## **6. Amendments to Reasons for Refusal**

### Reason 1

- 6.1 The West Northamptonshire Joint Core Strategy (JCS) was adopted by the West Northamptonshire Joint Strategic Planning Committee in December 2014. Following adoption the JCS forms part of the development plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. No legal challenge was made by Northampton Borough Council, South Northamptonshire Council and Daventry District Council to the adoption of the JCS.
- 6.2 Although the resolution of the Full Council on 19<sup>th</sup> of January 2015 to object to Policy N5 of the JCS was a material consideration in the determination of this application, and the weight to be given to material considerations is ultimately a matter for the decision maker, the advice from the Queen's Counsel was that very limited weight could be afforded as the JCS has been very recently adopted and forms part of the development plan. On the basis of the clear advice given Officers consider that it would not be reasonable to pursue Reason 1 given the weight that can be afforded to the resolution in comparison with Policy N5 of the JCS. To pursue Reason 1 would put significant risk of costs being awarded against the Council.

### Reason 2

- 6.3 The reason remains substantially the same but with minor adjustment to wording and with the addition of relevant Development Plan policies.

### Reason 3

- 6.4 The reason remains substantially the same but with minor adjustment to wording and with the addition of relevant Development Plan policy.

### Reason 4

- 6.5 Independent advice from a specialist air quality consultant has been sought, which concludes that based on their assessment and the information submitted by the applicant as part of the Environmental Statement, there is no evidence to substantiate the refusal of the applications on the grounds of air quality. The consultant has confirmed that:

- 1) The air quality assessment which accompanied the planning application was robust and used current best practice guidance and assessment tools;
- 2) The review undertaken by the Environmental Health Officer was thorough and considered all of the relevant points made in the application and in the subsequent correspondence;

3) Levels of pollutants in the area are generally showing some reduction over the longer term and continuing improvements in vehicle emission and Council measures to improve air quality are likely to ensure that this remains the case;

4) That the impacts are negligible once mitigation is in place (which should be detailed in a Construction Environmental Management Plan for dust and a 'mitigation statement' for air pollutants). The mitigation could be secured by the Council by the imposition of conditions on the planning permissions if the appeals were allowed by the Secretary of State.

It is proposed to amend the reason to remove reference to air quality mitigation measures.

6.6 The reason for refusal also refers to noise mitigation measures, and this element will remain substantially the same with minor adjustment to wording.

#### Reason 5

6.7 The reason remains substantially the same but with minor adjustment to wording to make reference to the Grade II\* listed St Columba's Church which is an important component of the Collingtree Village Conservation Area.

6.8 In addition, the reference to the setting of Collingtree Village was a drafting error and is recommended to be removed.

### **7. Main Options**

7.1 The Council defends the appeals in so far as Reasons for Refusal 2 (minor adjustment to wording and additional development plan policies), 3 (minor adjustment to wording and additional development plan policy), 4 (removal reference to air quality) and 5 (with reference to the Grade II\* listed church and deletion of reference to Collingtree Village).

### **8. Other Options Considered**

8.1 Proceed with the appeals on the basis of defending all 5 reasons for refusal. This would put the Council at risk of an award of costs against it on the grounds of unreasonable behaviour by pursuing objections that it is unable to provide evidence to support or provide a reasonable basis to justify. The Council will also incur its own additional costs in supporting these reasons. This option is therefore not considered appropriate.

### **9. CONCLUSION**

9.1 Members' agreement on the suggested amendments to the refusal reasons will provide clarity and best enable Officers and the appeal team to defend the Council's decisions at the public inquiry.

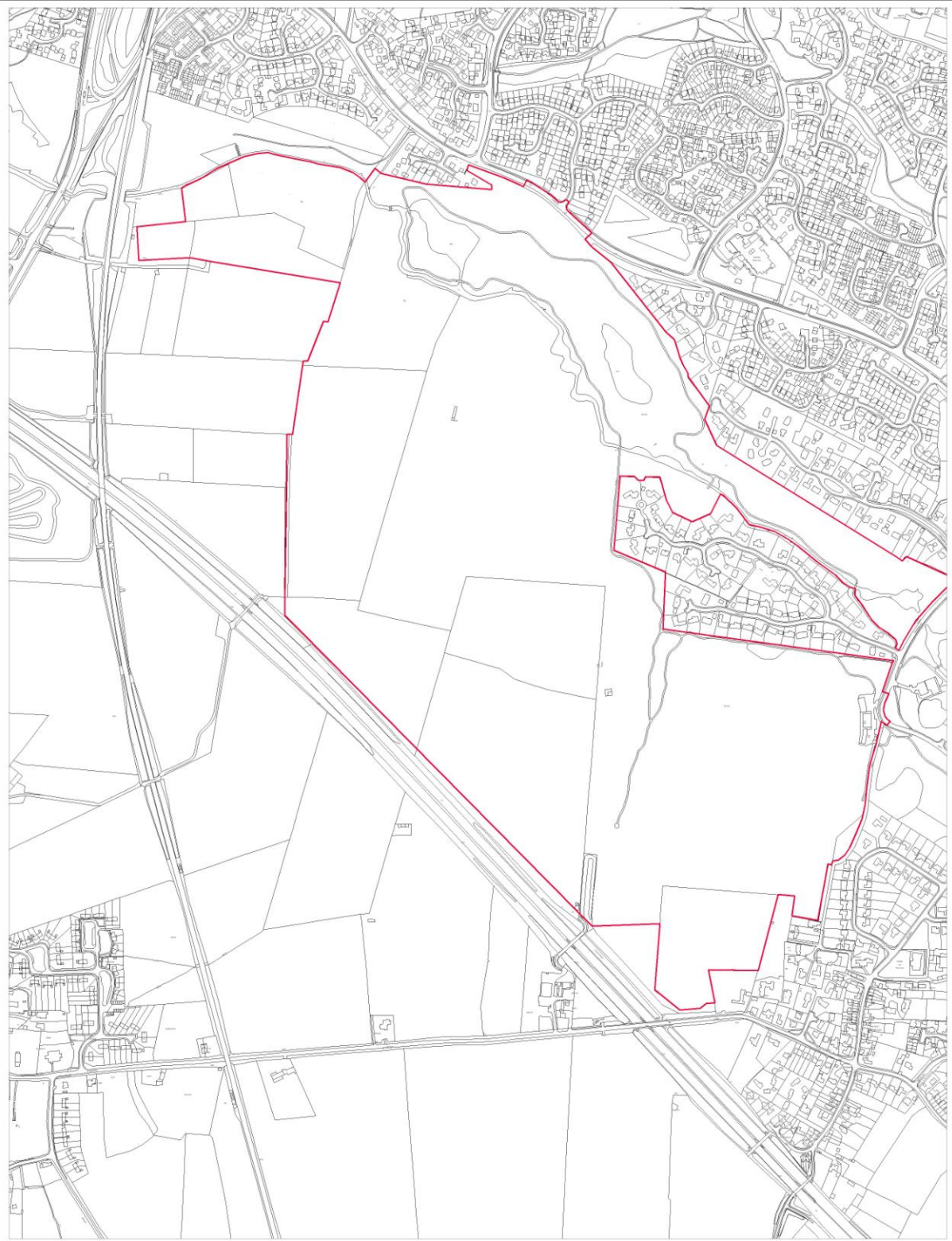
### **10. LEGAL IMPLICATIONS**

10.1 As set out in the report.

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

11.1 In reaching the attached recommendations regard has been given to securing the

objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: **Site Location Plan**  
Date: **13th July 2015**  
Scale: **1:8000**  
Dept: **Planning**  
Project: **Planning Committee**

Title

## Land south of Rowtree Rd & West of Windingbrook Lane

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## Addendum to Agenda Items Tuesday 28<sup>th</sup> July 2015

### 7. OTHER REPORTS

7a

Variation of s106 agreement dated 13<sup>th</sup> March 2015 pursuant to planning application N/2014/0155 (Development of 45 apartments)  
Land at Old Towcester Road

No update.

7b

N/2013/1035 and N/2013/1063 – Amendments to the reasons for refusal for outline and full planning applications – Northampton South (Collingtree) SUE  
Land south of Rowtree Road and west of Windingbrook Lane

No update.

### 10. ITEMS FOR DETERMINATION

10a

N/2014/1291

Erection of 35 dwellings comprising 10 one bedroom flats, 15 two bedroom houses; and 10 three bedroom houses with associated access roads  
Land between Booth Rise and Talavera Way

Three objections have been received from occupiers of Booth Rise. Comments can be summarised as:

- The site is unsuitable for residential developments and would be affected by noise and pollution.
- The proposed development would result in a loss of trees.
- Booth Rise features narrow footpaths that are widely used.
- Booth Rise also features a significant amount of speeding traffic and is heavily used.

#### Officers Response:

Previous consideration of this proposal established that the principle of the developing this site for 35 dwellings was acceptable. In addition, this process established that 35 dwellings would not have an undue detrimental impact upon the surrounding highway system. In addition, the legal agreement would secure highways mitigation in the form of physical works and bus shelters. The applicant has submitted revised air quality and noise assessments, which conclude that the residents of the development would not be adversely affected by noise or poor air quality.

10b

N/2015/0335

Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works  
Land at Milton Ham, Towcester Road

Amendment to Committee Report:

21

Section 2 of the Committee Report erroneously states that there would be 66 parking spaces for heavy goods vehicles and that the footprint of the building is 46,651m<sup>2</sup>. Members should be aware that the application includes 86 HGV parking spaces and the footprint of the building is 47,709m<sup>2</sup> (comprising the warehouse, the office building and the 'goods in' building, but excluding matters such as canopies and other ancillary structures).

A letter has been received from **David Mackintosh (MP for Northampton South)** expressing support for the development due to the combined developments proposed by the applicant representing over £100m worth of investment in the town and providing over 1,000 new jobs.

The Milton Ham site is an ideal location for a logistics centre and benefits from a long term allocation for such uses. A number of amendments have been made to the scheme to address many of the concerns raised by local residents.

A further **11 letters of objection** have been received. Comments can be summarised as:

- A mixed use development would be more appropriate for this location.
- This site should not be developed for a warehouse of the proposed scale.
- The design is inappropriate.
- The development would have an adverse impact upon neighbour amenity and the adjacent open space.

Comments from the West Hunsbury Residents Association have been submitted in respect of the Committee Report. These comments and responses are included within **Appendix 1** of this addendum.

Correspondence from the applicant has been received, which comments upon the amount of weight that can be attached to Policy E6 of the Northampton Local Plan as it has been replaced by the JCS.

**Officers Response:**

Policy E6 of the Local Plan allocated part of the site as green space. However, this policy has been replaced by the Joint Core Strategy and specifically Policy BN1. For the reasons set out in paragraph 7.4 of the Committee Report, it is considered that as Policy BN1 carries substantially more weight, the development is acceptable.

**Additional Condition (27):**

(27) Notwithstanding the details submitted, full details of the proposed boundary treatment (including heights) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a secure form of development in accordance with the requirements with the National Planning Policy Framework.

**10c**

**N/2015/0419**

**Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road Bective Works / Jebez House, Bective Road / Yelvertoft Road**

Correspondence has been received from the applicant (which has been circulated to members and made available on the Council's website), which comments on the Inspector's findings at the recent appeal and details how these matters have been overcome through the current proposal.



**10d**

**N/2015/0438**

**Phased demolition of existing buildings and redevelopment to provide new headquarters and other offices (including related storage) within Class B1, shop (Class A1), gym (Class D2), with related access, parking, servicing and landscaping  
Lodge Way House, Mandal House and Harveys Site, Lodge Way**

Members should be aware that a small section of the Harveys site is owned by Northampton Borough Council. This does not affect the merits of the proposal as any planning permission runs with the land and each application should be assessed on its own merits; however, the land ownership position should be noted.

A letter has been received from **David Mackintosh MP** expressing support for the development due to the combined developments proposed by the applicant representing over £100m worth of investment in the town and providing over 1,000 new jobs.

Correspondence has been received from the applicant confirming that the number of existing employees quote in the application package is 985, which was forecast to rise to 1,200 when the new HQ offices open and 2,000 within five years. This means that the scheme would generate 1,015 jobs in total; of which 215 would be upon opening of the new HQ offices. The applicant has also confirmed that the plant and equipment will be surrounded by a louvred enclosure.

**Officers Response:**

The confirmation relating to job numbers should be noted. Whilst the louvred enclosure would provide some mitigation, Condition 11 is still required in order to provide certainty.

**Revision to Condition 8:**

No development on each phase shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the National Planning Policy Framework. This condition is required in order to ensure the mitigation of flood risk in a timely manner.

**10e**

**N/2015/0478**

**Change of use from dwelling (use class C3) into a house in multiple occupation (HIMO) for 4 residents (use class C4) - retrospective application  
66 Military Road**

No update.

**10f**

**N/2015/0505**

**Change of use from a dwelling (use class C3) to a house in multiple occupation (HIMO) for up to 4 residents (use class C4) – retrospective application  
68 Military Road**

No update.

**10g**

**N/2015/0554**

**Change of use from existing dwelling (use class C3) to a house in multiple occupation (HIMO) for 4 residents (use class C4)**

**83 Overstone Road**

No update.

**10h**

**N/2015/0561**

**Change of use from single dwelling (use class C3) to house in multiple occupation (HIMO) for 5 residents (use class C4) - retrospective application**

**76 Somerset Street**

**Amendment to Committee Report:**

There is one other HIMO within the 50m radius, that at 75 Somerset Street, which is subject to the application considered under Item 10j.

**10i**

**N/2015/0625**

**Change of use from dwelling (use class C3) into house in multiple occupation (HIMO) for 5 residents (use class C4) – retrospective application**

**29 Poole Street**

No update.

**10j**

**N/2015/0630**

**Change of use from dwelling (use class C3) into a house in multiple occupation (HIMO) for 3 residents (use class C4) – retrospective application**

**75 Somerset Street**

**Amendment to Committee Report:**

There is one other HIMO within the 50m radius, that at 76 Somerset Street, which is subject to the application considered under Item 10h.

**12. ITEMS FOR CONSULTATION**

**12a**

**N/2015/0730**

**Variation of planning conditions for the Rusden Lakes Development (East Northamptonshire Council Consultation)**

No update.

# Appendix 1 – Comments received in respect of N/2015/0335

## Response to Planning Officers Report N/2015/0335 Milton Ham West Hunsbury

The West Hunsbury Residents Association believes that the officer's report in respect of the above application is not fit for purpose as it fails the test of being comprehensive, accurate and balanced.

Below are examples where councillors are not being presented with correct or appropriate information to enable them to make a sound decision.

<p><b>TITLE</b></p>	<p>DEPARTURE            Yes</p> <p>We understand that this signifies that the recommendation is a departure from the policy framework.</p> <p>The report fails to identify the policy that is being disregarded, nor does it provide clear and specific reasons to deviate from the planning policy framework.</p> <p><b>Officer's Response:</b></p> <p>The purpose is to identify that the development is a departure from the designation of the Local Plan. The specific policy requirements are discussed within the body of the report.</p>
<p><b>Section 2 The Proposal</b></p>	<p>At a basic level the report fails to accurately report on factual aspects of the proposal.</p> <ul style="list-style-type: none"> <li>• Para 2.1 states <b><i>“The building would have a footprint of approximately 46,651sqm with a maximum height of 18.3m.</i></b> The footprint is actually 49,270sqm or 47,411 excluding offices which are attached. The maximum height is 19.1m</li> <li>• Para 2.2 states <b><i>“the scheme includes the provision of 66 parking spaces for use by large heavy goods vehicles”</i></b> the number is 20 to the west and 66 to the east, a total of 86.</li> </ul> <p>Inaccuracies of this sort do not give confidence to the reader of the quality of the rest of the report.</p> <p><b>Officer's Response:</b></p> <p>The total number of HGV parking spaces should be 86, there is a topographical error as the number and location of spaces are clearly shown on the submitted plans. The height of the building stated within the report accords with the details contained on the submitted elevation drawings.</p> <p>It is accepted that there is a comparatively slight understatement regarding the footprint of the proposed building as the combined footprint of the warehouse, the office building to the front of the site and the 'goods in' office to the rear of the site is approximately 47,709 square metres (as opposed to 46,641 square metres) . This will be corrected on the addendum. Items such as canopies and other ancillary structures such as smoking shelters are not included within this figure as these are of a comparatively small scale, have a limited footprint and are intended to aid the operation of the development.</p>
<p><b>Section 3 Site Description</b></p>	<p>The site description should provide councillors with a “descriptive visual context” of the proposed development site. The description provided in the report is inaccurate and biased.</p>

	<ul style="list-style-type: none"> <li>• This section makes no reference to the land being a buffer between the residential community of West Hunsbury built in the 1980's consisting of some 2,000 houses.</li> <li>• Para 3.3. implies sparsely scattered houses using the words <b>“beyond these are a number of residential dwellings”</b>.</li> <li>• Para 3.4 states <b>“does not feature any significant variations in topography, it is notable that the general site level slopes downwards”</b>. In fact the site has a change in level of 7 metres which is a material consideration when the proposed development is a building with a single floor level.</li> </ul> <p><b>Officer's Response:</b></p> <p>This section clearly identifies that there is residential accommodation within the surrounding area, which is graphically illustrated by the site location plan, which is included within the report.</p> <p>The report is also clear that the site does slope downwards in an easterly direction. A committee site visit has also taken place.</p>
<p><b>Section 4 Planning History</b></p>	<p>Para 4.3 does not provide an accurate description of the Inspector's main conclusions.</p> <p>The inspector basically concluded that a building on this site should not require bunding to hide it from local residents. The inspector went on to say that development should blend into the natural landscape.</p> <p>Councillors have not been provided with an accurate account of the inspector's report</p> <p><b>Officer's Response:</b></p> <p>In dismissing the appeal, the Inspector concluded that the only means of overcoming the proposed buildings' poor design would be through extensive landscaping work, which would result in harm to the landscape. As a consequence, it is considered that the report accurately summarises the Inspector's findings.</p>
<p><b>Section 5 National Policies</b></p>	<p>The report cannot list all the national planning policies that could apply to the application under consideration but nor should the report selectively bring to the attention of the councillors the policies that support the recommendation and omit policies which are also material considerations.</p> <ul style="list-style-type: none"> <li>• Para 5.2 states <b>“however, the following sections are of particular relevance to this application”</b></li> <li>• Parar 5.3, 5.4 and 5.5 goes on to detail the policy objectives relating to economic development and jobs.</li> <li>• Para 5.6 <b>“places great weight upon the importance of design”</b> and Para 5.7 states <b>“new developments should not contribute towards or create an unacceptable impact upon noise and air pollution”</b></li> <li>• In just 6 paragraphs the report sets the apparent relevant national policies giving a very one sided perspective to councillors.</li> <li>• The report fails to bring to the attention of councillors (many of whom are new to planning) key national policies which are detailed in the JCS when considering NPPF.</li> <li>• Why does the report not bring to the councillors attention NPPF policies such as Para 61 which states. <b>“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”</b></li> </ul>

## Response to Planning Officers Report

N/2015/0335 Milton Ham West Hunsbury

	<ul style="list-style-type: none"> <li>• Or JCS Para 8.15 which points out that <b><i>“National policy strongly supports the movement of freight by rail which enables the modal shift away from road based transport”</i></b></li> <li>• We use these examples to demonstrate that councillors are being supplied with a one sided view of national policies which happen to support the officers recommendation.</li> </ul> <p><b>Officer’s Response:</b></p> <p>The report is clear that the National Planning Policy Framework is to be read as one complete document, rather than a series of unconnected policies; however, key parts of highlighted for ease of reference. It is correct in stating that paragraph 61 is not referenced; however, this paragraph expands upon the points raised within paragraph 57 (which is discussed in the report), which identifies the need for high quality and inclusive developments.</p> <p>References to rail travel are not of significant relevance in this particular instance as the site is, in part, allocated for commercial uses including warehousing and is not served by a railway line. As a consequence, the key matter for consideration is whether the development would have an adverse impact upon the movement of traffic in the area, highway safety and air quality. All of these matters are assessed in the report.</p>
<p><b>Section 5 West Northamptonshire Joint Core Strategy (2014)</b></p>	<p>The JCS developed over the last 8 years and approved in December 2014 provides the most relevant set of planning policies that should be brought to the attention of councillors.</p> <p>The policies detailed in just 4 paragraphs appear to have been selected to support the officer’s recommendation. Policies S7, S10 and BN1 are highlighted but the policies that relating to future development of Warehousing and Distribution have been ignored.</p> <ul style="list-style-type: none"> <li>• Why does the report not bring to the councillors attention Policy E8 relating to the Strategic Employment site at Junction 16?</li> <li>• Why does the report not advise the councillors that the JCS states in para 8.44 that <b><i>“The scale and extent of B8 (Storage or Distribution) uses will be carefully controlled.”</i></b></li> <li>• Or bring to the attention of councillors that in para 8.41 <b><i>“The West Northamptonshire Employment Land Study (2012 Review) demonstrates the substantial floor space available within the plan area over the plan period to support the economic objectives of the JCS.”</i></b></li> </ul> <p>There are many more JCS policies that residents believe should be brought to the councillor’s attention. Currently the report focuses on policies to support the recommendation and ignores any policy which might cause the planning committee to ask awkward but relevant policy questions.</p> <p><b>Officer’s Response:</b></p> <p>In assessing planning applications, it is necessary to reach a decision on whether the proposed development is acceptable within the selected location. If deemed acceptable, the fact that there may be an alternative location cannot be used as a reason for refusal. As a consequence of this, the presence of Policy E8 in the JCS (which allocates land adjacent to J16 of the M1) is not material to the application. It therefore follows that the cited JCS paragraphs – which form the preamble to Policy E8 are of limited weight.</p>

**Response to Planning Officers Report**  
**N/2015/0335 Milton Ham West Hunsbury**

<p><b>Section 5 Northampton Local Plan 1997 (saved or retained Policies)</b></p>	<p>Policy B11 is referred to in para 5.14.</p> <p>This policy has not been complied with comments on para 7.13 below refer.</p> <p><b>Officer's Reponse:</b></p> <p>See comments on Paragraph 7.13</p>	
<p><b>Section 6 Consultations and Representations</b></p>	<p>At first glance this appears to be the sort of summary that you would expect to be presented to councillors. The councillors rely on an accurate representation of the representations received but this has not been provided and therefore the councillors are being misled.</p> <p>The representation from the Parish council is acknowledged but appears to have been carefully edited. The main thrust of the Parish Council objections were provided in the first 5 reasons relating to planning policy in the JCS. As these policies were also omitted from Section 5 when setting out the JCS policy framework this appears to ignore these policies and representation that was made in response to this application.</p> <p>Planning Dept reports on previous applications have acknowledged and referred fully to submissions made by the West Hunsbury Residents Association. The WHRA made two detailed submissions of 28 and 7 pages respectively and neither is acknowledged in the report.</p> <p>The WHRA representations might have been included in the 218 letters of objection though this would be to underplay the extensive effort of presenting detailed planning consideration. Among other material considerations the WHRA submission provided objections regarding retained policies and the JCS which constitutes the current planning policy. None of the listed comments summarising the 218 letters makes reference to these policies and therefore the report is clearly incomplete and misleads the councillors.</p> <p>This appears to be another apparent misrepresentation of key material considerations that have been presented but are inconvenient to the narrative of the report which is to provide information that justifies the application. Information has clearly been omitted that runs counter to this narrative.</p> <p><b>Officer's Response:</b></p> <p>The purpose of this section is to provide a succinct summary of the key points that have been raised form all consultees, including the Parish Council.</p> <p>Representations have been submitted from a group of residents of Heronsford and Teal Close; however, these do not appear to have been submitted in the name of a Residents Association. As a consequence, this section of the report is accurate.</p>	
<p><b>Section 7 Appraisal</b></p>	<p>Para 7.1</p>	<p>Misleading final sentence <b><i>“By reason of the initial allocation, the principle of developing this section of the site for a warehouse is considered acceptable in principle”</i></b>.</p> <p>Councillors reading this could be forgiven to think that this refers to the open space area when in fact this statement should only apply to the larger designated development area.</p>

