



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Wednesday, 2 September 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

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

PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 9 June, 30 June, 28 July, 2 September, 29 September, 27 October, 24 November and 17th 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 (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 Wednesday, 2 September 2015
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

Minutes of the meeting of the 28th July and the reconvened meeting on the 4th August 2015.

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) LOCAL VALIDATION REQUIREMENTS

(Copy herewith)

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

ADDENDUM attached

(A) N/2014/1163 - ERECTION OF 44 APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING. VICTORIA BUSINESS PARK, ST JAMES PARK ROAD

- (B) N/2015/0473 - VARIATION OF CONDITION 17 OF PLANNING APPLICATION N/2013/1143 TO INCREASE THE MAXIMUM AMOUNT OF FLOORSPACE THAT MAY BE OCCUPIED BY LIMITED ASSORTMENT DISCOUNT FOODSTORE TO 2,800 METRES. GAS HOLDER SITE, TOWCESTER ROAD
- (C) N/2015/0611 - CHANGE OF USE OF LAND FOR ERECTION OF DECKING IN ASSOCIATION WITH BAR/RESTAURANT (RETROSPECTIVE APPLICATION MIDSUMMER MEADOW, BEDFORD ROAD
- (D) N/2015/0624 - ERECTION OF 2NO PORTACABINS; ONE TO BE USED AS VISITORS CENTRE AND ONE FOR ADMIN/MEETING SPACE. WESTON FAVELL PARISH HALL, BOOTH LANE SOUTH
- (E) N/2015/0647 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS (FROM PENFOLD CLOSE/NORTHFIELD WAY) FOR RESIDENTIAL DEVELOPMENT OF UP TO 195 DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED ACCESS. FORMER KINGSTHORPE MIDDLE SCHOOL SITE, NORTHFIELD WAY
- (F) N/2015/0750 & N/2015/0749 & N/2015/0755 - CHANGE OF USE FROM RETAIL (A1) TO RESTAURANT/CAFÉ (A3) INCLUDING OUTDOOR SEATING AREA AND REDECORATION OF SHOP FRONT. DISPLAY ILLUMINATED FASCIA SIGN AND ILLUMINATED PROJECTING SIGN. DISPLAY ILLUMINATED LETTERING AND ILLUMINATED PROJECTING SIGN - ALL AT 24 MARKET SQUARE
- (G) N/2015/0811 - ERECTION OF DETACHED 3-BED DWELLING AT THE REAR TOGETHER WITH PARKING SPACES AND WIDENING OF EXISTING VEHICULAR ACCESS. RE-SUBMISSION OF PLANNING APPLICATION N/2015/0275. 279 MAIN ROAD, DUSTON
- (H) N/2015/0816 - ERECTION OF FRONT PORCH. 14 WOODLAND AVENUE

11. ENFORCEMENT MATTERS

None.

12. ITEMS FOR CONSULTATION

- (A) N/2015/0864 - OUTLINE APPLICATION FOR UP TO 41 DWELLINGS, ESTATE ROAD, OPEN SPACE AND ASSOCIATED WORKS. LAND AT WELFORD ROAD, BOUGHTON.(CONSULTATION BY DAVENTRY DISTRICT COUNCIL)

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, 28 July 2015

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

OFFICERS Steven Boyes (Director of Regeneration, Enterprise and Planning)
David Hackforth (Interim Head of Planning), Rita Bovey
(Development Manager), Ben Clarke (Senior Planning Officer), David
Rowen (Development Management Team Leader)and Theresa Boyd
(Solicitor)

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on 30th 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/2014/1291

John Roberts

N/2015/0335

George Hook
Mavis Wilmhurst
Brian Hoare
Graham Lund
Jonathan Best

N/2015/0419

Mr Hunt
Patricia Masters
Councillor Parekh
Nick Stafford

N/2015/0438

Graham Lund
Johnathan Best

N/2015/ 0478

Robert Whittle

James Duggan

N/2015/0554

Richard Jackson

N/2015/0625

Liang Zong

N/2015/0630

David Croissant

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Oldham declared a personal, non-pecuniary interest in Item 10b, as the Ward Councillor.

Councillor Aziz declared a pecuniary interest in Items 10e and 10f as the property owner of 74 Military Road, Northampton.

Councillor Lane declared a personal, non-pecuniary interest in Item 10a, as the Ward Councillor.

Councillor Larratt declared a personal, non-pecuniary interest in Item 7b as the Ward Councillor for East Hunsbury and a County Councillor for the Nene Valley Ward.

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

There were none.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Director of Regeneration, Enterprise and Planning submitted a List of Current Appeals and Inquiries and elaborated thereon. The Development Manager introduced the written report and elaborated thereon. She added that there was one update – in that the public inquiry into application N/2013/0338 would resume on the 29th July and end on the 30th July 2015.

RESOLVED: That the report be noted.

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

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 agreement as set out in the report.

The Committee discussed the report.

RESOLVED: That the authority be delegated to the Director of Regeneration, Enterprise and Planning to vary the Section 106 agreement to accept off-site contribution towards provision of affordable housing.

(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

The Development Manager elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was explained that approval was being sought to agree the amendments to the reasons for refusal for both applications N/2013/1035 and N/2013/1063 following the refusals at the Committee meeting held on the 28th January 2015.

The Development Manager also reported comments from Historic England that they considered the significance of Collingtree Conservation Area and the Grade II* listed Church of St Columba would be affected by the appeal proposals through development within their setting. The harm which the proposals would cause to the significance of these designated heritage assets should be taken into account in determining the proposals.

The Committee discussed the report.

RESOLVED: That the amendments to the reasons for refusal for both applications N/2013/1035 and N/2013/1063 be agreed.

At this point, the Committee agreed that Item 12A of the agenda be considered.

12. ITEMS FOR CONSULTATION

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

The Development Manager elaborated on a report for an application for Consultation by East Northamptonshire Council. It was noted that NBC had no objection to the increased floor space.

The Committee discussed the report.

RESOLVED:

That Northampton Borough Council had **NO OBJECTION** to this application but previous objections to the principle of the development were maintained and East Northamptonshire Council was to be informed of that.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

10. ITEMS FOR DETERMINATION

(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

The Senior Planning Officer submitted a report of the Director of Regeneration, Enterprise and Planning and elaborated thereon. He referred Members to the additional information contained within the addendum.

Mr John Roberts, the agent for the applicant, addressed the Committee and spoke in favour of the application. It was explained that the intention was to get amendments permitted sooner to enable the development to proceed. In response to questions asked, Mr Roberts confirmed that density of dwellings had not increased and the same number of car parking spaces had been retained. He also explained that there was a pocket park close to the development area and that the Section 106 agreement would provide money for the local Community Centre.

In response to a question, the Senior Planning Officer confirmed that the Highway Authority had not requested the installation of a pedestrian crossing within Booth Rise; however, the proposed highway works planning obligation could be amended to include works to improve highway safety,

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.2 and 1.3 of the report with point (iii) of paragraph 1.2 amended to read:

A financial payment to fund highway improvements on Booth Rise between Round Spinney roundabout and the junction of Booth Rise / Kettering Road North and can include improvements to the Booth Rise/ Round Spinney junction and/or improvements to highway safety within Booth Rise.

(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

The Senior Planning Officer submitted a report of the Director of Regeneration, Enterprise and Planning and elaborated thereon. He referred Members to the additional information contained within the addendum. It was explained that there had been a long history of applications for commercial use on the site and the reasons for the appeal against the proposal for two warehouses on the site, heard in 2002 were outlined in the report.

Mr Hook, as a resident of West Hunsbury, spoke against the application stating that by approving the development, the Council would be endorsing a departure from their own Planning Policy as some of the land would be built on is allocated as Green Space. Responding to questions asked, Mr Hook stated that he had concerns about the height of the development, the amount of time bund would take to grow and the proximity of the building to houses. He also stated that Travis Perkins had previously communicated with the Parish Council, but that more recently there had been very little dialogue.

Mrs Wilmhurst, on behalf of the Friends of West Hunsbury Parks, spoke against the application and commented that there would be an increase in noise, traffic and air pollution and that the application encroached onto Green Space.

Mr Hoare, as a Parish Councillor, spoke against the application and stated that the development would be far too big and not designed to fit into the local landscape as the size of it would be equivalent to 7 football pitches and suggested that a preferable site would be at Junction 16 of the M1. In response to questions asked, Mr Hoare stated that he was not against the creation of jobs, but suggested that they were not, as reported, necessarily new jobs.

Mr Lund, as a representative of Travis Perkins spoke in favour of the application and stated that the site would be central to England and close to the M1 facilities which would avoid surplus traffic impacting on the Town Centre. It was further reported that it was expected that there would be in the region of 500 jobs created. In response to questions asked, Mr Lund confirmed that white noise warnings would be used on HGV's and trucks which would minimise noise. Light pollution would be minimised and screened by bund.

Mr Best, the Planning advisor to Travis Perkins explained that the Northampton Planning Policy Framework encouraged development and noted the creation of 500 new jobs that the development would bring. In response to questions asked, Mr Best explained that the development would be in flood zone 1 and that there would be permeable paving, swales next to the bund and a balancing pond.

Members discussed the application.

RESOLVED:

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

By reason of the design, siting, scale and massing of the proposed development, the proposal would represent an overly dominant and strident feature that would be detrimental to the character, appearance and function of the existing network of green space. Furthermore, the development would adversely impact upon the visual amenity of the area, including the surrounding residential properties. For these reasons, the development is contrary to the policies of the National Planning Policy Framework; Policies BN1 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan.

(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

The Senior Planning Officer submitted a report of the Director of Regeneration, Enterprise and Planning and elaborated thereon. He referred Members to the additional information contained within the addendum.

Mr Hunt, spoke against the application as a local resident. He commented that whilst the number of rooms had decreased since the last application, the actual number of students could potentially increase and noted that noise, parking and increased anti-social behaviour were a concern.

Mrs Masters, spoke against the application and commented that Kingsthorpe front was a unique area and that the property was currently very run down and uninhabited and that housing students there would not be desirable.

Councillor Parekh, as the Ward Councillor, spoke against the application and stated that residents considered the development to be too big and out of character for the area. It was suggested that the development would be more suitable for sheltered housing of family housing and it was a questionable why there should be a development for student accommodation when the University would be re-locating. In response to questions asked, Councillor Parekh commented that there had been no consultation with residents from the applicants.

Mr Stafford, spoke on behalf of the applicant, in favour of the application and stated that in a recent appeal, the Planning Inspector had confirmed that student accommodation was a suitable use of the site. He stated that the development had been scaled back and that the use of the roof space would reduce the impact on local residents. In response to questions asked, Mr Stafford commented that even with the relocation of the University, bus routes would provide necessary transport for students to their campuses. He noted that there was limited parking with an element for the provision of visitor parking which would be a contractual part of the tenancy.

Members discussed the application

RESOLVED:

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

By reason of the design, scale and massing of the proposed building, the development would represent an incongruous feature and would have a significant adverse impact upon the character and appearance of the area and be detrimental to visual amenity. The development is contrary to the policies of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan.

(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

The Senior Planning Officer submitted a report of the Director of Regeneration, Enterprise and Planning and elaborated thereon. He referred Members to the additional information contained within the addendum

Mr Best, as the planning advisor to Travis Perkins, spoke in favour of the application and explained that the application would be a sustainable development and would result in the creation of 100 new jobs and would replace the current unattractive building in situ.

Mr Lund, as a representative of Travis Perkins spoke in favour of the application and commented that the overall expansion plans and investment would attract people to work in the area.

Members discussed the application.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and the addendum and the matters in paragraphs 1.2 to 1.4 of the report.

At this point, the meeting was adjourned and the Items below were considered at a reconvened meeting to be held on the 4th August 2015.

(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

The meeting concluded at 10.18pm

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

**Tuesday, 4 August 2015
(Re-convened from 28 July 2015)**

PRESENT: Councillor Oldham (Chair); Councillors Aziz, Birch, Davenport, Golby, Haque, Hill, Larratt and Meredith.

OFFICERS: Steve Boyes (Director of Regeneration, Enterprise and Planning), David Hackforth (Interim Head of Planning), Rita Bovey (Development Manager), David Rowen (Development Management Team Leader) and Theresa Boyd (Solicitor).

1. APOLOGIES

Apologies for absence were received from Councillors Lane, Lynch and McCutcheon for this reconvened meeting (continued from the meeting held on 28 July 2015).

2. DEPUTATIONS / PUBLIC ADDRESSES

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

N/2015/0478

Councillor Stone (with the approval of the Chair as Ward member). Councillor Stone indicated that her comments applied to all the applications on the agenda.
Mr James Duggan

N/2015/0554

Mr Richard Jackson

N/2015/0625

Mrs Liang Zong

N/2015/0630

Mr David Croissant

3. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Aziz declared disclosable pecuniary interests in Items 6 (N/2015/0478) and 7 (N/2015/0505) as the property owner of 74 Military Road, Northampton. He left the room whilst the applications were discussed and determined.

4. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

There were none.

5. ITEMS FOR DETERMINATION

The applications for determination were considered as set out in the minutes below.

6. 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

Councillor Mohammed Aziz Rahman had declared a pecuniary interest in this application and left the room and took no part in the discussion or determination.

The Development Management Team Leader gave an overview of the HIMO situation in the Borough following licensing changes and outlined the work carried out by the Private Sector Housing Team in terms of identifying Houses in Multiple Occupation (HIMOs) and the consequent retrospective planning applications. He explained the link between this work and the Council's Interim Planning Policy Statement (IPS). He then submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. The application was in accordance with the Council's HIMO Interim Planning Policy Statement (IPPS) of November 2014 and the Private Sector Housing Team had made no objections to the applications.

Councillor Stone, as the Ward member, addressed the Committee speaking against this application, indicating that her comments applied to all the applications on the agenda, and stated that the report should contain more information about the property and from the Private Sector Housing team. It was important to know who the landlords and agents were. She had called in this application and the others on the agenda as Castle Ward was an area of extreme pressures, including on health services, where more resources were needed and there was a need for family housing. She wanted to know the standards of the HIMOs as she had found them to be sub-standard.

In answer to the Committee's questions Councillor Stone stated that she had seen no evidence that the HIMOs met the Council's policy of no more than 15% within a 50m radius. She believed the HIMOs were in close proximity. She wished to have information on whether landlords would be present or not, the agents and the standards applied by the Private Sector Housing Team.

Mr Duggan, as the lettings agent, addressed the Committee speaking in favour of the application and stated that if the application was approved there would still be less than 15% of HIMOs within a 50m radius. No nuisance would be caused and no extra parking required and there would be adequate space for refuse. There had been some damp problems which had been rectified. The property would be let to students at the university. He considered the landlord, who would live at the property, to be very responsible.

In answer to the Committee's questions Mr Duggan stated that the property was checked in accordance with DASH (Decent and Safe Homes) regulations, monthly by the landlord and quarterly by the lettings agency. Tenants were lined up to move into the property in August. All rooms were decorated before being let.

The Committee discussed the report.

In answer to questions the Development Management Team Leader stated that the information related to HIMOs in the Borough could never be 100% accurate but he was confident that it was reasonably accurate, based on the information gathered by the Private Sector Housing team and collected from Council records. Also, CAN houses were possibly not classed as HIMOs, and that HIMOs were classed as dwelling houses under Building Regulations, similar to family dwellings, so that it would be unreasonable to require noise insulation on them.

The Committee considered that the standard of landlords of HIMOs should be a material planning consideration and asked the Director of Regeneration, Enterprise and Planning to write a letter to the Secretary of State on that issue.

Before the vote was taken the Chair asked the members of the public present to leave the room for a short period in order for the Committee to receive advice on conditions proposed in respect of the application. Members of the public returned to the room after that advice had been given.

RESOLVED:

1. That **APPROVAL** be granted subject to the conditions as set out in the report 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. That the Director of Regeneration, Enterprise and Planning be requested to write to the Secretary of State stating the Committee's view that the standard of landlords of HIMOs should be a material planning consideration.

7. 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

Councillor Mohammed Aziz Rahman had declared a pecuniary interest in this application and left the room and took no part in the discussion or determination.

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

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 development proposed would not lead to an unacceptable concentration of HIMO's 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.

8. 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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

Mr Jackson, as the applicant, addressed the Committee speaking in favour of the application and stated that the application had been made after discussions with the university and the site chosen for its closeness to the university and town centre and was within the density guideless. The road was of diverse character. Anti-social behaviour would not be allowed at the property.

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 not lead to an unacceptable concentration of HIMO's 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.

9. 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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

The Committee discussed the report.

The Committee considered that noise attenuation measures should be applied to the property for the amenity of adjoining neighbours.

RESOLVED:

That **APPROVAL** be granted subject to the conditions as set out in the report with the following additional condition, for the reasons set out below:

The development would not lead to an unacceptable concentration of HIMO's 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.

Additional condition: Within two months of the date of this permission a scheme for noise attenuation measures for the internal adjoining neighbouring properties shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within four months of the date of this permission.

Reason: To protect the amenities of neighbouring residents to comply with Policy S10 of the West Northamptonshire Core Strategy.

10. 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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

Mrs Liang Zong, as the applicant, addressed the Committee speaking in favour of the application and stated that had been bought in poor condition and renovated, including the addition of fire precautions. A shed for the storage of rubbish had been built in the garden. Lettings were to professional people. There had been no issues with tenants and if any complaints were received from neighbours they would be responded to.

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 development proposed would not lead to an unacceptable concentration of HIMO's 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.

11. 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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon.

Mr David Croissant, as the owner and landlord, addressed the Committee speaking in favour of the application and stated that he had refurbished the property to a high standard and included fire precautions. The property would be let to students. He was a professional landlord, with other properties in Northampton, and a member of DASH (Decent and Safe Homes). There would be monthly inspections of the property.

In response to questions from the Committee Mr Croissant stated that he did not live in Northampton, where all his properties are, and would use maintenance teams for any works required.

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 development proposed would not lead to an unacceptable concentration of HIMO's 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.

12. ENFORCEMENT MATTERS

There were no items.

13. ITEMS FOR CONSULTATION

There were no items.

The meeting concluded at 7:45 pm.

Directorate: Regeneration, Enterprise and Planning
 Director: Steven Boyes



List of Appeals and Determinations – 2nd September 2015

Written Reps Procedure

Application	DEL/PC	Description	Decision
N/2014/0772 APP/V2825/W/15/3011903	PC	Erection of two detached houses with vehicular crossovers at land adjacent to 8 Quinton Road, Wootton	DISMISSED
N/2014/1054 APP/V2825/W/15/3028094	DEL	Listed Building Application for new balcony to front elevation at first floor at 15 Albion Place	DISMISSED
N/2014/1055 APP/V2825/W/15/3008861	DEL	New balcony to front elevation at first floor at 15 Albion Place	DISMISSED
N/2014/1123 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	AWAITED
N/2014/1292 APP/V2825/D/15/3017293	DEL	Proposed conservatory at 16 Lanercost Walk	ALLOWED
N/2015/0211 APP/V2825/X/15/3063787	DEL	Lawful Development Certificate for an existing single storey rear extension at 69 Raeburn Road	AWAITED
N/2015/0470 APP/V2825/W/15/3127982	DEL	Erection of detached machinery store including access and retaining wall. (Resubmission of planning application N/2014/1180) at Pearses Bungalow, 2 Wellingborough Road	AWAITED
N/2014/0980 APP/V2825/W/15/3011218	DEL	Retrospective application for replacement fence to front of property and electronic gates using wooden slats in trellis style at 27 High Street, Great Houghton	DISMISSED
N/2014/1239 APP/V2825/W/15/3006056	DEL	Change of use of ground floor from retail (use class A1) to juice bar at 7 The Parade	AWAITED

Public Inquiry

N/2013/0338 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 – Public Inquiry ended on 30th July at Franklin Gardens, Weedon Road	AWAITED
N/2013/1035 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 – Public Inquiry to begin on the 1st of December at Franklin Gardens, Weedon Road	AWAITED
N/2013/1063 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 - Public Inquiry to begin on the 1st of December at Franklin Gardens, Weedon Road	AWAITED

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 - www.planningportal.gov.uk</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: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

PURPOSE: To consider the review of the Local Requirements for the Validation of Planning Applications

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Committee Decision under the Scheme of Delegation

1. RECOMMENDATION

- 1.1 That Members **APPROVE** the revised draft Local Validation List appended at Annex A.

2. BACKGROUND

- 2.1 In September 2013, the Council adopted its Local Validation Requirements in accordance with planning legislation. This sets out what information, over and above the national requirements, is necessary to accompany a planning application before it is registered as valid.
- 2.2 The key purpose of stipulating what a planning application must comprise is to ensure its validity so that Local Planning Authorities (LPAs) have 'up front' the information that is essential for a sound, timely and confident decision. It also means that statutory consultees and other third parties who look at and comment on applications can clearly understand the development for which permission is being sought, and what the impacts (both positive and negative) are likely to be.
- 2.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the National Planning Practice Guidance (NPPG) state that LPAs should have a list of local requirements that is no more than two years old and that the list should be reviewed every two years. Consequently the Requirements adopted in September 2013 now need to be reviewed to ensure that the Authority has valid Requirements in place.
- 2.4 The NPPG also sets out the process by which this review should be carried out. In the first place the existing list should be reviewed to ensure it includes up to date statutory advice and guidance as well as policy changes and follows current best practice. There should then be a period of consultation on the proposed changes with the local community and applicant's/agents. The final stage is to finalise and publish the revised list.

3. REVIEW PROCESS

- 3.1 The Requirements adopted in 2013 have been reviewed by Officers and various changes have been made to incorporate the latest advice and guidance from Government as well as legislation changes and current best practice. These changes were incorporated into the Draft Local Validation Requirements which were subject to a consultation for six weeks during June/July.
- 3.2 The consultation took the form of a newspaper advertisement to announce the changes to the wider public and to invite comment. There was also a page on the Council's web site dedicated to this matter and again inviting comment. Alongside this there was consultation with regular users of the Planning Service over the last two years with letters being sent to applicants who had made more than five applications and agents who had submitted more than 10. In addition various technical consultees have also been consulted on the changes.

4. CONSULTATION RESPONSES

- 4.1 Five comments have been received from consultees including Sport England, Natural England, Duston Parish Council and the County Council's Surface Water Drainage Assessment Team and Archaeologist. The responses are summarised below.
- 4.2 **Sport England** has requested various pieces of information be provided with a consultation. The requested information is incorporated within the draft Requirements.
- 4.3 **Natural England** supports the inclusion of the requirement for a biodiversity assessment.
- 4.4 **Duston Parish Council** have commented that no mention is made of Neighbourhood Plans and whether these are complied with. It is not considered that this is necessary as a local requirement, and where appropriate the issue of neighbourhood plans would be included in the required planning statements.
- 4.5 **NCC Surface Water Drainage Assessment Team** have commented on some of the technical definitions contained in the draft Requirements as well as the need for Drainage Assessments to be included as an explicit requirement. These suggestions have been incorporated into the draft Requirements contained in Annex A.
- 4.6 **NCC Archaeologist** has commented that the identification of archaeological potential or significance should take place as part of pre-application discussions with a qualified heritage professional. This is already included in the draft Requirements.