		<p><b>Officer's Response:</b></p> <p>Paragraph 7.1 is clear in that the site comprises two sections. It also specifies that the section under consideration is the allocated section. It should be read in conjunction with paragraphs 7.2, 7.3 and 7.4 which discuss the impacts on green space.</p>
Para 7.2		<p>Misleading guidance to councillors in the final sentence <b><i>“it should be recognised that the application site is already separated from the nearest villages by the M1 Motorway to the south and the old Towcester Road”</i></b>. On first reading this, it appears to be clear advice but is completely inaccurate and misleading.</p> <p>The physical characteristics surrounding the development site and the open space has not changed since 1997. The E6 Green Space Policy in the 1997 plan was there <b><i>to “resist outward expansion of the built up area.”</i></b> The report is misleading councillors suggesting that something has changed when in reality nothing has changed. Building on the open / green space is in direct contravention to the 1997 E6 policy intention.</p> <p><b>Officer's Response:</b></p> <p>The report clearly states the requirements of the policy; however, it is a matter for the appraisal to establish the amount of weight that the policy carries.</p>
Para 7.3		<p>The report dismisses references to other sites when it is convenient to do so and then employs this tactic to mislead councillors. As detailed above (7.2) policy E6 was drafted and approved in 1997 and nothing has changed. Therefore it is completely misleading to suggest that developments in Swan Valley or in Collingtree devalue the purpose and effectiveness of the green space.</p> <p>The report says <b><i>“it is considered that the overall effectiveness of the open space in maintaining the setting of the surrounding villages is somewhat debatable”</i></b>. Why does the report focus on villages that are not relevant and fails to acknowledge the development on the open space would be an outward expansion of the built up area as stated in the policy?</p> <p><b>Officer's Response:</b></p> <p>The purpose of this policy was to maintain the character of existing villages and to resist the outward expansion of the built up area. The purpose of the references to work carried out in Swan Valley and Pineham, in addition to new allocations in the JCS is to highlight that the character of the site's environs has changed since 1997.</p> <p>Policy BN1 is of greater relevance as, it has replaced Local Plan Policy E6 and therefore represents a more up to date policy. The majority of the allocated space would remain undeveloped as it would feature landscaping and a drainage lagoon. In addition, the quality of planting be improved and would include a number of native species and there would be some ecological benefits of the proposal. As a management regime can be secured, it is considered that the development accords with Policy BN1.</p>
Para 7.4		<p>If the policy departure is in relation to E6 Green Space then the report should set out the justification.</p> <p>Reference to Policy BN1 has no relevance in justifying over-riding the existing Green Space policy allocation.</p>

		<p><b>Officer's Response:</b></p> <p>Policy BN1 is of relevance as it is a material consideration and forms part of the adopted policy plan. Moreover, it has replaced Local Plan Policy E6 and therefore represents a more up to date policy and therefore carries weight in the decision making process.</p>
	Para 7.5	<p>Jobs and employment are material consideration but only on the site in question. Why does the report refer to <b><i>“The employment opportunities will be in addition to the existing commercial units within the Borough that operated by the applicant”</i></b>? This is not relevant and implies that the applicant has suggested to the planning department they would move operations out of Northampton if this application is not recommended for approval. The report makes no comment as to whether 300 jobs or more jobs could be provided within the approved development site. The report presents the picture that the only way to secure 300 jobs is to develop on the previously protected open space. These considerations should have been explicitly presented to councillors for consideration not presented as a fait accompli.</p> <p><b>Officer's Response:</b></p> <p>The purpose of this reference is to highlight the fact that the development would provide new jobs as opposed to re-site existing employees from other locations and is therefore material to the decision.</p>
	Para 7.6	<p>The report states <b><i>“it is likely that general industrial uses would have a greater impact upon neighbour amenity in terms of considerations such as noise and air quality”</i></b>. Is this suggesting that proposing B8 (operating on a 24/7 basis generating over 420 HGV movements per day) is intended to protect local residents? A mixed use application with adequate protection for local residents has been previously approved on this site with the full support of residents. The report makes an unsubstantiated statement misleading councillors.</p> <p><b>Officer's Response:</b></p> <p>The allocation within the Local Plan suggests that a number of uses within the site would be acceptable. This would include more intensive industrial uses (such as more noisy or polluting uses). The reference is therefore necessary to establish that other policy compliant uses may have a greater impact on residential amenity.</p>
	Para 7.8	<p>This paragraph sets out to dismiss the planning guidance provided within the JCS regarding carefully considering the scale and extent of B8 usage. To give the impression to councillors that there is no choice but to approve. The report states that the development is too big for the new site at Junction 16 and fails to point out to councillors that this development of 49,270 sq. metres can only be accommodated at Milton Ham by developing beyond the approved development site encroaching on to Green space.</p> <p><b>Officer's Response:</b></p> <p>Paragraph 7.8 concludes that there are no available sites of the right size within Swan Valley and Pineham. It is not intended for the</p>



		Junction 16 site to be developed in a piecemeal fashion, which rules out the proposed development. The encroachment on allocated green space and the relative merits is discussed elsewhere within the report.
<b>Section 7 Design and appearance</b>	Para 7.13	<p>The report states “<b>Policy B11 states that no building with a height in excess of 9m should be constructed within 50m of the northern boundary</b>” also “<b>this objective has been complied with</b>”. The warehouse would be less than 50m from the northern boundary at its nearest point and is approx. 17m high at that point (allowing for roof slope) with a base 4m above ground level. The total height is therefore 21m. We feel that the intention of Policy B11 is to set perspective and prevent inappropriate massing viewed from adjoining residential and parkland areas. Councillors should be presented with an explicit view of the massing at this boundary and the report fails to do this.</p> <p><b>Officer’s Response:</b></p> <p>This policy only relates to the area allocated within the Local Plan for commercial uses. At the closest point within the allocated area, the proposed building is more than 50m away from the site boundary. As a consequence, the report is correct in concluding that this specific policy has not been breached. The report does consider the impacts of the proposed building on the wider area and residential amenity in full.</p>
	Para 7.14	<p>Quotes a maximum height of 18.3m rather than 19.1m and states “<b>Whilst the proportions of this building are far larger than those of the residential accommodation within the vicinity of the site, it is considered the development would not harm the visual amenity of these residents</b>” the reason given is that “<b>elevations utilised a pitched roof design, which reduces the massing of the building</b>”</p> <p>The pitch is approximately 2m but as stated earlier the base is generally above ground level by up to 4m on the north elevation and the report fails to make this clear to councillors. Para 7.17 states “<b>the 2008 proposal included a hotel with a height of 30m albeit with a smaller footprint than the building proposed</b>” The hotel was to be over 300 metres from the nearest dwelling and, whilst it may have been higher than the proposed warehouse, being much further away meant it would have had minimal visual impact.</p> <p><b>Officer’s Response:</b></p> <p>The report highlights that there is a variation in land levels and a condition is recommended that would require full details of the proposed finished levels to be submitted to the Council prior to building work commencing. The report also refers to the previously permitted hotel to demonstrate development with a tall height has been approved in the past; however, it is clear that the two schemes are not directly comparable.</p>
	Para 7.18	<p>Refers to the north bund “<b>being designed in an asymmetric fashion. This ensures that these works appear more natural</b>” A bund is necessarily an artificial landform and will never appear as part of the natural landscape of the area. The Inspector made this point very clearly in his report.</p> <p>This bund neither hides the building nor does can it appear in any way part of the natural landscape, particularly on the east side, within the greenspace area where the bund would have a 1 in 3 slope and is 31 over 12 metres high.</p>

	<p><b>Officer's Response:</b></p> <p>The asymmetric design means that a less steep gradient can be accommodated on the northern side of the bunding. This means that the impact upon the</p>
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**Response to Planning Officers Report  
N/2015/0335 Milton Ham West Hunsbury**

<p><b>Section 7 Air Quality</b></p>	<p>The two paragraphs in this section make reference to the "Air Quality Management Area" which is an NBC responsibility and makes no reference to the implications to local residents as a result of increased levels of nitrogen dioxide and particulates.</p> <p>In considering a commercial operation adjacent to an established residential area and local playing fields, the report should advise councillors about the impact even if the conclusion is, there will be no impact.</p> <p>This omission is particularly concerning.</p> <p><b>Officer's Response:</b></p> <p>In assessing these matters, advice is taken from the Council's Environmental Health offices which is clearly summarised in the report. In addition, the report highlights the relevant issues and sets out the recommended conditions to mitigate this matter.</p>
<p><b>Section 7 Noise</b></p>	<p>The report does not make clear that no readings have been taken of the current noise levels experienced by local residents. Therefore, in the absence of empirical values, councillors cannot be confident that the proposed conditions will achieve their intended outcome.</p> <p>The report fails to provide councillors with evidence that the crematorium will not be adversely impacted by additional disruptive noise.</p> <p><b>Officer's Response:</b></p> <p>In assessing these matters, advice is taken from the Council's Environmental Health offices which is clearly summarised in the report. In addition, the report highlights the relevant issues and sets out the recommended conditions to mitigate this matter.</p>
<p><b>Section 7 Flood Risk</b></p>	<p>The policy section of this report fails to mention that Northampton has its own SUDS standard reflecting that the Borough Council and the Councillors have a duty of care to local residents following the 1998 floods across Northampton.</p> <p>That policy defines acceptable methods for flood mitigation and any deviation from this represents a departure from policy. The developer has proposed underground tanks to retain flood water although these are not approved within the local policy.</p> <p>It is our view that the report should have made this clear to councillors to enable them to make an informed decision.</p> <p><b>Officer's Response:</b></p> <p>The application has been assessed by the Lead Local Flood Authority (NCC) and the Environment Agency. Neither organisation has raised objections to the proposal, subject to the imposition of conditions relating to drainage matters.</p>

	As a consequence, it is considered that the report accurately summarises the issues, the advice received by the Council and the steps taken to address it.
<b>Section 8 Conclusion</b>	<p>The conclusion fails to summarise the justification for departure from the planned policy framework</p> <p><b>Officer's Response:</b></p> <p>The conclusion comments upon the amenity value of the open space and comments upon how its loss is outweighed by the benefits of the scheme.</p>



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1291:** Erection of 35 dwellings comprising 10 one bedroom flats, 15 two bedroom houses; and 10 three bedroom houses with associated access roads at land between Booth Rise and Talavera Way

**WARD:** Boothville

**APPLICANT:** Westleigh Partnerships Ltd  
**AGENT:** RG+P

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

**REASON:** Major development requiring a Section 106 Agreement and affecting land owned by Northampton Borough Council

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed development, subject to conditions, would represent the satisfactory reuse of the land and contribute to the established housing need in Northampton. The development is of a satisfactory design and layout and would not impinge upon the amenities of surrounding occupiers or highway safety. The development is therefore in accordance with the National Planning Policy Framework, Policies H1, H2, S3, S10, BN2 and INF2 of the West Northamptonshire Joint Core Strategy and Policies E20, H17 and H32 of the Northampton Local Plan.

1.2 The prior completion of an agreement under section 111 of the Local Government Act 1972 and the subsequent completion of a section 106 agreement following the transfer of land from the Council to secure:

- i) 35% of the development to be used for affordable housing;
- ii) A financial payment to fund the provision, improvements to connections and/or enhancements to areas of public open space in the electoral ward of Boothville;
- iii) A financial payment to fund highway improvements on Booth Rise between Round Spinney roundabout and the junction of Booth Rise / Kettering Road North but to and can include improvements to the Booth Rise/ Round Spinney junction;
- iv) A financial payment to fund the provision of two bus shelters and their ongoing maintenance within the vicinity of the site in Booth Rise;
- v) A financial payment to fund the provision of primary (at Boothville Primary School) and secondary school education (at Northampton Academy);
- vi) A payment towards the provision of and/or improvement to and/or maintenance of facilities at Boothville Community Centre; and
- vii) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

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

## **2. BACKGROUND**

- 2.1 A similar proposal for the erection of 35 dwellings on this site was considered at the Planning Committee meeting held in January 2015, where it was resolved to approve the application in principle, subject to the prior completion of a Section 106 Legal Agreement to secure a number of areas of mitigation; including affordable housing, highway works, education provision, open space enhancements and improvements to Boothville Community Centre.
- 2.2 Negotiations in respect of the Section 106 Agreement are ongoing; however, in the interim, the applicant has undertaken further survey works on site. These have revealed that a larger sewer easement than previously envisaged is required. This has necessitated some revisions to the site layout comprising the re-siting of some of the two and three bedroom dwellings in order to achieve the same numbers of dwellings on site. There have also been revisions to the position of some car parking spaces.

### **3. THE REVISED PROPOSAL**

- 3.1 The applicant has amended the application and now seeks permission to erect 35 new dwellings comprising 10 one bedroom flats; 15 two bedroom houses; and 10 three bedroom houses. These buildings would all be of two storeys in height. The proposed dwellings would be surrounded by landscaping, which would be a combination of existing and new planting.
- 3.2 The development would be accessed via the original section of Booth Rise, which lies to the west of the existing alignment. A new junction would be created; however, it would utilise an existing turning head.

### **4. SITE DESCRIPTION**

- 4.1 The application site is a vacant plot of land situated between Booth Rise and Talavera Way that is not allocated for any particular purpose in the Local Plan or any other planning document. The site features a number of variations in land levels and is currently in a somewhat overgrown state. The site also features a number of trees.
- 4.2 The surrounding area is characterised by the presence of residential accommodation of traditional design, which has been developed in a ribbon form alongside Booth Rise and Thorpeville. These dwellings, which are typically of one and two storeys, play a significant role in defining the character of the area. Also within the area are a number of more modern housing developments, which provide a greater degree of variety in terms of building heights as some units within the Booth Park development (to the east of the application site) and the flats at 69-71 Booth Rise are of three storeys in height. As a consequence, there is a varied streetscene.
- 4.3 Although the application site is undeveloped, it has no allocation within any local planning policy document. The areas to the north of Talavera Way have also been developed for residential accommodation in a similar density and style to Booth Rise. As discussed, the site is adjacent to Booth Rise, which serves as one of the main routes into Northampton from Kettering. The site is also adjacent to the Spinney Hill roundabout, which forms a junction between Booth Rise, Thorpeville and Talavera Way, in addition to access to the Stone Circle Road Industrial Estate.

### **5. PLANNING HISTORY**

- 5.1 N/2013/1263 – Erection of 38 no. new dwellings comprising 12 no. flats and 26 no. houses with associated parking and installation of new access road – Refused.

### **6. PLANNING POLICY**

#### **Development Plan**

- 6.1 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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

### **National Policies**

- 6.2 The National Planning Policy Framework (hereafter referred to as the NPPF) requires that all planning applications are determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. Of particular note to this application is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
- 6.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

### **West Northamptonshire Joint Core Strategy (JCS)**

- 6.4 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 JCS has now been adopted by the West Northamptonshire Joint Strategic Planning Committee and therefore carries full weight. As part of the development plan, consistent with Section 38(6) it carries significant weight when considering planning applications.
- 6.5 Of particular note is that Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period. Policy H1 provides further detail regarding the location of these buildings by stating that they should be constructed through a combination of specifically planned Sustainable Urban Extensions and development within the existing built fabric. The same policy states that new developments shall provide for a mixture of house types, sizes and tenures in order to meet varying needs of the community. Applications for residential developments will be assessed against the location and setting of the site; the existing character of the area; the accessibility to services and facilities,

including the proximity to public transport routes; the living conditions provided for future residents; and the impact upon the amenities of surrounding properties.

- 6.6 Policy H2 encourages the creation of varied communities that should be ensured through the provision of affordable housing, which in Northampton would represent 35% of the total development.
- 6.7 Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift.
- 6.8 In assessing applications relating to biodiversity, it is necessary to give weight to Policy BN2, which requires that development management decisions will reflect the hierarchy of biodiversity and appropriate weight should be given to the status of the site. Policy BN3 states that the retention of existing trees would be supported unless it can be demonstrated that the loss of trees would be outweighed by the need and benefits of the development.
- 6.9 Policy INF2 states that new development should only be permitted in instances where the necessary infrastructure has either been provided or that there is a reliable mechanism (such as a Section 106 Agreement) to ensure the delivery of such mitigation.

#### **Northampton Local Plan**

- 6.10 Although substantially dated and in the main replaced by the JCS, there are a small number of Local Plan Policies that are relevant to this application. These are E20 that states that developments should be of a satisfactory standard of design; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32, which necessitates the provision of some affordable housing.

#### **Supplementary Planning Guidance**

- 6.11 Affordable Housing  
Developer Contributions  
Parking  
Planning out Crime

### **7. CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Environmental Health (NBC)** – No objections, subject to the imposition of conditions relating to the implementation of the recommendations contained within the submitted noise and air quality assessments,
- 7.2 At the time of preparing this report, the consultation period in respect of the proposed amendments had not completed; therefore any



further comments will be reported to the Committee by means of the addendum, which will be circulated prior to the commencement of the meeting.

## **8. APPRAISAL**

### **Principle of the development**

- 8.1 The planning policy context has not changed since the initial consideration of this application in January of this year and as a consequence it is considered that the development is acceptable in planning policy terms. Furthermore, it is acknowledged that the development would contribute to achieving a five year supply of housing land in line with the requirements of the NPPF. The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions).
- 8.2 The over-riding principle of the NPPF is that in instances where a Local Plan is out of date, the greatest weight should be given to the matter of providing sustainable developments. By reason of the site's location adjacent to a major route, proximity to public transport links and employment sites and neutral impact upon ecology, the proposed development is sustainable and in line with national planning policies.
- 8.3 It is accepted that the site currently serves as a landscaped buffer between Booth Rise and Thorpeville, however, it was agreed at the January Committee meeting that the development of this site was appropriate. Given that the proposed revision would not significantly erode the level of remaining undeveloped space, it is considered that the proposal remains acceptable.

### **Design, layout and highway considerations**

- 8.4 The design of the dwellings and materials palette is unchanged from the previous consideration of this application. This design approach is suitable given the traditional form of the surrounding properties. There has been a reconfiguration in the arrangement of some dwellings (in the same semi-detached dwellings have been swapped for terraces of three properties and vice versa) however, due to the variety of house types within the area and the lack of a prevailing trend, it is considered that this arrangement is acceptable.
- 8.5 The houses are of two storeys in height, whilst the flats would have height of three storeys. As with the previously considered scheme, it is likely that positioning and scale of the properties would not lead to a loss of light, outlook or privacy to the occupiers of the surrounding properties in line with the requirements of national and local planning policies.
- 8.6 It is recognised that due to the varied topography of the site, it would be necessary to carry out some alterations to the site's levels. In order to ensure that these works do not harm the amenity of existing

residents, a condition is recommended that would ensure that these works are approved by the Council prior to any works commencing.

- 8.7 The layout of the section of the development surrounding the flats is also unchanged. This arrangement is likely to encourage the usage of this facility due to the more attractive location and greater security. This promotes more sustainable means of travel. This is in accordance with the NPPF.
- 8.8 The residential development includes 45 car parking spaces. This provides an average provision of approximately 1.3 spaces per dwelling. The provision is consistent with the ratios of dwellings to spaces deemed acceptable in January and would benefit from a reasonable level of natural surveillance. Furthermore, the site is in close proximity to a bus stop in Booth Rise and cycle storage has been provided for the flats. Therefore, the proposal has addressed the likely parking needs arising from the development. The proposed parking spaces are either situated within the curtilages of dwellings or in areas that would be habitually overlooked and benefit from natural surveillance. The access road that would serve the development is unchanged from the previous scheme.

#### **Landscaping and Ecology**

- 8.9 A number of trees are present on this site; however, it is understood that these are generally poor specimens and not necessarily of good species or health. Therefore their removal would not be contrary to the requirements of Local Plan Policy E11. As the site is undeveloped, the applicant has undertaken a full ecological assessment. This assessment concludes that there are no species of any particular significance in the site.

#### **Air Quality, Noise and Contamination**

- 8.10 It was previously established that the scheme would not have a significant adverse impact upon air quality and that a suitable level of residential amenity could be secured for future residents of the proposal. These have demonstrated that a satisfactory amenity can be secured for the future residents of the development.
- 8.11 As part of their submission, the applicant has investigated the potential for contamination on the site. As a consequence of this and due to the potential residential use of the site, a number of conditions are recommended that would secure the remediation of naturally occurring contamination.

#### **Legal Agreement**

- 8.12 By reason of the scale and type of development, a 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.
- 8.13 As with the previous consideration, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.
- 8.14 In addition to these matters, the Legal Agreement would secure payments towards the provision of primary and secondary education; open space; highways works; and bus shelters. The development will also make a payment and provide opportunities for the provision of construction worker training.
- 8.15 In most instances the necessary mitigation would be secured through a Section 106 Agreement. This would be a binding agreement between the Council (as Local Planning Authority) and the landowner.
- 8.16 In this specific instance, it is not possible to follow this process as the Council is the owner of part of the site. This is because enforcement of the agreement would also fall to the Council and it is not possible to undertake both roles simultaneously (i.e. the Council cannot legally enforce against itself). In most instances, the Council arranges with the applicant that the transfer of land and the completion of the Section 106 Agreement occur simultaneously in order to overcome this issue. In this specific case, due to contractual issues, it is not possible to use this mechanism.
- 8.17 As a consequence, discussions have taken place with the applicant regarding alternative mechanisms to secure the necessary mitigation. As a result of these discussions and following legal advice, it has become apparent that Section 111 of the Local Government Act 1972 could be utilised to achieve this. In essence, Section 111 enables Councils to undertake tasks which are conducive or incidental to the carrying out of its functions (such as the determination of planning applications).
- 8.18 Therefore, Committee agreement is sought to enable the Council to enter into an agreement pursuant to Section 111 of the Local Government Act 1972 with the applicant. The terms of the Section 111 Agreement would compel the applicant to complete a Section 106 Agreement containing all the necessary obligations outlined in this report immediately upon the transfer of the land to their ownership. On account of there being certainty that the required mitigation will be delivered at suitable timescales, it is considered that this approach, although unusual, is acceptable and planning permission can be issued subject to the prior completion of the Section 111 Agreement on these terms.
- 8.19 In the highly unlikely event that the transfer of the land does not take place, the Council would retain control over future development of the site and would be able to ensure that any alternative development is properly mitigated.

## **9. CONCLUSION**

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

## **10. CONDITIONS**

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

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

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

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

3. The development hereby permitted shall be constructed using Grey Marley Modern roof tiles and Ibstock Village Blend bricks, with red engineering bricks below Damp Proof Course.

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

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

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

5. Prior to the first occupation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of

the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

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

10. The approved remediation scheme as submitted on the 26<sup>th</sup> May 2015 (and dated May 2015) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

11. Noise mitigation measures for individual plots, which covers glazing and ventilation specifications, shall be carried out in accordance with the details contained within noise assessment dated the 9th July 2015 (reference: 1628 Northampton – Booth Rise) prior to the first occupation of the dwellings hereby permitted and retained thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the submitted Air Quality Assessment (reference 33787r7, dated 6<sup>th</sup> November 2014).

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

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

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

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

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

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

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

17. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- i. The control of noise and dust during the development process;
  - ii. Traffic management and signage during construction;
  - iii. Phasing;
  - iv. Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
  - v. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
  - vi. The safe means of access of construction traffic to the site;
  - vii. Routing agreement for construction traffic; and
  - viii. Hours of operation of building works

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to amenity and no details relating to these matters have been submitted with the planning application.

18. The development hereby permitted shall be carried out in accordance with the submitted Written Scheme of Archaeological Investigation (reference: 15-205).

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

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

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is required in order to ensure that the development is carried out without detriment to amenity and no details relating to these matters have been submitted with the planning application.

20. The parking and roadways shall be provided in accordance with the details shown on drawing 7771/0441 prior to the first occupation of the development hereby approved.

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

21. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

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

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to flood risk and no details relating to these matters have been submitted with the planning application.

22. No development shall take place until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme and retained thereafter.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to flood risk and no details relating to these matters have been submitted with the planning application.

**11. BACKGROUND PAPERS**

- 11.1 N/2013/1263

**12. LEGAL IMPLICATIONS**

- 12.1 None

**13. SUMMARY AND LINKS TO CORPORATE PLAN**

- 13.1 In reaching the attached recommendations regard has been given to



securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Planning  
 Date: 12th March 2014  
 Scale: NTS  
 Dept: Planning  
 Project: Committee

**Title**  
**Development land between Talavera Way and Booth Rise**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0335:** Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and serving arrangements, car parking, landscaping bund and associated works at Milton Ham, Towcester Road

**WARD:** West Hunsbury

**APPLICANT:** Travis Perkins (Properties) Ltd  
**AGENT:** Mr J. Best; Montagu Evans

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Major development requirement S106 Agreement

**DEPARTURE:** Yes

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed development would represent a suitable use of this site and is of a suitable design. In addition, the proposed development would have a neutral impact upon the amenities of nearby residential properties and adjacent open space. Subject to the securing of items of mitigation relating to drainage, landscaping and transport, it is considered that the development would be in accordance with the requirements of the National Planning Policy Framework; Policies S7 and S10 of the West Northamptonshire Joint Core Strategy; and Policies B5, E11 and E20 of the Northampton Local Plan.