5. EXPLANATORY COMMENTS

- 5.1 The draft Validation Requirements proposed are largely similar in format to those adopted in 2013. The document is broken down into individual application types, with the requirements listed for each type in Section 1. An applicant making a particular application can thus go directly to their application type and need not concern themselves with requirements for other applications.

- 5.2 Section 2 of the document then defines each item required. This format means that the detail of each element needs only to be set out once thereby avoiding the unnecessary duplication of the current document.
- 5.3 It is considered that the document now provides a clear statement of the requirements, which will be readable and understandable by all types of applicant, from householders applying for the first time to experienced agents.
- 5.4 As regards the content of the requirements, this has been set out to include the national as well as the local requirements. Although the national requirements would apply in any event, it is considered that this format will mean that applicants only need to refer to one document when making a planning application to Northampton Borough Council.

6. CONCLUSION

- 6.1 Members are recommended to approve the draft Local Validation Requirements.

7. BACKGROUND PAPERS

- 7.1 National Planning Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8. LEGAL IMPLICATIONS

- 8.1 Without adopted Local Validation Requirements the Council has no basis upon which to require the submission of information not specified by the National Validation Requirements when validating planning applications.

9. SUMMARY AND LINKS TO CORPORATE PLAN

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

NORTHAMPTON BOROUGH COUNCIL

DRAFT LOCAL VALIDATION REQUIREMENTS

2015

Committee Draft

Committee Draft

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Introduction

The purpose of validation requirements is to achieve consistency in the decision making process and to make the process of applying for planning permission more straight forward for developers by providing greater clarity as to the information that needs to be submitted with an application.

The validation of a planning application is essentially a checking process to ensure that the information required to assess a planning application has been submitted at the start of the process. It is important that the necessary information is submitted, otherwise consideration of the application would be subject to unnecessary delay. Without the required information an application will not be validated.

This document is intended to provide a useable manual to assist developers in preparing applications for planning permission and other planning consents, by providing clear information as to what information should be submitted with each application type. In order to do this, the guide has been broken down by application type, with clear reference to the documents/information that is required for each application type.

This document has been arranged to allow quick and easy access to the information requirements for the type of application you are submitting.

Section 1 of the document sets out each type of application followed by a list of requirements. To avoid repetition and reduce the size of the document, the details of each required item are listed separately at Section 2. Further information is provided in appendices.

Developers are encouraged to discuss their proposals with the Council prior to submission. The benefit of this is that additional advice can be provided as to the various criteria described within this document.

Section 1 - Information Required By Application Type

All Planning Applications

The following information is required to accompany all planning applications:

- A completed application form appropriate to the type of application
- A completed applicable certificate of ownership (including any relevant press notice)
- The relevant fee
- A location plan identifying the site

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Householder Planning Applications

Extensions

Essential requirements –

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area where the floorspace to be created exceeds 100 square metres.*
- Flood Risk Assessment - *see Appendix for criteria*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Roof Plans - Existing & Proposed - *If the development proposes a complex roof arrangement you may be asked for these.*

Domestic Outbuildings

Essential requirements –

- Location plan
- Block plan
- Elevations - Proposed
- Floor Plans - Proposed
- Site Plan

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within root protection area/canopy or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area where the floorspace to be created exceeds 100 square metres.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within or adjacent to a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*

Boundary Fences/Walls

Essential requirements -

- Location plan

- Block Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within canopy/root protection areas or result in the removal of trees or hedges.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.)*

Doors and Windows

Essential requirements-

- Location Plan
- Details of proposed windows/doors (including cross-sections)
- Elevations –Existing
- Elevations - Proposed

Criteria based requirements-

- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.)*

Driveways / dropped kerbs and other householder applications

Essential requirements –

- Location Plan
- Block Plan
- Site Plan – Existing
- Site Plan – Proposed

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.)*

Non Householder Planning Applications

Buildings and Extensions (other than dwellings)

Essential requirements –

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements –

Major Applications (see definition in Appendix)

- Design and Access Statement
- Drainage Assessment
- Transport assessment / Travel plan

Noisy Uses (See Appendix for specific uses)

- Noise Impact Assessment
- Technical Specification - of any new plant or equipment

Odour creating schemes (See Appendix for specific uses)

- Odour Attenuation Scheme

Other criteria based requirements –

- Applicant's Statement of Community Involvement -- see Appendix for criteria.
- Arboricultural Assessment - when works will take place within root protection areas/canopy or result in the removal of trees or hedges.
- Archaeological Assessment – for development likely to have impact on archaeological assets. (Will be required when the site is within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance).
- Biodiversity Assessment – For development on or which may affect designated sites, protected species and / or priority habitats
- Contamination assessment –Where the site is previously developed land.
- Design and Access Statement - see Appendix for criteria.
- Environmental Impact Assessment - see Appendix for more information as to when this is required.
- Flood Risk Assessment - see Appendix for criteria
- Ground Stability Report where issues of ground instability have been identified
- Heritage Impact Assessment - when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).
- Lighting Assessment - when floodlighting proposed.

- Marketing Information – *where the proposal is for a use not in accordance with the development plan and / or the National Planning Policy Framework.*
- Noise Levels Assessment - *for noise sensitive uses.*
- Retail Impact Assessment- *for retail proposals outside the defined town centre*
- Roof Plans - Existing & Proposed - *If the development proposes a complex roof form you may be asked for these*
- Sequential Assessment Of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) proposed in a location not in accordance with the development plan and / or the National Planning Policy Framework.*
- Streetscene Drawings - *required for infill developments within an existing street or for major developments where new streets are created.*
- Structural Report- *will be required for applications involving demolition in a conservation area.*
- Visual Impact Assessment - *when buildings of 15m or more in height are proposed.*

Change of Use

Change of use of a property only, with no alterations to the building (where alterations are proposed please also refer to Buildings & Extensions).

Essential requirements -

- Location Plan

Criteria based requirements –

Noisy Uses (See Appendix for specific uses)

- Noise Impact Assessment
- Noise Levels Assessment
- Technical Specification - *of any new plant or equipment*

Odour creating schemes (See Appendix for specific uses)

- Odour Attenuation Scheme

Other criteria based requirements –

- Applicant's Statement of Community Involvement - *see appendix for criteria*
- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Air Quality Assessment - *when situated within an Air Quality Management Area (see Appendix)*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Flood Risk Assessment - *see Appendix for criteria*
- Floor Plans - *depending on the use proposed, will be essential for residential use and others where the layout of the use needs to be considered.*
- Marketing Information – *where the proposal is for a use not in accordance with the development plan and / or the NPPF.*
- Planning Statement
- Retail Impact Assessment- *for retail proposals outside the defined town centre*

- Sequential Assessment Of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) in an edge of centre or out of centre location not in accordance with the development plan and / or the NPPF.*
- Transport Assessment / Travel Plan - *when major development as defined in Appendix*

Driveways and dropped kerbs

Essential requirements –

- Location Plan
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements -

- *Arboricultural Assessment - when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*
- *Heritage Impact Assessment - when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*

Dwellings (Residential Developments)

Essential requirements -

- Location Plan
- Block Plan
- Elevations - Proposed
- Floor Plans - Proposed
- Landscaping Scheme
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements -

Development in excess of 10 dwellings

- *Affordable Housing Statement - when in excess of 14 dwellings.*
- *Air Quality Assessment - when situated within an Air Quality Management Area (see Appendix)*
- *Design and Access Statement / Masterplan*
- *Drainage Assessment*
- *Noise Impact Assessment*
- *Noise Level Assessment*
- *Transport Assessment / Travel Plan*

Other Criteria Based Requirements

- *Applicant's Statement of Community Involvement – See Appendix for criteria.*
- *Arboricultural Assessment - when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*

- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Contamination Assessment - *where the site is previously developed land.*
- Design and Access Statement - *where the site is within a conservation area.*
- Environmental Impact Assessment - *see Appendix for more information as to when this is required.*
- Flood Risk Assessment - *see Appendix for criteria*
- Ground Stability Report - *where issues of ground instability have been identified*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*
- Marketing Information - *where residential development is not in accordance with the development plan and / or the NPPF.*
- Roof Plans - Existing & Proposed - *only where complex roof forms are proposed.*
- Streetscene drawings - *when in excess of 10 dwellings or involving infill development.*
- Visual Impact Assessment - *when building is in excess of 15m in height.*

Energy generating equipment

Essential requirements -

- Location Plan
- Block Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed
- Noise Impact Assessment
- Technical Specification

Criteria based requirements -

- Applicant's Statement of Community Involvement –*for wind turbine developments of more than two turbines or where the hub height of any turbine exceeds 15 metres.or see Appendix for other criteria.*
- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Design and Access Statement - *where a major application*
- Drainage Assessment- *where a major application.*
- Elevations - Existing - *when attached to a building.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*
- Roof plans – Existing and Proposed - *when equipment attached to a roof.*
- Visual Impact Assessment - *when installation is in excess of 15m in height.*

Fences, Wall and Enclosures

Essential requirements -

- Location Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements -

- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*

Floodlighting

Essential requirements -

- Location Plan
- Elevations - Proposed
- Lighting assessment/specification
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*

Outline applications

Essential requirements -

- Location Plan
- Indicative Parameters

Criteria based requirements –

- Applicant's Statement of Community Involvement- *See Appendix for criteria.*
- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Air Quality Assessment - *when in excess of 10 dwellings and situated within an Air Quality Management Area.*
- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*

- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Contamination assessment – *when on previously developed land and in some cases on greenfield sites.*
- Design and Access Statement - *see Appendix for criteria.*
- Drainage Assessment- *see Appendix for criteria.*
- Environmental Impact Assessment – *see Appendix for more information as to when this is required.*
- Flood Risk Assessment - *see Appendix for criteria*
- Ground Stability Report - - *where issues of ground instability have been identified*
- Masterplan
- Noise Impact Assessment - *for “Noisy Uses” as identified in the Appendix*
- Noise Level Assessment - *for noise sensitive uses.*
- Retail Impact Assessment- *for retail proposals outside the defined town centre*
- Sequential Assessment Of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) proposed in a location not in accordance with the development plan and / or the NPPF.*
- Transport Assessment.

Plant and machinery

Essential requirements -

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Noise Impact Assessment
- Site Plan - Existing
- Site Plan - Proposed
- Technical Specification

Criteria based requirements -

- Applicant’s Statement of Community Involvement – *See Appendix for criteria.*
- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*
- Biodiversity Assessment - *when located within a site that has not been previously developed.*
- Design and Access Statement -*where a major application.*
- Heritage Impact Assessment - *when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).*
- Visual Impact Assessment - *when installation is in excess of 15m in height*

Shop Fronts

Essential requirements-

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed

Criteria based requirements-

- Heritage Impact Assessment - when development affects a Heritage Asset or its setting (such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument).

Other Applications & Notifications

Advertisement Consent

- Location plan
- Colour Drawings / Graphics of Proposed Advertisements
- Elevations - Existing
- Elevations - Proposed

Certificate of Lawfulness - Proposed Use

- Location plan
- Evidence

Certificate of Lawfulness - Existing Use

- Location plan
- Evidence

Certificate of Lawfulness - Proposed Development

Essential requirements -

- Location Plan
- Block Plan
- Evidence
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements (*depending on nature of development*) –

- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Roof Plan - Existing
- Roof Plan - Proposed

Certificate of Lawfulness - Existing Development

Essential requirements –

- Location plan
- Block plan
- Elevations - as built*
- Evidence
- Floor Plans - as built*
- Site Plan - as built*

Criteria based requirements (*depending on nature of development*) –

- Elevations - as existing prior to development**
- Floor Plans - as existing prior to development**
- Roof Plan - as existing prior to development**
- Roof Plan - as built*
- Site Plan - as existing prior to development**

*For details of what is required to be submitted for “as built”, please see “Proposed” in Section 2 – Definitions.

**For details of what is required to be submitted for “as existing prior to development” please see “Existing” in Section 2 – Definitions.

Listed Building Consent

Essential requirements –

- Location Plan
- Block Plan
- Design and Access Statement
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Heritage Impact Assessment
- Site Plan - Existing
- Site Plan - Proposed

Criteria based requirements –

- Method Statement - *where demolition is proposed*
- Roof Plans - Existing
- Roof Plans - Proposed
- Site Photographs - *where alterations to Grade I or Grade II* buildings or demolition of any listed building is proposed.*
- Structural Report

Non Material Amendment to Planning Permission

Essential requirements –

- Location Plan
- Block Plan
- Site Plan - Proposed

Criteria based requirements –

- Elevations - Proposed
- Floor Plans - Proposed
- Roof Plans – Proposed

Prior Notification of Change of Use

Essential requirements-

- Location plan

Criteria based requirements-

- Floor plans- *for change of use to residential or where alterations to the floor layouts are required.*

Prior Notification of Demolition

Essential requirements –

- Location plan
- Method Statement
- Site Notice

Prior Notification of Larger Home Extensions

Essential requirements-

- Location plan
- Block plan indicating the position of the extension
- Elevations

Prior Notification of the Installation of Telecommunications Apparatus

Essential requirements –

- Location Plan
- Elevations – Proposed
- ICNIRP Declaration
- Justification Statement
- Site Plan - Existing
- Site Plan – Proposed

Criteria based requirements –

- Arboricultural Assessment - *when works will take place within root protection areas/canopy or result in the removal of trees or hedges.*

Reserved Matters

Essential requirements –

- Location Plan
- Block Plan
- Site Plan - Existing

Criteria based requirements –

Any matters not covered at the outline stage, which may include any or all of the following -

- Air Quality Assessment- *when situated within an Air Quality Management Area (see Appendix)*
- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Archaeological Assessment – *for development likely to have impact on archaeological assets (most likely when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Biodiversity Assessment – *For development on or which may affect designated sites, protected species and / or priority habitats*
- Contamination Assessment - *when on previously developed land and in some cases on greenfield sites*
- Design and Access Statement - *see Appendix for criteria.*
- Drainage Assessment- *see Appendix for Criteria.*
- Elevations – Existing
- Elevations – Proposed
- Environmental Impact Assessment- *see Appendix for more information as to when this is required.*
- Flood Risk Assessment - *see Appendix for criteria*
- Floor Plans – Proposed
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Landscaping Scheme
- Lighting Assessment
- Masterplan
- Marketing Information - *where the proposal is for a use not in accordance with the development plan and / or the NPPF.*
- Method Statement - *where demolition is proposed*
- Noise Impact Assessment - *for “noisy uses” as defined in the Appendix*
- Noise Levels Assessment - *for noise sensitive uses*
- Odour Attenuation Scheme
- Planning Statement
- Roof Plans – Proposed
- Sequential Assessment of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) in an edge of centre or out of centre location not in accordance with the development plan and / or the NPPF.*
- Site Plan – Proposed
- Streetscene drawings
- Technical Specification
- Transport Assessment/Travel Plan
- Visual Impact Assessment - *when buildings / structures in excess of 15m are proposed*

Retrospective Applications

Requirements for retrospective applications will be the same as for those made in

advance of the development or change of use. Where existing and proposed plans are referred to these should be “as existing prior to development” and “as built”.

Right of way diversion

- Location Plan
- Justification Statement
- Site Plan - *showing proposed and existing routes.*

Variation / Removal of Condition

- Location Plan
- Details Specified In Condition
- Justification Statement

Works to Trees

Essential requirements-

- Location Plan
- Site Plan (identifying all trees which are subject of the application)
- Description of works proposed.
- Justification Statement

Section 2 - Definitions

Location Plan (required for all applications)

This should be up to date and clearly identify the location of the application site and all adjoining properties, with all boundaries and access from the highway marked by a red line. A blue line should mark the boundaries of any adjoining land that does not fall within the application site, but is under the control of the applicant. The plan should be drawn at a scale of 1:1250 (or 1:2500 for large sites) and, where practical, include two street names. A north point should be indicated and normally north should be to the top of the page.

Applicant's Statement of Community Involvement

A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Affordable Housing Statement

This should include a plan proposing the units to be used for affordable accommodation and the tenure type. The statement should outline the reasons for why these dwellings have been chosen and a justification of the overall level of affordable housing within the development.

Air Quality Assessment

This is a report that assesses the likelihood of there being a deterioration of amenity at nearby premises due to air quality issues. The report should include an assessment of the likely air quality impacts and will require air quality dispersion modelling supported by local air quality monitoring data. This data is required for the purpose of verifying the modelling study and must be collected over a sufficient period of time.

Arboricultural Assessment

This assessment should include details of the accurate position of all the trees (including canopy spread and root area) and, species of all trees on the site, an assessment of their health and vigour and amenity value, whilst specifying whether they are to be proposed to be retained or removed and why. Tree protection measures during the construction process and life of the development should also be identified.

Archaeological Assessment

This desk-based assessment should include a study of the recorded history and archaeology of a site, is undertaken to evaluate its archaeological potential, and in order to determine the need for and nature of any archaeological work that may be required in response to development proposals. Prospective developers are encouraged to enter into pre-application discussions in order to obtain advice on likely requirements.

Biodiversity Assessment

This should include details of any significant wildlife habitats or features within the site or on other land within the surrounding area which may be affected by the development proposed and, in particular, focus on, designated sites; protected species; and priority habitats.

Where a proposed development is likely to affect such a site of species, an assessment will be required. Surveys should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be undertaken within the last available season before the submission of the application. The survey must be to an appropriate level of scope and detail and must record which habitats and species are present on or around the site; identify the extent/area/length present; and map their distribution. The assessment should demonstrate how adverse effects will be avoided wherever possible; how unavoidable impacts will be mitigated or reduced; how impacts that cannot be avoided or mitigated will be compensated; and how alternative designs or locations have been considered.

Block Plan

This should identify the position of any buildings on the site and adjoining properties together with boundary treatments and proposed development in context with neighbouring buildings, including outbuildings and be drawn at a scale of 1:500.

Colour drawings / graphics of proposed advertisements

Drawings which show the design of the proposed advertisements, including the colours used. These should be at a larger scale than the representation of advertisements within elevations.

Contamination Assessment

Where land is to be newly developed or re-developed, a desktop study is required, which should as a minimum determine if there have been any historically contaminative uses of the site or whether the site has any naturally occupying contamination. This will indicate if an intrusive investigation is required and identify potential remediation strategies.

Design and Access Statement

A document that explains the design thinking behind a planning application, and how access will be provided, including access for disabled people. This should include a written description and justification of the planning application. Sometimes photos, maps and drawings may be needed to further illustrate the points made. Statements should avoid jargon or overly technical language and must be written specifically for the application they accompany. They need not be very long, but the amount of detail they contain should reflect the complexity of the application.

Description of Works Proposed (Tree works)

A description clearly setting out what works are proposed to the tree(s) and how these are to be carried out.

Details Specified in Condition

The details originally required by the condition to be varied or removed, updated as appropriate.

Drainage Assessment

A Drainage Assessment sets out how the development will be drained to minimise the risk of flooding, considering the surface water runoff produced within the site as well as the surface water runoff entering the site, and interactions with other forms of flood risk. The Drainage Assessment demonstrates how Sustainable Drainage Systems (SuDS) will be incorporated into the development.

The Drainage Assessment should be prepared in line with the surface water guidance for developers, available at: <http://www.floodtoolkit.com/planning/surface-water-drainage/>. The Drainage Assessment may form part of a Flood Risk Assessment, or an Environmental Statement where one is required.

Elevations - Existing

These should show all elevations of the building that are relevant to the proposed development and drawn at a scale of 1:50 or 1:100

Elevations - Proposed

The plans should be drawn to a scale of 1:50 or 1:100 and include all new elevations. These should show the development in situ and therefore include details as to how the proposed works relate to any existing structures or buildings and to the site boundaries, which should be shown dotted on the elevations.

Environmental Impact Assessment

The precise content of the Environmental Impact Assessment will be guided by the Scoping Process, as set out in the Appendix.

Evidence

Evidence is required when submitting a Certificate of Lawfulness application and should specify the reasons why the development is considered to be lawful. This will be either an explanation of why planning permission is not required due to permitted development rights or evidence of when the development was constructed or the use commenced, in the case of development or use which is considered to have become lawful due to the passage of time.

Flood Risk Assessment

A Flood Risk Assessment (FRA) is a statement that considers the risk of flooding arising from the development from all sources, in addition to the risk of the development being

flooded and demonstrates how those risks would be managed. The FRA assesses the impacts of climate change; considers the potential adverse and beneficial effects of flood risk management; consider the vulnerability of those that would occupy and use the development, including securing a safe means of access; consider the impacts of differing types of flooding (such as from natural or man-made sources and the cumulative effect of both) and identifies flood reduction measures; considers the effects of a range of flooding events; includes an assessment of the residual flood risk after flood reduction measures have been taken into account; consider how the ability of water to soak into the ground may vary and how the development may affect drainage systems; and is supported by appropriate data and information, including historical data. The FRA should be prepared by a suitably qualified individual.

Floor Plans - Existing

Floor plans should be drawn at a scale of 1:50 or 1:100 and show all storeys that are to be affected by the proposed development. The floor plans should accurately reflect the building; for instance be showing all door and window apertures and the thickness of walls.

Floor Plans - Proposed

These should be drawn to a scale of 1:50 or 1:100 and should demonstrate the uses of each room and in the case of extensions, show the complete floor of the building, including the development. The floor plans should accurately reflect the building; for instance showing all door and window apertures and the thickness of walls.

Ground Stability Report

Policy BN10 of the West Northamptonshire Joint Core Strategy requires a report to be submitted where issues of land instability have been identified to demonstrate that:

- The instability has been assessed
- Mitigation has been identified and a schedule for this is in place
- A programme for monitoring is in place
- The need for environmental assessment arising from stabilisation has been identified

Heritage Impact Assessment

Applications for listed building consent should be supported by a written statement which includes an assessment of the historic significance of the building/structure. This should include any contribution made by the setting and how the proposed development will impact on the significance of the heritage asset or adjacent heritage assets. Curtilage buildings may need to be considered as part of this process. A detailed schedule of works and / or structural survey may be required in support of an application.

For planning applications for demolition in a conservation area , an analysis of the character and appearance of the building / structure, the principles of and justification for the proposed demolition and its impact on the special character of the area.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings will be required. Heritage Asset is defined in the Appendix.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.

ICNIRP Declaration

A declaration would confirm that the proposed development complies with the requirements of the International Commission on Non-Ionizing Radiation.

Indicative Parameters

Depending on which matters are to be reserved for future consideration, an outline application should be accompanied with indicative parameters regarding the use of the site (such as identifying distinct areas for differing types of development); the amount of development (for instance, the number of units); indicative layout; scale parameters (including upper and lower limits for the height, width and length of each building); and indicative access points.

Justification Statement

This should outline the reasons or need for the development/amendment/works, including plans, where relevant

Location Plan

See definition at start of this section.

Lighting Assessment

An assessment for applications involving lighting should be carried in accordance with CIE guidance or suitable equivalent and detail the level of illumination and glare that would emanate from a proposal, including identifying mitigation where appropriate

Masterplan

A document which sets out in outline form the parameters of the development. This can be indicative is submitted as part of an outline application or may be a simplification of detail provided in many other plans, to provide an overview of the proposal as a whole.

Marketing Information

In support of a change of use – this should set out the period over which the property has been unsuccessfully marketed and include estate agents literature and a commentary from the agent regarding why the inquiries received (if any) have not resulted in a sale / let.

Method Statement

The statement should clearly identify the works that are to be carried out, the order in which they are to be undertaken and the techniques that are to be used. Further information as to materials proposed are also likely to be required.

Noise Impact Assessment

Such a report would assess the likelihood of deterioration of amenity at nearby premises due to noise and vibration. The report should describe any equipment to be installed with noise emission data

Noise Levels Assessment

The report should provide an assessment of the existing noise levels within the vicinity of the site; for example, those generated from nearby commercial premises, roads or railways.

Odour Attenuation Scheme

Such a report would assess the likelihood of deterioration of amenity at nearby premises due to emissions to the atmosphere, together with detailed information on any proposed abatement system. The technical specification of any extraction equipment should be provided.

Planning Statement

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate statement on community involvement may also be appropriate.

Retail Impact Assessment

A retail impact assessment assesses the impact of out of centre retail proposals on the established town centre and other defined retail centres eg. local centres in terms of diversion of trade. The RIA should include an element of sequential assessment to explain why the development cannot be located within the town centre or on a site closer to the centre.

Roof Plans - Existing

This plan should provide an aerial view of the roof and illustrate all architectural features, including ridges, roof slopes, parapet walls and chimneys and should be drawn to a scale of 1:50 or 1:100.

Roof Plans - Proposed

As with the existing plans, these should be drawn to a scale of 1:50 or 1:100 and demonstrate all relevant architectural features, such as ridges and slopes. In the case of extensions, these plans should also demonstrate how the proposal is linked to the existing structure. The plans should also show the position of any roof mounted plant or equipment

Sequential assessment of alternative sites

The assessment should justify the scale of the development and an assessment of the impact upon the vitality of existing retail centres and locations. Details of the availability of other sites closer to a centre for the development will also be required together with reason why these sites have been discounted. Evidence should be provided to show that there are no sequentially preferable sites.

Site Notice

The site notice should be dated and include details of the applicant, identify the building to be demolished (including location on larger sites) and contact details of Northampton Borough Council.

N.B. The Site Notice must be posted on the site by the applicants, a copy of this and confirmation that this has been done must be provided with the application.

Site Photographs

These should clearly show the current condition and appearance of any part of the building, for which permission is sought to alter or demolish.

Site Plan (Existing / Proposed)

This should be drawn at an appropriate scale (preferably 1:50 or 1:100) and identify all proposed and existing buildings, structures, hardstandings and boundary treatments. This plan should also include any other features of note, such as existing trees.

Streetscene Drawings

These should be drawn to scale and provide an illustration as to how the proposed development relates to its immediate context, including other buildings. These drawings should be drawn from the street or other public viewpoint and include the existing and proposed scenarios.

Structural survey

A survey of the structural integrity of the building or structure. Normally this is required only for Listed Building Consent and Conservation Area Consent and so should focus on the elements of the building or structure affected by such proposals.

Technical Specification

When applying for plant equipment, the specification should include details of the position of the equipment and its appearance. Further details of the noise levels from this equipment should also be submitted.

Transport Assessment/Travel Plan

The Transport Assessment should identify what measures may be required to deal with the predicted transport impacts and to improve accessibility and safety, especially for pedestrians, cyclists and public transport users. The assessment should cover a summary of walking and cycling routes and facilities; existing public transport services and infrastructure;

operation of the local road network; a traffic survey; and accident history on local road network. There should also be a calculation of the likely number of trips to and from the development by each transport mode, throughout the day and a determination of which routes will be used to access the site

A Travel Plan should identify a series of measures aimed at promoting more environmentally friendly travel choices with a specific emphasis on reducing single-occupancy car journeys. The Travel Plan should also include process for review to reflect the characteristics of the development.

Further advice on when a Transport Assessment/Travel Plan is required can be obtained from Northamptonshire County Council.

Visual Impact Assessment

The assessment will highlight the areas and viewpoints from which the proposed development would be visible and the impact on the landscape.

Appendix – Additional Definitions, Guidance and Criteria

Air Quality Management Areas - Definition

These areas are those where issues with air quality have been identified and typically will be around major road junctions. For an up to date list please visit the Environmental Health pages of the Council's website or contact Environmental Health.

Design and Access Statement – Criteria where required

- Applications for Listed Building Consent
- All major developments
- All development within a Conservation Area where the floorspace to be created would exceed 100 square metres or provision of one dwelling or more.

Drainage Assessment

For all major developments a Drainage Assessment (which may form part of a Flood Risk Assessment) should accompany the planning application.

The Lead Local Flood Authority's Standing Advice, should be followed when preparing a Drainage Assessment in the following cases:

- Any non-major development which includes works that affect the flow of water in an ordinary watercourse or are within 9m of the landward toe of the bank of an ordinary watercourse; and
- Any non-major development where the site includes any floodplain of the Updated Flood Map for Surface Water (30yr and 100yr).

Environmental Impact Assessment – Guidance on the process

For development over 1ha in site area and / or which could have a significant impact on the environment, there may be a need for an Environmental Impact Assessment (EIA).

In practice only a small number of major or significant development projects will require an EIA. To find out whether your project would require an EIA you should request a Screening Opinion from the Borough Council

If a major project does require an EIA, the Council recommends that an early and comprehensive EIA Scoping exercise is carried out. The Scoping process should enable the applicant to determine and agree the topics and level of detail to be covered within the Environmental Statement (ES) and to highlight the main concerns of the Council and other stakeholders at an early stage in the process.

Flood Risk Assessment – Criteria where required

- in flood zone 2 or 3 including minor development and change of use;

- more than 1 hectare (ha) in flood zone 1
- less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (eg. from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (eg. Surface water drains, reservoirs);
- in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.

The Environment Agency’s Standing Advice should be followed when preparing a flood risk assessment in the following cases:

- a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3
- ‘more vulnerable’ and up to 1ha in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)
- ‘less vulnerable’ and up to 1ha in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)
- ‘water compatible’ and up to 1ha in flood zone 2

You also need to follow standing advice for developments involving a change of use into one of these vulnerable categories or into the water compatible category.

Table 1 – “Highly Vulnerable” and “More Vulnerable” uses
<p><i>Highly</i></p> <ul style="list-style-type: none"> • Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding. • Emergency dispersal points. • Basement dwellings. • Caravans, mobile homes and park homes intended for permanent residential use. • Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as ‘Essential Infrastructure’). <p><i>More</i></p> <ul style="list-style-type: none"> • Hospitals • Residential institutions such as residential care homes, children’s homes, social services homes, prisons and hostels. • Buildings used for dwelling houses, student halls of residence, drinking

establishments, nightclubs and hotels.

- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

Table 2 – “Water Compatible” Uses

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel workings.
- Docks, marinas and wharves.
- Navigation facilities.
- MOD defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category.

Table 3 – “Less Vulnerable” Uses

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the ‘More Vulnerable’ class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

Heritage Asset - Definition

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

“Major” Planning Application - Definition

- A residential development for 10 or more dwellings
- Residential development on a site of 0.5 hectares or more where the numbers are unknown
- Development involving building(s) with a floorspace of 1,000 square metres or more
- Any development on a site of 1 hectare or more

“Noisy Uses” - Definition

- Development involving uses falling with Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
- External plant is to be installed.
- The playing of music on the development site forms a significant element of the proposal (e.g. drinking establishments, entertainment uses and places of worship)
- Wind turbines, wind farms
- The accommodation of numbers of animals
- Motor sport activities.

“Odour Creating Uses” - Definition

- Cooking of food – food factory, restaurant, take-away
- Paint spraying or coating processes
- Any activity that requires the air within the workplace to be exhausted to atmosphere (other than simple office-type ventilation).
- The installation of a furnace / incinerator
- Processing / storage / disposal of waste.
- Processing of liquids
- Composting.
- Storage and handling of dusty materials.
- Manufacture of perfumes, flavourings etc
- Slaughterhouses
- The accommodation of animals
- In-situ or on-site land remediation

Statement of Community Involvement.

- Industrial or commercial development in or adjacent to residential areas of 1500 square metres or more

- Residential development of 100 dwellings or more or on a site of 3 hectares or more
- Major infrastructure proposals
- New educational or institutional sites or extensions of 1000 square metres or above.

Town Centre Uses - Definition

- Retail
- Offices
- Leisure, entertainment, indoor sport and recreation
- Arts, culture, tourism

Committee Draft

Validation Requirements

E = Essential

CB = Criteria Based

	Location Plan	Applicant's Statement of Community Involvement	Affordable Housing Statement	Air Quality Assessment	Arboricultural Assessment	Achaeological Assessment	Biodiversity Assessment	Block Plan	Colour drawings / Graphics	Contamination Assessment	Description of Works Proposed	Design and Access Statement	Details of Proposed Windows / Doors	Elevations - Existing	Elevations - Proposed	Environmental Impact Assessment	Evidence	Flood Risk Assessment	Floor Plans - Existing	Floor Plans - Proposed	Ground Stability Report	Heritage Impact Assessment	ICNRP Declaration	Indicative Parameters	Justification Statement	Landscaping Scheme	Lighting Assessment	Masterplan	Marketing Information	Method Statement	Noise Impact Assessment	Noise Levels Assessment	Odour attenuation scheme	Planning Statement	Retail Impact Assessment	Roof Impact Assessment	Roof Plans - Existing	Roof Plans - Proposed	Sequential Assessment of Alternative Sites	Site Notice	Site Photographs	Site Plan - Existing	Site Plan - Proposed	Streetscene drawings	Structural Survey	Technical Specification	Transport Assessment/Travel Plan	Visual Impact Assessment			
Householder - Extensions	E			CB		E				CB		E	E			CB	E	E		CB															CB	CB				E	E										
Householder - Doors and Windows				CB							E	E	E																																						
Householder - Domestic Outbuildings	E			CB		E				CB				E					E																												E	E			
Householder - Boundary Fences	E			CB		E								E																																		E	E		
Householder - Driveways/ Dropped Kerbs / Other	E			CB		E																																										E	E		
Buildings and Extensions (Other Than Dwellings)	E	CB		CB	CB	CB	E		CB	CB			E	E	CB		CB	E	E	CB	CB					CB		CB		CB	CB	CB		CB	CB	CB	CB				E	E	CB	CB	CB	CB	CB	CB			
Change of use	E	CB	CB	CB		CB											CB	CB	CB							CB		CB		CB	CB	CB	CB	CB	CB		CB	CB	CB	CB					CB	CB					
Driveways and Dropped kerbs - Non-residential properties	E			CB																	CB																										E	E			
Dwellings (Residential developments)	E	CB	CB	CB	CB	CB	E		CB	CB			E	CB		CB		E	CB	CB			E		CB	CB		CB	CB			CB	CB											E	E	CB		CB	CB		
Energy generating equipment - Non-residential	E	CB		CB		CB	E			CB			CB	E	CB														E				CB	CB													E		CB		
Fences, Walls and Enclosures - Non-residential	E			CB						CB																																					E	E			
Floodlighting	E	CB		CB		CB				CB																	E																					E	E		
Outline applications	E	CB	CB	CB	CB	CB	CB		CB	CB					CB		CB			CB			E			CB		CB	CB		CB			CB															CB		
Plant and machinery	E	CB		CB		CB	E			CB			E	E			E	E		CB									E																	E	E		E	CB	
Shop Fronts	E						E						E	E			E	E		CB																															
Advertisement Consent	E						E																																												
Certificate of Lawfulness - Proposed Use	E															E																																			
Certificate of Lawfulness - Existing Use	E															E																																			
Certificate of Lawfulness - Proposed Development	E					E							CB	CB					CB	CB																CB	CB							E	E						
Certificate of Lawfulness - Existing Development	E					E							CB	E					CB	E																	CB	CB						CB	E						
Listed Building Consent	E					E			E				E	E					E	E		E						CB								CB	CB						CB	E	E			CB			
Non-Material Amendments	E					E														CB																													E		
Prior Notification of Change of Use	E																			CB																															
Prior Notification of Demolition	E																												E																						
Prior Notification of Larger Home Extensions	E					E								E																																					
Prior Notification of The Installation of Telecommunications Equipment	E			CB										E								E	E																								E	E			
Reserved Matters applications	E		CB	CB	CB	CB	E		CB	CB			CB	CB	CB		CB		CB	CB	CB					CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB
Rights of Way Diversions	E																																																E	E	
Varitation / removal of conditions	E											E																																							
Works to Trees	E								E																																								E	E	



Addendum to Agenda Items Wednesday 2nd September 2015

<p>7. OTHER REPORTS</p> <p>7a Local Validation Requirements</p> <p>No update.</p>
<p>10. ITEMS FOR DETERMINATION</p>
<p>10a N/2014/1163 Erection of 44 apartments with associated parking and landscaping Victoria Business Park, St James Park Road</p> <p>No update.</p>
<p>10b N/2015/0473 Variation of condition 17 of planning application N/2013/1143 to increase the maximum amount of floorspace that may be occupied by Limited Assortment Discount Foodstore to 2,800 metres Gas Holder Site, Towcester Road</p> <p>Amended Recommendation:</p> <p>Legal advice is that a new Section 106 agreement will be necessary, rather than a deed of variation to the previous agreement. The recommendation at Paragraph 1.1 (i) is therefore amended to read as follows:</p> <p>(i) Prior finalisation of a Section 106 agreement to secure the previously agreed appropriate financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket in accordance with CAAP Polices 25 and 26, as also required under the Section 106 agreement in respect of application N/2013/1143.</p>
<p>10c N/2015/0611 Change of use of land for erection of decking in association with bar/restaurant (retrospective application) Midsummer Meadow, Bedford Road</p> <p>No update.</p>
<p>10d N/2015/0624 Erection of 2no portacabins; one to be used as visitors centre and one for admin/meeting space Weston Favell Parish Hall, Booth Lane South</p> <p>No update.</p>

10e

N/2015/0647

Outline application with all matters reserved except access (from Penfold Close/Northfield Way) for residential development of up to 195 dwellings, public open space and associated access

Former Kingsthorpe Middle School site, Northfield Way

Amended recommendation:

Following further discussions with Sport England, it has been confirmed that their observations have been submitted in a non-statutory capacity. Therefore, paragraph 1.3 of the committee report can be disregarded. In considering these comments, it is considered that the site has not been available for sporting or public use since 2007, the development of the site would not significantly compromise access to sports facilities within the vicinity of the site.

An obligation would be included within the legal agreement that would secure improvements to existing areas of open space and sports facilities within the vicinity.

10f

N/2015/0750

Change of use from retail (A1) to restaurant/café (A3) including outdoor seating area and redecoration of shop front.

N/2015/0749

Display illuminated fascia sign and illuminated projecting sign.

N/2015/0755

Display illuminated lettering and illuminated projecting sign.

All at 24 Market Square

Comments have been received from the **Conservation Officer** confirming that there are no objections to the proposals. Opportunities for the reinstatement of the original shop front should be investigated.

Officers response:

It should be recognised that this application does not include a new shop front and seeks to retain the existing design. Therefore, such works fall outside of the scope of the matters to be considered within these applications.

An objection has been received from **Sipp Food Ltd** (the operators of the adjacent Burger King business) in respect of application N/2015/0750. The reasons for the objection are that other applications for similar uses within the Market Square have been refused, whilst the site is located within a primary retail frontage and if this development were to be approved, it would result in two non-retail uses occupying adjacent units. The applicant has not submitted any justification in support of this breach of planning policy. The application site is located within a Conservation Area. The proposal could affect the viability of the existing Burger King business and could set a precedent for the future. Concerns are also raised regarding littering.

Officers response:

It is acknowledged that the proposal is a breach of the adopted Central Area Action Plan Policy, however, for the reasons set out within the Committee report it is considered that the benefits of the proposal outweigh any harm created by the breach. The impact upon another business's viability is not a material consideration within the planning system. Comments from the Council's Conservation Officer are summarised above. By reason of the proposed business being a café/restaurant, the majority of products will be consumed on the premises and as a result the development would not give rise to a significant increase in littering.

10g

N/2015/0811

Erection of detached 3-bed dwelling at the rear together with parking spaces and widening of existing vehicular access. Re-submission of planning application thN/2015/0275

279 Main Road, Duston

No update.

10h

N/2015/0816

Erection of front porch

14 Woodland Avenue

No update.

12. ITEMS FOR CONSULTATION

12a

N/2015/0864

Outline application for up to 41 dwellings, estate road, open space and associated works Land at Welford Road, Boughton (Consultation by Daventry District Council)

No update.



PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1163: Erection of 44 apartments with associated parking and landscaping at Victoria Business Park St James Park Road

WARD: St James

APPLICANT: Greenspace Solutions Ltd
AGENT: None

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major Development requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

a) The prior finalisation of a Section 106 agreement to secure appropriate contributions towards the following:

- Education;
- Healthcare;
- The provision of construction training; and
- 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.

b) The conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers and would be in keeping with the character and appearance of the area and would enable the rationalisation and improvement of the area by removing a conflicting commercial use adjacent to residential dwellings. The development would contribute towards the Borough's 5 years housing land supply. The development would therefore be in accordance

with Policies E1, H2, S1, S4, S10 and INF1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 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 proposal is for the demolition of all on site buildings and the erection of 44 apartments in two blocks, consisting of 18 one-bed and 25 two-bed apartments.
- 2.2 The proposed development would be three to five storeys in height, with the higher blocks set adjacent to the park and the lower blocks adjacent to and facing existing housing on St James Park Road. The buildings would be of a contemporary design.
- 2.3 A total of 43 car parking spaces will be provided with access to the site from St James Park Road. The development also included a refuse and cycle storage area.

3. SITE DESCRIPTION

- 3.1 The site at present is occupied by a mainly single storey large commercial building, extended over the years, which originally housed a bakery and more recently was in use as individual units for small businesses. The building has now been empty for several years and has fallen into disrepair.
- 3.2 The surrounding development is principally terraced houses of traditional design but also some more recent housing developments. Adjacent to the site is a large public park.

4. PLANNING HISTORY

- 4.1 An application was made in 2007 for the erection of 15 one-bed and 15 two-bed flats, and subsequently withdrawn.
- 4.2 In 2008 a further application was made, for the erection of 15 one-bed and 16 two-bed flats. This application was reported to the Planning Committee in April 2009 and was approved in principle subject to the completion of a Section 106 agreement, however this was never signed and the application was ultimately disposed of.

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:

The NPPF states at paragraph 49 that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17).

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 S1 of the JCS states that new developments should be concentrated primarily in and adjoining the existing principal urban area of Northampton.

Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment.

Policy S10 sets out sustainable development principles and requires that new developments will achieve the highest standard of sustainable design.

Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures.

Policy H2 sets out the requirements for affordable housing and requires that at least 35% of developments of 15 or more dwellings should be made available for this purpose.

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 – Design - states that new buildings should be of an appropriate design.

Policy H6 - Housing development: within primarily residential area - Sets out the criteria against which residential development will be assessed, including the scale and density of development, being in keeping with the character of the area and compliance with highway standards.

5.5 **Supplementary Planning Documents**

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

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received can be summarised as follows:

- 6.1 **Housing Strategy** – There is a policy requirement for affordable housing, a 35% policy compliant approach would need to provide 16 affordable dwellings. This could be a mixture of on-site provision and commuted sum. 10% mobility will be required - homes built to Lifetime Homes.
- 6.2 **NHS England** – Request a contribution to increase primary care capacity as a result of the development.
- 6.3 **Northamptonshire County Council** – Request contributions for Primary Education, Fire and Rescue, Libraries and Broadband.
- 6.4 **Anglian Water** – Foul drainage and sewerage system will have capacity for the development. Preferred method of surface water disposal would be a Sustainable Urban Drainage System. A condition is requested for details of surface water management.
- 6.5 **Arboricultural Officer** - The proposals require the removal of low quality trees. Unlikely that tree roots will be beneath the existing structures on site therefore no mitigation measures required. An Arboricultural Method Statement and detailed landscape scheme should be conditioned. On balance it is difficult to see how this application could be refused purely based on arboricultural reasons.
- 6.6 **Environmental Health** – Further work is required on remediation of the site, which can be secured by conditions.
- 6.7 **Environment Agency** – Previous objections withdrawn subject to conditions requiring compliance with the revised FRA and drainage details.

- 6.8 **Western Power Distribution** – No objections.
- 6.9 **Local Highway Authority** – No observation to make subject to a Section 184 licence being applied for, for the new crossover.
- 6.10 **Police Crime Prevention Design Adviser** – Removal of external parking (as shown on amended plans) is preferable and crime prevention measures acceptable but should be conditioned.
- 6.11 **Construction Futures** – Request the provision of training on site and a contribution towards the cost of monitoring training provision.
- 6.12 **St James Residents Association** – Affordable housing should be included, including provision for those with disabilities. Section 106 contributions should be made towards improvements and maintenance in Victoria Park and refurbishment of the library. Concerns also raised re parking, height and design of the buildings and flood risk.
- 6.13 The application was notified to adjoining occupiers and by means of site and press notices, one representation was received from one nearby resident asking for clarification as to the nature of the proposals, but no objections from residents were received.

7. APPRAISAL

- 7.1 The issues to consider are the principle of the proposal, the impact of the proposed development in visual terms, including its impact on the street scene and on the neighbouring park, any impact on neighbouring occupiers, living conditions for future occupiers, including the issues of protection from flood risk and security, and whether the level of parking provision is appropriate.
- 7.2 Further issues relate to policy compliance in respect of the provision of affordable housing, and the making of contributions to offset for education and healthcare provision, to offset the impact of the development.

Principle of Residential Development

- 7.3 The site is designated within the Local Plan as falling within a primarily residential area. The principle of residential development is therefore acceptable in this location.

Scale and density and impact on the street scene and surrounding area

- 7.4 The proposed building would be three to five storeys in height, in an area in which the majority of other buildings are two storey terraced houses. The existing buildings on the site are single storey.
- 7.5 The proposed building would, therefore, be a significant addition to the area in terms of its scale and bulk.
- 7.6 However, it is considered that the existing buildings on the site now have a run down, semi derelict appearance and are not an asset to the area in visual terms.
- 7.7 Whilst the new development would be significant in scale it is considered that this can be viewed as a landmark feature of the area and it is felt that the location

adjacent to an open area of parkland would invite the development of a building of significant size. It is not considered that the proposal would be an over-intensive development of the site.

Impact on adjoining occupiers

- 7.8 The blocks have been designed to step down in height, in proximity to neighbouring occupiers and the blocks as proposed would be 21 m from the rear elevation of nos. 3, 4 and 5 Richmond Terrace, 12.5m from the side elevation of 2 Richmond Terrace, 21m from the rear of 61 St James Park Road and 25m from the rear of 59a St James Park Road. The separation across St James Park Road would be 13.5m, in common with other development in the area. As such it is considered that there would be no adverse impact in respect of overlooking, overshadowing or visual dominance.