1.2 That delegated authority is given to the Director of Regeneration, Enterprise and Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:

- i) The securing of enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;

- ii) The submission and implementation of a Travel Plan, which will include the requirement to submit annual monitoring reports detailing uptake of the Travel Plan for a period of no less than five years; and
- iii) To secure through either the Travel Plan or a separate obligation in the Legal Agreement the means for ensuring that the site is adequately served by public transport which shall be available on any shift change involving 50 or more people starting or finishing work; and
- iv) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

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 Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2. THE PROPOSAL**

2.1 The applicant seeks full planning permission to erect a storage and distribution centre on this site adjacent to the M1 and the A43. The building would have a footprint of approximately 46,651m<sup>2</sup> and a maximum height of approximately 18.3m. The building would also include ancillary office accommodation that would be located to the west of the site. The development would also include a small gatehouse adjacent to the vehicle entrance.

2.2 In addition, the scheme includes the provision of 422 car parking spaces (including 22 for use by those with disabilities) and 66 parking spaces for use by large heavy goods vehicles. The car parking spaces would be located to the west of the site between the warehouse building and the A43. Some of the lorry parking spaces would be located to the west of the proposed building, however, the bulk would be sited towards the east. The warehouse building would be surrounded by a circular access road.

2.3 The proposed development includes the construction of bunding towards the north of the site, which would be landscaped. The area to the east of the building and lorry car parking would also be landscaped and would include a flood attenuation pond.

2.4 Unlike previous proposals for this site, the proposed development is not of a speculative nature and as a consequence, there is an identified occupier for the proposed development in the Travis Perkins group.

## **3. SITE DESCRIPTION**

3.1 The application site consists of a site that has previously contained a combination of farm buildings, which have since been demolished. The remainder of the site is land that has previously been farmed and is currently undeveloped. Notwithstanding this, a large section of the application site (of approximately 10ha) has been historically allocated for commercial development. The remainder of the site is allocated within the Local Plan as being green space. The

reasoning for this allocation is to ensure that the character and setting of villages and to define the extent of the built up area.

- 3.2 The boundaries of the application site are currently marked by a combination of hedges, fences and some trees. Beyond the southern boundary is the M1 motorway, which is separated from the site by an embankment. The western site boundary is adjacent to the A43 dual carriageway. It is a notable feature that the roundabout on this road (which also provides access to the Pineham and Swan Valley areas, Junction 15a of the M1) features a spur that was designed to serve the application site when it came forward for development.
- 3.3 The immediate vicinity of the northern and eastern boundaries feature open space. Of additional note is that there are playing fields located to the north east of the site. Beyond these are a number of residential dwellings and the crematorium.
- 3.4 Whilst the application site does not feature any significant variations in topography, it is notable that the general site level currently slopes downwards in an easterly direction.

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

- 4.1 88/0085 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Non-determination Appeal Withdrawn  
88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused  
88/1656 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised  
89/1007 – Single office building – Outline Application – Dismissed on Appeal  
91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved  
97/0166 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised  
98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined  
N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn  
N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal  
N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – Outline – Dismissed on appeal  
N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined  
08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved  
08/0275/FULWNN – Erection of seven commercial/industrial buildings (B1], B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui

generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Approved N/2012/0291 – Application to extend time limit for implementation of Planning Permission 08/0275/FULWNN for erection of seven commercial/industrial buildings (B1, B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Refused

- 4.2 The above demonstrates that there has been a long history of applications for commercial uses being considered on this site and being deemed acceptable. However, of particular note is the appeal against the 2002 proposals for the erection of two warehouses on the site. These buildings were of a utilitarian design and had dimensions of approximately 148m by 85m and 242m by 111m and heights of approximately 16m and 15m respectively. The buildings were to be surrounded by a substantial bund.
- 4.3 The Inspector concluded that due to the context of the site, development for purposes within Use Class B8 would be acceptable; however the proposed development failed to comply with the relevant Local Plan policies on design. In addition, in order to mitigate the building's design, substantial bunding would be required. On account of the form of these proposed works, it was considered that a strident feature would be created within the landscape that would harm the character and appearance of the landscape.

## **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 adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

### **National Policies**

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document; however, the following sections are of particular relevance to this application.
- 5.3 In addition, the economic, social and environmental impacts and needs of development should play an active role in guiding developments to sustainable locations. To achieve this, paragraph 9 states that planning should seek improvements to creating jobs, moving from a net loss in biodiversity, promoting good design and improving conditions for living, work, travel and leisure.
- 5.4 These objectives are elaborated in paragraph 17, which states that there is a requirement for planning to proactively drive and supporting economic development. Planning should also take into account market signals. Development should be of a good quality design and ensure a neutral impact on

all existing and future residents. In order to accomplish this, decisions should take into account the different roles and character of areas.

- 5.5 The need to promote a strong economy is highlighted in paragraph 19 states that the planning system should not act as an impediment to economic growth and as a consequence, supporting this objective should be given significant weight when determining planning applications. In delivering this objective, paragraph 21 is salient as it states that planning policies should be flexible enough to accommodate needs not anticipated within the plan.
- 5.6 A further consideration is that the NPPF places a great weight upon the importance of design. In particular, paragraph 57 states that it is important that the planning achieves high quality developments. This is clarified in paragraph 57 which advises that development should function well over the lifetime of the development; create attractive and comfortable places to live and work; and feature good architecture and appropriate landscaping.
- 5.7 In terms of amenity, paragraph 109 states that new developments should not contribute towards or create an unacceptable impact upon noise and air pollution. The same paragraph also requires that developments protect valued landscapes and that the wider benefits of ecosystems are recognised through minimising impacts upon biodiversity. Paragraph 118 provides greater emphasis on meeting this objective.

#### **West Northamptonshire Joint Core Strategy (2014)**

- 5.8 The West Northamptonshire Joint Core Strategy (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 Policy S7 of the JCS states that the provision of 28,500 jobs within the West Northamptonshire area during the plan period of 2008-2029. This policy requirement is strengthened through Policy S8, which identifies that the bulk of this new job growth would take place within Northampton through the renewal and regeneration of employment sites and through the development of industrial land. Policy E1 states that existing and allocated employment sites would be retained for commercial purposes, including those falling within Class B8 of the Use Classes Order.
- 5.10 Policy S10 (Sustainable Development Principles) provides a set of overarching objectives regarding the assessment of planning applications. In particular, there is a requirement that new developments achieve the highest standards of design; that developments enhance biodiversity; and minimise pollution from noise, air and run off.
- 5.11 Policy BN1 states that green infrastructure corridors should be created within new developments, including the future management. This should also include biodiversity enhancements and include native and climate appropriate planting.

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

- 5.12 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application.

- 5.13 Policy E20 requires that new developments be designed in such a way so as to ensure adequate levels of light, outlook and privacy. As discussed previously, the site is partially within an area of allocated open space and as a result Policy E6 is of some relevance as it states that new developments should not unacceptably prejudice the function of allocated areas. Policy E11 states that new developments should not adversely affect trees of particular amenity value.
- 5.14 Policy B5 allocates an area of the application site for business purposes. Further details are provided within Policy B9, which states that development within the Milton Ham site includes a landscaping zone of 50m alongside the M1 motorway and alongside the northern boundary for a distance of 20m to the east of the eastern boundary. It is requested that the first 20m comprise landscaping works only and landscaping should predominate within the remaining 30m. Policy B11 states that buildings with a height of 9m on any elevation should not be located within 50m of the northern boundary.

### **Supplementary Planning Documents**

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

## **6. CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Provide advice to the applicant relating to the discharge of trade effluent and the installation of petrol/oil interceptors.
- 6.2 **Arboricultural Officer (NBC)** – No objections.
- 6.3 **Archaeology Advisor (NCC)** – Recommend conditions to ensure suitable investigation of matters of archaeological interest prior to building works taking place.
- 6.4 **British Pipeline Agency** – No objections.
- 6.5 **Environment Agency** – No objections in principle, subject to conditions relating to the provision of drainage and unsuspected contamination.
- 6.6 **Environmental Health (NBC)** – Recommend conditions relating to the control of noise and lighting levels in order to ensure that the development does not have a significant adverse impact upon the amenities of nearby residential properties.
- 6.7 **Highway Authority (NCC)** – Request the securing of a Travel Plan, which should include the provision or securing of bus services to serve the site and shall be available on any shift change involving 50 or more people either starting or finishing work. The applicant shall also be required to submit annual monitoring reports detailing uptake of the Travel Plan for a period of no less than five years. In addition, the Legal Agreement should secure financial contributions towards the funding towards measures to encourage bus usage. A Construction Environment Management Plan should also be secured.
- 6.8 **Highways England** – No objections, subject to a condition relating to access arrangements.



- 6.9 **Lead Local Flood Authority (NCC)** – No objections in principle, but request that any permission is subject to conditions relating to the provision of a drainage scheme and its ongoing maintenance.
- 6.10 **National Grid** – Comment upon the presence of equipment within the vicinity of the site.
- 6.11 **Natural England** – The proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.12 **Urban Designer (NBC)** – Recommend revisions to the elevations of the building (Officers Note: The scheme has been revised in light of these observations and the changes are discussed in more detail in the appraisal section).
- 6.13 **Andrea Leadsom MP** – Highlighting concerns that have been received from constituents with regards to the visual impacts; noise; pollution; flood risk; loss of green spaces and wildlife habitats; and economic benefits.
- 6.14 **Milton Malsor Parish Council** – Object to the application on the grounds that the development encroaches onto allocated open space, which adversely affects the amenity of the crematorium and site lines from the Milton Malsor Parish area would be adversely affected.
- 6.15 **West Hunsbury Parish Council** – Object to the development as the proposal is contrary to the requirements of the West Northamptonshire Joint Core Strategy; that there is an overdevelopment of the site due to the encroachment onto allocated green space; the size of the development fails to reflect the natural features of the site; there would be overshadowing; accessing the site from Ladybridge Drive would not be desirable and would increase pressure on the car parks that currently serve the open space; and concerns are expressed relating to flood risk.
- 6.16 **218 letters of objection** have been received. Comments can be summarised as:
- The development is of a similar use to previous schemes that have been refused planning permission and is also of a greater scale and encroaches onto allocated green space.
  - Whilst less weight may be attached to the Local Plan policies, the area is of unchanged sensitivity.
  - The development could not be masked by landscaping.
  - The proposed bunding will appear incongruous
  - The proposed bunding is not sufficient to mask the building.
  - The development would generate excessive pollution, which is of greater sensitivity due to the proximity of residential accommodation.
  - The number of vehicle movements associated with the development is excessive and would lead to increased pollution and congestion.
  - Traffic along Ladybridge Drive would increase.
  - Concerns are raised regarding the extent of proposed highways mitigation and whether this would have a lasting effect.
  - The site is in close proximity to playing fields and a play area, which is of concern due to the potential impact on air quality.
  - Since the site was allocated for business purposes, the surrounding land has matured and now includes sports pitches and the natural environment will be disturbed by the development.

- The development would create noise pollution due to vehicles manoeuvring.
- Whilst there may be 208m between the proposed building and residential dwellings, noise would be generated in areas that are closer due to items such as vehicle manoeuvring areas.
- There would be disturbance created by lighting at the proposed development.
- Concerns are raised regarding the impact upon flood risk.
- The development would have an adverse impact upon wildlife.
- The development will also adversely impact upon the environment at the nearby crematorium.
- There are concerns that a footpath link could be created between the application site and Ladybridge Drive.
- The application overstates the economic benefits of the proposal and an alternative use could generate a greater number of employment opportunities.
- The site could be used for other purposes, such as a country park and the development could be incorporated into other areas.

6.17 **A letter of support** has been received. Comments can be summarised as:

- The development will support regeneration.
- The proximity of the development to the M1 means that it is appropriately located.

## 7. APPRAISAL

### Principle of the development

- 7.1 The application site straddles two different site allocations within the Northampton Local Plan. The largest section of the site (approximately 10 hectares) to the west is allocated for commercial development, including warehouses. The remainder (approximately 4.8 hectares) to the east is allocated as open space. By reason of the initial allocation, the principle of developing this section of the site for a warehouse is considered acceptable in principle.
- 7.2 In respect of the eastern section of the site, it is accepted that the site is allocated as open space; however, Policy E6 of the Local Plan identifies the reason for this allocation is to maintain the character and setting of nearby villages and to define the established urban area. In considering this particular application, it should be recognised that the application site is already separated from the nearest villages by the M1 motorway to the south and the old Towcester Road.
- 7.3 In addition to these factors, it should be recognised that the land to the north of the M1 has been the subject of a significant amount of development. This includes the industrial uses within Pineham and Swan Valley areas to the west and on a smaller scale, the crematorium and some residential accommodation to the east. It is also noted that Policy N5 of the JCS allocates the land south of Collingtree and in proximity to the M1 motorway as a site for residential development. These developments and allocations have also served to extend to the urban area of Northampton. As a consequence of these combined factors, it is considered that the overall effectiveness of the open space in maintaining the setting of the surrounding villages is somewhat debatable.

- 7.4 The majority of the allocated open space would remain undeveloped as it would feature landscaping to reduce the impacts of the proposed building and a drainage lagoon. In addition, the quality of planting be improved and would include a number of native species and there would be some ecological benefits of the proposal. As a management regime can be secured, it is considered that the development accords with Policy BN1 of the JCS. On balance, a reduced amount of weight can be given to this specific policy allocation within the Northampton Local Plan and as such the development in this respect is acceptable.
- 7.5 In addition, the impact upon the open space allocation needs to be balanced against the benefits of the scheme. It is noted that the proposed development would generate 300 employment opportunities. There would be further jobs generated in associated work, such as logistics (estimated to be a further 130 jobs). The employment opportunities will be in addition to the existing commercial units within the Borough that operated by the applicant. The proposed development does offer significant employment opportunities that would support the delivery of the aims and objectives of the JCS as discussed within paragraph 5.9. It is therefore considered that the benefits of the scheme do provide further justification for developing this site for commercial purposes.
- 7.6 It has been the subject of representations that the Local Plan allocation suggests that the site could be developed for other uses other than warehousing. These uses comprise either offices (Use Class B1) or general industrial functions (Use Class B2). In response, it should be recognised that the more recent national and local planning policies direct uses such as offices towards locations such as the town centre. Furthermore, it is likely that general industrial uses would have a greater impact upon neighbour amenity in terms considerations such as noise and air quality than the proposed use. It is likely that the site is attractive for warehouse type uses gives its proximity to the strategic road network. It is concluded that therefore a warehouse represents a proposal that has a realistic likelihood of being implemented and delivering the economic benefits as previously identified.
- 7.7 It is noted that representations have commented upon the prospect of the proposal being sited within Pineham or Swan Valley; adjacent to Junction 16 of the M1 or at the Daventry International Rail Freight Terminal (DIRFT).
- 7.8 Notwithstanding the fact that the key test in determining planning applications of this type is whether the proposal is acceptable in the proposed location and not whether the development could be accommodated on another site, information on alternative locations has been submitted. Following an assessment of this information, it has been concluded that there are no available sites in Pineham and Swan Valley of sufficient size. Whilst it is acknowledged that the land adjacent to Junction 16 of the M1 motorway has been allocated for the strategic development of commercial facilities (Policy E8); however, the scale of the development envisaged within this policy is far greater than that proposed within this planning application. In addition, locating the development at DIRFT would mean that the employment opportunities as identified previously would be lost to the Borough.
- 7.9 It is acknowledged that the development includes a two storey office building that would be attached to the western elevation of the warehouse building. Notwithstanding the sequential aspiration towards the location of office facilities (as discussed within paragraph 7.6), it is recognised that the proposed offices are

intended to operate as an ancillary function to the warehouse and as a consequence of this, requiring the two elements of the business to operate on separate sites would be unreasonable. In order to ensure that the offices are not occupied by a separate business, to which the above points would not apply, a condition is recommended requiring that the offices remain as an ancillary function.

### **Design and appearance**

- 7.10 As discussed previously, the Local Plan (in Policy B9) specifies that there should be a 50m landscaped zone from the northern boundary and a similar boundary adjacent to the M1 motorway. The proposed development is in compliance with this objective in terms of the landscaping that has been provided adjacent to the northern boundary; however, there is a breach in respect of the level of landscaping adjacent to the motorway.
- 7.11 In respect of this specific breach, it is considered that the proposed development would not prove to be unacceptable due to the minimal harm arising from it. The reasoning for this is that this element of the site is not overly prominent by reason of the differing land levels and existing landscaping that is prevalent between the motorway and the application site. As a consequence, the level of landscape mitigation that is required in this section of the site is proportionately lower. It is recognised that this reduced landscaped buffer does mean that the proposed building is closer to the motorway than originally envisaged within the Local Plan; however, as the building is of sufficient quality and suitable landscaping would be provided in close proximity to this boundary. This would prevent a significant adverse impact upon visual amenity. It is also noted that this arrangement increases the distance between the proposed building and the residential accommodation to the north, which are of greater sensitivity.
- 7.12 In addressing the issue relating to Policy B9, it is noted that the policy is of a significant age, which does diminish the amount of weight that can be attached to its requirements. It should be noted that the NPPF places a significant weight upon the securing of additional employment opportunities and that a proactive approach should be taken in supporting economic development. As a consequence, the arrangement of the proposed warehouse building in relation to the motorway is acceptable.
- 7.13 Policy B11 states that no building with a height in excess of 9m should be constructed within 50m of the northern boundary. By reason of the position of the proposed warehouse building, this objective has been complied with as no building is located within 50m of the northern boundary of the area of land identified in the Local Plan.
- 7.14 Notwithstanding this conclusion, it is recognised that the proposed warehouse has substantial proportions given that it has a floor space of 46,651m<sup>2</sup> and a maximum height of approximately 18.3m. Whilst the proportions of this building are far larger than those of the residential accommodation within the vicinity of the site, it is considered that the development would not harm the visual amenity of these residents. The reasoning for this is that the building on its side (northern and southern) elevations utilised a pitched roof design, which reduces the massing of the building.
- 7.15 During the application process, the applicant has made a number of revisions to the materials palette and the proposed landscaping and boundary treatments.

These measures are considered necessary to ensure that the proposed building would have a reduced impact upon the visual amenity of the surrounding area including residential accommodation. These measures would be secured through recommended conditions, which would ensure the carrying out of a landscaping scheme and give the Council the opportunity to approve all external facing materials.

- 7.16 The proposed warehouse building is approximately 208m away from the nearest residential dwelling. Given this, it is likely that there would be no undue detrimental impact upon the levels of light currently enjoyed by existing residents. This separation distance also reduces the impact on the outlook of the nearby residential properties. It is accepted that the development involves construction on allocated greenspace; however, as discussed previously, the reason for the allocation relates to an aspiration to define the confines of the urban area rather than any intrinsic value that the space has in providing an outlook.
- 7.17 In terms of building heights, it is recognised that permission has been granted for taller buildings on this site. In particular, the 2008 proposal (which contained a number of commercial, office and leisure uses) included a hotel with a height of 30m, albeit with a smaller footprint than the building proposed within the application.
- 7.18 The impacts of the building are also reduced by the presence of the proposed bunding and landscaping. It is accepted that the existing topography features a gradual slope; however, the bunding has been designed in an asymmetric fashion so that the northern face of these works has a much more gradual gradient. This ensures that these works appear more natural within the landscape and as such prevents them from forming an overbearing or strident feature. The impacts of the building would also be diminished by a significant amount of planting, which would partially obscure the building.
- 7.19 The proposed landscaping would feature a number of native species, which would assist in ensuring that the proposed bunding would offer adequate mitigation from the impacts of the development. These points ensure that the landscaping would appear within the area as being reasonable natural and would therefore avoid the deficiencies of the 2002 proposals.
- 7.20 The proposed development also includes a gatehouse, which would be constructed from materials of the same type as the warehouse building. As a consequence of this and due to its comparatively small scale there would be no undue detrimental impact upon visual or neighbour amenity.
- 7.21 It is accepted that the site is a gateway into Northampton and its proximity to the motorway does give it an elevated prominence to which the design does pay suitable regard. In particular, the building's orientation means that there is variation in the roof shape on the western elevation, which adds interest to the streetscene, whilst reducing the massing for residents to the north. Furthermore, the materials palette features some vertical delineation, which serves to break up the massing of the building. In addition to these points, the ancillary office building has been located at the front of the building. This adds greater interest when viewed from the public highway and allows for the introduction of greater variety of materials. For these combined reasons, it is considered that the development is of an acceptable design and compliant with national and local planning policies.

## Highways

- 7.22 It is accepted that the development would increase road traffic usage within the vicinity of the site; however, it is noted that the application site has been allocated for commercial developments for some time and the existing road network has been designed to include a junction to serve the site.
- 7.23 In terms of parking, the proposed development includes 422 car parking spaces (including 22 for use by those with disabilities) and 66 parking spaces for use by large heavy goods vehicles. Given the scale of the development and the fact that there is no potential for on street parking within the vicinity, it is considered that this provision is acceptable and would prevent any significant undue detrimental impact upon highway safety.
- 7.24 The development has been assessed by Highways England (formerly the Highways Agency), which have raised no objections to the proposal, subject to the imposition of a condition requiring the access arrangements to be implemented prior to the first occupation of the building.
- 7.25 Notwithstanding this assessment, it is recognised that there is a need to encourage more sustainable means of travel. To achieve this, the applicant has revised the layout of the scheme in order to create a bus stop and turning area. It is noted that the bus services to the Swan Valley area are to be increased and these services will also be enhanced so as to serve the application site. In order to encourage the use of this service, the applicant through the Section 106 Agreement, will also provide a number of measures to increase public transport usage.
- 7.26 In addition to these factors, the applicant will provide a Travel Plan which will ensure that sustainable transport measures are implemented. As part of the Travel Plan process, annual monitoring reports will be submitted to the Council for at least five years in line with the advice of the Highway Authority.
- 7.27 In addition, it is considered that there is a necessity to ensure that the site is adequately served by public transport, particularly in instances when a significant number of people are likely to either commence or finish a shift. The applicant has committed to working with local bus operators to ensure that services to the site will be available and in the event that this is not possible will step in to providing its own services (subject to a significant financial cap). This service provision will either be secured via the Travel Plan or as a separate obligation within the legal agreement, either will provide certainty regarding its provision.
- 7.28 Within the various consultation responses that have been received, the merits of creating a pedestrian link between the application site and Ladybridge Drive have been discussed. In response to these points, it is considered that such a path would not be necessary in planning terms on account of the aforementioned sustainable transport measures being secured. Furthermore, there are significant doubts regarding the deliverability of such a path given that the bulk of its route would fall outside of the applicant's ownership and such a path could call into question the long term use of the adjacent sports pitch. As referenced previously, the proposed development would operate on a continuous basis. Therefore, it is likely that staff would be entering and leaving the site during the hours of darkness. If the path were to be used during these times it may not be safe due to a lack of surveillance and lighting.

## **Air quality**

- 7.29 It is accepted that there is the potential for a number of vehicle movements to and from the site. This would be in addition to the significant number of vehicles using the surrounding highways network. It is also noted that the adjacent section of the M1 motorway is within an Air Quality Management Area. In respect of these matters, the applicant has carried out an assessment of the impacts of the development on air quality, which has been reviewed by the Council's Environmental Health section. This has concluded that the development would result in a marginal increase in the levels of nitrogen dioxide and particulate matter at sensitive receptors; however, the development would not prevent any targets for future emission levels from being met.
- 7.30 Notwithstanding this conclusion and given that the development would operate in conjunction with other commercial developments within the vicinity, which would give rise to some cumulative impacts. In order to mitigate this; the applicant through the Section 106 Agreement, will provide additional funding to promote more environmentally sustainable means of travel for employees and visitors to the site.

## **Noise**

- 7.31 It is recognised that the proposal is for the development to operate on a continuous basis. Given the modus operandi of the applicant, any form of condition limiting the operating hours of the proposed development could be construed as being unreasonable. As a result of this, the level of noise emanating from the development is of key importance due to presence of residential accommodation within the wider area. In assessing noise levels, it is important to recognise that the site is in close proximity to two heavily trafficked roads and as a consequence of this, the level of background noise is high.
- 7.32 The proposed bunding would offer some mitigation in addition to reducing the visual impact of the building. This would be supplemented by the installation of acoustic fences running along the top of the bunding, which would offer further mitigation. The variety of landscaping that has been proposed would, in the longer term, screen views of the fence thereby ensuring that this would not unduly adversely affect visual amenity.
- 7.33 In order to provide additional certainty regarding the impacts of the proposed development upon the occupiers of adjoining residential properties and in line with the recommendations of the Council's Environmental Health section, a number of conditions are recommended that would set limits on the levels of noise that could emanate from the site (including more stringent controls to cover night time periods). These controls would cover noise generated from matters such as the movement of vehicles and unloading in addition to the operation of plant and equipment.
- 7.34 A number of representations have been submitted to the Council regarding the impact of the development upon the environment surrounding the nearby Crematorium and its surrounding memorial gardens. It is appreciated that this site is of particular sensitivity given its use; however, given the existing background noise levels and the mitigation measures that would be secured as discussed previously, it is concluded that there would be no significant adverse impact upon the character and amenity of this facility.