Parking standards and highway matters

- 7.9 The proposed development would include 43 parking spaces, which is a revision from the originally proposed 45 provision due to concerns over two of the spaces which were to front onto St James Park Road, with the absence of visibility splays but also due to security concerns. These two spaces have been removed.
- 7.10 The provision is now, therefore, less than one space per flat. And with no scope for additional visitor parking. However, the site is in a sustainable location close to the town centre and within walking distance of the railway station. It is considered that occupiers need not have cars although recognised that some may still require a car. The shortfall in parking would be made up by cycle parking provision. Whilst it is acknowledged that on street parking can become congested as a result from parking associated with the station. The current provision is considered to be acceptable and no objection has been raised by the Highway Authority.

Flood Risk

- 7.11 The site is located within the flood zone 3 and therefore the Environment Agency were consulted, and initially objected due to its location in the flood plain and the fact that the occupants of the ground floor flats would not have a means of escaping from rising flood waters. This issue did not apply to the previous scheme on this site which had undercroft parking at the ground level throughout.
- 7.12 Revisions to the scheme were therefore carried out, to provide duplex flats on the lower two floors, for the blocks closest to the park. The flats further from the park would have undercroft parking at ground level, as with the previous scheme. Based on this new layout and the revised flood risk assessment, the Environment Agency have removed their objection.

Affordable Housing

- 7.13 As set out above, Policy H2 of the JCS sets out a requirement for affordable at 35% for developments of 15 or more dwellings.
- 7.14 Within the application as originally submitted reference was made to affordable housing being provided, with the exact provision to be negotiated, based on viability. During the course of the application it was stated by the applicants that they did not consider that it would be viable for any affordable housing to be

provided. A viability analysis was, therefore, produced on behalf of the applicants and this has been considered by independent consultants on behalf of the Council.

- 7.15 The assessments produced considered the viability of both a fully policy compliant scheme with 35% affordable housing and also with no affordable housing provision.
- 7.16 It was found that the policy compliant scenario, taking into account all reasonable costs for this site, produced a negative land value.
- 7.17 A further analysis of a 100% market housing scenario did produce a positive land value. However, this was less than the benchmark land value assessed for the site, which would mean that the landowner would not be incentivised to sell. The conclusion of the consultants was, therefore, that the scheme was not viable even with 100% market housing.
- 7.18 Based on this assessment, it would not be reasonable to require any affordable housing provision on the site, which would make the scheme unviable and therefore it would not be deliverable.

Other Section 106 Contributions

- 7.19 Comments from the County Council Development Management Section request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122.
- 7.20 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity, whilst a request has been made by NHS England for a contribution towards increased healthcare facilities.
- 7.21 A further requirement is for the provision of construction training and the Council's monitoring fees. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 7.22 However, these contributions are also subject to the viability assessment as discussed above. Given that the land value produced for the site would be below the benchmark level, the site would not be sold to the applicants if the full level of contributions had to be paid, resulting therefore in the site remaining undeveloped for a further period, unless a more profitable use could be found. Given the scale of this development as proposed, it is considered unlikely that a more intensive development of the site would be acceptable and it is recommended, therefore, that the contributions required to be paid for healthcare, education and construction training should be reduced proportionately to produce a land value which would incentivise the sale of the land. This would reduce these contributions to 35.5% of the requested figures.

8. CONCLUSION

- 8.1 The proposed development is considered to be acceptable in terms of its impact on the street scene and on adjoining occupiers, and in respect of the standard of accommodation to be provided, including the flood protection measures included.

8.2 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing, or the full level of other Section 106 contributions is required. It is recommended therefore that the scheme is approved with no affordable housing requirement and with reduced contributions towards planning obligations.

9. CONDITIONS

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1016 -001 A, 1016 -002 B, 1016 -003 C, 1016 – 004 B, 1016 - 005 A, 1016 – 006A, 1016 – 007 B, 1016 – 008 B, 1016 – 009 B, 1016 – 10 A, 1016 – 011A.

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

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

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

(4) Prior to first occupation of the apartments hereby approved, full details of security measures to be included within the development, including the remote parking area, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development and shall be available and functional before the occupation of any of the flats hereby approved.

Reason: In the interest of the security of future occupiers of the development and the prevention of crime, in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(5) The parking spaces shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure adequate parking remains available for the lifetime of the development, in accordance with the National Planning Policy Framework.

(6) Prior to the commencement of any development on site an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all trees to be retained which shall be protected for the duration of the development by stout fences 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 E20 of the Northampton Local Plan. This is a pre-commencement condition as it is necessary that protection is in place before any works are carried out in the proximity of the trees.

(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 and soft landscaping for the site including surface treatment. 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. This is a pre-commencement condition as it is necessary that protection is in place before any works are carried out in the proximity of the trees.

(8) 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.

(9) Prior to construction work commencing on site, further site investigation shall be carried out in accordance with the recommendations of the Ground Investigation – Contamination Assessment and Foundation Design Criteria Assessment P14-021gi Report dated August 2014 and the results shall be used to produce a remediation scheme, which shall be submitted to the Local Planning Authority for approval. Construction work shall not commence on site until confirmation of the full implementation of the approved remediation scheme has been confirmed by means of a validation report that has been submitted to and approved by the Local Planning Authority. Any unexpected suspect contamination discovered during the development of the site shall be reported to the Local Planning Authority forthwith. The unexpected contamination shall be assessed and remediated by methods agreed with the Local Planning Authority prior to the occupation of the development.

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 National Planning Policy Framework. This condition is required in order to ensure that investigation works are carried out in a timely manner.

(10) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14/18414/FRA, Rev A, dated May 2015, DSA) and the following mitigation measures detailed within it:

1. Finished floor levels are set no lower than 60.65m above Ordnance Datum (AOD).
2. No ground floor sleeping accommodation is proposed.
3. A secondary access route is proposed.
4. The occupants sign up to 'Floodline Warnings Direct'

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

(11) 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 provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

(12) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with S10 of the West Northamptonshire Joint Core Strategy.

(15) Prior to the commencement of construction works on site, details of the 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 S10 of the West Northamptonshire Joint Core Strategy. The condition is required in order to ensure that the provisions of such details in a timely manner.

10. BACKGROUND PAPERS

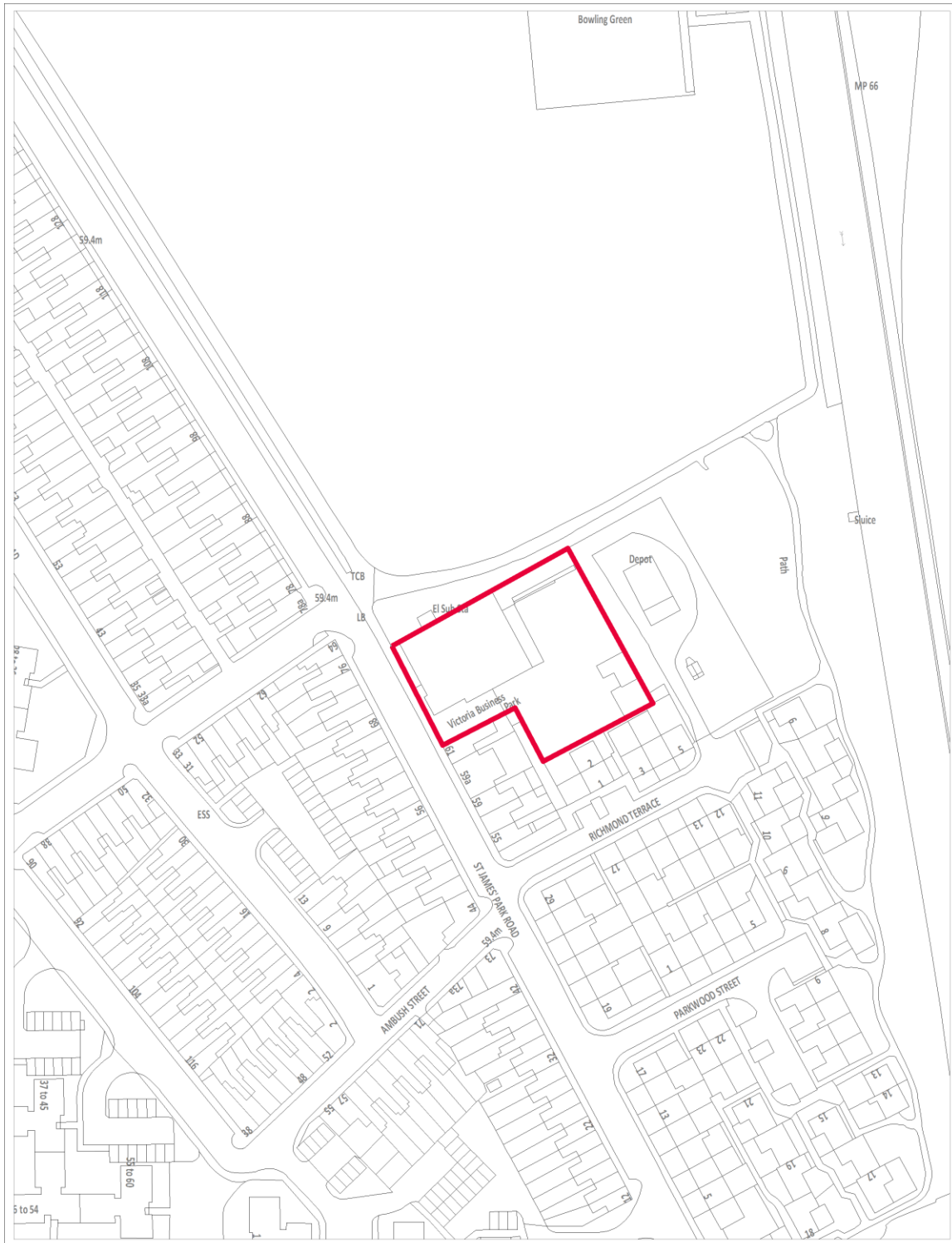
10.1 Application file N/2014/1163

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Location Plan
 Date: 4th February 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Victoria Business Park, St James Park Road

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0473: Variation of Condition 17 of planning permission N/2013/1143 to increase the maximum amount of floorspace that may be occupied by Limited Assortment Discount Foodstore to 2,800 metres at former gas holder site, Towcester Road

WARD: Castle

APPLICANT: Lidl UK
AGENT: Bifinger GVA

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major development and legal agreement required

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(i) Prior finalisation of a deed of variation to the existing Section 106 agreement in respect of application N/2013/1143 to secure the previously agreed appropriate financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket in accordance with CAAP Polices 25 and 26;

(ii) The conditions as set out in Section 9 of this report, and for the following reason:

The proposed increase in floorspace to be permitted for use by a limited assortment discounter would have no additional impact on the vitality and viability of the town centre than the previously consented scheme for this site, subject to compliance with the conditions imposed.

(iii) As consultation period will not expire until the 17th of September, it is recommended that delegated authority be given to the Director of Regeneration, Enterprise and Planning to resolve any additional issues raised in comments received not dealt with in the report and issue planning permission after the consultation period has expired, following the completion of the legal agreement.

2. THE PROPOSAL

- 2.1 Outline planning permission N/2013/1143 for the redevelopment of the former gas holder site off Towcester Road for flexible mixed uses (up to 3,902m² floorspace) was granted in July 2014, following finalisation of a S106 agreement to secure improvements to pedestrian link to the town centre.
- 2.2 Condition 17 of the planning permission specifies that “Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 1,700 m² (gross internal) and shall be no less than 850 m² (gross internal) in any such single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area”. The reason for imposing this condition is to prevent any additional adverse impact on the town centre.
- 2.3 The current proposal is for a variation of Condition 17 to allow the creation of up to 2,800m² of floorspace to be occupied by Lidl, a limited assortment discounter. This represents an increase of 1,100m² over and above the previous floorspace permitted in this use.
- 2.4 It has also been proposed by the applicant to add a further a condition which would restrict the overall use of the site, in the event that the floorspace occupied by the Limited Assortment Discounter (LAD) exceeds the previous limit of 1,700m². This would have the effect of removing various options permitted under the original permission including units comprising bulky goods, unrestricted comparison goods and uses in Use Classes A4 (drinking establishment) and D2 (assembly and leisure). Instead, this would limit the development of the site to a LAD and one other unit, in either Use Class A3 (café/restaurant) or A5 (hot food takeaway) for a unit of between 139m² and 400m².
- 2.5 The maximum floorspace overall would therefore be reduced from the 3,902m² originally permitted to no more than 3,200m².

3. SITE DESCRIPTION

- 3.1 The site comprises the relatively flat site of a former gasholder, which has now been demolished. The site is adjacent to the River Nene to the north and beyond this is a site previously associated with the gasholder use, which still contains operational gas infrastructure. To the east is the established B&Q store and car park. To the west, across Towcester Road, are the established St James and Nene Valley Retail Parks. The site is located some 660m from the defined primary shopping area of the town centre and is therefore in an out-of-centre location.
- 3.2 The site comprises part of St. Peter's Waterside, a key part of the Northampton Waterside Enterprise Zone.

4. PLANNING HISTORY

- 4.1 N/2013/1143 - Outline application for the demolition of existing structures and redevelopment for flexible mixed uses within Use Classes A1 Retail, A3 Cafes, A4 Drinking Establishment, A5 Hot Food Takeaway and D2 Assembly And Leisure, access, parking, landscaping and associated works - all matters reserved except access - Approved 17-07-2014.

N/2014/0210 - Environmental improvement works with associated site clearance and restoration of land - Approved 25-04-2014.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).

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 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan led system that provides a practical framework for the determination of planning applications.
- Paragraph 20 requires that planning decisions should reflect changing business needs.
- Paragraph 21 states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality.
- Paragraph 23 states that retailing is a main town centre use and such centres should be the primary location for retailing.
- Paragraph 24 requires that a sequential test be applied to applications for town centre uses which are not in an existing centre and not in accordance with an up to date local plan.
- Paragraph 26 states that an impact assessment is required for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan and which exceed a locally set floorspace threshold (this being set at 1,000m² by Policy 11 of the CAAP).
- Further to these points, Paragraph 27 directs refusal of applications that have failed to satisfy the sequential test or would have a significant adverse impact on planned investment in centres or on the vitality and viability of the town centre.

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 S2 - establishes a hierarchy of centres.

Policy S9 - requires a sequential approach to retail development location.

Policy E2 - identifies the priority given to new office floorspace provision on sites identified within the Northampton CAAP.

Policy E3 - sets out the role that the Enterprise Zone will have in encouraging start up and existing business development.

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 and objectives include:

Vision for the centre of Northampton – A new focus for the waterside enhancing a long neglected asset as a new destination for employment, living and leisure with a new marina at its heart.

Strategic Objective SO1 – Regeneration, expanding retail, town centre facilities and the scale of employment opportunities in the town centre.

Policy 1 – Promoting Design Excellence: All development to have a high design standard and positively contribute to the character of the area.

Policy 11 – Town Centre Boundary: The town centre will be the preferred location for main town centre uses, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of centre uses.

Policy 12 – Definition of Primary Shopping Area: The main focus for shopping activity within the Borough.

Policy 25 – The Waterside: Will be transformed into a positive asset for Northampton, focus on pedestrian access and a more natural water's edge.

Policy 26 – The Waterside: Brampton Branch St Peter's Way: Development focussed on commercial office floorspace, enhancements to pedestrian access and development which addresses the waterside. It makes provision for a publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafes, restaurants and bars.

Policy 36 – Infrastructure Delivery: All new developments to provide appropriate on site and off site infrastructure to mitigate the impact of development.

6. **CONSULTATIONS/ REPRESENTATIONS**

The comments received can be summarised as follows:

6.1 **Police Crime Prevention Design Adviser** – No objections.

6.2 **Environment Agency** – No objections.

- 6.3 **Local Highway Authority** – Following initial comments that the proposal would result in a considerable increase in vehicle movements to the site, now content that the potential for additional traffic impacts has been addressed and that the proposed changes would not have a significant detrimental effect on the immediate highway network.
- 6.4 **Environmental Health** – No objections but require conditions previously imposed to be repeated re. noise and site investigation / decontamination. As the store would increase in size the impact on air quality would need to be considered.
- 6.5 The application was notified to adjoining occupiers and by means of site and press notices, one representation was received from a Northampton resident asking that the potential to link cycle and pedestrian ways via this site is taken into consideration.

7. APPRAISAL

Principle of Development

- 7.1 The National Planning Policy Framework promotes competitive town centre environments and requires policies to recognise town centres as the heart of their communities and to support their viability and vitality. It goes on to require local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It requires that town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals preference should be given to accessible sites that are well connected to the town centres.
- 7.2 In line with the NPPF, the policies within the Central Areas Action Plan direct town centre uses to the town centre. It identifies the town centre boundary as the preferred location, with the exception of retailing where the Primary Shopping Area will prevail, followed by edge of town centre sites. The application site is adjacent to the Town Centre Boundary, but some distance from the Primary Shopping Area and as such it is considered that it is an out-of-centre location.
- 7.3 CAAP Policies 25 and 26 relate to the site and Policy 26 allows for ancillary retailing.
- 7.4 The above policies formed part of the consideration of the outline application which was approved in July 2014, and which this current application proposes to vary. It was concluded in approving the outline application, that whilst the development was contrary to development plan policy in that the level of retailing proposed was not ancillary, and there were sequentially preferable locations, the wider benefits of the proposal as an enabling development outweighed these concerns and it was concluded that on balance, the proposal was acceptable.
- 7.5 The original planning permission sets limits of floorspace by a number of conditions, as follows:

Use	Max. Floorspace	Min. Unit Size	Max. Unit Size
Total floorspace (including mezzanine)	3,902	-	-
Limited Assortment Discounter (Use Class A1)	1,700	850	1,700
Bulky goods sales (Use Class A1)	3,902	750	-
Unrestricted comparison goods (Use Class A1)	2,276	750	-
Class A3 (restaurant/coffee shop)	650	139	-
Class A4 (drinking establishments)	836	279	-
Class A5 (Hot Food Takeaway)	557	139	-
Class D2 (Non-residential institutions)	1394	750	-

- 7.6 There are further controls on the maximum number of units in each of the use classes, which in the case of a LAD means there can only be one such unit.
- 7.7 However, there is no minimum number of units of any type specified. This means that the site could be occupied by only one unit, which could be in any of the approved use classes. Alternatively there are a range of different scenarios involving the mix of uses which could be provided.
- 7.8 The use of a LAD is defined by one condition, which limits the total comparison goods floorspace to 20%, and by a second which sets out the range of goods which can be stocked. If the total floorspace is increased, the floorspace which could be used to sell comparison goods would also increase but the other restrictions as stipulated by the second planning condition would remain in place.
- 7.9 The current application proposes to vary Condition 17 of the permission by increasing the floorspace for a LAD from 1,700m² to 2,800m². To offset this impact, a further condition has been proposed by the applicants which would stipulate that if the size of the LAD exceeds 1,700m², the only other unit which would be permitted on the site would be a single unit in Use Class A3 (café/restaurant) or A5 (hot food takeaway), of between 139m² and 400m². This would also have the effect of limiting the overall floorspace to 3,200m². In the event that the LAD did not exceed 1,700m², the original conditions would still apply and the overall maximum floorspace would remain unchanged, as would the maximum and minimum sizes for the other units.
- 7.10 The issue to consider is, therefore, whether the proposed increase in floorspace for a LAD, including the proportionate increase in comparison goods floorspace, would result in increased impact of the development in comparison to that previously approved, to the extent that the development as amended would no longer be acceptable, due to the impact on the town centre.

- 7.11 In respect of the retail impact, the arguments put forward on behalf of the applicants relates to the operating model of a LAD, which involves a limited range of goods but a larger format store which allows more space for customers to manoeuvre and greater numbers of individual product lines. This means that in spite of the larger floorspace, the impact on the town centre would not be increased to an unacceptable degree. This argument has been examined by an independent retail consultant regularly consulted by the Council. The consultant's view was that this assessment was essentially correct. On this basis it was considered that allowing the proposed increase in floorspace, specifically for a LAD with this larger operating format, would not result in any greater impact than if the originally approved scheme were to go ahead.
- 7.12 It is not possible to require a specific store format by condition; however, a condition is recommended that would mean that the store would only be occupied by a LAD. The applicant has also proposed an additional planning condition (Condition 27 below) to restrict the level of total floorspace to 3,200m² only should a LAD operator with a total floor space of 2,800m² decide to occupy the site. It is considered that the overall effect on the town centre would be acceptable with this development option. This would also address the concerns with regard to increased traffic generation to the site and the associated impact on air quality, as raised in consultation responses from the Local Highway Authority and Environmental Health.
- 7.13 As this proposal is materially different from the previously approved scheme, the prospect of whether the development can be located in a sequentially preferable location also needs to be considered. The JCS identifies the allocated centres in Northampton as being the town centre, Kingsthorpe, Weston Favell, Far Cotton, Kettering Road, St James and Wellingborough Road. Of these locations, Weston Favell can be discounted as the applicant is already operating a centre in this location.
- 7.14 There are no sites within Kingsthorpe, Far Cotton, Kettering Road, St James and Wellingborough Road that can accommodate the quantum of proposed development and these can be discounted from the sequential assessment.
- 7.15 Whilst it is accepted that it is an objective of the JCS and the CAAP to improve the level of convenience and comparison goods retailing within the town centre, the two sites allocated for future supermarkets in the CAAP are not currently available and as such can also be discounted. The Greyfriars site is has been cleared and it is an aim of the Council that this site be developed for a mixed use retail and leisure scheme. At this point, plans for the redevelopment of the site are at an embryonic stage and therefore it is not possible to ascertain whether the proposed development could realistically be accommodated on this particular site. As such, the Greyfriars site can be discounted as a sequentially preferable location for the purposes of this specific application.
- 7.16 In respect of the outline permission as originally approved, a contribution was required through a legal agreement for highway improvement works between the site and the town centre, to promote walking in the form of enhanced public realm. It is considered that this would still be necessary, as the development would have a similar impact on the town centre to the previous approval, which would therefore require a similar level of mitigation.
- 7.17 In respect of other potential concerns, it should be noted that the application as originally made was in outline with all matters reserved except for access. The

current application is simply for the variation of a condition and therefore this would remain the case.

- 7.18 Therefore the detailed design of the building and the layout of the site, including the issue of connectivity of paths through the site, as raised by the one objector, are still to be considered, by means of a reserved matters application.

8. CONCLUSION

- 8.1 The proposed variation of condition would, subject to the further condition proposed, result in the development having no greater an impact on the town centre than the original scheme.

9. CONDITIONS

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

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before 17th July 2017.

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

(3) The development hereby permitted shall be begun either before 17th July 2017, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

(4) This approval shall be in respect of the access to the site only and does not include approval of the internal access and vehicle manoeuvring arrangements which shall be submitted in revised form, as part of the reserved matters applications.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy 1 of the Northampton Central Area Action Plan.