## **Lighting**

- 7.35 By reason of the development operating on a continual basis, the issue of lighting is of particular importance. The applicant has submitted a lighting scheme details light levels on a horizontal plane and demonstrates that there would be no adverse impact upon the occupiers of neighbouring properties. Conditions are recommended that would ensure that the development operates in accordance with these details.
- 7.36 Notwithstanding this, there is the potential for light to fall upon the vertical plane of nearby properties. Whilst this is likely to be very limited due to the separation distances involved and the fact that the proposed bunding would provide significant screening, a condition providing certainty regarding maximum light levels is considered necessary and reasonable. The lighting would need to be designed in such a way so as to achieve the International Commission on Illumination's (CIE) guidance on this matter. By reason of the character of the surrounding area, the condition would secure more stringent light controls.

## **Flood risk**

- 7.37 It is acknowledged that the site is currently undeveloped and as such is currently permeable, although the site is not within any established flood zone. This would be replaced by the proposed building and various elements of hardstanding although it should be acknowledged that a number of flood mitigation measures have been included within the proposed development, including a balancing pond to the east of the site.
- 7.38 The application is supported by a Flood Risk Assessment, which has been assessed by the Environment Agency, which has concluded that the development would have no significant impacts upon flood risk, subject to a condition that would require details of foul water drainage to be submitted and approved by the Council. These details would include a phasing plan for the implementation of such a scheme and will be implemented prior to the development coming into use.
- 7.39 In addition to the measures and to respond to the comments of the Lead Local Flood Authority, further conditions are recommended which would secure the provision and on-going maintenance of the specific surface water drainage system. This would include details such as the design of the physical drainage system, the volume of the attenuation lake and the provision of control chambers.
- 7.40 As a consequence of these measures, it can be demonstrated that any flood risk arising from the proposed development can be appropriately mitigated and as a consequence there would be no undue detrimental impact upon flood risk either on site or within the surrounding environs.

## **Ecology**

- 7.41 Whilst the site is currently undeveloped, there are only a small number of trees on site. As these trees are generally of poor quality, there is no specific policy objection to their removal. Moreover, the loss will be more than compensated through the additional landscaping that would take part as of the development of the site.



- 7.42 Separate to this point, the applicant has undertaken a full ecological survey of the site. Of particular note is that the site has been grazed by horses, which results in grassland that is dominated by common species. The area surrounding the now demolished farm buildings features more variation; however, the additional species tend to be nettles. There are five hedges either in the site or marginally beyond its boundaries; however, two of these have recently been planted (within the motorway verge), whilst the remainder contain common plants. As a consequence, the hedgerows do not contain any species that are of ecological importance.
- 7.43 In terms of fauna, the site has been assessed and there is no evidence of any protected species including badgers. There is also no evidence to indicate that the site would be a habitat for reptiles due to the current level of grazing, combined with it being isolated from more attractive reptile habitats. Although there is a mature walnut tree on site, which has the potential to be used for roosting by bats, there is no evidence to indicate that this is that case. It is possible that the hedgerows could support a range of common bird species during the breeding period; however, this could be offset by appropriate new planting as part of the development process. Moreover, the applicant's submitted Ecological Assessment details appropriate timescales for the removal of any such planting in order to prevent any undue detrimental impact upon birds and bats.
- 7.44 In addition to these measures, further mitigation would be secured through the incorporation of new bat boxes, which are likely to be located to the east of the site, adjacent to proposed attenuation pond.

### **Archaeology**

- 7.45 The application site has been the subject of previous investigations into matters of archaeological interest as a result of previous decisions. This has established the presence of a series of Romano-British enclosures and evidence Neolithic cremations. As a consequence of the scale of the development and in line with the requirements of the NPPF, a more intrusive investigation and recording programme needs to be undertaken, which would be secured by condition.

### **Land Conditions**

- 7.46 The applicant has undertaken an initial survey of land conditions, which has identified further required areas of study. In order to respond to these matters, and in line with the requirements of the NPPF, conditions are recommended that require a more intensive investigation into potential land contamination and for details of any remediation to be submitted to and agreed by the Council. A further condition covering the remediation of any unsuspected contamination is also advised by the Council's Environmental Health Section and the Environment Agency.

### **Construction Management**

- 7.47 In order to ensure that the construction process does not adversely affect the amenities of neighbouring properties and the flow of traffic within the area, a condition is recommended that would require the submission of a Construction Environment Management Plan. This would include the hours in which construction works would take place; the routing of construction traffic; and strategies to reduce dust and vibrations during building works.

## **8. CONCLUSION**

- 8.1 It is considered that the principle of the constructing the proposed development on the allocated commercial site is acceptable. Furthermore, the amenity value of the existing open space is limited and as a consequence, its loss is outweighed by the economic benefits of the proposal. Given that an acceptable design, including landscaping has been proposed and it has been demonstrated that the scheme would not unduly impact upon neighbour amenity or highway safety, the application is recommended for approval in principle, subject to the finalisation of a S106 agreement.

## **9. CONDITIONS**

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

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

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

Reason: For the avoidance of doubt and to ensure consistency with 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. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

5. The parking, access roads and manoeuvring spaces space as shown on drawing 14070 P003 Rev. C shall be fully implemented prior to the first occupation of the development hereby permitted.

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

6. Notwithstanding the details submitted, full details of the bus stop area, which shall include details of engineering, constructional and drainage details in addition to details of lighting and a bus shelter as indicated on drawing 14070 P004 Rev. C shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

7. Notwithstanding the details submitted, full details of the appearance of all proposed hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development and retained thereafter.

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

8. All planting, seeding or turfing as shown on drawings DLA-1625-(02)-01 Rev. B and DLA-1625-(02)-03 Rev. B 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.

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

9. Full details of the appearance of all proposed external lighting installations shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

10. The development hereby permitted shall operate in accordance with the external lighting details as shown on drawings DLA-1624-(02)-07; 2764/E/101 Rev. P3; and 2764/E/102 Rev. P2.

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

11. Notwithstanding the details submitted, the external lighting installation shall be designed so that the levels of illuminance and luminous intensity at any nearby residential premises shall not exceed the appropriate guide levels in the CIE Guide of the Limitations of the Effects of Obtrusive Light from Outdoor Lighting Installations: CIE 150:2003. In this case, it is considered that the development is situated in Environment Zone E2.

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

12. Prior to the commencement of the development, a scheme detailing proposed lighting level shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall include all proposed lighting levels, including the vertical illuminance levels at all residential properties in Heronsford and Teal Close. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

13. The building façade luminance ( $L_b$ ) on residential properties within Heronsford and Teal Close when measured as a maximum average surface illuminance shall not exceed  $5\text{cd/m}^2$ .

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

14. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- iv) The location, extent and duration of any temporary stockpiling areas.
- v) Measures to prevent mud being deposited on the surrounding highway.
- vi) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This condition is necessary to ensure that adequate provisions are in place prior to the commencement of any development.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework. This condition is required in order to ensure the timely investigation of such occurrences prior to building works taking place.

16. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by Nolan Associates, no. 2014-269 revision P4 dated June 2015), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions) of all elements of the proposed drainage system, to include pipes, inspection chambers, ACO drains, storage tanks, outfalls/inlets and swales.ii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

iii) Full specification for the permeable paving to be provided.

iv) Details of the attenuation pond dimensions, to include bank levels in relation to 'normal' and design water levels and surrounding land levels, plus cross sections through any raised sections of bank. This should demonstrate that adequate attenuation storage volume has been provided above 'normal' water level, providing an appropriate freeboard between top design water level and bank level of 600mm or that determined as being appropriate by a qualified engineer for safety and other factors. The available storage volume should account for any ballast or other permanent features within the pond.

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the National Planning Policy Framework. This condition is required in order to ensure the adequate provision of adequate flood mitigation in an appropriate timescale.

17. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be retained in full thereafter.

This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development, and a plan designating routes for overland flow (including any dropped kerbs) and areas designated for flood storage.

Reason: To ensure the future maintenance of drainage systems associated with the development. This condition is required in order to ensure that any flood risk is satisfactorily mitigated in a timely manner.

18. No building works, which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure. This condition is required in order to ensure the provision of adequate infrastructure in a timely manner.

19. 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 in a, which is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

21. The proposed development shall be carried out in accordance with the drawing number 14-T101\_08 titled Access Arrangement, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a neutral impact upon the highway system in accordance with the requirements of the National Planning Policy Framework.

22. Notwithstanding the details submitted, full details of the installation of at least two bat boxes (including location) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory form of development in terms of encouraging ecology enhancements in accordance with the requirements of the National Planning Policy Framework.

23. The office accommodation as shown on drawing 14070 P007 shall remain ancillary to the warehouse building hereby permitted and shall at no time form a separate planning unit.

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

24. The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LA<sub>r</sub>,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or

exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted acoustic report (undertaken by Cole Jarman; reference 14/0674/R1, Issue 2 dated 1st May 2015).

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

25. The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

- i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 53 dB LAmax between 2300 and 0700 hours.
- ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.
- iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LAmax between 2300 and 0700 hours.

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the Cole Jarman acoustic report ref 14/0674/R1-2.

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

26. The level of noise emitted from plant shall be at least 6 dB(A) below the existing background noise level (as measured at representative positions of the nearest dwellings, as a free field) of 40 dB LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

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

## **10. BACKGROUND PAPERS**

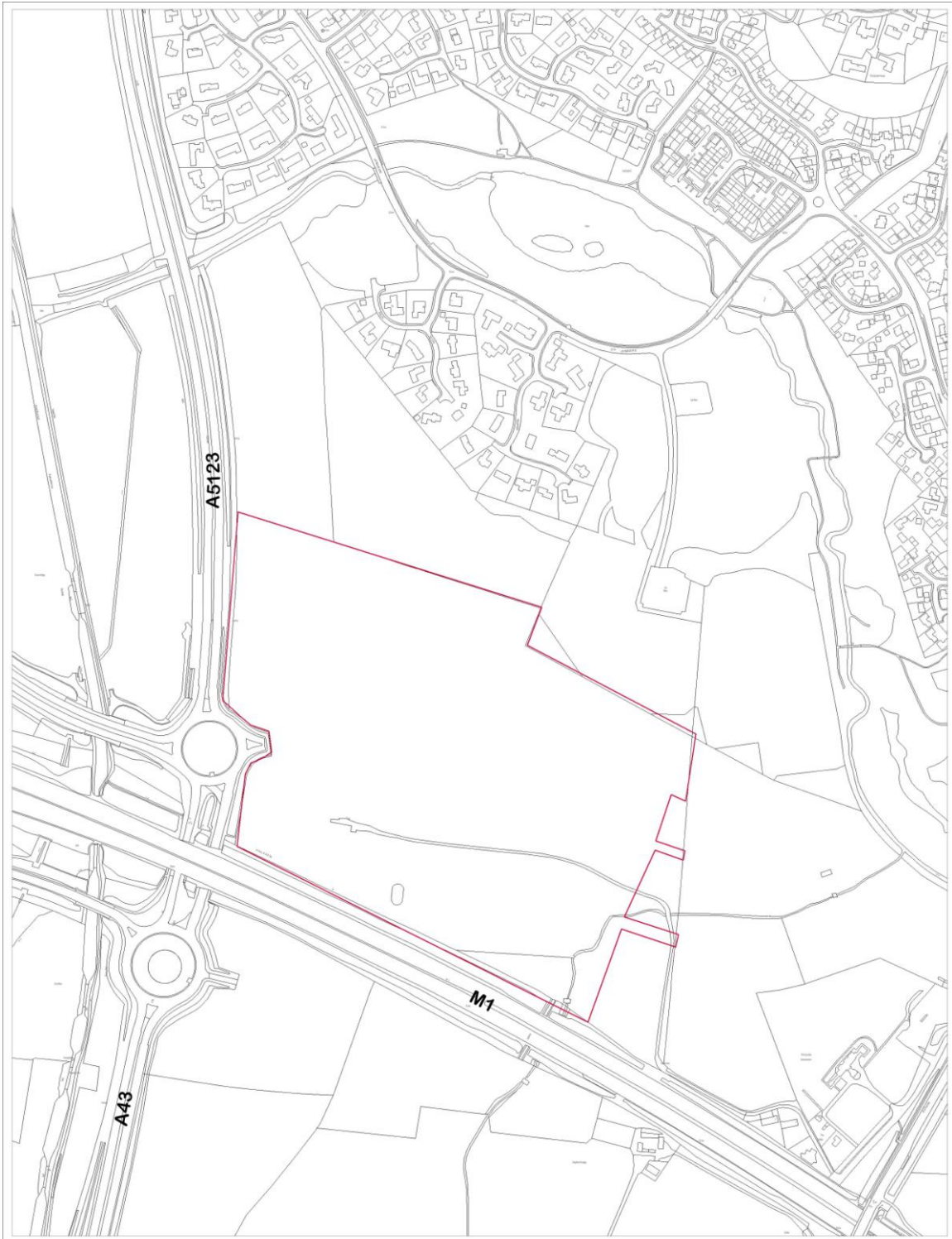
10.1 None

## **11. LEGAL IMPLICATIONS**

11.1 None

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

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



Name: Site Location Plan  
Date: 13th July 2015  
Scale: 1:5000  
Dept: Planning  
Project: Planning Committee

Title

## Land at Milton Ham, Towcester Road

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0419:** Demolition of Bective Works and Jebez House and erection of student accommodation comprising 293 study bedrooms and including retail unit accessed from Yelvertoft Road at Bective Works and Jebez House, Bective Road and Yelvertoft Road

**WARD:** St Davids

**APPLICANT:** Mr G. Cadman; Pelican Real Estate Ltd  
**AGENT:** Mr N. Stafford; David Lock Associates

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Major development requiring a Section 106 Legal Agreement

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed development would represent the acceptable reuse of this previously developed site and would have a neutral impact upon visual and neighbour amenity, highway safety and the character of the surrounding area. The development is therefore compliant with the requirements of the National Planning Policy Framework; Policies H1, S10 and INF1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

1.2 That delegated authority is given to the Director of Regeneration, Enterprise and Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:

- i) The implementation of a management plan to ensure the acceptable operation of the proposed development;
- ii) The funding of public transport improvements, including new bus shelters;

- iii) A financial payment to fund a Traffic Regulation Order to alter parking restrictions in Bective Road in order to facilitate the installation of the site's access;
  - iv) The operation of the development in accordance with the submitted Travel Plan;
  - v) A financial payment and a programme of works to enable the provision of construction worker training opportunities; and
  - vi) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.
- 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 Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework

## **2. THE PROPOSAL**

- 2.1 The application proposes the erection of a building for use as student accommodation, comprises 293 bedrooms which would be occupied by a total of 331 students. The proposal includes the provision of 34 car parking spaces to be sited underneath the building. The building has a varied form and is up to four storeys in height (approximately 14m) at the highest point; however, the bulk of the building is three storeys (approximately 11m). The building includes pedestrian accesses from both Bective Road and Yelvertoft Road, with the sole point of vehicular access being sited in Bective Road.
- 2.2 The building includes a number of communal areas, which would also include outside areas sited within quadrangles surrounded by the proposed building. The ground floor would include a cafeteria for use by occupiers of the building and a small scale retail unit that would be accessed from Yelvertoft Road.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located within an area allocated within the Northampton Local Plan as being for residential purposes. The site is also adjacent to the Kingsthorpe Centre which includes a range of shops and services. Bective Road and Yelvertoft Road can be characterised as predominantly residential with a mix of commercial uses.
- 3.2 The application site measures 0.7ha in area and contains the building known as Bective Works. This is a predominantly brick-built, single storey building with frontages onto both Bective Road and Yelvertoft Road. Part of the site has previously been redeveloped many years ago to create the parade of commercial units that front onto Harborough Road. The site also contains Jebez House, which is a single storey, split-level brick building located to the south east of the Bective Works building. This fronts onto Yelvertoft Road. There is a small area of open space between this building and the residential dwellings in Yelvertoft Road.

- 3.3 To the rear of Jebez House and fronting onto Bective Road is Enterprise House, which is a Grade II Listed Building. This building was erected in 1902 and extended relatively soon afterwards. Listed Building consent was granted in 2012 to facilitate the change of use of the building to enable it to be utilised for student community purposes.

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

- 4.1 WN/2006/0028 – Demolition of existing Bective Works and Jebez House and the erection of 155 residential units with associated landscaping and underground car parking – Approved.

N/2011/0300 - Demolition of existing Bective Works and Jebez House and the erection of 155 residential units with associated landscaping and underground car-park (application for new planning permission to replace existing planning permission ref: WN/2006/0028 dated 01/11/2006 in order to extend the time limit for implementation) – Undetermined, application originally submitted to WNDC.

11/0065/FULWNN – Demolition of existing Bective Works and Jebez House and the erection of 406 student accommodation building incorporating a 288sqm retail unit, 17 space lower ground floor car park and servicing space. New vehicular and pedestrian access and landscaping. Alteration, restoration and extension of Enterprise House for student community use – Refused.

N/2012/1092 – Application for Listed Building Consent for alteration and restoration of Enterprise House and its change of use to student community use – Approved.

N/2012/1093 – Demolition of Bective Works and Jebez House. Erection of new student accommodation building, incorporating a retail units and lower ground floor parking and service space, together with new vehicular access and pedestrian access and associated landscaping proposals, plus the alterations and restoration of Enterprise House and its change of use to student community use – Refused and dismissed at appeal.

- 4.2 The most recent planning application reference (N/2012/1093) was considered at appeal in 2014. Whilst the Inspector dismissed the appeal due to the adverse impact upon the character of the building caused by the scale of the building (the proposal had a height of approximately 17m at the highest point) and the general design, which the Inspector considered was unduly bulky that would have an overbearing impact upon the streetscene, which was exacerbated by the flat roofed design. Despite this conclusion, the Inspector concluded that the development of student accommodation on this site was acceptable in principle and that a suitable management regime could be secured and the highways impacts could be mitigated.

#### **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 adopted West

Northamptonshire Joint Core Strategy (2014 and Northampton Local Plan (1997) saved policies.

### **National Policies**

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.
- 5.3 Paragraph 17 sets out a number of encompassing principles for the planning system and in particular, states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This requirement is elaborated in Paragraph 56 which highlights the importance of design in ensuring a good quality built environment and delivering sustainable development Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.4 Paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development whilst paragraph 58 affirms that planning should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 5.5 In addition to these matters, the NPPF (in paragraph 32) states that planning decisions should take into account the need to encourage sustainable transport modes and the need to ensure that safe and suitable access can be achieved for all people.

### **West Northamptonshire Joint Core Strategy (2014)**

- 5.6 The West Northamptonshire Joint Core Strategy (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.
- 5.7 Policy S10 (Sustainable Development Principles) states that developments should be of a good standard of design that incorporates security and safety considerations and protect, conserve and enhance the built environment and heritage assets, including their setting. In addition, pollution from noise, air and water run off should be minimised.
- 5.8 In addition to this requirement, Policy H1 states that a range of housing types should be provided in order to meet the needs of various groups in society. In particular, housing developments should make the most efficient use of land having regard to the location of the site; the existing character; accessibility to services and facilities; proximity to transport routes; the living conditions for future residents; and the impact upon the amenities of occupiers of neighbouring properties.
- 5.9 Policy INF1 states that new development should be supported by, and provide good access to, appropriate infrastructure and that when development generates

such a need it should be demonstrated that adequate provision can be made to address these needs within a suitable timescale.

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

- 5.10 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application.

E20 – New development

### **Supplementary Planning Documents**

- 5.11 Planning Obligations  
Parking  
Planning Out Crime

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

**Anglian Water** – Request a condition relating to the installation of the proposed drainage system.

**Construction Futures** – Request a financial contribution and training opportunities for construction worker trainees.

**Environment Agency** – No observations.

**Environmental Health (NBC)** – Concerns are raised regarding noise levels and air quality (officer's note: this is discussed within the appraisal). Conditions are recommended with regards to unsuspected contamination; operation times of the proposed retail unit; the operation of plant and equipment and a Construction Environment Management Plan.

**Highway Authority (NCC)** – No objections in principle, subject to conditions to conditions relating to the provision of access; a Construction Environment Management Plan; and the implementation of a travel Plan. A Section 106 Agreement should be entered into to secure the 'car free' status of the development in addition to payments to fund improvements to bus shelters and a Traffic Regulation Order within Bective Road.

**Highways England** – No objections.

**Lead Local Flood Authority (NCC)** – No objections subject to conditions being imposed relating to the design of the drainage system and details of ongoing maintenance being submitted and agreed.

**Northamptonshire Police Crime Prevention Design Advisor** – No objections as the Police have been involved in the development of this proposal and any concerns and comments have been addressed by the applicant.

**Michael Ellis MP** – Objects due to the potential lack of demand for the proposed facility, the potential impact upon privacy and the risk of anti-social behaviour being created.

**28 letters of objection** have been received. Comments can be summarised as:

- The development is inappropriate towards the character of the surrounding area and the design is not acceptable.
- The development does not contain sufficient car parking.
- Congestion in the area is common, which also adversely affects pedestrian safety.
- Other developments are proposed in the wider area, which would also increase road usage.
- Concerns are raised regarding the enforceability of the 'car free' status of the development and problems that would emanate when students are moving into and out of the development.
- The development would have an adverse impact upon privacy levels.
- Concerns are raised regarding noise and dust arising from the proposed demolition.
- Concerns are raised regarding the provision of adequate drainage and sewerage.
- There would be an increase in noise and littering.
- Alternative developments may be more appropriate and the University is relocating and the use of the proposed development may change.
- There have been changes to bus service provision in the area.

## **7. APPRAISAL**

### **Principle of the development**

- 7.1 By reason of the prevailing residential character of the surrounding area, it is considered that the principle of developing the site for residential type purposes is acceptable. The site is allocated for housing purposes within the Northampton Local Plan and although the proposal is not for the provision of a more conventional Class C3 residential accommodation (i.e. houses or flats occupied by single households), it is considered that the nature of the development is compatible with the surrounding land uses. The proposed development would also result in the satisfactory reuse of previously-developed land, which contains a number of unsightly commercial buildings.
- 7.2 The proposal would result in the loss of land that has been used for commercial purposes. The retention of this land for commercial uses is not a requirement of the Northampton Local Plan as the site is identified for housing use. As a consequence of this, the loss of the business units is a matter that can be given little weight. It is also acknowledged that there is a potential conflict between the existing lawful commercial use of the site and the surrounding residential units, which could give rise to a significant adverse impact upon neighbouring properties.
- 7.3 It is considered that the site is in a sustainable location given its proximity to the Kingsthorpe Centre, which contains a range of facilities including retail units. In addition, a number of bus routes operate from and through the centre and a large proportion of these links to the town centre. The site has a good level of linkages with other areas.
- 7.4 In addition to these factors, weight should also be given to the previous Appeal decision, where the Inspector concluded that:

*'...I have not been provided with substantive evidence to demonstrate that the occupation of the building by students would be harmful to the character of the area. Indeed, I consider that the residents of the new building would support the shops and services in Kingsthorpe. In light of the above, I conclude that the intended use of the building would not be harmful to the character of the area.'*

- 7.5 Following the preceding conclusions, it is considered that the proposed development is acceptable in principle.
- 7.6 Given the previous industrial uses of the site, the applicant has submitted a contamination assessment, which has been considered by the Council's Environmental Health Section and no objections have been raised in respect of the proposal. It is considered that the proposal is acceptable in this regard.
- 7.7 Comments have been received from the Council's Environmental Health Section regarding air quality in the vicinity and the potential impacts of the proposed development. Planning permission has previously been granted for residential type developments on this site and the proposal would have limited traffic attracted to it. It is also considered that the predominant character and use of the area has not materially changed since the most recent decisions on this site (the determination of the previous application for student accommodation and the resultant appeal). As a result of this, resisting the proposal on this ground would be unreasonable.