(5) The landscaping details to be submitted as part of the reserved matters applications shall include, as part of the proposals a landscaping strategy for the river frontage.

Reason: To ensure compliance with Policy 26 of the Northampton Central Area Action Plan which requires softening of the heavily engineered banks of the river and easier access to the water's edge.

(6) Notwithstanding the submitted indicative drawings, the reserved matters submission for the appearance, layout and scale of the development shall endeavour to deliver where practicable the objectives of CAAP policies 25 and 26, in particular the provision of public access to and positive addressing of the water's edge.

Reason: To ensure compliance with Policies 25 and 26 of the Northampton Central Area Action Plan.

(7) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

(8) Works shall be carried out in full accordance with the recommendations of the Ecological Surveys submitted with the application viz Extended Phase 1 Habitat Survey 28th June 2012; GCN Presence / Absence Survey May – June 2013 and Bird and Bat Scoping and Dusk Surveys Report 21st May 2013, 4th June 2013 and 6th June 2013 and for the avoidance of doubt shall include the carrying out of a Water Vole Survey prior to any work within 5 metres of the river bank, which is to be submitted to and approved in writing by the Local Planning Authority prior to any such works.

Reason: In the interests of wildlife and nature conservation in accordance with the NPPF.

(9) Prior to submission of reserved matters applications 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:

- Full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.

- If the outfall of the attenuation facility is likely to be submerged in 0.5% (1 in 200 chance) rainfall event then within 24 hours of top water level being attained in a 0.5% (1 in 200) probability flood event the regulation facility must be capable of storing 80% of the additional run-off arising from a 10% (1 in 10) probability flood.

- SUDs features on site to be in accordance with Table 12.1 of the Northampton Level 2 SFRA.

- 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 NPPF.

(10) No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters. In accordance with the NPPF.

(11) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters In accordance with the NPPF.

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

Reason: To ensure that any infiltration drainage system such as soakaways are not located in potentially contaminated ground, which may increase the potential risk posed to groundwater. In accordance with the NPPF.

(13) No development shall commence until a scheme for the provision of additional pedestrian crossings, as indicated on drawing number 12852-110 Revision B, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the crossings have been laid out and constructed in accordance with the approved details.

Reason: In the interests of Highway and Pedestrian Safety, in accordance with the NPPF.

(14) No part of the development on the site shall be occupied until the hazardous substances consent relating to the Northampton (South) Gasholder Station at Towcester Road has been revoked in its entirety in accordance with the Planning (Hazardous Substances) Act 1990 as amended, and written confirmation has been issued by the Hazardous Substances Authority.

Reason: In the interests of public safety, in accordance with the NPPF.

(15) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant 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 NPPF.

(16) The total floor space of the development shall not exceed 3,902 sqm (gross internal) including any mezzanine. If the Convenience Goods store exceeds 1,700 sqm (gross internal), the only other development that shall take place under this permission shall be a restaurant/café or takeaway of a minimum of 139 sqm (gross internal) and a maximum of 400 sqm (gross internal).

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(17) Any sale of convenience goods from the development shall be limited to a single unit of which the floor space shall not exceed 2,800 sqm (gross internal) and shall be no less than 850 sqm (gross internal) in any such single unit. The sale of comparison goods from such a unit shall be limited to no more than 20% of the net sales area.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(18) The unit as defined in Condition 17 and hereby permitted shall be occupied as a Limited Assortment Discounter only. For the avoidance of doubt this is defined as follows

-
- The convenience goods sold from the store shall consist of predominantly (i.e. more than 50%) own label products.
- The range of convenience goods product lines sold from the store shall not exceed 2,500 lines.
- No separate franchises shall operate within the store.
- There shall be no separate service counters within the store.
- The store shall not incorporate a cafeteria or restaurant.
- The store shall not sell tobacco products.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(19) No more than 3,902 sqm (gross internal) shall be used for bulky goods retailing with a minimum unit size of no less than 750 sqm gross internal. The total number of units in this use shall not exceed 5.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(20) The bulky goods floorspace shall be used only for the sale of furniture; carpets; floor coverings; DIY products including materials and accessories; home improvement products including fabrics and furnishings; glassware; cookware; kitchen utensils; white electrical goods; auto motive and cycle parts and accessories; garden tools, products and accessories; outdoor recreational and leisure equipment; and arts and crafts materials.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(21) No more than 2,276 sqm (gross internal) shall be used for unrestricted comparison goods retailing with a minimum unit size of 750 sqm (gross internal). The total number of units in this use shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(22) No more than 650 sqm (gross internal) shall be used for Use Class A3 with a minimum unit size of 139 sqm (gross internal). The total number of units in this use class shall not exceed 3 of which no more than 1 unit should comprise a restaurant and no more than 1 unit should comprise a coffee shop.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(23) No more than 836 sqm (gross internal) shall be used for Use Class A4 with a minimum unit size of 279 sqm (gross internal). The total number of units in this use class shall not exceed 2.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(24) No more than 557 sqm (gross internal) shall be used for Use Class A5 with a minimum unit size 139 sqm (gross internal). The total number of units in this Use Class shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(25) The total number of units in Use Classes A3, A4 and A5 shall not exceed 3.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(26) No more than 1,394 sqm (gross internal) shall be in Use Class D2 with a minimum unit size of 750 sqm (gross internal). The total number of units in this use class shall not exceed 1.

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

(27) Notwithstanding the provisions of Conditions 16, 19, 21, 22, 23, 24 and 26, in the event that the Limited Assortment Discounter unit as defined in Conditions 17 and 18 exceeds 1,700 sqm (gross) floorspace, only one additional unit (the 'second unit') may be constructed on the site. The second unit shall comprise either a Class A3 (Food and Drink) or Class A5 (Hot Food Takeaway) unit and, in either case, shall have a minimum floorspace of 139 sqm (gross) and a maximum floorspace of 400 sqm (gross).

Reason: To define the permission and to prevent any additional adverse impact on the town centre, in accordance with the NPPF.

Informative Notes:

A Limited Assortment Discounter (LAD) is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt includes a Convenience Goods Retailer, which sells a limited ranged of Convenience Goods at a low price.

Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods.

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

10. BACKGROUND PAPERS

10.1 Planning application files N/2013/1143 and N/2015/0473

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: 18th August 2015
 Scale: 1:3000
 Dept: Planning
 Project: Planning Committee

Title
Gas Holder Site, Towcester Road

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0611: Change of use of land for erection of decking in association with bar/restaurant (retrospective application) at The Ark Restaurant, Midsummer Meadow, Bedford Road

WARD: Rushmills

APPLICANT: Mr N Patel
AGENT: Mr A Chhatralia

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL for the following reason:

The design and appearance of the decked area is considered acceptable and the structure would not adversely impact on the character and appearance or amenity of the surrounding area or existing flood conditions within the locality in accordance with the requirements of Policies BN7 and BN8 of the West Northamptonshire Joint Core Strategy, Policies 1, 5 and 30 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks the retention of an area of timber decking including a ramped section on an area of Council owned open space within Midsummer Meadow forming part of the embankment adjacent to the boat restaurant. The decking is intended to provide an external drinking/eating area for the boat restaurant. It is enclosed by 1.2m high wooden balustrades at either end including adjacent to the riverside and sits between two existing wooden gangways which provide access to the boat from the embankment.

3. SITE DESCRIPTION

- 3.1 The boat restaurant is moored on the north bank of a dead arm of the River Nene and located within Midsummer Meadow, an area of Council owned open space situated to the east of the town centre and south of Bedford Road. The site lies within Flood Zone 3. The area of decking is situated within the open space on an area of embankment adjacent to the boat restaurant. The skate park, café and a car park are situated to the north of the site. A riverside footpath runs along the front of the site. A single mature tree is located at the front of the site surrounded by the area of decking. Barnes Meadow Local Nature Reserve is situated to the south and east of the site.

4. PLANNING HISTORY

- 4.1 Planning permission was granted in April 2010 under application N/2008/0502 for a 'boat restaurant and bar and associated access at Midsummer Meadow.' Condition 2 of the approval required that the use be discontinued and the land restored to its former condition on or before 5 years from first installation of the boat. The boat has been in situ since December 2013.
- 4.2 N/2010/0475 - Removal of Condition 2 attached to Planning Application N/2008/0502. Withdrawn 11.04.13.

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 Central Area Action Plan (2013).

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 design and good standard of amenity and to conserve and enhance the natural environment.

Paragraph 19 supports economic growth.

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

Paragraph 103 seeks to ensure that in determining applications flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

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 BN7: Flood Risk – new development will need to demonstrate that there is no increased risk of flooding and is or can be safe and shall seek to improve existing flood risk management.

Policy BN8: The River Nene Strategic River Corridor – the natural and cultural environment of the Nene corridor including its tributaries will be enhanced and protected in recognition of its important contribution to the area's green infrastructure network.

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 1: Promoting Design Excellence – new development should positively contribute to character of the area.

Policy 4: Green Infrastructure – development in the Central Area must contribute to the provision of green infrastructure by enhancing its setting and function and incorporate opportunities to enhance the green corridor within the waterside.

Policy 5: Flood Risk and Drainage – within the Central Area developments will be expected to implement measures that will ensure there is no increase in flow of surface water.

Policy 30: The Waterside: Nene Meadows – will become a strategic leisure and recreation destination with Midsummer Meadow providing a central activity hub.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Arboricultural Officer** – The theoretical root protection area (RPA) of the tree on site has already been compromised by the existing adjacent public footpath and two existing access bridges to the Ark. It is considered that the damage caused by any excavations for the decking would be minimal and therefore any adverse effect on the long term health of the tree would not be significant.
- 6.2 **NBC Environmental Health** – no observations.
- 6.3 **NCC Highways** – no observations.
- 6.4 **Environment Agency** – no objection.
- 6.5 **Northamptonshire Wildlife Trust** – no comments received.
- 6.6 **Canal & River Trust** – no comment.

7. APPRAISAL

Principle, Design and Appearance

- 7.1 The site forms part of an area of open space within Midsummer Meadow. National and local policy seeks to ensure the preservation and enhancement of the natural environment and areas of green infrastructure. Policy BN8 of the JCS recognises the important contribution of the Nene corridor including its tributaries to the area's green infrastructure network. Alongside this, Policy 30 of the Central Area Action Plan seeks to promote Midsummer Meadow as a strategic leisure and recreation destination.
- 7.2 The principle of the boat restaurant in this riverside location and potential impacts on the surrounding environment and habitats has previously been considered and accepted through the grant of planning permission in 2008. The boat restaurant, along with the presence of the adjacent skate park and café, is in line with policy aims to establish Midsummer Meadow as leisure and recreation destination.
- 7.3 Whilst the provision of the decked area would lead to the loss of a small area of greenspace on the embankment, the area concerned is not significant in the context of the surrounding open space and the location of the decking between the two existing wooden gangways assists in minimising the overall impact. The use of timber decking is consistent with the overall appearance of the existing timber gangways.
- 7.4 It is not considered that the decking would lead to any significant impact on the long term health of the adjacent tree which has been retained.
- 7.5 The design and appearance are considered acceptable and the decking would improve the provision of facilities for customers at the restaurant in providing an additional outdoor seating area on the embankment. The principle of a boat restaurant has previously been established in this location and the proposal is a relatively minor extension of the existing use. A condition requiring the cessation of the use and the restoration of the land as required by the original consent would ensure that any future adverse impacts on the character of the area or amenity in terms of potential visual degradation of the facility could be controlled.

Flood Risk

- 7.6 The site lies within Floodzone 3. Condition 11 of the original consent for the boat restaurant requires that on receipt of an Environment Agency flood warning from Direct Flood Watch the business should close and the boat not be occupied.
- 7.7 The Environment Agency has confirmed there is no objection to the decking as proposed and it is not considered that the development would lead to any increased risk of flooding in accordance with policy requirements.

Impact on Amenity

- 7.8 The decking is situated on land owned by the Council a licence of which is under consideration. The terms of the licence could seek to control potential inappropriate use of the land.

7.9 The boat restaurant has a license is in place with regards to the hours of use permitting opening hours of 09:00 hours to 00:00 hours Monday to Sunday. Use of the decked area is not covered by the licence however Licensing has advised that it is unlikely that the decked area would be subject to licensing requirements. The consumption of alcohol is not a licensable activity and therefore if customers are eating in the daytime, drinking alcohol and not listening to music this would not require a license. Late night licensing requirements would be required for the sale of hot food and/or drink after 11pm.

7.10 Details of lighting to the decking area are required to be secured by a planning condition.

8. CONCLUSION

8.1 The design and appearance of the decked area is considered acceptable and the proposal would not adversely impact on the surrounding character or amenity of the area or existing flood conditions within the locality. The application is therefore recommended for approval.

9. CONDITION

(1) If the adjacent boat restaurant is removed from its current siting, the decking hereby permitted shall be removed within one month from the removal of the boat restaurant and the land restored to its former condition prior to the installation of the decking.

Reason: In the interests of visual amenity and in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan.

(2) Full details of lighting for the decking area shall be submitted to and approved by the Local Planning Authority within one month from the date of this permission, and thereafter implemented in accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with the requirements of Policy 1 of the Northampton Central Area Action Plan.

10. BACKGROUND PAPERS

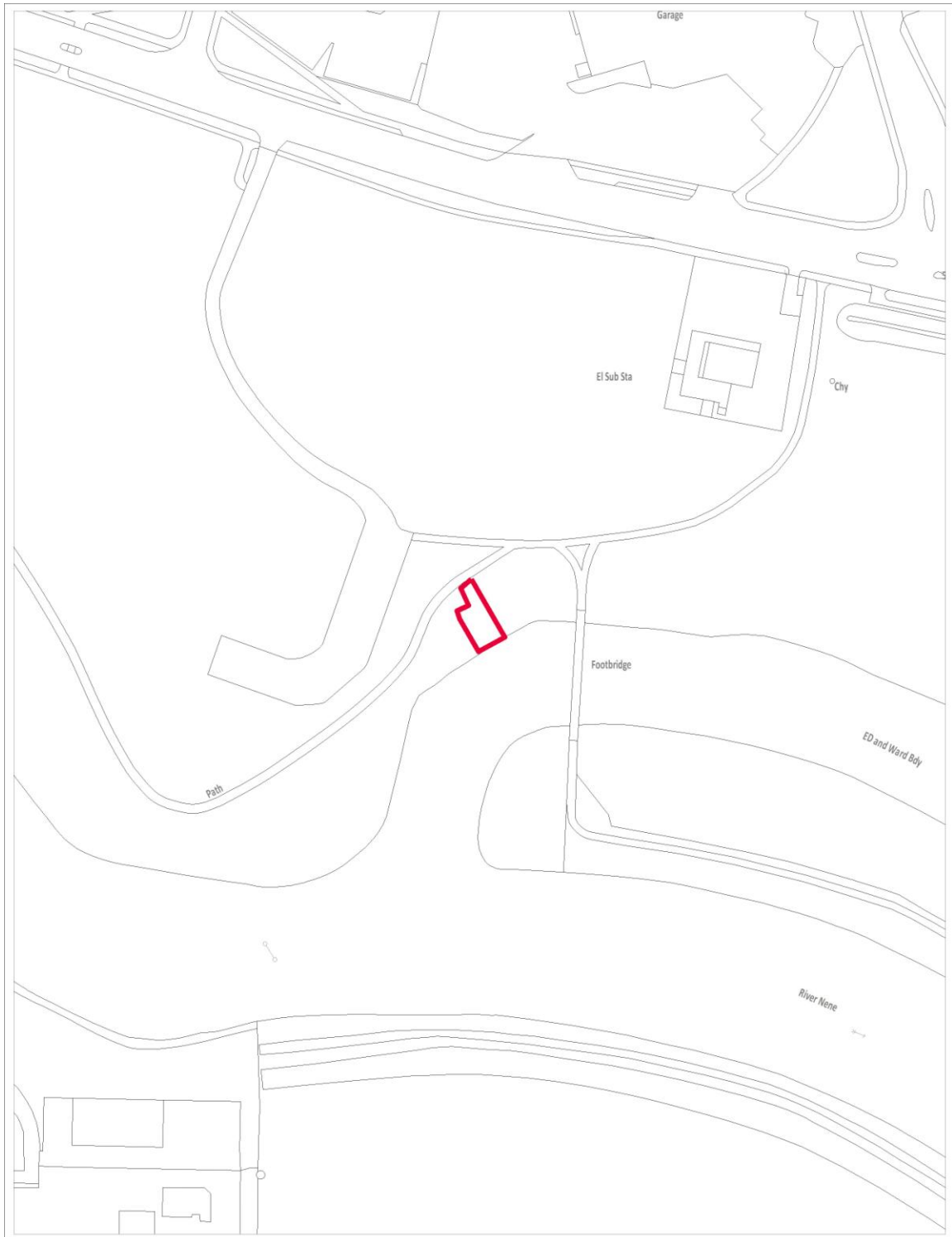
10.1 N/2015/0611

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: 18th August 2015
Scale: 1:1250
Dept: Planning
Project: Planning Committee

Title
Midsummer Meadow, Bedford Road

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PLANNING COMMITTEE: 2nd September 2015

DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0624: Erection of 2 no. portacabins; one to be used as visitors centre and one for admin/meeting space at Weston Favell Parish Hall, Booth Lane South

WARD: Westone

APPLICANT: Indian Hindu Welfare Organisation
AGENT: pHp Architects

REFERRED BY: Cllr Matt Lynch
REASON: Out of keeping with the local area

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The erection of temporary portacabins would result in community development within an established community site and would have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The development is therefore in accordance with the aims and objectives of the National Planning Policy Framework and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 The application seeks temporary planning permission to site two portacabins within the grounds of Weston Favell Parish Hall for a period of 5 years. The proposed buildings will be used as visitor centre and admin/meeting rooms for the Indian Hindu Welfare Organisation, which is using the Parish Hall as a community centre.

3. SITE DESCRIPTION

- 3.1 The existing Parish Hall building lies on the corner of Booth Lane South and Wellingborough Road. Areas of grass surround the building and a car park is located to the north with access from Booth Lane South. The application site

consists of an enclosed grass area to the north-west of the Parish Hall. To the west of the site is the house and garden of 735 Wellingborough Road. To the north is 15 Booth Lane South and to the east are residential properties on the opposite side of Booth Lane South.

4. PLANNING HISTORY

4.1 None relevant.

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 states at paragraph 17 that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 69 states that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community through amongst other things, strong neighbourhood communities. Paragraph 70 states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities.

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

Policy E7 (Tourism, Visitor and Cultural Industries) indicates that such development proposals will be supported where they contribute to regeneration aims and objectives, strengthen the tourism offer, benefit local communities and businesses; and development is of a use, form and scale which does not harm the quality of the natural or built environment.

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:

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

L13 – Community Facilities – planning permission will not be granted for development which would result in the loss of existing community facilities.

5.5 **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 **Councillor Matt Lynch** – object to the application and requests that the application be determined by the Planning Committee due to the proposal not being in keeping with the local area.

6.2 **15 Booth Lane South** supports the use of the building in principle but objects to this particular application for the following reasons:

- Proposal will diminish the view from nearly every window of the property;
- The design statement states that the development will be screened from neighbouring houses by trees and high hedges. It is not clear if the proposal relies on the existing trees and hedges or if there will be additional new planting. The existing trees will not screen view to the north.
- The current building has intrusive floodlighting that is on all night and shines in all directions including into bedroom window.

Would consider removing objection if:

- Fast growing hedges were planted along the north face of the cabins to mitigate view.
- Floodlights were replaced with ones that direct their light downwards.

6.3 The **applicant's agent** has confirmed that the existing community hall is heavily used by the local community and there is nowhere to manage the admin from and hold committee meetings. The two portacabins can provide admin/meeting space but also provide a walk in centre for the community to be able to visit at agreed times to learn more about other social functions that are taking place or required in the community.

7. APPRAISAL

- 7.1 The main issues to consider are the impact on visual amenity and neighbouring properties.
- 7.2 The site is located within an established community site and comprises an area of grass adjacent to the main Parish Hall building. It is proposed that two portacabins will be sited to the north west of the Parish Hall close to doors on the north side of the hall. The proposed buildings are 2.4 metres in height, 12.2 metres long and 3.4 metres wide. They will be sited 1.8 metres apart and approximately 4.2 metres from the boundary with the neighbouring property to the west, 42 metres from the boundary with the property to the north and 72 metres from the boundaries with the properties on the opposite side of Booth Lane South to the east.
- 7.3 The intended use of the buildings is as a visitors centre and admin/meeting area for the Indian Hindu Welfare Organisation. This organisation is a voluntary organisation focused on enriching the lives of Northampton's Hindus by meeting their social, cultural, welfare and health needs. The reason for housing these services in the portacabins is because there is no capacity within the existing community hall due to its regular and constant use. The proposed use of the portacabins is an economical solution which will provide space for the two intended functions and employment for one part time administrator. The proposed hours of operation of the buildings will be 8am to 10pm seven days a week and the maximum number of people visiting the site at any one time will be 25.
- 7.4 The location of the proposed portacabins on the north side of the building means they will not be visible from Wellingborough Road and they will be sited approximately 44 metres away from the boundary with Booth Lane South. Whilst they will be visible from Booth Lane South, due to their relatively low height against the backdrop of the existing building and a boundary hedge, they will not appear as an overly obtrusive feature in the street scene.
- 7.5 With regard to the impact on neighbours, the portacabins will be visible from properties located on the opposite side of Booth Lane South and from the side of no. 15 Booth Lane South which has side windows directly overlooking the application site. There is a distance of between 60 and 72 metres between the application site and these dwellings, it is considered that there will be no detrimental impact in terms of overbearing, overshadowing or overlooking. With regards to the property to the west at no. 735 Wellingborough Road, the portacabins will be visually screened by trees and high hedges. There will be no detrimental impact on this property in terms of overbearing, overshadowing or overlooking.
- 7.6 Objections have been received from a Councillor stating that the buildings will not be in keeping with the local area. The occupier at no. 15 Booth Lane South has also objected stating that the view from his property will be diminished. Whilst it is acknowledged that portacabins are utilitarian in appearance and their design is not in keeping with the design and appearance of adjacent buildings, it is noted that such buildings are often a feature of schools and other community sites. Due to the scale of the buildings in comparison to the main hall and their temporary siting at the rear of the site, it is not considered that the proposal would lead to substantial harm to the character and appearance of the area.
- 7.7 With regard to noise and disturbance, although the proposed buildings will attract more visitors to the site this does not represent a substantial intensification in

comparison to how the site could be used as an existing community hall. Furthermore there is a large car park at the site and the building is located on main bus routes. It is not considered the proposal will be unduly detrimental on highway grounds.

Other matters

- 7.8 One of the representations referred to obtrusive floodlighting that is currently present on the site. As this is not part of the current application its impacts cannot be considered as part of this application. It is noted that there will be no external lighting of the proposed portacabins.

8. CONCLUSION

- 8.1 In view of the temporary nature of the buildings it is not considered that the proposal would lead to any long term adverse impact on amenity. It is considered the proposal represents an appropriate temporary addition to an existing community facility that is compliant with the aims and objectives of National and Local Planning Policy and can therefore be recommended for approval.