#### **Design and appearance**

- 7.8 The design of the building has been substantially revised from the most recent consideration in 2014. Of particular note is that the proposal has been reduced from 320 bedrooms to 293. This has resulted in a building of much reduced scale, which is predominantly three storeys in height. Of further note is that the third floor of the building would be incorporated within a mansard roof. This means that the overall height of the building would not be significantly greater than the prevailing vernacular and would ensure that the building would not appear incongruous within the streetscene.
- 7.9 It is accepted that the building features a taller element located adjacent to the north western corner of the site; however, the height of this element of the building is four storeys and therefore not overly disproportionate towards the surrounding buildings. Furthermore, this section is also located the greatest distance from the existing residential properties, thereby ensuring a neutral impact upon neighbour amenity.
- 7.10 The building maintains the linear form of buildings that is prevalent within Bective Road and Yelvertoft Road. This helps to maintain the character of the area. It is noted that one of the criticisms of the Inspector in respect of the previous scheme was that the building appeared to be overly bulky by reason of the elevation viewable from Harborough Road to the west. The applicant has responded to this in designing the current scheme as the height of the link section between the elements of the building that run parallel to Bective Road and Yelvertoft Road has been reduced substantially and would be predominantly screened by the existing parade of shops that is present in Harborough Road. This ensures that the building reflects the form of the surrounding area.
- 7.11 In addition to these measures, the proposed building has been designed to ensure that there are a number of variations within the main elevations. These

have included a variety of materials that would be selected from a traditional type of palate. There are some differences in building projection on the side elevations. This series of sets back creates a more interesting form building that maintains the area's visual amenity.

- 7.12 In addition to this design ethos, the applicant has incorporated a number of features that are reflective of those utilised in the surrounding area. Of particular note is that the window cills are of a comparable style to those prevalent in the nearby houses. The building features a number of narrow vertical columns that break up the massing of the side elevations which are reminiscent of traditional terraced houses. These design cues, although of a comparatively small scale, help to create a stronger relationship between the proposed and existing properties and would add interest to the façades.
- 7.13 The design of the development includes the provision of grilles on the sides of the building, which would allow for any parked vehicles to be within sight of passing pedestrians thereby creating natural surveillance in compliance with the Joint Core Strategy. This design approach has also been applied to the pedestrian and vehicular entrances, which also benefit from a good level of natural surveillance.
- 7.14 In terms of the impact upon neighbouring properties it is noted that the previous larger building was deemed to have a neutral impact upon the levels of light, outlook and privacy currently experienced by existing residents. Given that the relevant policies of the Local Plan remain in place and the requirements of the JCS are comparable it is considered that this view still holds. Furthermore, the impacts on neighbouring properties have been reduced by reason of the diminished height and massing of the proposal.
- 7.15 On account of the design of the proposed building, it is considered that the occupiers of each room would have a satisfactory level of light, outlook and privacy.

### **Site Management**

- 7.16 The proposed development would be occupied by a single population group (i.e. students). A management plan has been submitted by the applicant specifies that the occupants of the developments would be drawn from a large student body comprising a combination of under-graduate, post-graduate and international students. Therefore, there is likely to be a reasonably significant range in terms of ages and experiences of the occupants of the proposed development. For these reasons, the proposed use would be similar in many regards to apartments, which is a form a development that has gained planning permission at the site in the past although never implemented.
- 7.17 A further element of the proposed Management Plan is that there would be the provision of wardens throughout the day and night that would provide support and guidance in addition to dealing with behaviour/disciplinary matters. These would be supplemented by assistant wardens comprising students providing peer support. The Management Plan would ensure that the dedicated staff are provided to liaise with the existing community and address any matters that arise from the operation of the development. It is recommended that in the event that the application is approved, the on-going implementation of this management plan is secured via a Section 106 Agreement.



- 7.18 In order to manage noise and potential anti-social behaviour that could result from the proposed use, it is recommended that a condition to be imposed requiring the submission of a Residents Management Plan detailing how these matters would be addressed. This would ensure that the proposed development is compliant with the National Planning Policy Framework. This approach is also consistent with the approach taken in respect of previously approved and now operational student accommodation on the former St Johns surface level car park (reference N/2012/0067).
- 7.19 Observations have been submitted regarding the potential detrimental impact of residents of the proposed development creating noise and disturbance within the wider area. Whilst this point is noted, it should be recognised that such occurrences could emanate from any development on this site, such as flats or houses; however, the Management Plan would provide a high level of certainty over any noise levels arising within the development, which ensures a satisfactory level of amenity. Further certainty can be gained through the imposition of a condition that would limit the number of residents that could occupy the development at any one time. This figure would be 331, which is consistent with the details contained within the planning application.
- 7.20 The means of pedestrian access to the development would be from Bective Road and an atrium has been provided, which should alleviate the need for residents to congregate in the street. Access to the building would be controlled through swipe-cards and internal CCTV would be installed at all entrances, communal areas, parking areas, cycle storage and atriums and details of this would be secured by a condition to any planning permission. The Management Plan has been considered by Northamptonshire Police's Crime Prevention Design Advisor, who has raised no objections.
- 7.21 The development has been designed to include a number of areas where residents could potentially congregate. These include internal kitchen/dining areas that would each serve a small number of study bedrooms. Additional congregation space includes the ground floor café and the courtyards that would be sited towards the centre of the site and surrounded by building works. For these reasons, it is considered that the scheme has been designed in such a way so as to alleviate any risks of excessive noise causing undue detrimental harm to surrounding residents.
- 7.22 For the foregoing reasons, it is therefore considered that the operation of the proposed development would not cause any undue detrimental impact upon the occupiers of neighbouring properties and would be in accordance with the requirements of the Joint Core Strategy.

### **Highway Impacts**

- 7.23 It is noted that the development contains only 34 car parking spaces, which is a figure substantially lower than the 331 students that would be resident within the proposed building; however, the submitted management plan details that residents of the building would not be permitted to occupy the property and have access to a car, which would be enshrined within the submitted Management Plan. This therefore means that existing car parking provision in the area would be unaffected by the proposed development. As a consequence of this, the case can be made that the development is acceptable due to the submission of an acceptable plan, which reinforces the need for this to be operational at all times, which can be secured through the legal agreement.

- 7.24 The proposal contains a significant amount of cycle storage, which would be of a secure nature. Conditions are recommended that would require the installation of this facility prior to the first use of the building and for this to be retained throughout the life of the development. Furthermore, the development is in close proximity to Harborough Road, which features a number of bus routes. Additional bus stops are also available in Cranford Road, Boughton Green Road and Welford Road. All of these are within 420m walk from the application site.
- 7.25 Although students would be free to attend any academic institution, it is likely that a large number would be attendees of the University of Northampton. As a result of the ease of access to the town centre, combined with the variety of services and facilities that are available locally is considered that residents would have a good level of access to more sustainable means of transport, which offsets the need to have a private car.
- 7.26 In order to further encourage bus usage, the applicant will enter into a legal agreement to provide additional bus shelters within the vicinity of the site.
- 7.27 Separate to these matters and to facilitate a good standard of development, it is considered necessary for an obligation to be included in the Section 106 Agreement to ensure that the required works within the highway (e.g. removal of double yellow lines to facilitate the installation of the vehicle access) are carried out.

### **Drainage**

- 7.28 Whilst it is accepted that the site is currently developed, the proposed building would be of a larger scale than the existing structures. Notwithstanding, this it is noted that the site is not within an area with a high risk of flooding. In addition, Anglian Water has confirmed that there is sufficient capacity within the existing sewerage system to receive foul and storm drainage arising from the development. Given that the development would see the implementation of a new surface water management strategy, the level of water discharge would be controlled and enhanced beyond the existing systems that would further reduce the risk of flooding on the application sites and the wider area.

### **Retail Unit and Café**

- 7.29 As discussed previously, the proposal includes the provision of small retail unit. Whilst the application site is not within an allocated centre, it is directly adjacent to the Kingsthorpe Centre. The relatively small scale of the retail unit means that the proposed unit would operate as an ancillary facility to the development and as such would not be out of keeping with the scale and function of the vicinity. Furthermore, the level of vacant units in the Kingsthorpe Centre is comparatively low and the proposed retail unit would not detract trade or activity away from the Centre. It should also be recognised that the scale of the retail unit (which would be secured by condition in the event that the application is approved) is such that an impact or sequential assessments as required by national or local planning policy documents are not required.
- 7.30 Nonetheless, it is considered that the provision of a retail unit could cause disruption to the occupiers of the surrounding residential area and the development itself. As a result of this conditions relating to the opening hours of the proposed retail unit and the times in which deliveries can be made are

considered necessary and reasonable and would be in line with the requirements of the National Planning Policy Framework.

- 7.31 The proposed café facility would not have a frontage onto either Bective Road or Yelvertoft Road and would be accessed from within the development only and used by residents. As a result of this, it is considered that the proposal would not have a detrimental impact upon the viability and vitality of the Kingsthorpe Centre on account of the ancillary nature of this function. A condition is proposed that would require the submission of a scheme relating to the control and remediation of noise arising from plant and equipment associated with these uses.

### **Impact upon adjacent Listed Building**

- 7.32 As discussed previously, the site is adjacent to the Grade II Listed Enterprise House, which is a notable as it represents an early example of a single storey shoe factory. This application does not seek to make any alterations to this building and the proposed student accommodation is set back from the site's boundaries. Furthermore, adjacent to the boundaries of the Enterprise House site would feature new hard surfacing. These arrangements are sufficient to ensure that there would be a visual break between the application site and the Listed Building which would enable the proposal to have a neutral impact upon the character and appearance of this heritage asset.

### **Other Considerations**

- 7.33 By reason of the scale of the proposed development and in accordance with the requirements of the Council's Developer Contributions Supplementary Planning Document, it is considered necessary to secure, via a legal agreement, an obligation to provide training opportunities and funding to administer this for construction workers.
- 7.34 It is recognised that the construction of a development of this scale could cause some undue detrimental impacts upon the occupiers of neighbouring properties, particularly as some demolition and site clearance is involved. In order to mitigate this impact, a condition is recommended that would require the submission of a Construction Environment Management Plan (CEMP). This would cover, although not be limited to, the times in which construction work could take place; the routing of construction traffic; and strategies for the suppression of construction noise and dust.

## **8. CONCLUSION**

- 8.1 It is considered that the principle of the proposed development is acceptable for this location and would not be detrimental to neighbour amenity. The proposed development would have a neutral impact upon visual amenity and the adjoining Grade II listed building. Subject to the securing of the Management Plan and additional mitigation through a Section 106 Agreement, it is considered that the proposal would have a neutral impact upon the highways system. For these reasons, the revised scheme has overcome the previously identified issues as established at appeal and represents the appropriate reuse of this prominent site that is in significant need of renewal.

## **9. CONDITIONS**

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

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

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

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

3. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby permitted shall be used only as student accommodation with associated café and retail unit (sui generis use) and for no other purpose.

Reason: For the avoidance of doubt and to ensure a satisfactory impact upon the amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework

4. The development hereby permitted shall be occupied by a maximum of 331 students.

Reason: For the avoidance of doubt and to ensure a satisfactory impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

5. 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.

6. Full details of the proposed entrance shutter to the car park shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, fully implemented prior to the first occupation of the development hereby permitted and retained / maintained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

7. 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 landscaping for the site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan. This condition is required due to the need to secure a neutral impact upon visual amenity and no details have been included within the application.

8. 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. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

9. Notwithstanding the details submitted, full details of the reinstatement of vehicular crossovers to pavements shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development provided and retained thereafter.

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

10. Notwithstanding the details submitted, full details of the proposed vehicular access from Bective Road including details of any alterations to on street parking controls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of ensuring a neutral impact upon highway safety in accordance with the requirements of the National Planning Policy Framework.

11. The car parking as shown on drawing 50 Rev. A shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of ensuring a neutral impact upon highway safety in accordance with the requirements of the National Planning Policy Framework.

12. Within three months from the first occupation of the development hereby permitted, a Travel Plan Survey detailing progress in the implementation of the submitted Travel Plan (reference: Version 5, dated July 2015) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring a neutral impact upon the highway network and promoting sustainable forms of travel in accordance with the requirements of the National Planning Policy Framework.

13. Within six months from the first occupation of the development, a revised Travel Plan that takes into account the finding of the Travel Plan Survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Travel Plan monitoring reports shall be submitted to and approved in writing by the Local Planning Authority on an annual basis for a period of five years from the first occupation of the development.

Reason: In the interests of ensuring a neutral impact upon the highway network and promoting sustainable forms of travel in accordance with the requirements of the National Planning Policy Framework.

14. Prior to the occupation of the development hereby approved, a Residents Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which includes measures to reduce noise and general

disturbance. The Management Plan shall be implemented in accordance with the approved details retained at all times.

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

15. No hard standing areas shall be constructed until the works specified within the submitted Surface Water Management Strategy have been carried out in full.

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

16. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be fully implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework. This condition is required in order to ensure that any flood risk is satisfactorily mitigated in a timely manner.

17. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed maintenance plan and retained thereafter.

Reason: To ensure the future maintenance of drainage systems associated with the development. This condition is required in order to ensure that any flood risk is satisfactorily mitigated in a timely manner.

18. Notwithstanding the details provided, full details of any external lighting 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 securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework.

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

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

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, implemented prior to the occupation or bringing into use of the building and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

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

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

22. The retail unit hereby permitted shall only be open to customers between the hours of 7.30am and 10pm.

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

23. Deliveries to the retail unit shall only be made during the hours of 7.30am and 8pm.

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

24. The floorspace of the retail unit used for the display and sale of products shall not exceed 221 square metres.

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

25. 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 in a, which is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

26. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in

accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This condition is necessary to ensure that adequate provisions are in place prior to the commencement of any development.

## **10. BACKGROUND PAPERS**

10.1 N/2012/1092 and N/2012/1093

## **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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**  
**Bective Works/Jabez House, Bective Rd/Yelvertoft Rd**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0438:** Phased demolition of existing buildings and redevelopment to provide new headquarters and other offices (including related storage) within Use Class B1, shop (Use Class A1) and gym (Use Class D2) with related access, parking, servicing and landscaping at Lodge Way House, Mandal House and Harveys site, Lodge Way

**WARD:** New Duston

**APPLICANT:** Travis Perkins (Properties) Ltd  
**AGENT:** Mr. J. Best, Montagu Evans

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Major development requiring a Section 106 Legal Agreement

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed development would allow for the effective redevelopment of this site and would generate significant employment opportunities to benefit of Northampton's economy. Furthermore, the proposed buildings are of a good standard of design and would have a neutral impact upon the amenities of surrounding residents. Subject to conditions and a legal agreement, appropriate mitigation can be secured and as a consequence, the development is in conformity with the requirements of the National Planning Policy Framework; Policies E1, S1, S8 and S10 of the West Northamptonshire Joint Core Strategy and Policies E20 and B14 of the Northampton Local Plan.

#### 1.2 That delegated authority is given to the Director of Regeneration, Enterprise and Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:

- i) A financial payment and a programme of works to enable the provision of construction worker training opportunities; and
  - ii) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.
- 1.3 It is also requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning to negotiate with the Highway Authority and the applicant in order to resolve the concerns that have been raised. In particular, it is requested that delegated authority be given to expanding the Heads of Terms of the Legal Agreement and to amend the list of draft conditions as appropriate in order to secure adequate highways mitigation as may be deemed necessary.
- 1.4 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework

## **2. THE PROPOSAL**

- 2.1 The applicant seeks full planning permission to redevelop three sites within the Lodge Farm Industrial Estate. These sites comprise Mandal House, which would be redeveloped to form an office building and training centre which would have a floor space of 14,131m<sup>2</sup>. This element of the site will also include an innovation centre that would have an initial floor space of 4,024m<sup>2</sup>, but would rise to 4,860m<sup>2</sup> as later phases of the development come forward. In addition, this element of the proposal would include the provision of 241 car parking spaces.
- 2.2 The second area of the proposal comprises the redevelopment of the site known as Lodge Way House which would comprise the provision of a multi-deck car park of three storeys and containing 938 car parking spaces. It is also proposed that the roof of the building will contain a number of photovoltaic cells in order to provide more sustainable forms of energy to serve the proposed new office building.
- 2.3 The final section of the development comprises redevelopment of the Harvey's site and would include the provision of a five storey building with a total floor space of 6,632m<sup>2</sup>. This building would contain a retail unit, a gymnasium, additional office accommodation and archive storage. The site also contains two separate cars parks: the first will have 65 spaces and is intended to serve the retail unit and gymnasium; whilst the second would serve the offices and archive facility and would have 308 spaces.
- 2.4 In addition, various items of landscaping would be incorporated within the new development. All of the elements of the development would be accessed via Lodge Way.

## **3. SITE DESCRIPTION**

- 3.1 The applications sites are located to the north east of Harlestone Road, within the Lodge Farm industrial estate. The application encompasses three different sites within the vicinity. The first of which is commonly referred to as the former Harvey's site, which is situated adjacent to the junction of Lodge Way and Harlestone Road. The site currently contains a small scale industrial building and some ancillary car parking. The second site (known as Lodge Way House) is located to the north-east of this site (albeit on the opposite side of Hill Close). This site currently contains a reasonably large office building that is of a dated appearance and is currently occupied by the applicant. The third site is referred to as Mandal House and is located to the north west of the Lodge Way House site (adjacent to the Lodge Way and Barn Way). This site contains a vacant commercial building, which has been used for car parking on a temporary basis for approximately the last year. Of additional note is that the applicant would retain an existing office building on the junction of Ryehill Close and Lodge Way.
- 3.2 The Lodge Farm area is predominantly used for a variety of commercial functions. Lodge Way runs in something of a horseshoe shape and has two junctions with Harlestone Road, approximately 600m apart. As a consequence, all traffic that visits the industrial estate would utilise Harlestone Road. The southernmost of the two junctions with Harlestone Road also forms an offset crossroads with Firsview Drive. Usage of this junction is controlled by traffic lights.
- 3.3 The wider area is characterised through the provision of residential accommodation of a variety of types and ages. Of further note is that the Lodge Farm industrial estate abuts the south western boundary of the proposed Dallington Grange Sustainable Urban Extension.
- 3.4 The sites feature little in the way of gradient changes and as the vast majority of the three sites are currently developed there are few existing trees or matters of ecological note.

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

- 4.1 None relevant.

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

##### **Development Plan**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

##### **National Policies**

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- 5.3 Paragraph 7 of the NPPF states that a key role of the planning system is to contribute to the building of a strong and competitive economy and should support growth and innovation. This role should be undertaken in conjunction with the need to support strong and vibrant economies and contributing to the protection and enhancement of the environment.
- 5.4 Significant weight is placed on the need to support economic growth through the planning system in Paragraph 19, which is strengthened by Paragraph 21, which identifies the importance of supporting existing business sectors, taking into account of where they are expanding or contracting. A flexible approach is encouraged to accommodate needs not anticipated in the plan and to allow a rapid response to changes in circumstances.
- 5.5 Of specific relevance to this application, the NPPF identifies that office accommodation and other developments such as retail and gymnasiums as being 'town centre uses'. As a consequence, it is required that developments of the type proposed should be, in the first instance, located within either the town centre of other allocated district or local centres. Paragraph 24 requires the application of a sequential test to planning applications for main town centre uses that are not sited within such a centre in order to ascertain whether they could be located in more preferable areas.
- 5.6 Paragraph 17 sets out a number of key principles for the planning system and in particular, it identified that planning should proactively drive and support sustainable economic development, whilst securing high quality design and a good standard of amenity for all existing and future occupiers. In addition, development should be encouraged on previously developed land, particularly when it is of low environmental value. Furthermore, mixed use developments are also strongly encouraged.
- 5.7 In assessing the transport implications of a proposed development, paragraph 34 states that planning decisions should ensure that developments are sited in areas where the use of sustainable travel can be maximised. Paragraph 32 requires that safe and suitable access to the site can be provided for all people and that where necessary; improvements to the highway system can be made in order to limit any significant impacts of the development.

#### **West Northamptonshire Joint Core Strategy (2014)**

- 5.8 The West Northamptonshire Joint Core Strategy (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 Policy S1 concentrates new development and economic activity primarily in and adjoining Northampton's principal urban area. In support of this objective, Policy S7 requires the provision of a minimum net increase of 28,500 jobs over the plan period and that Policy S8 states that in order to deliver this objective, there will be a renewal and regeneration of existing employment sites including sites such as Lodge Farm.
- 5.10 Policy E1 seeks to retain existing employment areas within use classes B1, B2, B8 within allocated business areas, which will be supplemented by appropriate employment generating uses that fall within other use classes. Policy E2 requires that major office developments of over 1,000m<sup>2</sup> should be located within an allocated centre and if not, be the subject of a sequential assessment.

- 5.11 Policy S10 (Sustainable Development Principles) provides a set of overarching objectives regarding the assessment of planning applications. In particular, there is a requirement that new developments achieve the highest standards of design; that developments enhance biodiversity; and minimise pollution from noise, air and run off.
- 5.12 Policy INF1 states that new development should be supported by, and provide good access to, appropriate infrastructure and that when development generates such a need it should be demonstrated that adequate provision can be made to address these needs within a suitable timescale.

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

- 5.13 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application.
- 5.14 Policy E20 requires that new developments be designed in such a way so as to ensure adequate levels of light, outlook and privacy. As discussed previously, the site is partially within an area of allocated open space and as a result Policy E6 is of some relevance as it states that new developments should not unacceptably prejudice the function of allocated areas.
- 5.15 Policy B14 seeks to retain existing business areas for employment use by resisting other forms of development unless the proposal would bring about significant community benefits and jobs.
- 5.16 **Supplementary Planning Documents**

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

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Archaeology Advisor (NCC)** – The application site lies to the south of an area associated with Iron Age activity. Whilst it is appreciated that the site has been the subject of development, it is not unreasonable to suggest that there may still be archaeological deposits within the site. As a result a condition requiring further investigation is requested.
- 6.2 **Construction Futures** – Request an obligation within the Section 106 Agreement to secure funding for the provision of construction worker training opportunities in addition to on site opportunities.
- 6.3 **Environment Agency** – No objections subject to the imposition of a condition relating to the provision of foul water drainage.
- 6.4 **Environmental Health (NBC)** – Recommend conditions relating the investigation and remediation of any contamination in order to ensure a satisfactory standard of development. A condition is also recommended that would secure the implementation of a Construction Environment Management Plan. Concerns are

raised regarding the potential impact upon air quality; however, this could be mitigated through a Travel Plan.

- 6.5 **Highway Authority (NCC)** – Raise concerns regarding the assessment of transport that has been carried and identify additional areas where work is needed. At this point, it is not possible to confirm the scope of any highway mitigation.
- 6.6 **Highways England** – No objections.
- 6.7 **Lead Local Flood Authority (NCC)** – no objection subject to planning conditions to be imposed regarding drainage.
- 6.8 **Northamptonshire Police Crime Prevention Design Advisor** – Northamptonshire Police have provided advice prior to the application being submitted and the bulk of this guidance has been incorporated into the scheme. As a consequence, there are no further observations to make.
- 6.9 **Urban Designer (NBC)** – No objections subject to revisions being made to the design of some of the buildings (Officers note: These have been secured and are discussed within the Appraisal section of this report).

## **7. APPRAISAL**

### **Principle of the development**

- 7.1 The NPPF specifies that office accommodation in addition to uses such as retail units and gymnasiums should be located within allocated centres (such as the town centre) and in instances where this is not the case, applications should be subject to sequential assessment. In carrying out such an assessment, it is necessary for these to be applied in a 'real world' context and with reference to the needs of the development and related commercial considerations.
- 7.2 In respect of this point, the proposed development would operate alongside an existing office building (Ryehill House) utilised by the applicant, which has recently been refurbished to meet the ongoing needs of the business. Ryehill House contains important ancillary functions to the business and as a consequence there appears to be some efficiency gains by having all elements of the business located together. Furthermore, the proposed development is in part driven by a need to bring together a variety of business areas in order to aid collaboration. Therefore it would be unreasonable to insist upon a disaggregation of the various elements of the proposed development.
- 7.3 In considering this matter, the applicant has assessed more sequentially preferable sites, such as the St Johns area for which the Central Area Action Plan allocates for future office development (in addition to other uses). In respect of this site, it is noted that the quantum of development proposed within this application could not be readily accommodated on the site and can be discounted in sequential terms. In addition, the applicant has assessed the possibility of locating the development in the Angel Street area; however, the only site that could theoretically accommodate a development of the scale proposed is already subject to a planning permission (known as Project Angel) and building works are already underway. As such, the site can be discounted on the grounds of lack of availability.

- 7.4 Aside from such sites, the applicant has assessed the possibility of locating the development on the former Greyfriars Bus Station site. In respect of this, it should be noted that the Council has confirmed a desire for the site to be developed to enhance the retail and leisure offer within the town centre. Whilst this plans are at an embryonic stage, it is not clear as to how a predominantly office lead scheme would contribute to this objective and as a result this site can be discounted from the sequential assessment.
- 7.5 The applicant has also assessed sites on the edge of the town centre sites; which include the land bounded by Bridge Street and Cattle Market Road. Notwithstanding that the bulk of the units within the site are currently occupied by a variety of uses, the site's area could not accommodate the quantum of proposed development. Whilst the land to the south of St Peters Way could potentially accommodate the scale of the proposed development, the relevant tests as set out in paragraph 7.2 are particularly relevant as the applicant has highlighted a number of issues with disaggregating the business onto a variety of sites and this is matter that could not be reasonably insisted upon. Similar conclusions have been drawn in the case of the land at Nunn Mills Road, where as part of the new university development, outline consent has been given for a quantum of office development; however, if the proposed development were directed towards this site, it would require the applicant to operate across a number of sites.
- 7.6 The applicant has also considered the former Chronicle and Echo building (Upper Mounts) and the former Royal Mail Sorting Office (Barrack Road). These can be discounted as planning applications for alternative development are either under consideration or have been approved. As a result they can be discounted on the grounds of a lack of availability.
- 7.7 As a consequence, it is considered that there are no suitable and available sites within any of the allocated centres to accommodate the scale of the proposed development. Given this and the intention for the retail unit and gymnasium to fulfil an ancillary function it is considered that the sequential assessment has been passed.
- 7.8 Whilst the sequential assessment has been passed with regards to the development including the retail unit and gymnasium, the impacts upon the viability and vitality of the existing hierarchy of centres does still need to be considered. In respect of these matters, it is noted that each element of the development is of a comparatively small scale and this could be controlled via planning conditions. Furthermore, the ancillary nature of these uses would not necessarily direct activity from existing centres. It is concluded that there would be a neutral impact upon the viability and vitality of existing centres.
- 7.9 Weight should also be given to the proposed development potentially generating 1,200 job opportunities within the Mandal House site (which is likely to rise to 2,000 within five years from occupation) and a further 300 jobs within the Harvey's site. These figures would be in addition to the existing employees within the retained Ryehill House site. Notwithstanding the demolition of the existing office to make way for the decked car parking, it is considered that there would be a significant increase in the number of job provisions and substantial contribution would be made to meeting the necessary projected growth in employment opportunities.



- 7.10 In addition, the provision of a mixed use building adjacent to the junction between Lodge Way and Harlestone Road is compatible with the aims and objectives of the NPPF by reason of it encourages a variety of uses within the same site.

### **Design and appearance**

- 7.11 Whilst a number of buildings are to be demolished, these are of a functional form of architecture and do not make a significant positive contribution to the visual amenity of the locality.
- 7.12 The redevelopment of the former Mandal House site is likely to be the focal point of the various proposals due it representing the new headquarters building of the applicant. The building would have a maximum height of 27m, the build form would be particularly varied and a large significant section of the building would have a height of 22m. In addition, the Innovation Centre, which would be located to the north of this part of the site, would have a height of 11m. As a result of these factors and varied building in the area, this element would not appear discordant with the surrounding area and would have a neutral impact on visual amenity.
- 7.13 By reason of the position of the proposed building within the context of the surrounding area, there would be a neutral impact upon the amenities of neighbouring properties in terms of light, outlook and privacy.
- 7.14 In terms of the appearance of the building, the scheme will feature significant glazed sections that would also include curtain glazing to the ends of the building's atriums. This would break up the mass of the building, emphasise key elevations (such as the building entrance) and allow significant views into the building which would enhance the streetscape. Although of an unembellished nature, the proposed building materials are considered appropriate given the context of the development and would ensure that there is a neutral impact on visual amenity. The site also contains a variety of structures that do not contribute to the area's vitality and as a result the redevelopment of this site is significantly positive. In addition, a significant amount of landscaping is proposed – particularly adjacent to the south western boundary, next to Barn Way – which also reduces the impacts of the scheme and has sustainability benefits that will improve the general character of the area.
- 7.15 Notwithstanding the importance of the Mandal House site, it is likely that the most prominent area of the development would be the mixed use building (on the former Harveys site). The building would have a maximum height of approximately 22m, albeit the design of the building will feature a mono-pitch roof that means the point closest to Harlestone Road would have a height of approximately 18m. Additional weight should be given to the fact that there would be approximately 63.5m between this proposed building and the nearest residential property. It is considered that there would be no undue detrimental impact upon the amenities of neighbouring properties in terms of considerations such as light, outlook and privacy.
- 7.16 In terms of the design of this particular building, the use of the varied roof shape creates a greater level of interest and the use of a variety of material palate would also improve the visual impact of the scheme. The building also features horizontal sections of glazing, which adds interest to the scheme and breaks up its massing. The ground and first floor of the building features a colonnade section that serves to make the building more interesting and creates a suitable

feature at this key entrance to the Lodge Farm industrial estate. The building has also been designed to include dedicated signage areas. This would ensure that any future advertisements (which would be the subject of a separate application procedures) could be accommodated on the building without compromising the overall quality of the development.

- 7.17 The surface treatments are also of a good standard and a variety of block paving is proposed. This would also ensure that there is a neutral impact upon visual amenity. In addition to the vehicular access, dedicated pedestrian routes are proposed running from Harlestone Road and Hill Close. This would also encourage more sustainable means of travel to this element of the development. As part of the proposals, there would also be significant new landscaping which would contain a variety of planting types (including wild flower mixes) that would improve the visual amenity of the site and promote sustainability.
- 7.18 The final element of the scheme is the redevelopment of the Lodge Way House site to form a car park. Substantial efforts have been made to ensure that this structure would not appear incongruous. In particular, the building features metal meshing on the Hill Close and Lodge Way elevation. This ensures that the building would provide a clean and visually pleasing screening of the car parking structure, whilst allowing for natural surveillance of the car parking and natural light to permeate into the structure. The remaining elevations would feature cladding that is complementary towards the palate of materials used elsewhere on the development. The lower levels of the building would be constructed from bricks that would have a similar colour to the Mandal House site development and ensures a relationship between the two elements of the development. The impacts of the development would be further mitigated through the introduction of a significant level of landscaping adjacent to Lodge Way.
- 7.19 The roof of the building will contain approximately 5,000m<sup>2</sup> of photovoltaic cells. This will enable the development to operate as a carbon neutral scheme. This therefore emphasises the environmentally sustainable nature of the proposed development.
- 7.20 The proposed car park would have a maximum height of 11m, which is not significantly different to the heights of surrounding buildings. As a consequence, there would be no undue adverse impact upon neighbour amenity. Whilst the proposed footprint is of large scale, it is considered that this is not unduly discordant with the character of the surrounding buildings.
- 7.21 In addition to the measures identified in paragraph 7.19, all three buildings have been designed to achieve a BREEAM rating of 'excellent'. This ensures that the proposed development will be constructed in and will operate in a very environmentally sustainable manner and complies with national and local planning policies in this regard.

## **Highways**

- 7.22 Given the scale of the proposed development and the fact that the applicant has clear plans to significantly increase the number of employment opportunities over the foreseeable timescale, it is likely that the development would result in a notable increase in the number of people visiting the site. The applicant has taken steps to address this point through the provision of a significant amount of car parking. A condition is recommended that would require the submission and agreement of a phasing plan (including timescales for construction). This would

ensure that each element of the development would come forward in a timely manner and allow for adequate car parking to be provided. This is considered particularly necessary due to the current demand for on street parking spaces.

- 7.23 The applicant has identified a range of sustainable transport measures that include the provision of secure and covered cycle storage and the provision of facilities such as showers and changing rooms. In addition, the site is within 250m of a bus stop, which is served by seven different buses each hour. Therefore it can be concluded that there will be a reasonable provision of environmentally sustainable means of transport to serve the development.
- 7.24 Notwithstanding this conclusion, it is likely the level of traffic utilising the junction of Lodge Way and Harlestone Road would increase, of particular note is that this junction forms part of a widely used crossroads of an unconventional design as outlined in paragraph 3.2. It should also be noted that concerns have been raised by the Highway Authority regarding the impact upon the junction as a result of the development.
- 7.25 Discussions have taken place with the Highway Authority and it is understood that whilst concerns have been raised, these could be removed if the developer were to undertake further surveys and commit to the provision of suitable mitigation, which might include works to the highway system. Given that the development is acceptable in all other regards, it is requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning to continue the dialogue with the Highway Authority and the applicant so that the objection from the Highway Authority could be resolved through securing any mitigation (via a legal agreement) as may be deemed necessary.

#### **Flood risk and drainage**

- 7.26 Although not within any allocated flood zone, by reason of the scale of the proposed development, the applicant has submitted a flood risk assessment, which has been reviewed by the Environment Agency and the Lead Local Flood Authority (NCC).
- 7.27 It has been concluded that the development would not pose an unacceptable flood risk either on the application site or within the wider area, subject to the imposition of conditions relating to the installation of a suitable drainage system at an appropriate timescale, which would also address the matter of foul water. In addition, a condition would secure the on-going maintenance of these works.

#### **Ground conditions**

- 7.28 Given that the sites have previously been the location of a variety of commercial activity, there exists the potential for ground contamination. Whilst the applicant has submitted an initial ground conditions investigation, this does identify further work that should be carried out on the Mandal House site relating to matter such as the removal of underground storage tanks and a generator pit. As a consequence of this, a condition is recommended that would ensure that these matters are properly mitigated prior to the commencement of development. It is also noted that the Lodge Way House site has previously been the location of industrial process and as such a more detailed investigation should take place. These measures would be in addition to conditions relating to the discovery of any unexpected contamination.

## **Impact on neighbouring properties**

- 7.29 The physical building works would have a neutral impact upon the amenities of surrounding properties. Given the prevailing character of the Lodge Farm industrial estate and the nature of activities contained within, it is considered unnecessary to restrict the operating times of the proposed office buildings and car park. Notwithstanding this, it is considered that due to the close relationship between the proposed retail unit and gymnasium to the residential accommodation, a condition is necessary that would provide some certainty with regards to opening and delivery times.
- 7.30 In addition, a condition is recommended that would require the submission of a strategy for the attenuation of noise (such as that operating from equipment such as chiller or air conditioning units). This would further reduce the impact upon existing residential accommodation.
- 7.31 It is recognised that Harlestone Road is used by a relatively high level of traffic, which would be increased should the proposed development proceed. In order to ensure a neutral impact upon air quality, a condition is recommended that would require the submission of an expanded travel plan, which would cover mechanisms for encouraging the use of more sustainable means of travel such as public transport and cycling, in addition to measures to encourage the use of environmentally cleaner cars.
- 7.32 Given the scale of the development, a further condition is recommended that would require the submission of a Construction Environment Management Plan. This would cover matters such as the hours in which building works could take place, strategies for the suppression of dust and noise and the routing of construction traffic.

## **Legal agreement**

- 7.33 In addition to the securing of any highways mitigation as may be considered necessary as discussed previously, the Section 106 Legal Agreement would also secure a financial payment towards the provision of construction worker training opportunities in addition to training opportunities to be provided on site.

## **8. CONCLUSION**

- 8.1 It is considered that the principle of developing the sites represents an acceptable land use that would make a substantial contribution to delivering the new employment opportunities required by the Joint Core Strategy. In addition, buildings of appropriate design have been proposed, which ensure a neutral impact upon visual and neighbour amenity. Conditions and legal obligations would also ensure the provision of necessary mitigation.
- 8.2 Whilst it is recognised that there are unresolved concerns regarding the highway impacts of the proposed development, however, it is considered that these could be satisfactorily resolved through further dialogue between the Council, the Highway Authority and the developer in order to secure through a legal agreement appropriate measures to address this matter.

## **9. CONDITIONS**

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

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

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

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

3. Notwithstanding the details submitted, prior to the commencement of development, a phasing plan including a timetable for the implementation of each phase 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 order to ensure the appropriate delivery of each element of the development including car parking in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that the comprehensive redevelopment of the sites.

4. Prior to the commencement of construction work of each phase, 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.

5. All planting, seeding or turfing as shown on drawings DLA-1628-(02-)-06; DLA-1628-(02)-07; and DLA-1628-(02)-08s shall be carried out in the first planting and seeding seasons following the occupation of each phase or the completion of the phase, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The hard surfacing details as shown on drawings DLA-1628-(02)-03; and DLA-1628-(02)-04; and DLA-1628-(02)-05 shall be fully implemented prior to the first occupation of each phase of the development.

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. No development shall take place on each phase until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by Nolan Associates, revision P3 dated June 2015, Project No. 2014-114), have been submitted to and approved in writing by the

Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

- i) Results of full infiltration testing at the Harvey Way site, in accordance with BRE365, to demonstrate whether the proposed discharge to ground via porous paving is appropriate, or that the alternative option of attenuated discharge to the Anglian Water public surface water sewer is necessitated.
- ii) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, ACO drains, storage tanks, soakaways and porous paving systems.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturer's hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) The detailed design should be accompanied by results of full WinDES modelling or similar simulating full storms through the drainage system, demonstrating that there is no surcharging of the system for the 1 in 1 year storm, no flooding of the site for the 1 in 30 year storm, and that any above-ground flooding for the 1 in 200 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should include an allowance for climate change. All pipe and manhole numbers should be referenced on the drainage layout plans.

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the National Planning Policy Framework. This condition is required in order to ensure the mitigation of flood risk in a timely manner.

8. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the National Planning Policy Framework. This condition is required in order to ensure the mitigation of flood risk in a timely manner.

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

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

10. Prior to the commencement of construction works of 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. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

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

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

12. Notwithstanding the details submitted, further site investigation in respect of the generator pit, and underground tanks for fuel/oil and acid storage referred to in the Report No: AG2095-14-U54 (dated January 2015) is required on the Mandal House site. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval prior to the commencement of development. The results shall be used to produce a method statement for any remedial works (and a phasing programme) where required, which shall also be submitted to the Local Planning Authority for approval in writing.

The scheme 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 two weeks of completion

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 Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required in order to enable the effective investigation into such matters in a timely manner.

13. No development shall take place on the Lodge Way site until a desktop study, including a site walkover, in respect of possible contaminants within the Lodge Way 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.

Any site investigation found to be required shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval in writing.

All remedial works found to be required 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 two weeks of completion

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 Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required in order to enable the effective investigation into such matters in a timely manner.

14. 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 in a, which is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework. This condition is required in order to ensure the timely investigation of such occurrences prior to building works taking place.

16. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

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



is necessary to ensure that adequate provisions are in place prior to the commencement of any development.

17. Full details of facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority and implemented prior each phase of the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

18. 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 and implemented prior to the occupation or bringing into use of each phase of the development and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

19. The floorspace of the retail unit used for the display and sale of products shall not exceed 525 square metres.

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

20. The floorspace of the gymnasium shall not exceed 1,835 square metres.

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

21. The retail unit and gymnasium hereby permitted shall only be open to customers between the hours of 8am and 10pm.

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

22. Deliveries to the retail unit shall only be made during the hours of 8am and 8pm.

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

## **10. BACKGROUND PAPERS**

- 10.1 None

## **11. LEGAL IMPLICATIONS**

- 11.1 None

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

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with

those of associated Frameworks and Strategies.



Name: Site Location Plan  
Date: 13th July 2015  
Scale: 1:3000  
Dept: Planning  
Project: Planning Committee

**Title**  
**Lodge Way Hse Mandal Hse and Harveys Site, Lodge Way**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0478:** Change of use from single dwelling (Use Class C3) into a house in multiple occupation (HIMO) for 4 residents (Use Class C4) – retrospective application at 66 Military Road

**WARD:** Castle

**APPLICANT:** Mr Robert Whittle  
**AGENT:** Mr James Duggan

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** As a similar application at 68 Military Road has been called in by Member

**DEPARTURE:** No

---

## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The development proposed would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact on the character and appearance of the property, the street scene, conservation area, nor would the proposal have any significant impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 The applicant seeks permission to convert a dwelling into a house in multiple occupation for 4 people. The application is retrospective as the property has already been converted since September 2012. No external alteration to the property is proposed.

- 2.2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The property is a 2-storey terraced dwelling with a rear garden. The site lies in the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 None recent.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 – Sets out the importance of sustaining and enhancing heritage assets.

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the Conservation Area.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### 5.5 **Supplementary Planning Documents**

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

#### 5.6 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of

similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.

- Secure the provision of adequate facilities, amenities and minimise flood risk.
- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

### 6.1 Built Conservation - No comments.

**Private Sector Housing** - No objections; the property is suitable to be let for 4 individuals and the applicant has already applied for a HIMO Licence under Environmental Health Legislation.

**Highway Authority** - As the proposed site falls within an area currently covered by on-street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.

## 7. APPRAISAL

### Principle of the development

- 7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area with three identified HIMOs including the application site and No. 68 (the subject of a separate application on this agenda) within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs also taking into account the proposed HIMOs within the locality, the subject of separate reports on this agenda.
- 7.3 The proposal could be conditioned to restrict the use of the premises to a maximum of 4 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that there would not be a significant impact on the character and amenity of the area as a result.

## **Amenity and Refuse Storage**

- 7.4 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size and a condition restricting the use to a maximum of 4 people would ensure over-development does not occur. All bedrooms are served by adequate outlook and light.
- 7.5 Bin storage can be provided in the rear amenity space of the property, and can be secured by planning condition.

## **Highways /Parking**

- 7.6 The Highway Authority comment that as the site is covered by on-street permit parking the level of parking can be controlled via residents parking permits. No additional parking permits would be issued to limit the impact on parking amenity of neighbouring properties. Given that the lawful use as a dwelling would likely to generate some vehicle movements, it is considered that the use as a HIMO would not create any significant additional traffic. Given the relatively sustainable location of the site within walking distance of the services and facilities of the town centre, it is considered that the impact on car parking would not be unduly significant. A condition for cycle parking is to be imposed to promote sustainable travel to the site.

## **7.7 Impact on appearance and character of conservation area**

Given that there would be no external changes to the building, the proposed development would have no impact upon the appearance of the conservation area.

## **8. CONCLUSION**

- 8.1 It is considered that the development would not lead to an unacceptable concentration of HIMOs within the locality that would not adversely impact on the character or amenity of the area or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with policy and guidance requirements and therefore the application is recommended for approval.

## **9. CONDITIONS**

- (1) The property shall be occupied by no more than 4 persons at any one time

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (2) Within one month of the date of this permission, the applicant shall provide details of refuse and cycle storage within the site boundary to be approved in writing by the Local Planning Authority and these shall be implemented in accordance with the approved details within one month of the date of approval and retained thereafter.



Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

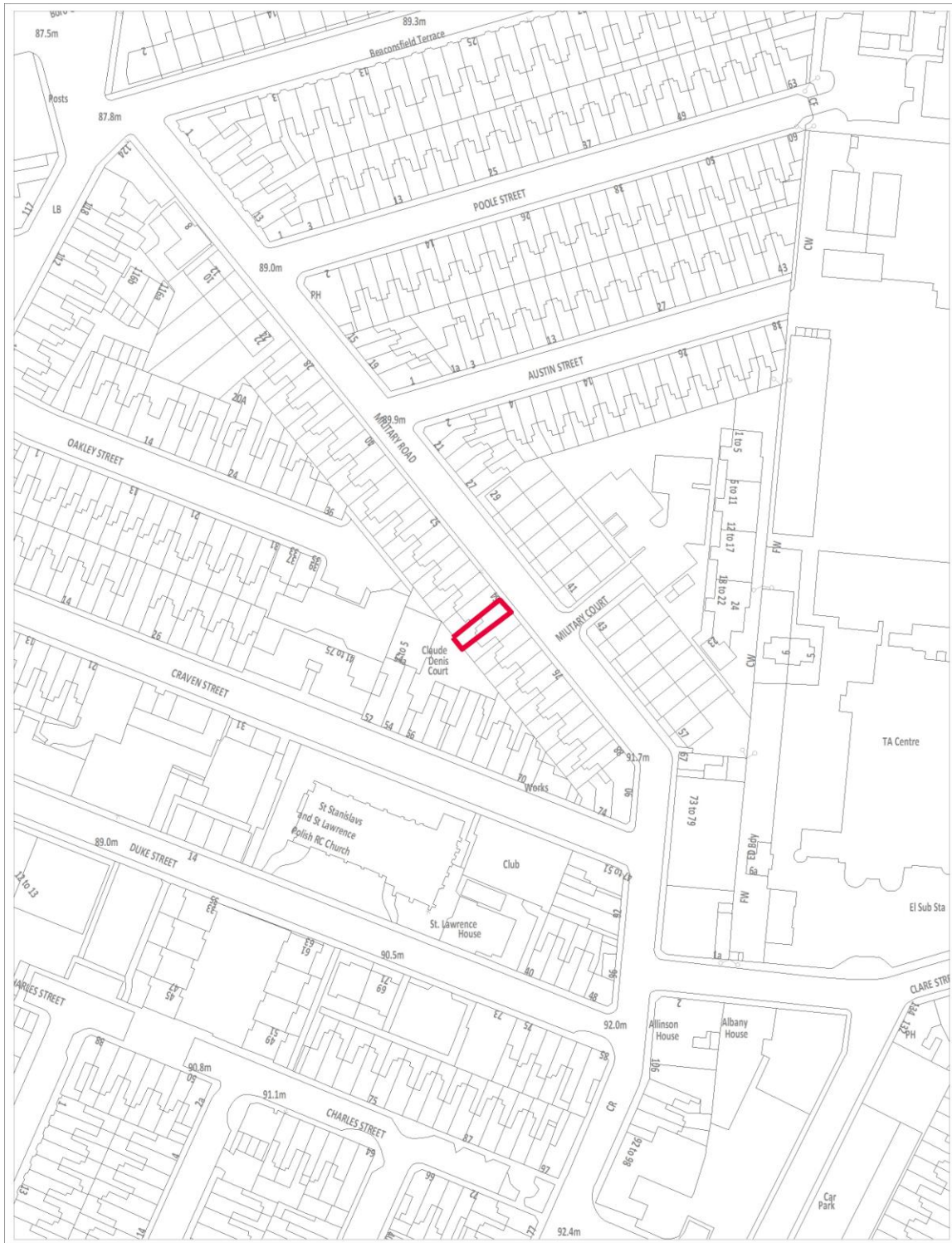
10.1 N/2015/0478.

**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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**66 Military Road**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0505:** Change of use from a dwelling (Use Class C3) to a house in multiple occupation (HIMO) for up to four residents (Use Class C4) - retrospective application at 68 Military Road

**WARD:** Castle

**APPLICANT:** Mr P Convery  
**AGENT:** Mr T Mills

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment with a proliferation of HIMOs in the area leading to parking problems and anti-social behaviour

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The development proposed would not lead to an unacceptable concentration of HIMOs within the locality and would not adversely impact on the character and appearance of the property, the street scene, conservation area, nor have any significant impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

- 2.1 Retrospective permission is sought for the change of use from a dwelling into a house in multiple occupation (HIMO) for up to four people. No external alterations are proposed.

- 2.2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The property is a 2-storey mid-terraced dwelling with rear garden. The property lies within a residential area comprising predominantly of terraced streets and is situated within the Boot and Shoe Quarter 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 the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 – Core Principles – seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 49 – Housing application should be considered with a presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 – Sets out the importance of sustaining and enhancing heritage assets.

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the Conservation Area.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### 5.6 **Supplementary Planning Documents**

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

#### 5.7 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk.
- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – No objection. The space and amenities provided indicate that the property will be suitable to let for four individuals from four separate households. The property has applied for and received a licence for occupation to this effect.
- 6.2 **Highway Authority** – As the site falls within an area covered by on-street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties

## 7. APPRAISAL

### Principle of Development

- 7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area with three identified HIMOs including the application site and No. 66 (the subject of a separate application on this agenda) within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs also taking into account the proposed HIMOs within the locality, the subject of separate reports on this agenda.
- 7.3 The proposal could be conditioned to restrict the use of the premises to a maximum of 4 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that

there would not be a significant impact on the character and amenity of the area as a result.

### **Amenity and Refuse Storage**

- 7.4 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMO's to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and a condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. All bedrooms are served by adequate outlook and light.
- 7.5 Bin storage can be provided in the rear amenity space of the property, and can be secured by planning condition.

### **Highways/Parking**

- 7.6 Parking within the vicinity of the site is on-street and controlled via residents parking permits. The Highway Authority has advised that no additional parking permits would be issued to limit the impact on parking amenity of neighbouring properties. Given that the lawful use as a dwelling would be likely to generate some vehicle movements, it is considered that the use as a HIMO would not create any significant additional traffic. The site is in a relatively sustainable location within walking distance of services and facilities in the town centre and therefore it is considered that the impact on car parking would not be unduly significant. A condition for cycle storage could be imposed to promote sustainable travel to the site.

### **Impact on appearance and character of conservation area**

- 7.7 No external alterations are proposed and the proposed change of use would therefore have a neutral impact on the character and appearance of the conservation area.