9. CONDITIONS

- (1) The buildings hereby permitted shall be removed and the land restored to its former condition on or before 30th September 2020.

Reason: In the interests of amenity as the Local Planning Authority consider the buildings are only acceptable as a temporary expedient in accordance with National Planning Policy Framework.

- (2) The development hereby permitted shall be implemented fully in accordance with the approved plan site location plan, 4079-01 Rev. P1, 4079-02 Rev. P1, 4079-03 Rev. P1, 4079-04 Rev. P1.

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

- (3) The buildings hereby approved shall only be used between the hours of 8am and 10pm.

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

10. BACKGROUND PAPERS

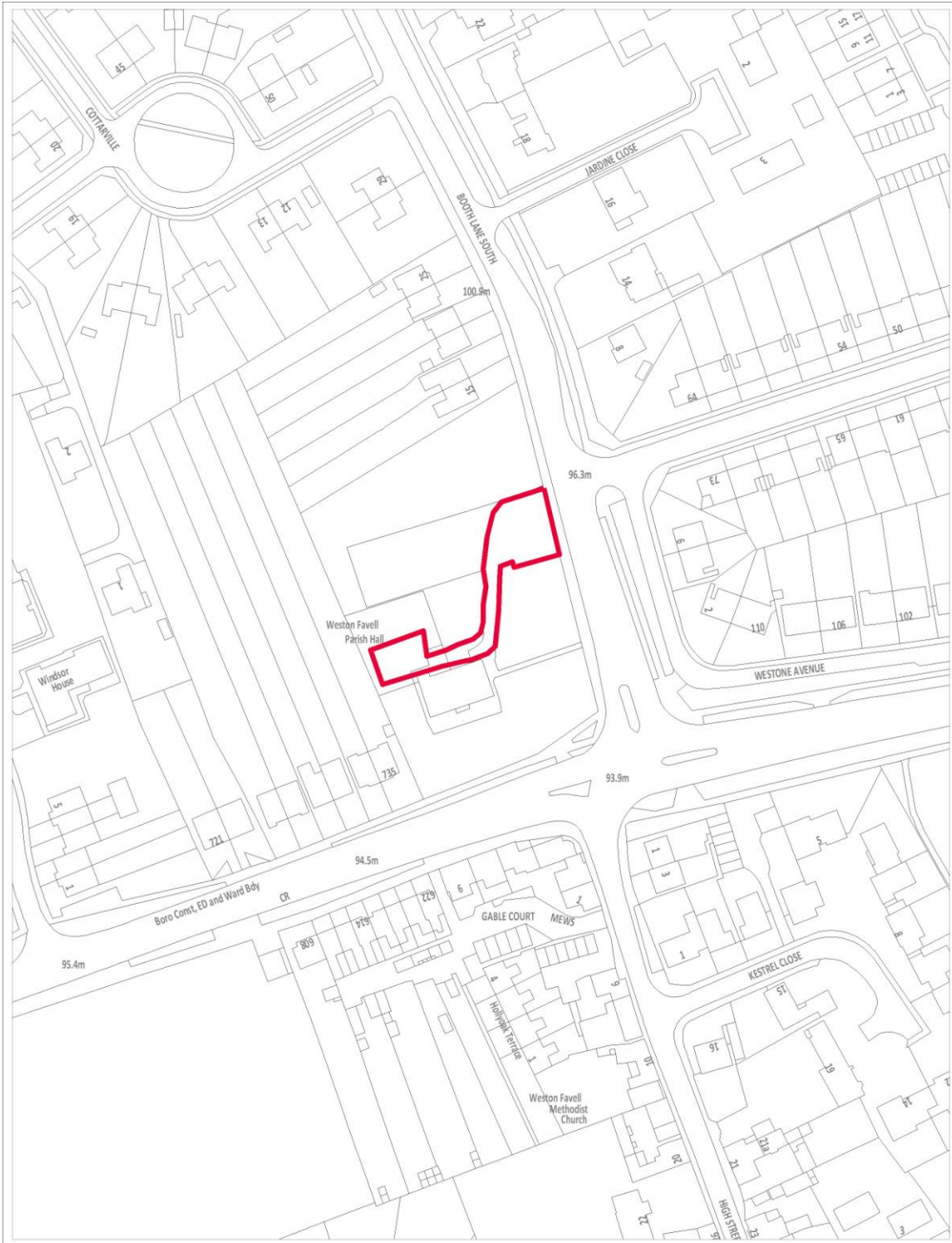
- 10.1 None

11. LEGAL IMPLICATIONS

- 11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: **Site Location Plan**
 Date: **18th August 2015**
 Scale: **1:250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Weston Favell Parish Hall, Booth Lane South

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0647: Outline application with all matters reserved except access (from Penfold Close/Northfield Way) for residential development of up to 195 dwellings, public open space and associated access at former Kingsthorpe Middle School site, Northfield Way

WARD: Spring Park

APPLICANT: Mr. D. Smith, Northamptonshire County Council
AGENT: Mr. T. Bode, Atkins

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

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would result in the satisfactory reuse of this previously developed site on account of the proposal representing a sustainable residential development that would address the established need for housing within Northampton. Furthermore, the proposal has established a number of acceptable design parameters that would ensure that the proposed development would be of a satisfactory scale and design whilst ensuring a neutral impact upon the site's mature trees and neighbour amenity. The proposal is therefore in compliance with the National Planning Policy Framework, Policies BN2, BN3, C2, H1, H2, S1, S3, S10, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Policies E20, T12 and H17 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) 35% on site affordable housing;
- ii) A payment towards primary and secondary education provision;

- iii) A payment towards the provision of health care facilities;
- iv) A payment towards the provision of and/or enhancements and maintenance of public open space;
- v) The provision of at least 0.8ha of on-site open space and for this space to be continually maintained and made available for public access;
- vi) A payment towards the provision of highway improvements within the vicinity of the site;
- vii) A payment to fund improvements to bus shelter provision within the vicinity of the site and their ongoing maintenance;
- viii) A scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
- ix) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.3 That delegated authority be given to the Director of Regeneration, Enterprise and Planning in order to continue a dialogue with Sport England with a view to removing their objection and/or referring the application to the Secretary of State as may be 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 application seeks outline planning permission for the erection of up to 195 dwellings. This is a reduction of 35 dwellings from a recently considered proposal. All matters are reserved with the exception of access. Vehicular access to the development would be provided by an access situated at the junction between Penfold Close and Northfield Way. This is in addition to a pedestrian access that would be situated in Liddington Way.

2.2 As the application is in outline form, no detailed layouts have been submitted; however, the submitted documentation indicates that the resultant residential buildings would be between one and three storeys, with the dwellings having between one and four bedrooms. The development would also include areas of public open space.

3. SITE DESCRIPTION

3.1 The application site was originally developed to provide a school to serve the surrounding residential accommodation, much of which was constructed around the same time of the school. However, the reorganisation of school provision within Northampton meant that this school was deemed surplus to requirements and it has been vacant since late 2007. A comparatively small proportion of the site was developed (in 2009) to form a children's centre. This land is excluded from the current application.

- 3.2 Although the school has been vacant for some time, its former use is material to this planning application. In particular, the school was of a significant size with around 300 students (of between nine and 13 years of age). As a consequence of this, it should be recognised that high level of traffic has been previously associated with this site.
- 3.3 The immediate surroundings of the site are predominantly residential in character, with many of the surrounding dwellings being constructed since the 1970s. The site lies between the Kingsthorpe Recreation Ground (to the east) and allotments (to the west). The application site is served by Northfield Way, which is a comparatively short road of approximately 145m running from Welford Road and also serving a number of culs-de-sac. Northfield Way is also unusual in that it has a width of 7.5m, which is in substantially more than the widths normally associated with such estate roads.
- 3.4 Welford Road serves as one of the main routes into the town from the north-west and is also served by a number of public transport services. The application site is also approximately 700m from the allocated Kingsthorpe Centre, which contains an array of commercial and leisure facilities as well as additional public transport links.

4. PLANNING HISTORY

- 4.1 N/2014/0316 – Outline planning application with all matters reserved except access (from Penfold Close/Northfield Way) for a residential development comprising 230 dwellings and public open space – Refused.
- 4.2 The above planning application was refused at the Planning Committee meeting held in February 2015. The reason for this is that it was considered that insufficient justification had been submitted regarding the proposed highways mitigation and means to ensure that there would be no significant adverse impact upon pedestrian or vehicular safety.

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 49 requires proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states

that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant development management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

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

West Northamptonshire Joint Core Strategy (2014)

- 5.8 The West Northamptonshire Joint Core Strategy (JCS) is an up-to-date plan, which complies with the current Government requirements for plan making and which is in full conformity with the NPPF. Policies of particular relevance are:
- 5.9 Policy S1 of the JCS states that new developments will be concentrated primarily in and adjoining the existing principal urban area of Northampton. Policy S3 requires the construction of approximately 18,870 houses within Northampton Borough over the plan period and Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated to satisfy the West Northamptonshire Objectively Assessed Housing Needs.
- 5.10 Policy S10 requires that new developments be located where services and facilities can be accessed by walking, cycling or public transport.
- 5.11 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing. 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 away from private cars.

- 5.12 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.
- 5.13 In assessing applications where there may be an impact upon biodiversity, it is necessary to give weight to Policy BN2, which requires that development management decisions reflect the hierarchy of biodiversity and that appropriate weight should be given to the status of the site. Policy BN3 states that existing trees should be retained unless it can be demonstrated that the loss of trees would be outweighed by the need for and benefits of development.

Northampton Local Plan 1997 (Saved Policies)

- 5.14 Due to the age of the plan, weight that can be attributed to the aims and objectives of this document is diminished, however, the following policies are material to this application.
- 5.15 Policy L2 allocates this site as an education establishment and states that planning permission to redevelop the site should only be granted if it can be demonstrated that the land or facilities are not needed in the longer term for recreation or leisure purposes; and if the site does not have any significant amenity or landscape value; and that the scheme retains or provides adequate outdoor or indoor recreational facilities for public use.
- 5.16 Policy E20 states that new buildings should be of an appropriate design; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles. In addition, Policy H17 requires the provision of a suitable level of housing for people with disabilities.

5.17 Supplementary Planning Documents

Affordable Housing
Developer Contributions

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – No objections, but request a condition relating to the implementation of the proposed surface water management system.
- 6.2 **Archaeology Advisor (NCC)** – Request a condition relating to the investigation of matters of archaeological note.
- 6.3 **Construction Futures** – Request a financial and time contribution to providing construction worker training opportunities.
- 6.4 **Development Management (NCC)** – Request Section 106 obligations to secure the provision of primary and secondary school education, and contributions to the fire and rescue service and libraries.
- 6.5 **Environment Agency** – No objections.

- 6.6 **Environmental Health (NBC)** – Make observations regarding the impacts of the development on air quality; however, these can be mitigated. In addition, conditions are recommended regarding the investigation of ground contamination.
- 6.7 **Highway Authority (NCC)** – No objections, subject to the securing of highways mitigation works and new bus shelters through the legal agreement and conditions relating to the technical specification of the new entrance and pedestrian route.
- 6.8 **Highways England** – No objections.
- 6.9 **NHS England** – No objections, but request that a payment towards the provision of healthcare facilities is sought through the legal agreement.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor** – Make a number of recommendations, which should be taken into account by the developer in designing the final layout.
- 6.11 **Sport England** – Raise objections as the development would result in the loss of playing fields.
- 6.12 10 letters of objection have been received. Comments can be summarised as:
- The number of dwellings is too high.
 - The surrounding road network is heavily used and congestion occurs.
 - There would be an increase in the use of Northfield Way over the current situation.
 - On street car parking is already in high demand.
 - There would be an increase in the demand for school places and healthcare.
 - The site is popular with wildlife.
 - The site has been used for playing fields.
 - The development of some three storey dwellings will be out of character with the area.

7. APPRAISAL

Principle

- 7.1 It is accepted that the site is allocated as a school site; however, it is noted that the school had been vacant for a significant period of time following the reconfiguration of school provision in Northampton and the associated school buildings have since been demolished. As a consequence, there does not seem to be a realistic possibility that the site could be used for educational purposes within the foreseeable future. Policy L2 is of specific relevance; however, as the site does not have any significant landscape value nor does it include facilities that could be used for sports or leisure uses, it is therefore considered that this policy has not been breached and it is reasonable to consider the merits of alternative uses for the site.
- 7.2 It should be also be recognised that the Local Plan is exceedingly dated and more recent policy documents carry greater weight. In particular, the adopted JCS recognises that there is a substantial need for new housing, which will require the redevelopment of sites within the existing built area. In addition, the

NPPF requires that local authorities demonstrate a five year supply of housing land. The bringing forward of this site for residential uses would contribute towards addressing these issues.

- 7.3 Northampton currently does not have a five year housing land supply. In these circumstances any relevant local plan policy cannot be considered to be up to date and the NPPF requires that any application should be determined on the basis of a presumption in favour of sustainable development.
- 7.4 The site is adjacent to an existing residential area and close to an existing centre containing a mix of leisure and commercial facilities. It is therefore likely that future residents of the development would have relatively easy access to facilities and services. In addition, the site has good public transport links and there is generally good accessibility to schools and open space nearby. It is therefore considered that the proposal represents sustainable development and is acceptable. The sustainable nature of the proposal is further emphasised by the fact that the development would result in a previously developed site being brought back into a productive use.
- 7.5 35% of the dwellings would be affordable and a minimum of 10% of the development would be constructed to the Council's mobility standards. The mix of dwellings, in terms of houses and apartments and the variation in the number of bedrooms means that the development would provide choice, which would be in conformity with the aims and objectives of the NPPF.

Environmental issues

- 7.6 The Council's Environmental Health section has made some observations regarding the potential impact of the development upon the Air Quality Management Area within Harborough Road. However, the site has a historic use that would have generated a significant amount of traffic, and the design of the proposed development includes significant pedestrian links to the surrounding area. Consequently, the overall impact upon air quality in this area would not be significant. The Section 106 Agreement would secure some practical works (such as improvements to bus shelter provision) to reduce the impact of the development upon air quality.
- 7.7 Although the site was undeveloped before the school was built, naturally occurring contaminants may still be present, together with potential contamination from the school's (now removed) heating system. Conditions are therefore recommended to ensure that these matters are properly investigated and remediated, if necessary.
- 7.8 Prior to the area being developed for the school and housing, crop marks indicating archaeological features were observed. Furthermore, there have been archaeological finds of interests from the prehistoric, Roman and medieval periods within the wider area. Consequently, the site may be of archaeological interest. A condition is therefore recommended to ensure that this possibility is fully investigated prior to the first implementation of the permitted development.
- 7.9 The development has been assessed by the Environment Agency, which has raised no objections to the development with regards to flood risk.

Highway impacts

- 7.10 The site was formerly a sizeable school, which remains its current permitted use. It is likely that a large number of vehicle movements would have been made to the site at peak travel times either through children being dropped off and picked up or staff entering and leaving the site. Therefore, this is a significant material consideration in the determination of this planning application. The proposed development is unlikely to result in any significant increase in vehicle movements to and from the site over those when the school was open.
- 7.11 Traffic on the general highway system will increase over the current situation. This is of particular sensitivity within the Kingsthorpe Road corridor, which is a widely used route to and from the town centre and most of the traffic from the development is likely to use this road to some degree. Therefore in order to mitigate this impact and in line with the advice of the Highway Authority, the Section 106 Agreement would secure a financial payment across towards improvements to the Kingsthorpe Road corridor.
- 7.12 The Section 106 Agreement obligation would jointly fund (along with a small number of large scale developments) a number of improvements to the Kingsthorpe Road corridor. It is anticipated that the bulk of the proposed work would take place on the southern section of the Kingsthorpe Road corridor (running from the Cock Hotel junction) as it is anticipated that this is the element of the road network that would see the greatest increase in usage should the development be permitted. The likely works to be undertaken would include the reconfiguration of a number of junctions plus works to improve the synchronisation of existing traffic signals.
- 7.13 The scale of the development has been significantly reduced through the removal of 15% (35) of the dwellings from the previous application. As a result, it is likely that the level of traffic generated would be significantly lower than the previous proposal. In addition, the legal agreement would also secure a financial contribution towards the provision of new bus shelters within Welford Road, which would assist in encouraging more sustainable forms of transport.
- 7.14 The proposed access (from Northfield Way) is acceptable in principle and no objections have been received from the Highway Authority to it. The development's vehicular access is therefore considered to be safe and can accommodate the scale of the proposed development. In addition, conditions are recommended that would ensure that details relating to the precise construction of the junction are submitted to and approved by the Council. This would guarantee that amongst other matters, the junction would feature sufficient lighting, drainage and visibility.
- 7.15 As previously noted, Northfield Way has a width that is far greater than that normally associated with roads of this type. As a consequence, there is sufficient room for vehicles to park by the roadside and for vehicles to safely manoeuvre alongside. It is considered that the development would not have a significant adverse impact upon the safety of other road users.
- 7.16 Traffic entering and leaving the development would have priority over vehicles exiting Penfold Close. This is considered necessary as the numbers of journeys to and from the proposed development are likely to exceed those from Penfold Close. The indicative layout demonstrates that the necessary level of visibility at this junction can be achieved.

- 7.17 The indicative layout shows that the internal roadways would be reasonably sinuous and would, in key sections, feature shared surfaces. These arrangements are considered sufficient to maintain relatively low vehicle speeds and ensure pedestrian safety.
- 7.18 The proposed development would feature a pedestrian route to the north running to Liddington Way. This would ensure that the development is well integrated with the surrounding area. In addition, a condition is recommended that would ensure that this new pedestrian link has lighting installed prior to the first occupation of the development. This would ensure that this route is safe and attractive for pedestrians to use. The condition would also require the retention of the lighting, which provides certainty that the path would continue to be lit throughout the life of the development.
- 7.19 The site is close to a number of facilities, such as the nearby recreation ground (approximately 230 metres away) and the Kingsthorpe Local Centre (approximately 700 metres away), which are accessed by a number of existing paths and pavements. It is clear that suitable safe pedestrian facilities are already in situ in order to meet the future needs of the development.
- 7.20 The number of units has been reduced, with the maximum number of dwellings being secured by condition and the mitigation measures and infrastructure improvements would be secured by conditions and the legal agreement. It is therefore considered that the development would have a neutral impact upon the free flow of traffic and on pedestrian and road safety in line with the requirements of national and local planning policies. As a consequence, the previous reason for refusal has been overcome and refusal of the application on this ground would not be reasonable.

Design and appearance

- 7.21 As this is an outline application, there are no details submitted in respect of the design of the proposed dwellings and the submitted layouts are only indicative at this stage. Nonetheless, the submitted plans demonstrate that a development of the scale proposed could be accommodated within the application site without significant detriment to the occupiers of neighbouring properties or the character and appearance of the locality, as it has been demonstrated that a suitable level of open space, private gardens and separation distances could be accommodated. It is accepted that the likely number of units would result in a relatively high density scheme; however, this would not appear incongruous given the character of the surrounding area.
- 7.22 The indicative layout includes the provision of a centrally located area of public open space, which is necessary to ensure that the future needs of occupiers of the development are satisfactorily addressed. As this is an outline application, the final position and design of this space would be considered during the reserved matters stage. In order to provide some certainty, it is recommended that the associated Section 106 Agreement includes the provision of a minimum level of space (0.8ha) and for this space to be maintained and be available for public access in perpetuity. The proposed indicative layout also includes a reasonable amount of landscaping within public areas, which is sufficient to create a strong sense of place and a distinct identity for the proposed development.
- 7.23 The applicant has responded to the observations of the Council's Urban Designer by amending the scheme to provide parameters regarding buildings heights. This would ensure that the taller buildings are located adjacent to the main entrance to

the site (from Northfield Way) and surrounding the proposed area of public open space. This approach would add suitable architectural features at key points in the development and assists in creating a strong sense of identity.

- 7.24 In addition, there would be a varied road hierarchy containing a primary route across the development with secondary roads and shared surfaces leading from this. These spaces would therefore have a much more residential character, such as landscaping and different surface treatments, which would ensure a varied and more distinctive development.
- 7.25 The development also includes a pedestrian route to Liddington Way, which would assist in creating a sustainable and inclusive form of development by promoting non-car journeys to the surrounding area.

Impact upon neighbouring properties

- 7.26 As the application is made in outline form, the position of dwellings is not fixed; however, the submitted plans indicate that the proposed number of dwellings could be accommodated on the site without resulting in a significant loss of light, outlook and privacy. In order to provide further assurances, a condition is recommended that would ensure that the resultant reserved matters applications are in conformity with the submitted building heights parameter plan. This would ensure that the highest buildings (of between 2.5 and 3 storeys in height) would be located the maximum distance from existing residential properties, with the exception of those buildings that would be directly adjacent to the site's main entrance. In this case, these buildings would provide a suitable entrance feature, whilst their position parallel to existing building and adjacent to a junction would minimise any impact upon amenity.
- 7.27 It is accepted that the carrying out of the development is likely to create some noise and disturbance during construction works. In order to counteract this, a condition is recommended requiring the submission of a Construction Environment Management Plan (CEMP) prior to the carrying out of any development. This plan would cover, but would not be limited to, matters such as the hours during which buildings works would take place, strategies for suppressing dust and noise and facilities for washing the wheels of construction vehicles.

Open space and sports facilities

- 7.28 Objections have been received from Sport England due to the loss of playing fields that would result from the development proceeding. This differs from the representations submitted in the preceding application. Given that the school has been closed since 2007 and there has been no public access to the site since then, officers are of view that these comments are submitted in a non-statutory capacity. Nonetheless, at the time of preparing the Committee report, the view of Sport England remains and must therefore be considered.
- 7.29 In considering this matter, it is noted that the site was formally a school and therefore public access would have been limited. In addition, the site was deemed surplus to requirements by the Local Education Authority following the reorganisation of school provision in the Borough. Furthermore, there are alternative facilities within the general area and therefore there is a reasonable level of access to sports facilities in the vicinity of the site. However, it is

recognised that the demand for such facilities is likely to increase as a result of there being a larger population present.

- 7.30 In considering the previous application, it was agreed that the loss of playing fields (notwithstanding their lack of use over the last eight years) could be adequately mitigated through an obligation in the Section 106 Agreement which would be used to fund improvements to the quantity and quality of existing sports facilities within the vicinity of the application. This approach has been suggested to Sport England and a response is awaited. In order to adequately address this matter, it is requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning in order to conclude these discussions with Sport England and the applicant and to either secure adequate mitigation or refer the application to the Secretary of State as appropriate.