## **8. CONCLUSION**

- 8.1 It is considered that the development would not lead to an unacceptable concentration of HIMO's within the locality and would therefore not adversely impact on the character and amenity of the area or parking provision. The property is of sufficient size to accommodate the level of accommodation proposed and is considered in accordance with policy and guidance requirements and therefore recommended for approval.

## **9. CONDITIONS**

- (1) The property shall be occupied by no more than 4 persons at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (2) Within one month of the date of this permission, the applicant shall provide details of refuse and cycle storage within the site boundary to be approved in writing by the Local Planning Authority and these shall be implemented in

accordance with the approved details within one month of the date of approval and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

10.1 N/2015/0505

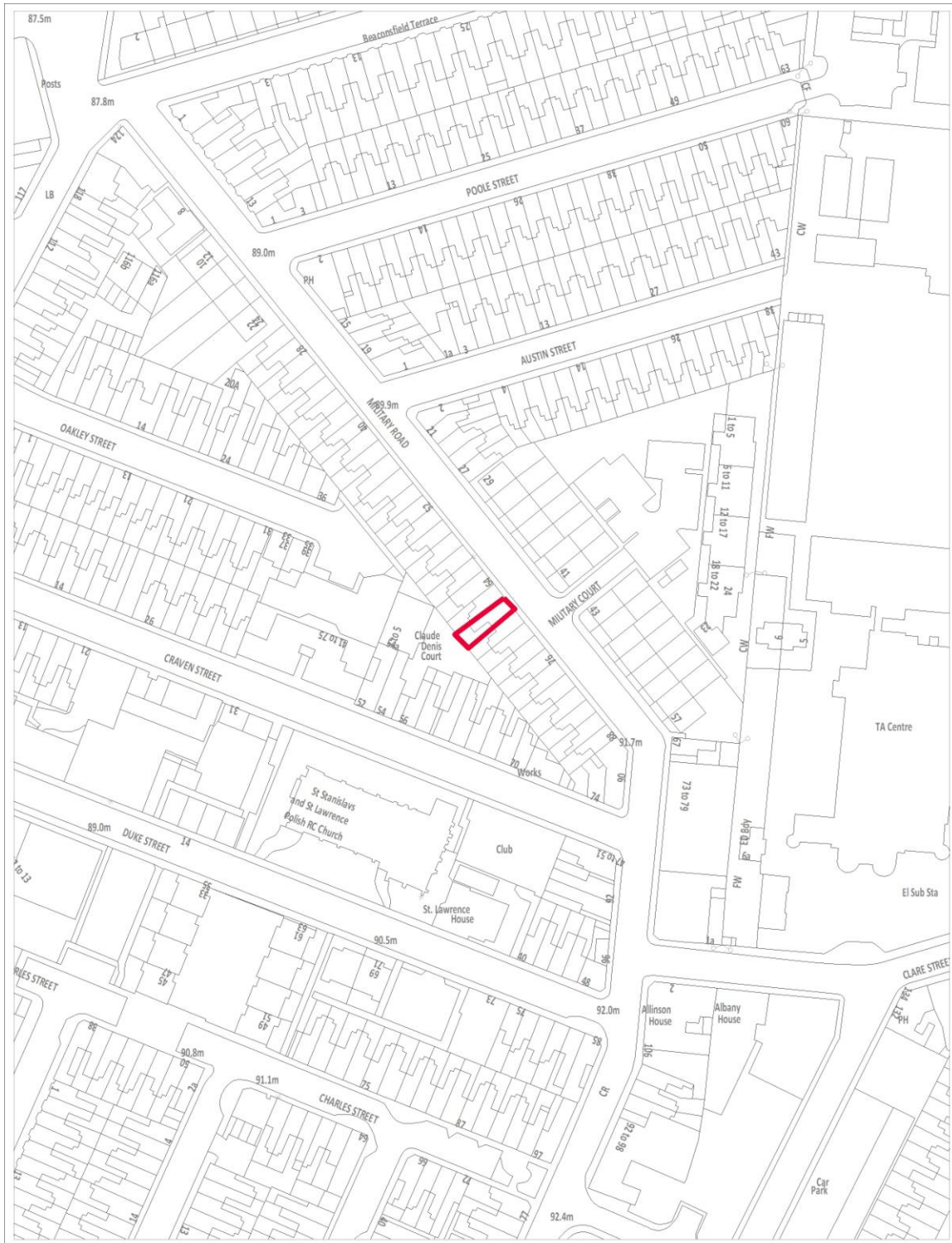
**11. LEGAL IMPLICATIONS**

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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**68 Military Road**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0554:** Change of use from existing dwelling (Use Class C3) to house in multiple occupation for 4 residents (Use Class C4) at 83 Overstone Road

**WARD:** Castle

**APPLICANT:** Mr R Jackson  
**AGENT:** Architectural Solutions

**REFERRED BY:** Councillor D. Stone  
**REASON:** Overdevelopment with proliferation of HIMOs in the area leading to parking problems and anti-social behaviour

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed development would not lead to an unacceptable concentration of HIMOs within the locality and would provide accommodation of a suitable standard. It would not have any significant impacts on the character and appearance of the host property, the streetscene or the Conservation Area. Nor would the proposal have any significant impacts on neighbour amenity or highway safety. The development is therefore considered to be in accordance with Policies H1, H5, S10 and BN5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, Policy 16 of the Central Area Action Plan and the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 Planning permission is sought for the change of use of an existing dwelling (Use Class C3) into house in multiple occupation (HIMO) for four persons (Use Class C4). No external alteration is proposed.

- 2.2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a traditional two storey terraced dwelling house located in the Boot and Shoe Quarter Conservation Area. The dwelling is an attractive property predominantly retaining original architectural detailing. Overstone Road is primarily a residential area.
- 3.2 The property would contain one bedroom and a shared lounge, kitchen and bathroom on the ground floor. There would be three bedrooms at first floor. The basement would be utilised for storage. Externally the property has a communal rear garden.

### **4. PLANNING HISTORY**

- 4.1 There has been no recent 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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013), and emerging Neighbourhood Development Plans where relevant.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - Seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - Seeks to deliver a wide choice of high quality homes to create sustainable and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 - Sets out the importance of sustaining and enhancing heritage assets.

### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - Managing the Existing Housing Stock - The policy seeks to manage and safeguard existing housing stock, including through HIMO's where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - Sustainable Development Principles - Requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 - The Historic Environment and Landscape - Designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

### **5.4 Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 16 – Central Area Living – Supports residential development within the central area comprising a mix of dwelling types, sizes and tenures, including affordable housing.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy H30 - houses in multiple occupation will be supported subject to the property being of a sufficient size, the development not being detrimental to the character of the area to the detriment of neighbouring residents, in addition the proposal should not create substantial demand for on street parking in areas judged to be experiencing difficulties in this respect.

## 5.6 Supplementary Planning Documents

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

## 5.7 Other Material Considerations

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillors D Stone:** Strongly objects on the grounds of overdevelopment; this is an area with a density of HIMOs and the pressure on the community is overwhelming; leading to parking problems and anti-social behaviour.
- 6.2 **Private Sector Housing:** No objections raised.
- 6.3 **Highway Authority:** As the proposed site falls within an area currently covered by on street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.
- 6.4 The development has been advertised by way of press notice, site notice and neighbour letters, no representations have been received.
- 6.5 The applicant has submitted a statement in support of their proposal making the following comments:
- Aware of the wide spread concern regarding the impacts of poor quality, unregulated HIMOs on an area.
  - Impressed with the lead NBC is taking to license and regulate its HIMOs.

- All will be done to make sure that the purchase of 83 Overstone Road meets the HIMO guidelines and standards set by the Council.
- Have sought advice from Council Officers, whom have found the proposal to meet the required standards and policies.
- Happy to adhere to no increase in parking permits.
- Will ensure that the tenants respect the community.

## **7. APPRAISAL**

### **Principle of the development**

- 7.1 The NPPF is a material consideration in determining planning applications. It seeks to promote sustainable development by directing new development to those areas best able to support it in terms of access to facilities and services and offering good public transport links.
- 7.2 The application site is located within walking distance of the town centre services and facilities. In addition the property is within easy access of the town's main bus and train stations.
- 7.3 The surrounding area is residential in character. Private Sector Housing records including details obtained through door knocking surveys carried out this year indicate that there are three confirmed HIMOs within a 50m radius of the application site. Records indicate that the application site is included as one of the three HIMOs, although change of use has not taken place. It is therefore considered that there are currently 10.7% of properties within this 50m radius in use as HIMO. The Council's Interim Policy states that applications for HIMOs should not result in more than 15% of the total number of HIMO dwellings within a 50m radius of an application site, in order to prevent over concentration of similar uses in one locality. It is considered that the proposal meets the policy requirements contained within the adopted Planning Policy Statement.
- 7.4 Policy H5 of the JCS supports HIMOs provided they do not adversely affect the character and amenity of existing residential areas. As Council records indicate that there are three licensed HIMOs in this area, it is not considered that Overstone Road has an over concentration of HIMO to warrant a refusal of the application. In addition Policy 16 of the Central Area Action Plan (CAAP) supports residential development in the Central Area.
- 7.5 Policy H30 of the Northampton Local Plan supports HIMO provided the property is of a sufficient size, the development is not detrimental to the character of the area to the detriment of neighbouring residents and the development not creating substantial demand for on street parking in areas judged to be experiencing difficulties in this respect.
- 7.6 It is considered that the proposal would provide adequately sized accommodation as confirmed by Private Sector Housing. It is also considered that the development would not adversely impact on the character and amenity of the surrounding area.

### **Impact on Conservation Area**

- 7.7 The application site is located within the Boot and Shoe Quarter Conservation Area. As there are to be no external alterations to the property, it is considered that there would be no undue impacts upon the visual amenity of the site or the Conservation Area.

#### **Amenity and Refuse Storage**

- 7.8 Issues that may affect neighbouring amenity usually associated with HIMO's are refuse storage and disturbance due to the intensified use of the site.
- 7.9 In terms of potential noise disturbance, it is not considered that the proposed maximum of 4 no. occupants would represent substantial intensification in comparison to how the property could be used as a family home. A condition is recommended that would ensure that the number of residents occupying the property does not exceed 4. Given the scale of the building and the fact that a satisfactory standard of amenity can be secured, this figure is not considered to be excessive.
- 7.10 There is garden area to the rear of the property that could accommodate refuse storage. The submission of details of refuse storage shall be a condition of any approval of planning permission for the development.

#### **Parking**

- 7.11 As the proposed site falls within an area currently covered by on-street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.
- 7.12 The property is located approximately 200m from the nearest bus stop, which provides access to a number of frequent services. In view of this it is considered that the proposal complies with the Houses in Multiple Occupation Interim Planning Policy Statement and the lack of off street car parking does not render the application unacceptable.
- 7.13 A condition is recommended to require details of cycle storage to be provided to serve the development.

### **8. CONCLUSION**

- 8.1 It is considered that the proposal would not be detrimental to the character of the conservation area or the amenities of adjoining occupiers and would not result in significant parking problems. In addition adequate refuse storage could be provided. The proposal is in line with Development Plan Policies and is therefore recommended for approval.

### **9. CONDITIONS**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plan: 15/J50/2.

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

- (3) The development hereby permitted shall be occupied by no more than four persons at any one time.

Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (4) Prior to the commencement of development hereby approved, details for the provision of storage and collection for refuse and recycling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development coming into use and shall be retained thereafter for the lifetime of the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. The condition is a pre-commencement condition to ensure that appropriate standards of amenity and refuse storage can be provided for the development.

- (5) Prior to the commencement of development hereby approved, details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development coming into use and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. The condition is a pre-commencement condition to ensure that appropriate cycle storage facilities can be provided for the development.

## **10. BACKGROUND PAPERS**

- 10.1 N/2015/0554

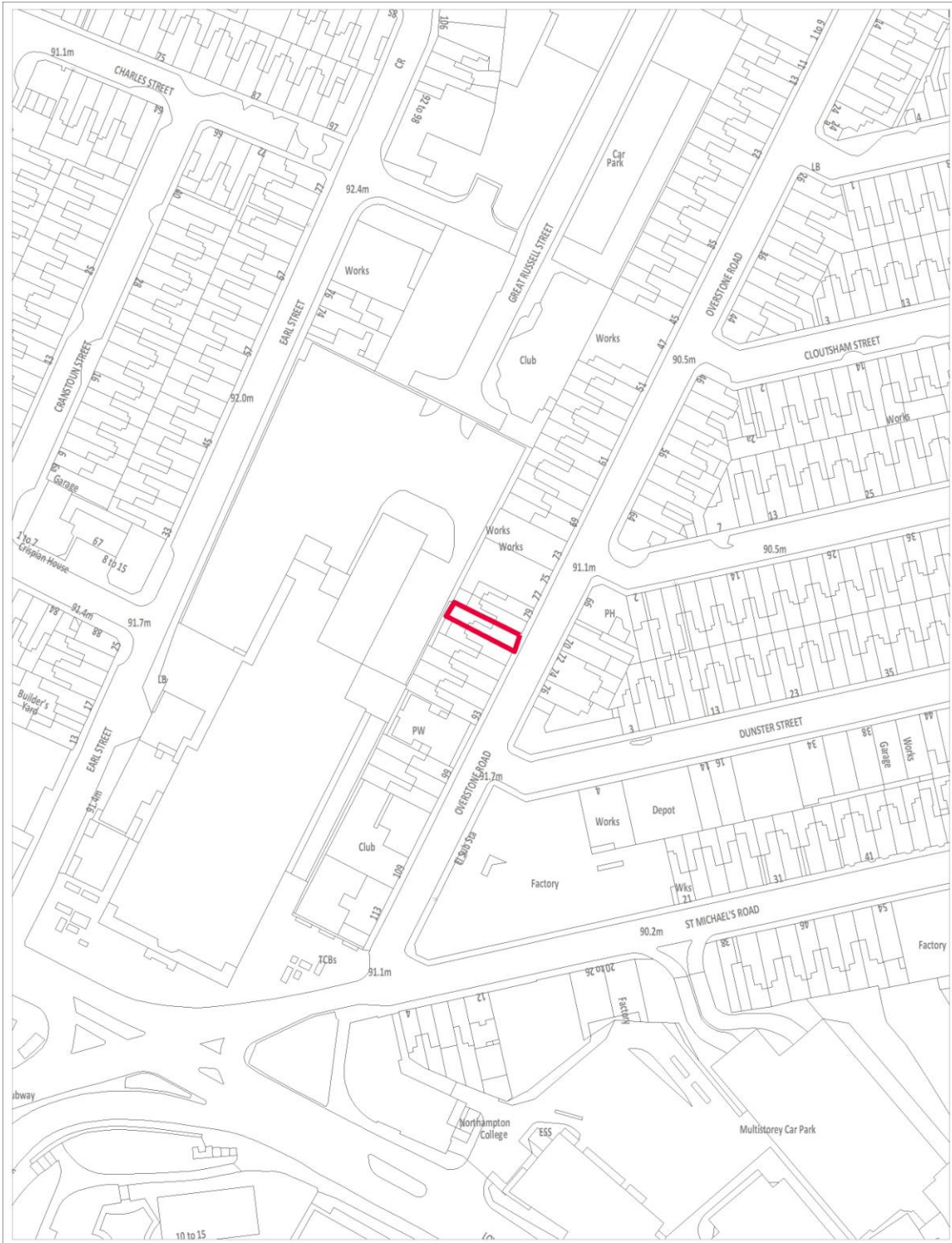
## **11. LEGAL IMPLICATIONS**

- 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: Site Location Plan  
 Date: 20th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**  
**83 Overstone Road**

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<b>PLANNING COMMITTEE:</b>	<b>28<sup>th</sup> July 2015</b>
<b>DIRECTORATE:</b>	<b>Regeneration, Enterprise and Planning</b>
<b>DIRECTOR:</b>	<b>Steven Boyes</b>
<b>N/2015/0561:</b>	<b>Change of use from single dwelling to house in multiple occupation for 5 residents (Use Class C4) – retrospective application at 76 Somerset Street</b>
<b>WARD:</b>	<b>Castle</b>
<b>APPLICANT:</b>	<b>Mr. Nicholas Plummer</b>
<b>AGENT:</b>	<b>None</b>
<b>REFERRED BY:</b>	<b>Councillor D. Stone</b>
<b>REASON:</b>	<b>Cumulative impact of house in multiple occupation and pressure on services</b>
<b>DEPARTURE:</b>	<b>No</b>

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street scene or the conservation area, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### **2. THE PROPOSAL**

- 2.1 Retrospective permission is sought for a change of use from a single dwelling to a house in multiple occupation (HIMO) for 5 people. No external alternation to the property is proposed.
- 2.2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 A late Victorian terraced property fronting directly onto the street, with a rear outrigger and small rear garden. The property is two storeys, and is within the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 None.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and the Northampton Local Plan (1997).

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 - Sets out the importance of sustaining and enhancing heritage assets.

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – Historic Environment: Designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the Conservation Area.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### 5.5 **Supplementary Planning Documents**

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

#### 5.6 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of

similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.

- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Public Protection** – no objections but requests that standard refuse conditions be attached to any approval.
- 6.2 **Private Sector Housing** – space and amenities indicate that property suitable for 5 individuals.
- 6.3 **Built Conservation** – proposal does not affect character/appearance of the conservation area. Mentions that timber windows and door have been replaced since 2012 with upvc and that this has eroded and diminished traditional character of the heritage asset.
- 6.4 **Councillor D Stone** - strongly objects on grounds that area already has over 15% HIMOs and this would damage the community infrastructure and cause additional pressure on services, leading to parking problems and anti-social behaviour.
- 6.5 **Highway Authority** – some concern over potential for additional on-street parking arising from proposed use. As the proposed site falls within an area currently covered by on street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.
- 6.6 The application has been publicised by way of newspaper advertisement and site notice. No neighbour representations have been received.

## 7. APPRAISAL

### Principle of the development

- 7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the Joint Core Strategy allows for HIMOs where they would not adversely affect the character and residential amenity of an area.

- 7.2 In principle, houses in multiple occupation are considered to be acceptable in a residential area.

#### **Size of property**

- 7.3 The plans indicate that there are four letting bedrooms, with a lounge, kitchen, bathroom and a shower room on the ground floor and toilet facility on the first floor. The response from Private Sector Housing indicates that the property can accommodate 5 people from four separate households, i.e. two people in one of the rooms. It is considered that the property can accommodate up to 5 people satisfactorily.

#### **Area concentration**

- 7.4 Council records evidence that there are no other HIMOs within a 50m radius of the application site and is therefore in line with the Council's adopted Planning Policy Statement on HIMOs.

#### **Parking**

- 7.5 No off-street parking is provided. However, the plans indicate that covered space for bicycles has been provided in the rear garden. Also, the site is less than 200m from the nearest bus routes and district centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.6 The Highway Authority has expressed some concern over the potential for the additional on-street parking that may arise from the use. However, the street is covered by permit parking, and the Highway Authority has indicated that no additional permits would be issued to this property. It is therefore considered that the existing parking situation on Somerset Street would not be affected. Given the sustainable location of the site within walking distance of the services and facilities on Kettering Road and the town centre, it is considered that the impact on car parking would not be unduly significant.

#### **Refuse storage**

- 7.7 The plans indicate an area in the rear garden for the storage of refuse and materials for recycling. The comments from Environmental Health are noted. However, it was evident at the officer's site visit that refuse bins are provided, and a covered area in the rear garden for the storage of these is available, as has been indicated on the plans. This is considered to satisfactorily address the issue of refuse storage.

#### **Conservation Area**

- 7.8 No external changes to the property are included, and therefore there will be no impact upon the appearance of the conservation area. The Conservation Officer's comments are noted, however, planning permission would not have been required for replacing windows/doors.

#### **Other matters**

- 7.9 The applicant has submitted a statement concerning the management of the property, stating that it is managed by a locally based HIMO specialist lettings agency, which has been managing HIMOs since 2004, and which works closely

with the Council to ensure good practice in all of their properties. Fortnightly visits by the property management team are made, and a weekly maid service to provide cleaning and ancillary services to the tenants. Remedial maintenance is carried out within a fast responsive time frame to ensure that all properties meet current fire safety regulations and amenity guidelines. A 24 hour emergency number is available for tenants and neighbours to call should there be a problem.

- 7.10 The above comments are noted. During the officer's site visit it appeared that the property was tidy and in a good state of repair, although management issues are generally covered in the terms of the lease, and safety regulations would be covered under the Building Regulations.

## **8. CONCLUSION**

- 8.1 Taking the above into account, it is considered that the use of this property as a house in multiple occupation for 5 people is in compliance with Policy requirements, and is therefore recommended for approval.

## **9. CONDITIONS**

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan, floor plans.

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

- (2) The development hereby permitted shall be occupied by a maximum of five residents at any one time.

Reason: In the interests amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (3) The bin storage and cycle storage provision as indicated on the approved plans shall be retained hereafter.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

- 10.1 N/2015/0561.

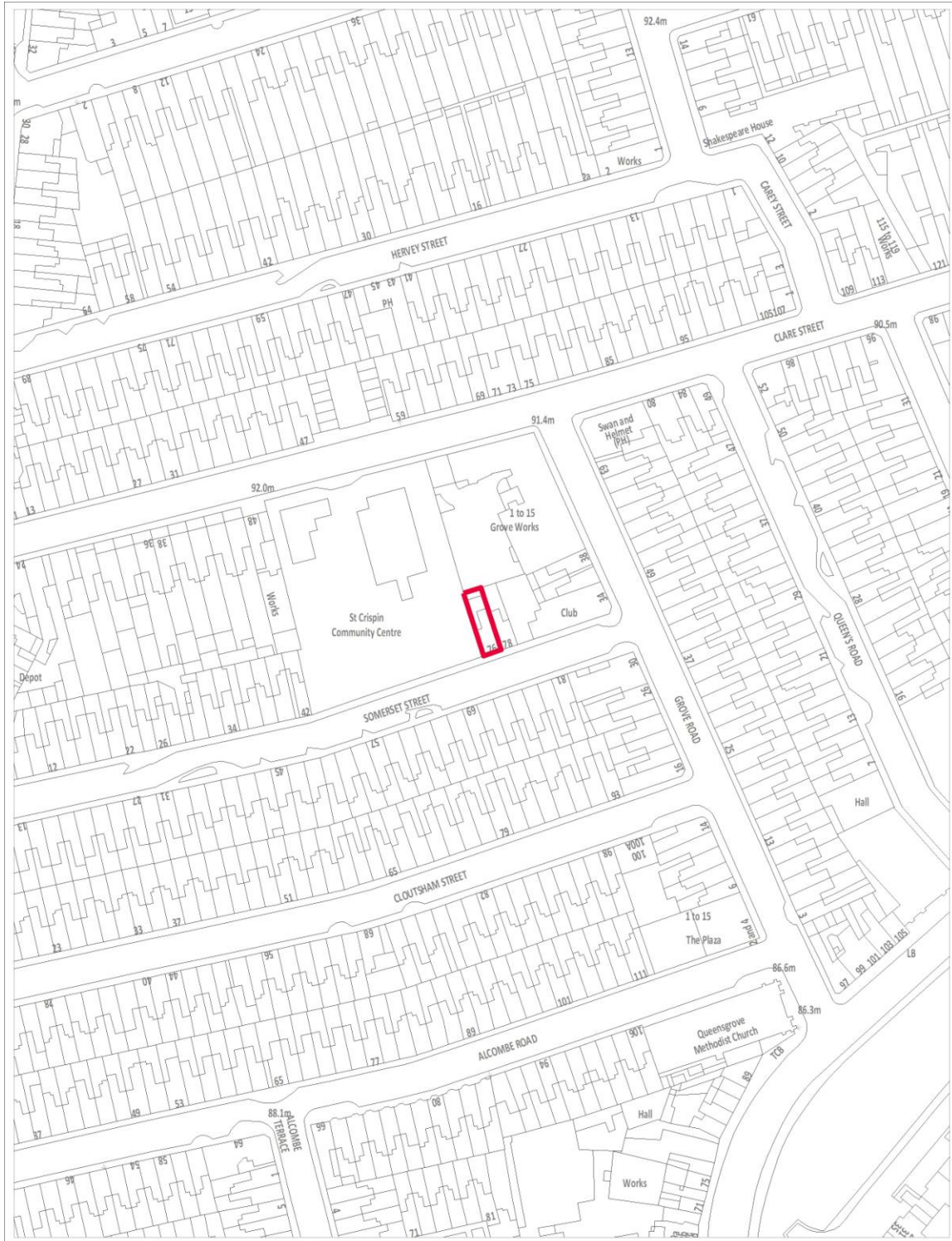
## **11. LEGAL IMPLICATIONS**

- 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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**  
**76 Somerset Street**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0625:** Change of use from dwelling (Use Class C3) into house in multiple occupation for 5 occupants (Use Class C4) - retrospective application at 29 Poole Street

**WARD:** Castle

**APPLICANT:** Mrs L Zong  
**AGENT:** None

**REFERRED BY:** Councillor D. Stone  
**REASON:** Overdevelopment, pressure on parking, refuse and impact on services

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The development proposed would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact on the character and appearance of the property, the street scene, conservation area, nor would the proposal have any significant impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed by condition and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 The applicant seeks permission to convert a single dwelling into 5 person house in multiple occupation (HIMO). The application is retrospective as the property has already been converted. The only external changes relate to 2 replacement windows in the rear kitchen.

- 2,2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The property is a 2-storey terraced dwelling along a street of similar properties. It contains a small garden to the rear. The site is located in the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 None recent.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 – Sets out the importance of sustaining and enhancing heritage assets.

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 - new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the conservation area.

Policy H30 - requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### 5.5 **Supplementary Planning Documents**

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

#### 5.6 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk.
- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillor D Stone** - wishes to call the application in to committee due to overdevelopment, increase in parking concerns, refuse, rooms too small and impact on services.
- 6.2 **Environmental Health (NBC)** – there is likely to be more occupants in a HIMO with increased noise and vibration; suggest planning conditions to ensure that noise from mechanical ventilation system, power shower, self-closing fire doors and automatic gates are controlled and provision of refuse storage.
- 6.3 **Highway Authority** - as the proposed site falls within an area currently covered by on street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.
- 6.4 **Built Conservation (NBC)** - no objection.
- 6.5 **Private Sector Housing** - no objection, the property is suitable for let to 5 persons and will require an HIMO Licence.

## 7. APPRAISAL

### Principle of the Development

- 7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area, with only one other established HIMO within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

- 7.3 The proposal could be conditioned to restrict the use of the premises to a maximum of five occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that there would not be a significant impact on the character and amenity of the area as a result.

#### **Amenity and Refuse Storage**

- 7.4 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. The application is for 5 residents and the property is considered to be of sufficient size for the proposed use.
- 7.5 Bin storage can be provided in the rear yard of the property, and secured by planning condition. The concerns raised by Environmental Health Officers are noted, however, the use as a HIMO is still residential in nature and it would not be reasonable to impose planning conditions to control noise and vibration for domestic installations.

#### **Highways/Parking**

- 7.6 The Highway Authority comment that as the site is covered by on-street permit parking the level of parking can be controlled via residents parking permits. No additional parking permits would be issued to limit the impact on parking amenity of neighbouring properties. The applicant has confirmed verbally that none of her tenants have their own cars. Given that the lawful use of the property as a dwelling would also likely to generate some vehicle movements, it is considered that the use as a HIMO would not create significant additional traffic.
- 7.7 Given the relatively sustainable location of the site within walking distance of the services and facilities of the town centre, the nearest bus stop is located at the Mounts which is within 5 minutes walking distance, it is considered that the impact on car parking would not be unduly significant or adverse. A condition requiring details for cycle parking is to be imposed to promote sustainable travel to the site.

#### **Impact on Conservation Area**

- 7.7 As there would not any external changes to the front of the building, it is considered that there would be no undue impacts upon the visual amenity of the site or the Conservation Area.

### **8. CONCLUSION**

- 8.1 It is considered that the development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact on the character or amenity of the area or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and in accordance with policy and guidance requirements and therefore the application is recommended for approval.

### **9. CONDITIONS**

- (1) The property shall be occupied by no more than five persons at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (2) Within one month of the date of this permission, the applicant shall provide details of refuse and cycle storage within the site boundary to be approved in writing by the Local Planning Authority and these shall be implemented in accordance with the approved details within one month of the date of approval and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

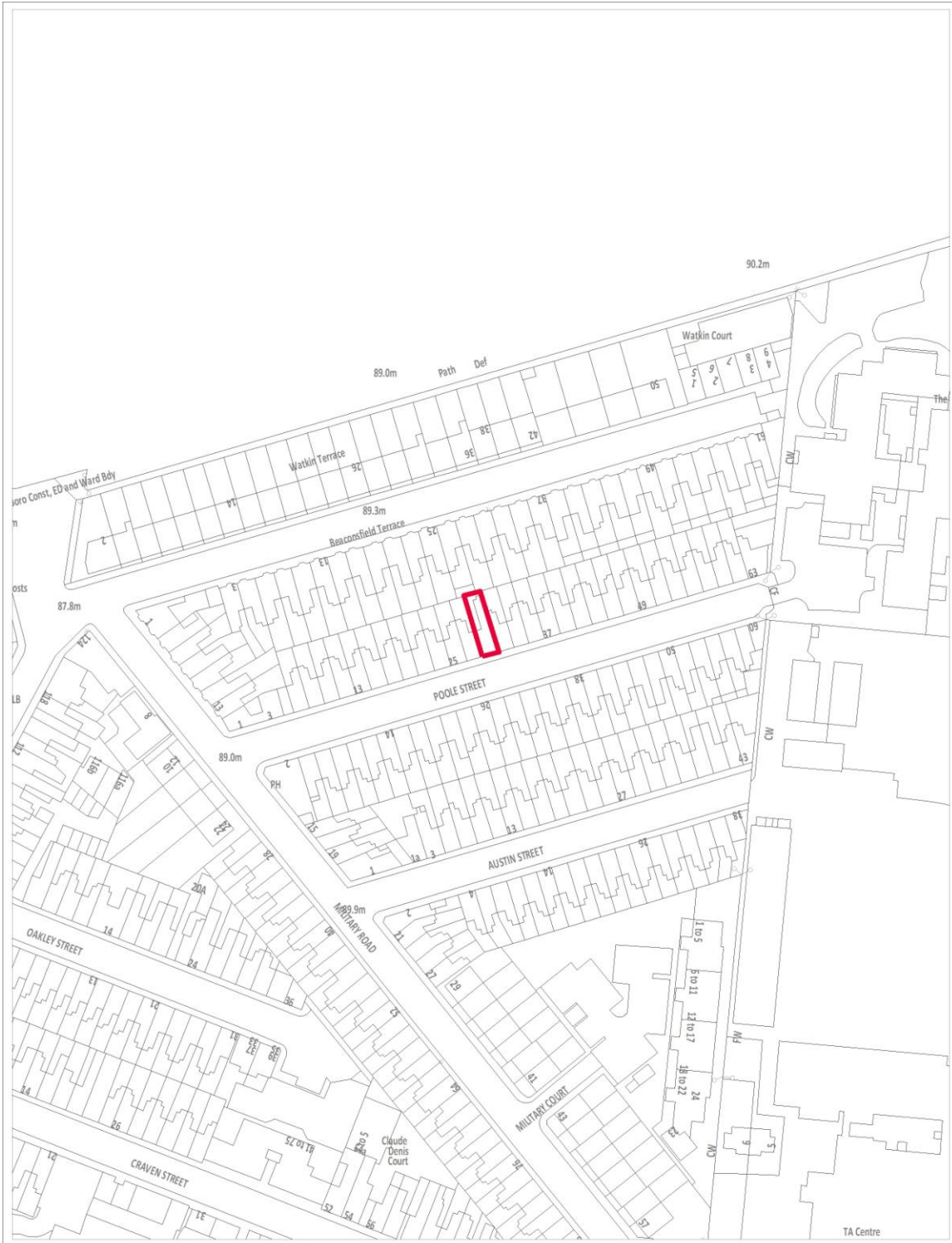
- 10.1 N/2015/0625.

## **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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**29 Poole Street**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0630:** Change of use from single dwelling into a house in multiple occupation (HIMO) for 3 residents (Use Class C4) – retrospective application at 75 Somerset Street

**WARD:** Castle

**APPLICANT:** Mr David Croissant  
**AGENT:** None

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** As a similar application at 76 Somerset Street has been called in by Member

**DEPARTURE:** No

---

## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The development proposed would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact on the character and appearance of the property, the street scene, conservation area, nor would the proposal have any significant impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 The applicant seeks permission to convert a dwelling into a house in multiple occupation for 3 people. The application is retrospective. No external alternation to the property is proposed.



- 2,2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The property is a 2-storey terraced dwelling with a rear garden. The basement is currently used for storage. The site lies in the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 None recent.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies,

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 – Sets out the importance of sustaining and enhancing heritage assets.

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

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

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the Conservation Area.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### **5.5 Supplementary Planning Documents**

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

#### **5.6 Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole by not resulting in a concentration of similar uses; a material change or adverse impact on the character of the area; or more than 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk.
- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Highway Authority** - as the proposed site falls within an area currently covered by on-street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.

**Built Conservation** – no objection as there are no external alterations proposed to the property.

**Private Sector Housing**- no objection. The property is large enough to accommodate 3 individuals and also will require a License under Environmental Health legislation.

## 7. APPRAISAL

### Principle

- 7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area, with no established HIMOs within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.
- 7.3 The proposal could be conditioned to restrict the use of the premises to a maximum of 3 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that there would not be a significant impact on the character and amenity of the area as a result.

### **Amenity and Refuse Storage**

- 7.4 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HMOs to be of sufficient size to accommodate the proposed use. The application is for 3 residents and the Council's Private Sector Housing Team has confirmed that the level of facilities provided is acceptable. The property is considered to be of sufficient size for the proposed use and a condition restricting the use to a maximum of 3 persons would ensure an acceptable standard of development. Given the use is for only 3 persons, it is considered that noise and disturbance is unlikely to be a significant concern over and above the lawful use as a dwelling house.
- 7.5 Bin storage can be provided in the rear yard of the property, and can be secured by a planning condition.

### **Highways/Parking**

- 7.6 The Highway Authority comment that as the site is covered by on-street permit parking the level of parking can be controlled via residents parking permits. No additional parking permits would be issued to limit the impact on parking amenity of neighbouring properties. Given the sustainable location of the site within walking distance of the services and facilities on Kettering Road and the town centre, it is considered that the impact on car parking would not be unduly significant. The applicant also confirms that none of his current three tenants own a car. Cycle storage can be agreed by condition.

### **Impact on the Conservation Area**

- 7.7 As there would not be any external changes to the building, the proposed development would have no impact upon the appearance of the conservation area.

## **8. CONCLUSION**

- 8.1 It is considered that the development would not lead to an unacceptable concentration of HMOs within the locality that would adversely impact on the character or amenity of the area or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with policy and guidance requirements and therefore the application is recommended for approval.

## **9. CONDITIONS**

- (1) The property shall be occupied by no more than three persons at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (2) Within one month of the date of this permission, the applicant shall provide details of refuse and cycle storage within the site boundary to be approved in writing by the Local Planning Authority and these shall be implemented in

accordance with the approved details within one month of the date of approval and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

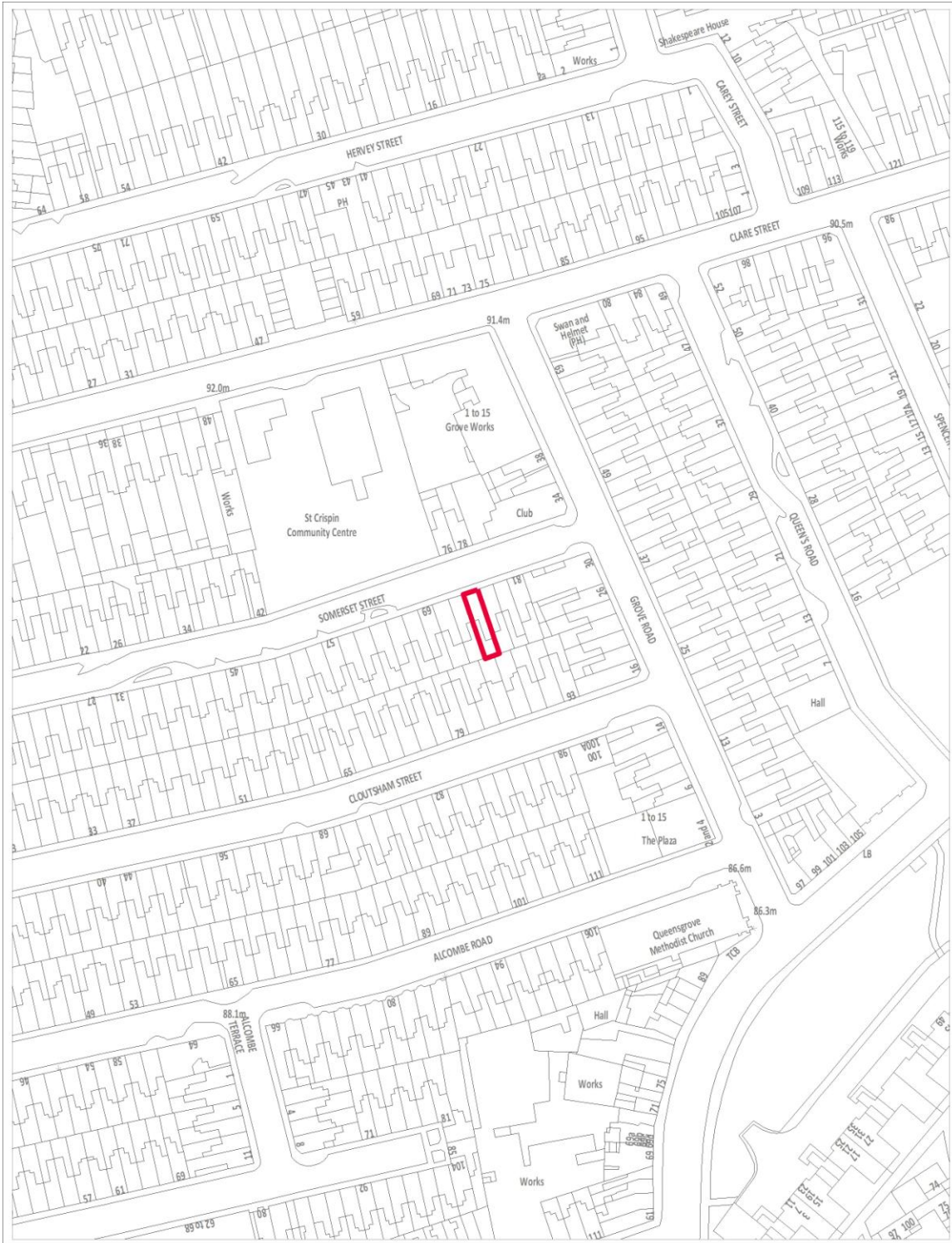
10.1 N/2015/0630

**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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**75 Somerset Street**

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0730:** Variation of conditions 1, 5, 6, 8, 14, 37, 38, 41, 42, 43, 44, 45, 46, 47 and 48 (as per section 2 of the submitted planning statement) pursuant to planning permission 14/01938/VAR (Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46, and 47 (as per section 2 of the submitted planning statement) pursuant to planning permission 12/00010/FUL - Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop. (East Northamptonshire Council Consultation)

**WARD:** N/A

**APPLICANT:** LXB RP (Rushden) Limited  
**AGENT:** Mr Matthew Sherwood - Quod

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Major Fringe Area Planning Application

**DEPARTURE:** N/A

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## APPLICATION FOR CONSULTATION BY EAST NORTHAMPTONSHIRE COUNCIL:

### 1. RECOMMENDATION

- 1.1 That Northampton Borough Council has **NO OBJECTION** to the variation of conditions as proposed.

Whilst Northampton Borough Council objected to the original application for the development proposals and remain concerned regarding the potential impacts of

the development on the viability and vitality of Northampton, it is acknowledged that the principle of the development has now been established through the grant of planning permission by the Secretary of State in 2014 and the subsequent approval of the amended scheme in 2015.

It is not considered that the increase in retail floorspace proposed under this amended scheme which represents an overall increase of 3.6% retail gross floorspace would be likely to represent any significant increased impacts on the viability and vitality of Northampton to that already approved.

The other amendments proposed including the addition of a slipway, increase in size of garage/store, alterations to Boathouse and Visitor Centre, parking and change in site levels are not considered to have any wider impacts that are considered to affect Northampton Borough.

## **2. THE PROPOSAL**

2.1 This is a consultation from East Northamptonshire Council regarding a Section 73 application to vary conditions of planning permission 14/01938/VAR which was an amendment to the original permission granted by the Secretary of State in 2014, reference 12/00010/FUL.

2.2 The variation of conditions seeks to amend the approved application as follows:

- Alterations to the approved retail units in number and size resulting in an overall increase in retail floorspace of 1,797 sq m from that approved under the previous amendment in 2014 resulting in an overall increase in 3.6% of gross retail floorspace;
- Elevation changes to the units to accommodate the proposed floorspace alterations;
- The addition of a pontoon to the slipway at Skew Bridge Ski Lake and development of landscaping design to boardwalk and central avenue;
- Increase in size of garage/store to rear of Terrace C;
- Internal alterations to Boathouse and Visitor Centre;
- Increase of 5 parking spaces, 12 cycle space, relocation of bus stop to site entrance;
- Increase in site levels across site by max 450mm;
- The variation of Condition 45 to increase the gross internal floor area allowed by occupation of retailers whose operation is predominantly the sale of clothing and footwear from 4,183 sq m to 7,038 sq m;
- The variation of Condition 46 relating to the range of goods that can be sold at the garden centre.

2.3 The supporting statement submitted with the application advises that the changes proposed arise from specific retailer requirements and as a result of the development of the detailed design of the scheme.

2.4 The application is accompanied by revised retail, transport and environmental assessments.

## **3. SITE DESCRIPTION**

3.1 The application site extends to roughly 30 hectares and is bound by the River Nene on its northern boundary and the A45 to the south. Beyond the A45,



immediately to the south, is an area of mixed commercial, industrial and retail development. The town centre of Rushden is just over a kilometre away to the south, with Higham Ferrers and Irthlingborough situated a kilometre to the east and north respectively.

- 3.2 The site comprises of two main elements, the Skew Bridge Ski Lake and Delta Lake and an area of brownfield land to the south of the lakes.

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

- 4.1 The original application was the subject of an appeal by public inquiry in 2013. The application was subsequently approved by the Secretary of State in June 2014 granting full planning permission for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and outline planning permission for the erection of a hotel, crèche and leisure club with some matters reserved (appearance); plus removal of ski slope and associated levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop.

- 4.2 A subsequent application (14/01938/FUL) to amend the original scheme approved in May 2015 which involved a reconfiguration of the outdoor planting area within the garden centre using the majority of the floorspace to create an additional 2,597 sq m of open A1 retail floorspace; the amendment of conditions to allow more potential town centre type retail sales from the Garden Centre/adjacent terrace of shops, an increase to the floorspace of one of the anchor stores and an increase in number of retail units by decreasing the size of some larger units with an overall decrease in retail floorspace and an increase in restaurant floorspace from 928 sq m to 2,164 sq.m.

#### **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 relevant Development Plan for the determination of this application is the Development Plan for East Northamptonshire Council.

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

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 23 – seeks to ensure the viability and vitality of town centres and promote competitive town centre environments and allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of

centres sites cannot be identified, set policies for meeting identified needs in other accessible locations well connected to the town centre.

Paragraph 24 – requires a sequential test for applications for town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan.

Paragraph 26 – requires an impact assessment if the development is over a proportionate, locally set floorspace threshold or if no threshold, 2,500 sq m.

## **6. APPRAISAL**

- 6.1 The principle of the development has previously been established through the grant of planning permission by the Secretary of State in 2014 and the subsequent approval of the amended scheme in 2015.
- 6.2 The main issue for consideration therefore is as to whether the proposed amendments would lead to any significant impact on the viability and vitality of Northampton town centre when compared to the impacts arising from the existing permitted schemes.
- 6.3 The proposal will inevitably make the Rushden Lakes scheme more of a ‘town centre’ offer retail destination. However, the proposed increase in retail floorspace of 1,797 sq m from that previously approved under the amended scheme in 2014 to the approved Secretary of State scheme represents an overall increase of 3.6% retail gross floorspace. It is not considered that this increase would be likely to represent any significant increased impacts on more local town centres particularly given that the Secretary of State and the Inspector’s decision letters placed so much weight on the positive benefits of Rushden Lakes.
- 6.4 The other amendments proposed including the addition of a slipway, increase in size of garage/store, alterations to Boathouse and Visitor Centre, parking and change in site levels are not considered to have any wider impacts that are considered to affect Northampton Borough.

## **7. CONCLUSION**

- 7.1 In view of the existing permitted schemes it is not considered that the amendments proposed under the current scheme would lead to any significant increased impact on the viability and vitality of Northampton to that already approved.

## **8. BACKGROUND PAPERS**

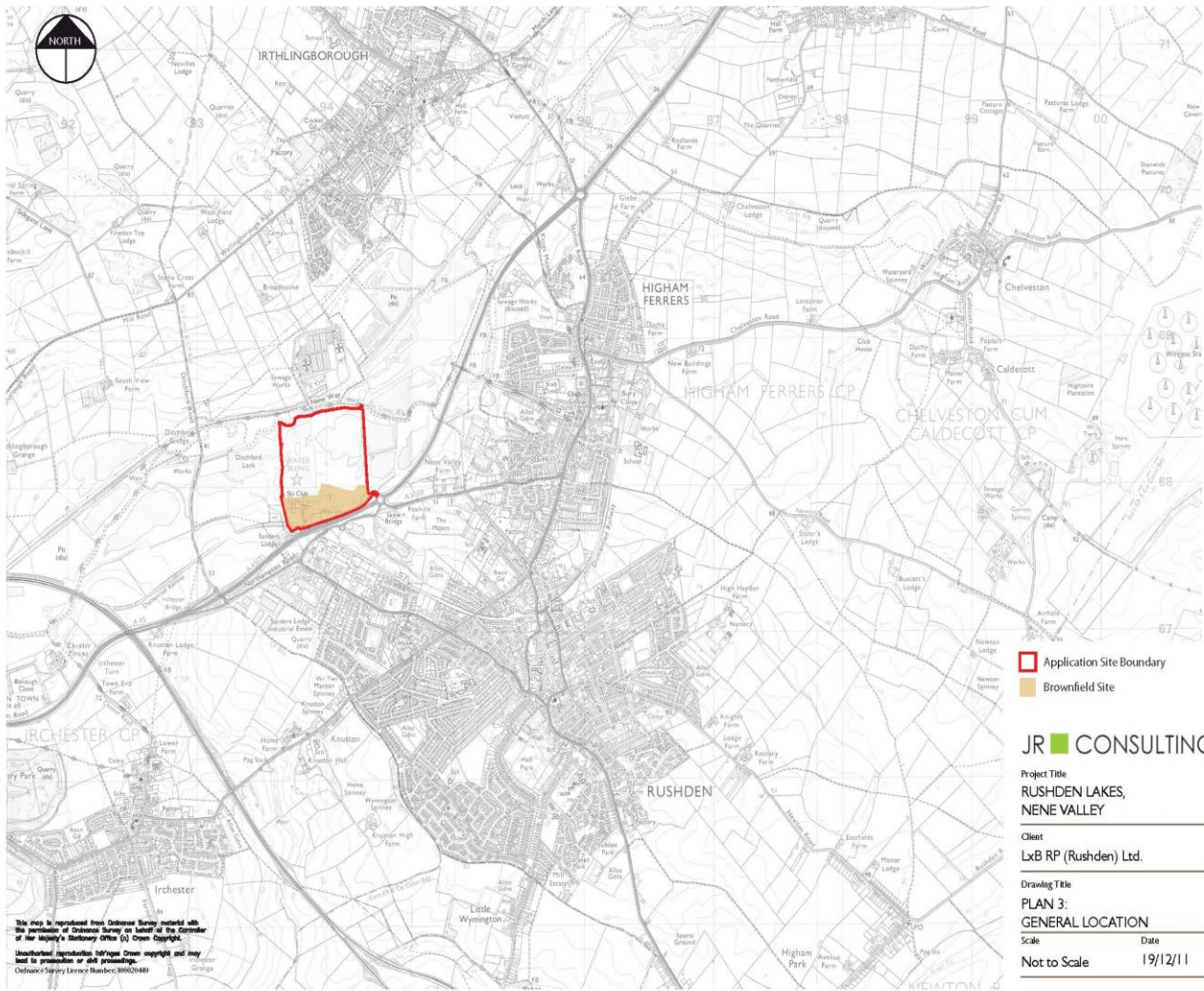
- 8.1 N/2015/0730

## **9. LEGAL IMPLICATIONS**

- 9.1 None.

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

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



- ▭ Application Site Boundary
- Brownfield Site

**JR CONSULTING**

Project Title  
**RUSHDEN LAKES,  
 NENE VALLEY**

Client  
**LxB RP (Rushden) Ltd.**

Drawing Title  
**PLAN 3:  
 GENERAL LOCATION**

Scale Date  
**Not to Scale 19/12/11**