Trees and ecology

- 7.31 The trees adjacent to the south eastern boundary (within Kingsthorpe Recreation Ground) are of importance due to their positive impact upon the character of the surrounding area. As a consequence of this, conditions are recommended that would require details to be submitted with the Reserved Matters application detailing the root protection measures to be implemented and associated method statements in order to prevent the development from having a negative impact upon these trees. These details would be sufficient to ensure that the development of the site is compatible with the requirements of the JCS.
- 7.32 The submitted ecology assessment has not indicated the presence of bats and badgers. Evidence of amphibians was extremely limited as only a single common toad was identified on site. As a consequence of this, it is considered that the redevelopment of the site would not pose any undue adverse impacts on ecology.
- 7.33 The redevelopment of the site could bring forward some ecological benefits in terms of enhancements to landscaping (such as in the use of native species) and would offer some mitigation by replacing existing planting that may be attractive to nesting birds; however, these are matters that would be addressed during the reserved matter stage. The submitted ecology assessment recommends that prior to any development commencing additional surveys into the presence of badgers (particularly as there is a tendency for these to be a transitory species) and bats are carried out in order to ensure that such species are not harmed as a result of this development coming forward.

Legal agreement

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

housing to provide a varied community in line with the requirements of national and local planning policies.

- 7.36 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards improvements to public open space, the health service and construction worker training opportunities. These matters address on going shortages of provision within the vicinity of the application site that would be further exacerbated if this development to proceed without the legal obligations.
- 7.37 Development of this type would ordinarily secure, via the Section 106 Agreement, payments towards education provision. Although the proposed composition (in terms of unit types) of the development is unknown at this stage, it is reasonable to assume that a significant proportion of the development would be in use as family accommodation. As a consequence of this, it is likely that the development would place a greater pressure on school provision within the area. Therefore and with reference to the legal tests as described previously, an obligation to secure enhancements to primary and secondary education is necessary and reasonable.
- 7.38 The County Council has also requested a payment for the provision of the fire service and library facilities. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured by this obligation. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and does not need to be replicated as part of the planning process. As a consequence, the aforementioned legal tests have not been complied with.
- 7.39 The Section 106 agreement would also secure payments towards the provision of new bus shelters within the vicinity of the site, which would assist in the promotion of more sustainable means of travel. In addition, as discussed previously, an obligation would be secured to fund improvements to the surrounding highway system. The Highway Authority has also requested funding to enable each household of the development to be provided with a temporary travel card in order to promote the use of public transport. Whilst the aims of this suggestion are laudable, it is extremely doubtful that the proposal would have lasting mitigation in terms of enabling a modal shift in travel patterns.

8. CONCLUSION

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

9. CONDITIONS

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

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015

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

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

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

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

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

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

- (5) The development hereby permitted shall be for a maximum of 195 dwellings.

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

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

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

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

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

- (8) Notwithstanding the details submitted no development shall take place until full engineering, drainage and constructional details of the highway works as outlined on drawing 5125794.TP.MT.01 have been 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 highway safety in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the provisions of such infrastructure in a timely manner.

- (9) Notwithstanding the details submitted no development shall take place until full engineering, lighting drainage and constructional details of the proposed pedestrian link to Liddington Way have been 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 highway and pedestrian safety in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the provisions of such infrastructure in a timely manner.

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

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (11) No development shall take place on each phase of the development until a desk top study in respect of possible contaminants within that phase is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion of each respective phase

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

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

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

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

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

- (14) 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, has been 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:

1. Detailed surface water calculations to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200) plus climate change.
2. Sustainable drainage system (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
3. An assessment of overland flood flows. Overland floodwater should be routed away from vulnerable areas. For acceptable depths and rates of flow, please refer to Environment Agency and Defra document FD2320/TR2 “Flood Risk Assessment Guidance for New Development Phase 2”.
4. Maintenance and adoption arrangements for every element of the surface water drainage system for the lifetime of the development.

Reason: To ensure that a satisfactory drainage system is provided in accordance with the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

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

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

- (16) 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.

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

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (19) Any subsequent reserved matters applications shall include arboricultural impact assessment that details any trees to be retained as part of the final layout; a plan identifying the location and specification of fences to be installed for the protection of the retained trees; an arboricultural method statement detailing any works to be carried out within the root protection areas of the retained trees.

Reason: In the interests of securing a good standard of development in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

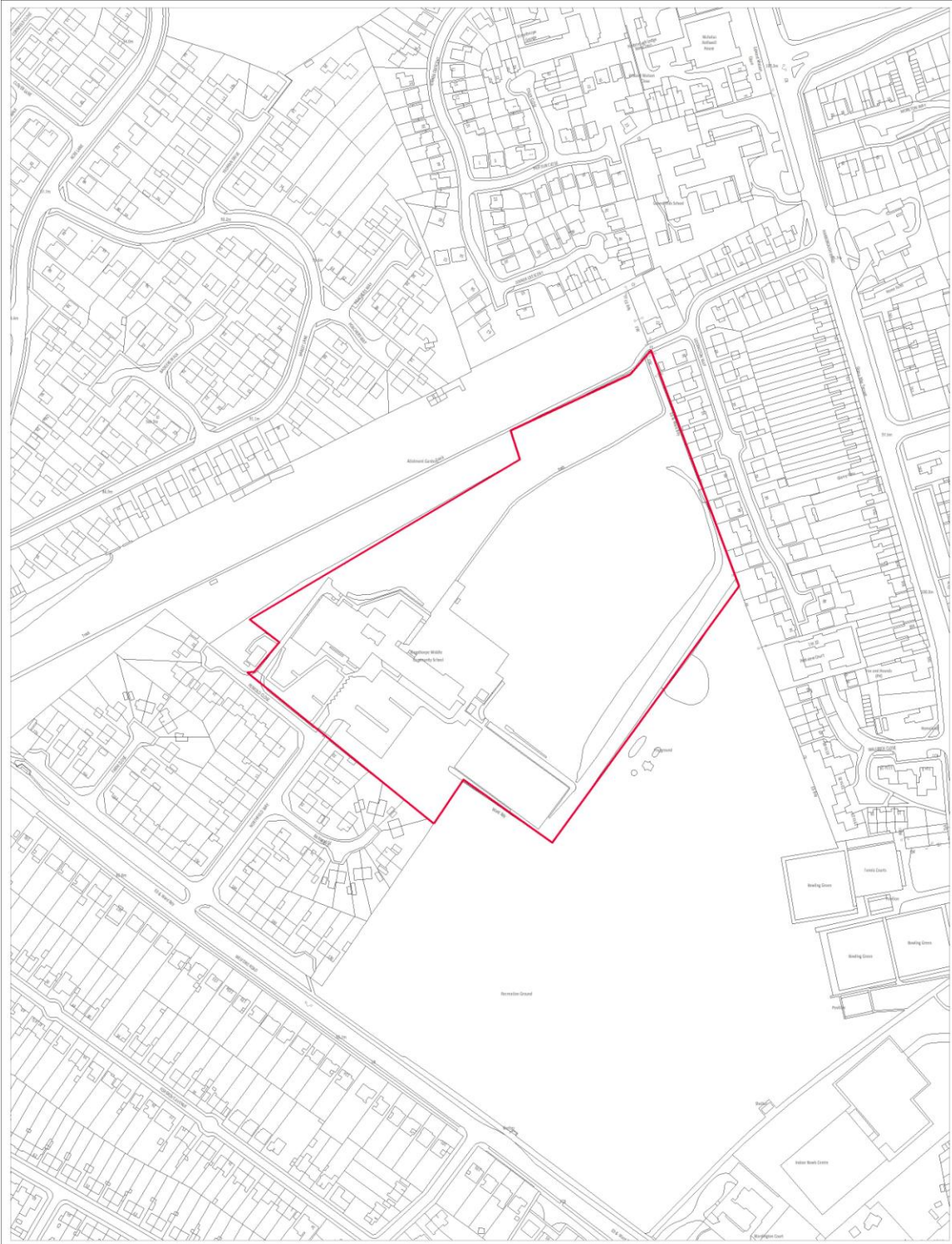
- 10.1 N/2014/0316

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: 18th August 2015
Scale: 1:3000
Dept: Planning
Project: Planning Committee

Title
former Kingsthorpe Middle School, Northfield Way

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0750: Change of use from retail to a café/restaurant including outdoor seating area and redecoration of shop front

N/2015/0749 Display illuminated fascia sign and illuminated projecting sign

N/2015/0755 Display illuminated lettering and illuminated projecting sign

All at 24 Market Square

WARD: Castle

APPLICANT: Slurp Coffee Co.
AGENT: Mr. J. Grant; @architect Ltd

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: The applicant is related to a Councillor

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

Planning Application N/2015/0750:

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

The proposed development would support the viability and vitality of Market Square and would have a neutral impact upon the character and appearance of the surrounding area and neighbour amenity. The development is therefore compliant with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policy 1 of the Central Area Action Plan.

Advertisement application N/2015/0749:

1.2 **APPROVAL** subject to Standard Advertisement Conditions.

Advertisement application N/2015/0755:

- 1.3 **APPROVAL** subject to Standard Advertisement Conditions.

2. THE PROPOSALS

- 2.1 The applicant seeks planning permission to change the use of the property from retail to a café/restaurant. As part of this development, it is proposed that an outdoor seating area be created within Market Square. The development also proposes the renovation of the building's shop front.
- 2.2 By way of clarification, the applicant has identified the proposed use as falling within Class A3 of the Use Classes Order as the majority of trade would be for the consumption of food and drinks on the premises; however, it is noted that a shop selling drinks and certain types of food for consumption off the premises would be classed as a retail use. As a consequence, there are a number of similarities between the two functions, despite falling within separate use classes in this instance.
- 2.3 The ground floor of the building would include the business's counter, food and drink preparation areas and seating (which would extend to the external seating area). This would be supplemented by additional customer seating on the first floor. Various back of house facilities would be included on the first and second floors.
- 2.4 Two separate advertisement applications have been submitted for consent to display new fascia signs and a projecting sign. One consists of the application of individual lettering directly to the fascia of the building and the second would consist of the installation of a new fascia sign. In the event that both of the applications are approved, the applicant would decide which one to implement following further investigation regarding the condition of the existing façade.

3. SITE DESCRIPTION

- 3.1 The application site consists of a substantial building located on the eastern side of the Market Square. The building is currently occupied by a retailer; however, it is understood that it will soon be vacated. The building is located adjacent to the southern entrance to the Market Square and therefore occupies a prominent position. The site also forms part of the All Saints Conservation Area.
- 3.2 The building is located within an area allocated by the Central Area Action Plan (CAAP) as being a primary retail frontage and as a consequence of this allocation, the majority of the eastern side of the Market Square is utilised for retail purposes. The same allocation also applies to the northern side of the Market Square. The southern and western sides of the Market Square are allocated as secondary retail frontages and feature a wider mix of uses and lower provision of retailing.
- 3.3 Due to the commercial nature of the surrounding area, the presence of advertisements is a defining characteristic of the area. This includes the application site.

4. PLANNING HISTORY

- 4.1 N/2012/0250 – Change of use of ground floor from shop to restaurant – Refused and dismissed on appeal.
- 4.2 The above application was refused due to it representing a loss of retail unit within an allocated primary frontage. In considering the appeal, the Inspector concluded that the proposal would represent an unacceptable loss of a retail unit for a use that could be accommodated elsewhere within the Market Square in a policy compliant location. Moreover, the Inspector noted that whilst the use of the property as a restaurant would support the vitality of the Market Square during the evenings any benefits would be outweighed by the lack of activity during the day and the lack of an active frontage.

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) (JCS) and the Central Area Action Plan (2013) (CAAP).

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 states that planning should take into account the various characters of differing areas and work to promote the vitality of urban areas.
- 5.4 Paragraph 23 is of particular relevance. This recognises the importance of town centres as the heart of a community and as a consequence, there should be a significant proportion of retailing (meeting a diverse set of demands) available. In achieving this, there should be a variety of retail units (in terms of sites) to meet this requirement. Notwithstanding this, the same paragraph recognises that there is a need to create a number of different markets within town centres in order to promote vitality.
- 5.5 Paragraph 67 states that applications for advertisements should be judged based upon their impacts on public safety and amenity.

West Northamptonshire Joint Core Strategy (2014)

- 5.6 Policy N2 sets out the requirement that the predominant function of the town centre will be retailing; however, the Central Area should also include suitable levels of leisure developments. Policy S10 states that the developments should promote a strong sense of place.

Northampton Central Area Action Plan

- 5.7 Policy 14 of the CAAP states that within the Primary Frontages the change of use from retail (Class A1) will be allowed where it will not result in a significant decline in the total length of the identified retail frontage below 80%, or, where this is already below 80% reduce further retail frontage and that two or more adjoining premises being used other than for retail. Policy 31 of the CAAP seeks to establish leisure uses within the Market Square.
- 5.8 In addition to these factors, Policy 1 requires that new developments positively contribute towards the character of an area; that streets should be lined with active buildings and frontages; that developments pay suitable regards to the Central Area's Conservation Areas; and that a mix of land uses is promoted in order increase vitality and vibrancy of an area and to increase choice for visitors.

Supplementary Planning Documents

- 5.9 Shop Front Design Guide.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 The application has been the subject of various forms of consultation including letters being sent to occupiers of neighbouring properties and site and press notices. At the time of preparing this report, no comments had been received; however, the consultation period had yet to conclude. As a consequence, any responses received will be brought to the attention of the Committee via means of the addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the development

- 7.1 The policy position of the CAAP is that the level of retailing alongside the eastern elevation should not fall below 80% and there should not be two or more non-retail uses in consecutive units. If the proposed development were to proceed the amount of retailing within the frontage would fall to 73%. In addition there would be two consecutive units in non-retail uses (comprising the applications site and the adjacent Burger King restaurant). Of further note is that the adjacent unit at 22 Market Square/1 Abington Street benefits from an extant permission to be used for a restaurant. Should this development proceed, the level of retailing would fall to 64%.
- 7.2 It is clear that the development does not comply with the objectives of Policy 14 of the CAAP. In instances such as this, it is necessary to undertake an assessment of the level of harm that would emanate from this breach and whether the breach is outweighed by the benefits of the scheme proceeding.
- 7.3 In this particular instance, it is considered that the operation of a café/restaurant would serve to improve the viability and vitality of the Market Square. In reaching this view, weight has been given to the character assessment of each frontage that has been carried out as part of the CAAP. In the case of the eastern frontage it is noted that whilst there should be a predominance of retailing, additional uses which would add variety and vibrancy to the Market Square should be sought, particularly in instances where the use would operate throughout the day and into the evening. Therefore, it is considered that as retailing would occupy the majority of this frontage and the development would offer the characteristics as identified

above, the proposal would support some of the overarching aims of the CAAP.

- 7.4 A further consideration is that the CAAP identifies the need to increase the level of restaurants and cafés within the Market Square in order to promote vitality. Whilst it is accepted that the CAAP directs these uses to the southern and western frontages, the general lack of suitably sized available units in these frontages means that alternative locations can be considered in order to support this objective.
- 7.5 In addition to these factors, it is recognised that the operation of a café within this location would support the operation of Market Square as a retailing location, as customers would link a visit to the proposed cafe with the surrounding shops and market. As such, the development would offer some benefits to enhancing the viability of the locality. In addition, the development would also support the town's evening/night economy.
- 7.6 Given that planning permission runs with the land rather than a specific business, the fact that the building would be utilised as a Starbucks café is something that can only be given limited weight. Nonetheless, it is noted that the development would result in the introduction of a popular brand into the area, which is not currently represented within the town centre.
- 7.7 A further area for consideration is that the operation of a shop predominantly selling drinks for consumption off of the premises is defined within planning legislation as being a retail use. As a consequence, this type of operation would not require planning permission within the application site. Given the inherent similarities between this and the use proposed, it is considered that there would be no significant harm arising from this proposal proceeding.
- 7.8 On balance, it is considered that the proposed development is acceptable and the benefits of the proposal do outweigh the harm arising from the breach of the CAAP policy.
- 7.9 As discussed in paragraphs 4.1 and 4.2, this building was the subject of a dismissed appeal for the operation of a restaurant (submitted by a different developer). It is considered that there are material differences between this and the appeal proposal which justify a differing approach. In particular, the proposed development would be open during the day, which would support the viability of the Market Square. In addition, the inclusion of outdoor seating area would generate activity and interest at street level, which directly addresses one of the criticisms raised by the Inspector during the appeal process. In addition, this development is of a larger scale than that previously considered and as a result the proposal could not be reasonably accommodated within any of the limited vacant units within the Market Square.

External alterations

- 7.10 The applicant proposed the renovation of the shop front, which would maintain the character and appearance of the building and the wider All Saints Conservation Area and would ensure a neutral impact upon visual amenity. In addition, the proposed works would not result in the removal of any existing feature of architectural note. The installation of a shop blind represents the introduction of a traditional feature. The fenestration arrangement of the building would not be altered and for these reasons, it is

considered that the development is in conformity with the National and Local Planning Policies, including the Council's Shop Front Design Guide.

- 7.11 In order to provide certainty regarding the potential impacts of the development, a condition is recommended that would enable the Council to approve the details of any new external materials prior to works taking place.
- 7.12 It is considered that the outdoor seating area, measuring some 7.0m x 2.35m to the front of the premises, would add activity to Market Square and have some benefit in promoting viability and vitality. In addition, the seating area has been designed to prevent obstruction to movement of pedestrians in the vicinity. In addition, the screens that would denote the boundaries of the seating area are of an appropriate design.

Impact upon neighbouring properties

- 7.13 Due to the relatively small scale and nature of the external alterations, it is considered that there would be no significant undue detrimental impact upon the amenities of surrounding properties in terms of light, outlook and privacy. Given the predominantly commercial character of the surrounding area, which includes a number of properties which are open into the late evening, it is considered that this development would not cause an undue detrimental impact on neighbour amenity as a result of noise and disturbance.
- 7.14 In order to secure a good standard of development, a condition is recommended that would require the proposed refuse storage to be fully implemented prior to the first use of the café and for this to be retained throughout the life of the development.

Advertisement applications

- 7.15 As discussed previously, the two applications for advertisement consent would not be implemented in unison. In the event that both applications are approved, the applicant will make a decision as to which one to implement at a later stage. The proposed signage – of both proposals – would have a neutral impact upon the character and visual amenity of the locality due to the use of external illumination and the signage being of an appropriate scale and style that is complementary to the proportions of the existing building.
- 7.16 On account of the positioning of the building and the scale of the signage, there would be no significant adverse impact upon public safety. For these reasons, it is considered that the signage is compliant with the requirements of the National Planning Policy Framework.

8. CONCLUSION

- 8.1 Whilst it is noted that the proposed development is not compliant with the requirements of the allocated planning policy relating to retail provision in the town, it is considered that any harm arising from this breach would be outweighed by the benefits to the town centre and specifically the Market Square's viability and vitality.

9. CONDITIONS

Conditions for Planning Application N/2015/0750:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01; PL02; SK0079 SK02; 150079 Rev. A; 15.0079; 15.0079 SK01; 15.0079 SK02; 1052691/E01 Rev. A; 1052691/E02 Rev. A; 1052691/E03 Rev. A; 152691/E04; and 1052691/E05.

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

3. Prior to the commencement of development, details 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 and retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy 1 of the Central Area Action Plan. This condition is required in order to ensure that the assessment of such materials in a timely manner.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be use as a café/restaurant only and no other use.

Reason: In order to assess the merits of alternative uses and to maintain the viability and vitality of the town centre in accordance with the requirements of the National Planning Policy Framework.

5. The refuse storage as shown on drawing 15.0079 SK02 Rev A shall be fully implemented prior to the first occupation of the development 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.

Conditions for Advertisement Consent Applications: N/2015/0749 and N/2015/0755

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to:

a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- b. obscure or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

10. BACKGROUND PAPERS

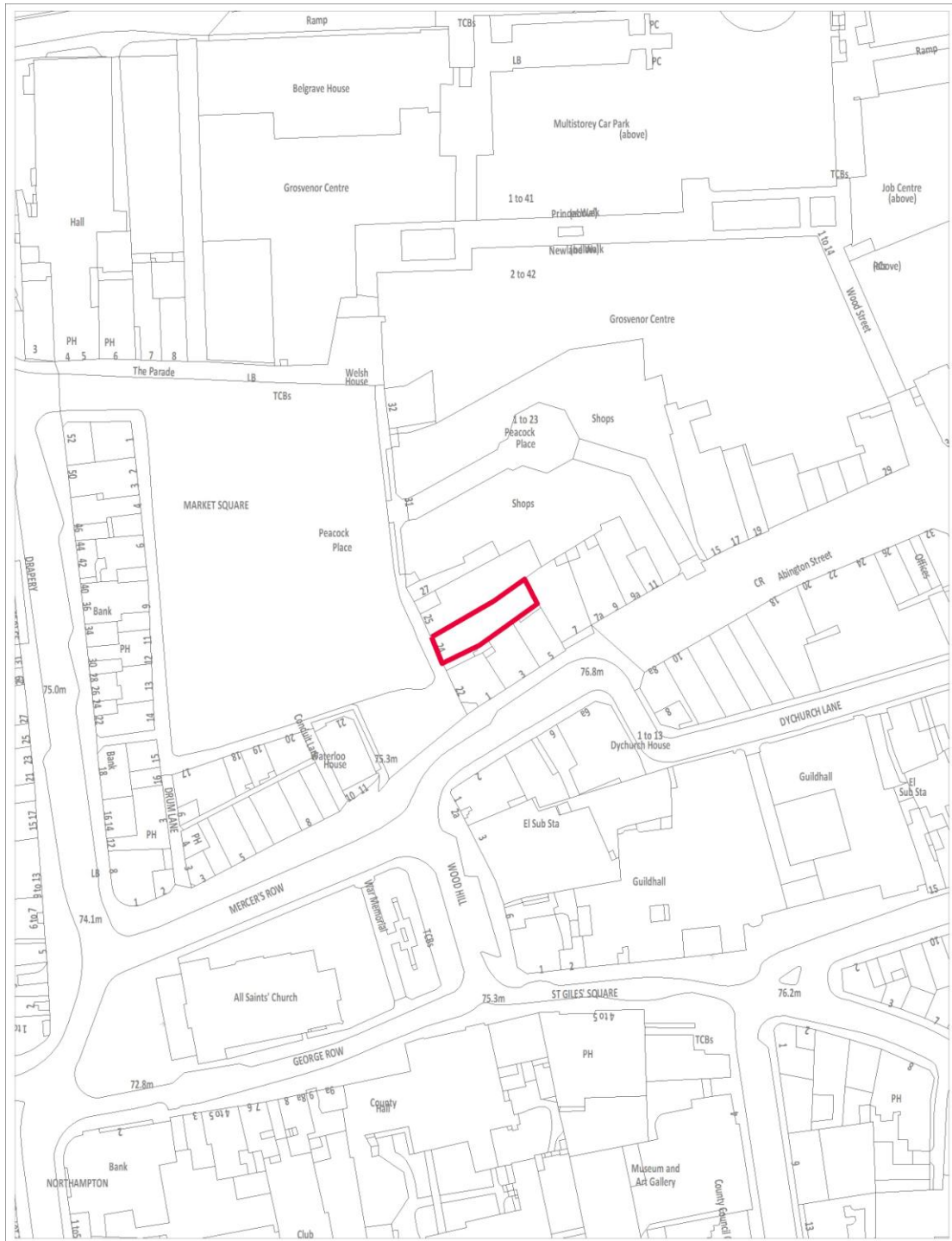
10.1 None.

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: **18th August 2015**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
24 Market Square

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0811: Erection of detached 3-bed dwelling at the rear together with parking spaces and widening of existing vehicular access (Re-submission of planning application N/2015/0275) at 279 Main Road, Duston

WARD: New Duston

APPLICANT: Mr T Hadland
AGENT: Mr T Dobrasczyk

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Applicant is a Councillor

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

The development would result in an unacceptable and inappropriate form of back land development which would have an adverse impact on the character of the area by introducing an incongruous feature at odds with the prevailing pattern of development. This would be contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policy H4 of the submitted Duston Neighbourhood Plan and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks planning permission to erect a detached 3-bed dwelling in the rear garden of 279 Main Road. The dwelling would be a single storey bungalow. Access would be via the existing driveway from Main Road which would be extended with a turning head provided. To facilitate this part of the garage serving the property will need to be demolished.

2.2 This is a resubmission of a scheme for a 1.5 storey dormer bungalow. Planning permission was refused following consideration by the Planning Committee in June 2015 for the following reasons:

1. The development would result in an unacceptable and inappropriate form of back land development which would have an adverse impact on the character of the area by introducing an incongruous feature at odds with the prevailing pattern of development. This would be contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policy H4 of the submitted Duston Neighbourhood Plan and the National Planning Policy Framework.

2. The dwelling proposed would result in an unacceptable level of overlooking of the garden of 5 Larch Close resulting in a loss of privacy to the detriment of the residential amenity of the occupiers of this property. This would be contrary to Policy H1 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan, Policy H4 of the submitted Duston Neighbourhood Plan and the National Planning Policy Framework.

2.3 The overall height of the bungalow has been reduced by approximately 0.8metres.

3. SITE DESCRIPTION

3.1 The site forms part of the rear garden to 279 Main Road, a large detached dwelling with a substantial garden area. Much of the end of the garden where the dwelling is proposed is overgrown.

3.2 The site is within a residential area and is bordered on three sides by residential properties.

4. PLANNING HISTORY

4.1 Planning permission N/2006/0812 granted for detached dwelling to side of 279 Main Road in 2006. The development was implemented.

4.2 Planning permission N/2015/0275 refused for the erection of a detached 3-bed dwelling at the rear together with parking spaces and widening of existing vehicular access in June 2015.

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 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:

Part 6 requires the delivery of a wide choice of quality homes and the provision by a Local Planning Authority of a five year housing land supply.

Part 7 requires good design.

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 S10 - Sustainable Development Principles
Policy H1 - Housing Density, Mix and Type of Dwellings

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:

E20 New development

5.5 **Supplementary Planning Documents**

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

5.6 **Other Material Considerations**

Duston Neighbourhood Plan (Submission)

Duston Parish Council has submitted a Neighbourhood Plan for examination and this has been found to be sound. A referendum will now be held in November. Consequently weight can be given to the policies of this submission document subject to the extent to which there are unresolved objections and the degree of consistency with the policies in the NPPF.

The following policies are relevant to the determination of this proposal:

H4 supports the principle of small scale development on large gardens subject to adequate amenity, direct frontage access, conservation area requirements being met and provision of natural landscaping.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC Highways** have commented that the development should adhere to the Local Highway Authority Standing Advice.

6.2 Six letters of objection have been received from the residents of **277A and 279 Main Road, 5, 7 and 11 Larch Lane and 98 Park Lane** making reference to the previous reasons for refusal and highlighting the similarities with the previous scheme in terms of footprint and access. It is claimed that there will be an

adverse impact on amenity due to the location of the driveway close to the boundary with residential properties and visual impact, overlooking and overshadowing. Concerns are expressed regarding the potential for the roof space of the bungalow now proposed to be used for living accommodation in the future. The loss of existing trees on the site is also raised as well as concerns regarding the impact on the character of the area in terms of the height of the bungalow and the backland nature of the development. In addition possible security implications are also highlighted.

- 6.3 **Duston Parish Council** comment that the revised plans appear to have addressed neighbour concerns and there are no objections in relation to Policy H4 of the Neighbourhood Plan.

7. APPRAISAL

- 7.1 The main issues to consider are the principle of development, the design of the dwelling and its impact on the character and appearance of the area, the impact on the amenity of neighbouring residents and road safety. The previous decision on application N/2015/0275 to refuse planning permission must also be considered. This was on two grounds - the backland nature of the development and the impact of this on the character of the surrounding area and overlooking from the first floor windows.

Principle

- 7.2 The development would clearly constitute backland development being sited in the rear garden of 279 Main Road and with no direct frontage access to Main Road. Main Road is broadly characterised by a linear pattern of development, although immediately to the north of the site is a cul-de-sac, Larch Lane.
- 7.3 It is considered that this form of backland development in this location would not accord with the prevailing pattern of development detrimental to the character of the area and would, in principle, be contrary to the relevant planning policies and the emerging policies of the Duston Neighbourhood Plan.
- 7.4 The applicant's agent has submitted a Design and Access Statement which makes reference to other developments in the wider area and which would therefore create a precedent for the proposed scheme. Each application must be considered on its own merits and against the planning policies relevant at the time. In this instance it is considered that the backland form of development is contrary to the current policies and would be detrimental to the wider area.

Design/Appearance

- 7.5 The actual design of the dwelling is considered to be acceptable being of a fairly conventional form. There is a mix of dwelling types in the vicinity and as such the proposed development would not seem out of character.
- 7.6 However due to the backland nature of the proposal identified previously, and this not fitting in with the prevailing pattern of development, it is considered that the dwelling would have a detrimental impact on the character of the area by introducing an alien and somewhat incongruous backland form. This would outweigh the contribution which the development would make towards the Borough's five year housing supply.

Amenity

- 7.7 Previously the proposed development consisted of a 1.5 storey dormer bungalow which had two windows in the roof of the north elevation. These were considered to create an unacceptable overlooking relationship with the property to the north, 5 Larch Lane. These windows have now been removed from the scheme and no first floor accommodation is proposed. Consequently it is considered that the overlooking issue has been overcome.
- 7.8 The separation distances between the proposed dwelling and existing properties is not considered to result in unacceptable overshadowing or loss of light.

Road Safety

- 7.9 With regard to the issue of road safety the Highway Authority have not raised any objection. It is not considered that the proposed development would adversely impact on highway safety.

8. CONCLUSION

- 8.1 It is considered that the development now proposed has overcome the previous reason for refusal regarding the overlooking of neighbouring property. However it is still considered that the development represents an unacceptable and inappropriate form of backland development which would have an adverse impact on the character of the area by introducing an incongruous feature at odds with the prevailing pattern of development and that consequently the other reason for refusal of planning application N/2015/0275 remains pertinent.

9. BACKGROUND PAPERS

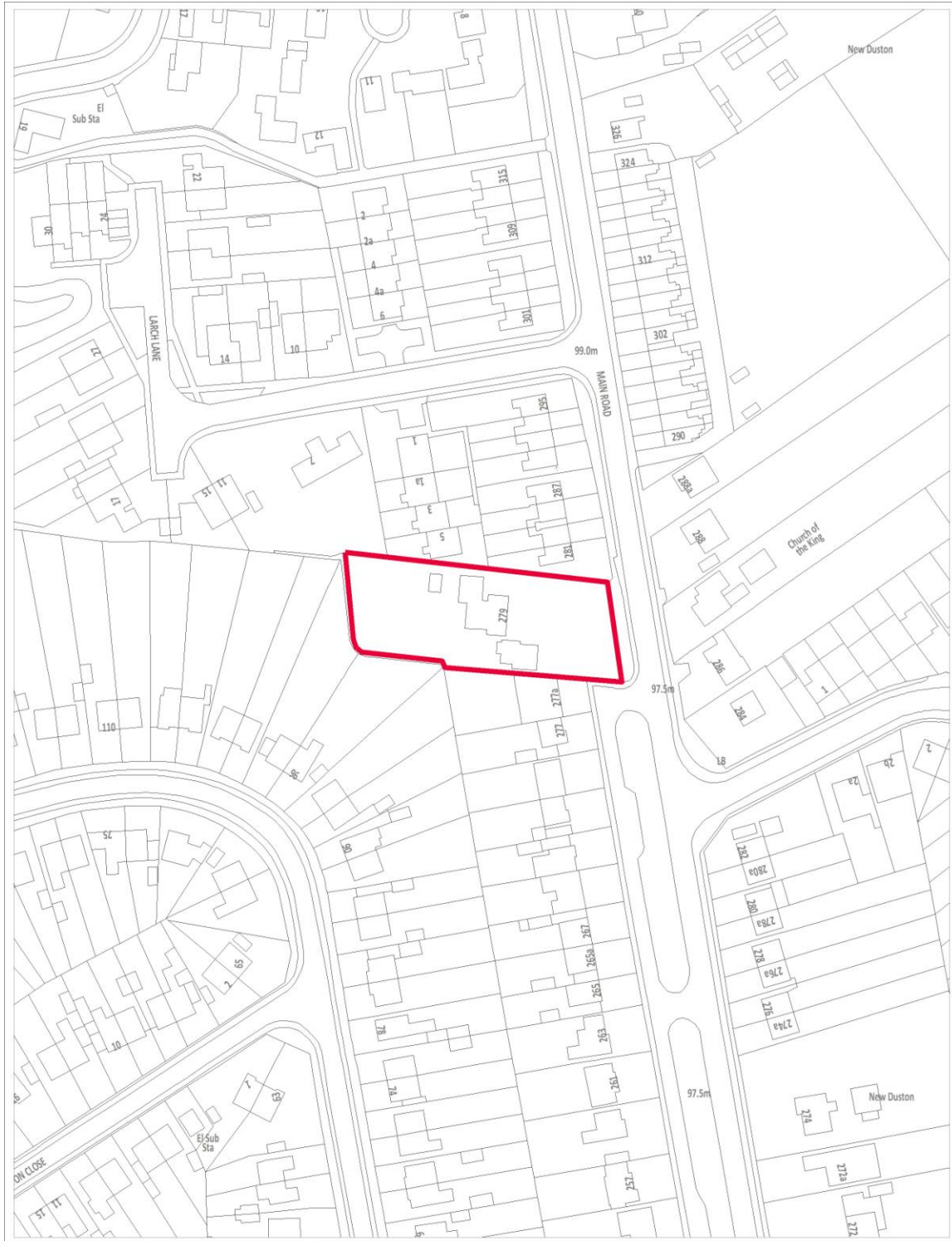
- 9.1 N/2015/0811

10. LEGAL IMPLICATIONS

- 10.1 None

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: Site Location Plan
 Date: 18th August 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
279 Main Road, Duston

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0816: Erection of front porch at 14 Woodland Avenue

WARD: Phippsville

APPLICANT: Mr. E. McTaggart
AGENT: Mr. I. Flaxman

REFERRED BY: Steven Boyes
REASON: Previous application was determined by Planning Committee

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development will have no significant undue impact upon the character of the original building, street scene and residential amenity, and is therefore considered acceptable and in accordance with Policies E20 and H18 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a front porch.

3. SITE DESCRIPTION

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

4. PLANNING HISTORY

4.1 N/2013/1054 – single storey front and two storey rear extensions – withdrawn.

N/2014/0311 – single storey rear and two storey front extensions with new first floor side window – approved in May 2014.

N/2014/1264 – single storey rear extension, two storey front extension, new first floor window in side elevation, alterations to first floor rear windows and front porch (part retrospective) – refused in December 2014.

N/2015/0555 – single storey extension to rear, two storey front extension, new first floor window in side elevation, alterations to first floor rear windows and front porch (part retrospective) – refused in June 2015.

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 saved policies of 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 paragraph is of particular relevance to the application:

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

5.3 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. The Policy of particular relevance is:

Policy S10 – Sustainable Development Principles – development will achieve the highest standards of sustainable design and protect, conserve and enhance the natural and built environment.

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

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

5.6 **Supplementary Planning Documents**

Residential Extensions and Alterations Design Guide SPD

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 Surrounding neighbours and Ward Councillor were notified of the application. At the time of writing this report, no representations have been received.

7. **APPRAISAL**

Background

- 7.1 Planning application N/2013/1054 for a single storey front and two storey rear extensions to the property was submitted in October 2013. The application was subsequently withdrawn by the applicant as Officers considered that the proposal was unacceptable due to the potential impact on neighbouring properties.
- 7.2 A second planning application N/2014/0311 for the two storey front and single storey rear extension was submitted in March 2014. The nearby residents were consulted and a significant number of objection letters received. Following consideration of the submitted proposal against Development Plan Policy, notwithstanding the objections received, the proposal was considered acceptable and the application was determined and approved under delegated powers by Officers, in accordance with the Council's Constitution.
- 7.3 Following the planning approval, the applicant commenced construction work. Unfortunately the development carried out was not fully in accordance with the approved plans, and the applicant submitted application N/2014/1264 to regularise the situation. This application was refused by the Planning Committee in December 2014, against Officer's recommendation. The reason of refusal states:
- "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".
- 7.4 The applicant subsequently appealed against the refusal. However, the appeal was not accepted by the Planning Inspectorate as it was received outside the statutory 12 week time frame.
- 7.5 A further application (N/2015/0555) was then submitted which, although substantially the same as the previously refused scheme, included changes to

the design of the front porch. This application was also refused by the Committee for the same reasons.

- 7.6 The current application seeks permission for a front porch only, which would be adjoined to the front extension that was previously approved under N/2014/0311.

Design and Layout

- 7.7 The proposed front porch has a single-pitch roof and will project 1m beyond the garage frontage, but not beyond the existing bay-window frontage. In design terms this is considered acceptable, as it will not significantly detract from the character and appearance of the host dwelling or the street scene. A central front door with windows either side is proposed.

Residential Amenity

- 7.8 Due to the small scale and siting, it is considered that the proposed front porch will not unduly affect the residential amenity of neighbouring properties by way of overshadowing, overbearing or overlooking.

8. CONCLUSION

- 8.1 It is considered that the proposed development would be in keeping with the character of the building and the street scene, and will not affect residential amenity.
- 8.2 Accordingly, this application is considered to be in line with Development Plan policies and recommended for approval.

9. CONDITIONS

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

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

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

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

10. BACKGROUND PAPERS

- 10.1 Application files N/2014/0311, N/2014/1264, N/2015/0555.

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: 18th August 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
14 Woodland Avenue

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PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0864: Outline application for up to 41 dwellings, estate road, open space and associated works on land at Welford Road, Boughton

WARD: Fringe application

APPLICANT: Mrs E Alker et al
AGENT: Wilbraham Associates

REFERRED BY: Director of Regeneration Enterprise & Planning
REASON: Major Fringe Application

DEPARTURE: N/A

CONSULTATION BY DAVENTRY DISTRICT COUNCIL:

1. RECOMMENDATION

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

- Development of the site shall be viewed as related to the growth of Northampton.
- Ensuring that the development does not prejudice the delivery of the Northampton North West Bypass.
- Ensuring that the recreational function and value of the Brampton Valley Way linear park is maintained with particular attention being applied to the treatment and landscaping of the western boundary of the application site and the precise position of the estate road within the site.
- Ensuring that direct pedestrian links are provided across the site to Brampton Valley Way in the interests of serving the future recreational needs of the North of Whitehills SUE.
- Ensuring that the amenities of future residential occupiers at the site would be safeguarded, particularly in respect to the satisfactory mitigation of traffic noise from Welford Road.
- No objections being received from the Local Highway Authority in respect to the impact of the scheme upon the local road network.
- No objections being received from the Environment Agency or Lead Local Flood Authority in respect to the impact of the scheme upon flood risk and the proposed drainage provisions at the site.

- In light of the development being directly related to the growth of Northampton, the appropriate Officers of this Authority should be involved in the negotiation of any Section 106 agreement in relation to such matters as affordable housing provision, infrastructure delivery and site-specific mitigation. Northampton Borough Council should be a financial beneficiary of any such agreement.

2. THE PROPOSAL

- 2.1 Outline planning permission has been applied for to Daventry District Council (DDC) for the erection of up to 41no. dwellings, including the construction of an estate road, open space and associated works.
- 2.2 Although the application is in outline form, with the layout, scale, appearance and landscaping of the site matters reserved for subsequent approval, an indicative scheme layout has been provided to show how development could potentially be accommodated upon the site. The dwellings are proposed to be two storeys in height and designed to reflect the appearance of development nearby. The majority of existing vegetation on the site would be retained with additional planting provided to the front and rear garden areas of the proposed houses.
- 2.3 The application is the re-submission of a scheme which was refused planning permission by DDC in January 2015 and to which no objections were raised by Northampton Borough Council in September 2014. An appeal against this refusal of planning permission is currently under consideration.

3. SITE DESCRIPTION

- 3.1 The site is rectangular in shape and measures 1.59 ha in area. It is wholly located within the Daventry District, although the southern boundary immediately abuts the northern boundary of Northampton Borough. The site is bound to its east by Welford Road, where the access to the site would be drawn from, and to its west by the Brampton Valley Way (a public footpath / cycleway).
- 3.2 The site located to the east of Welford Road (i.e. opposite the site) is part of the North of Whitehills Sustainable Urban Extension to Northampton.
- 3.3 The site is currently agricultural and used for grazing – stables are located at the northern end of the site. The topography of the site slopes down from the eastern side of the site (Welford Road) to the western side of the site. The Brampton Valley Way stands at a slightly higher level than the lowest part of the site.

4. PLANNING HISTORY

- 4.1 N/2014/0786. No objections raised to outline application for up to 41 dwellings, estate road, open space and associated works. September 2014. DDC subsequently refused planning permission.

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 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 14 identifies the development plan as the starting point for decision making and enables development proposals that accord with an up-to date Local Plan to be approved without delay.

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

5.3 **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 SA “Presumption in favour of Sustainable Development” requires local planning authorities to take a positive approach to determining development proposals.

Policy S1 “The Distribution of Development” requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton.

Policy S4 makes provisions for 28,470 net additional dwellings within the NRDA and that Northampton’s housing needs will be met primarily within Northampton’s existing urban area and at the Sustainable Urban Extensions within the NRDA, whilst additional development would be supported if it meets the vision and objectives of the JCS.

Policy BN1 highlights that green infrastructure corridors will be recognised for their important contribution to a sense of place, and contains criteria to ensure the enhancement of existing provision.

Policy BN5 provides guidance for enhancing heritage assets, and development in areas of landscape sensitivity.

Policy BN8 “The River Nene Strategic Corridor”, proposals for new development should demonstrate an understanding of the importance of the River Nene for biodiversity within and beyond the plan area.

5.4 **Daventry Local Plan (Saved Policies)**

The site is located within an area identified as a “green wedge” by saved policy EN10. Saved policy HS24 identifies the site as located outside a settlement and within ‘open countryside’. In respect of the site’s function as a green wedge and its location within open countryside, the policy context is one of seeking to provide a buffer around Northampton to prevent the coalescence of settlements, whilst maintaining landscape features and public access to the countryside.

5.5 **Supplementary Planning Documents**

Planning Obligations SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 N/A

7. **APPRAISAL**

Planning Policy

7.1 Policy S4 of the JCS states that:

“NORTHAMPTON’S NEEDS, BOTH HOUSING AND EMPLOYMENT, WILL BE MET PRIMARILY WITHIN NORTHAMPTON’S EXISTING URBAN AREA AND AT THE SUSTAINABLE URBAN EXTENSIONS WITHIN THE NORTHAMPTON RELATED DEVELOPMENT AREA BOUNDARY...”

However, the policy continues by explaining that:

“ADDITIONAL DEVELOPMENT TO MEET NORTHAMPTON’S NEEDS WILL BE SUPPORTED ONLY IF IT MEETS THE VISION, OBJECTIVES AND POLICIES OF THIS PLAN”.

7.2 The overall vision and objectives of the JCS are to focus new development around the key towns of West Northamptonshire, with Northampton itself identified as a principle urban area for future growth.

7.3 The JCS provides a clear presumption in favour of sustainable development, in line with the policy objectives of the NPPF. It is further recognised that through policy S1 that;

DEVELOPMENT WILL BE CONCENTRATED PRIMARILY IN AND ADJOINING THE PRINCIPAL URBAN AREA OF NORTHAMPTON

7.4 Whilst it is recognised that the site lies adjacent to the Northampton Related Development Area (Policy S4) it is not considered to be in conflict with the requirements of that policy in that the site is located in a sustainable location with clearly defined boundaries, adjoining a Sustainable Urban Extension (SUE) to the north/east and contiguous with existing urban area of Northampton to the south.

7.5 Further, it is recognised (para 5.27 of the JCS) that Northampton is unable to physically accommodate its own housing needs, and that there is a clear need for the Council and its neighbouring authorities to work together to ensure Northampton’s housing needs can be planned in a sustainable way.

- 7.6 Although situated in Daventry District the development forms part of Northampton both in form and function. The proposal has clear affinity with the Northampton principal urban area (which would be further consolidated through the development of the SUE and substantially change the current rural context). It would also assist in helping to meet the identified housing need for the area, (NRDA) which currently does not have an identified 5 year supply.

Landscape

- 7.7 The policy context also highlights the important landscape in the locality, namely the river valley. This landscape is particularly important to the setting and amenity of the Brampton Valley Way linear park. Views to the east of the Brampton Valley Way are however constrained by changes in topography, tree belts, and existing built development along both sides of Welford Road.
- 7.8 Views to the west, across the river valley, are broad and open. Located to the east of Brampton Valley Way, the proposed development is therefore not expected to result in adverse impacts on the setting of the Brampton Valley Way. However, the relationship between the site and the Brampton Valley Way is an important factor. The proposal should be carefully scrutinised to ensure the site's design and layout is sensitive to, and does not prejudice the function of the Brampton Valley Way as an important recreation facility, as set out through policies BN1, BN5 and BN8 of the JCS.

North West Bypass

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

Access

- 7.11 It is noted that the indicative proposals incorporate the retention and upgrade of an existing footpath link that runs through the site (on a north-west / south-east axis) from Welford Road. It is considered that it would be desirable to provide further punctuations of the site in the interests of encouraging accessibility to the Brampton Valley Way. This is particularly pertinent in the context of Buckton Fields (North of Whitehills SUE) and the provision of a direct link(s) to Brampton Valley Way for future residents. The existing link, when considered alongside the proposed Masterplan for Buckton Fields, would provide a convoluted route rather than a direct link across the northern part of the application site.

- 7.12 In respect to the new estate road access into the site, the detailed alignment of this road should also be carefully considered to ensure that it does not adversely impact upon the character of the Brampton Valley Way due to its close proximity to the western boundary of the site. It should be ensured that an appropriate separation distance / buffer can be achievable to soften the estate roads visual impact.

Environmental Matters

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

Planning Obligations

- 7.15 It is recognised that there are likely to be planning obligations required to mitigate the overall impact on the development, in particular infrastructure requirements such as health facilities, local schools, improving public transport provision, sports/recreational provision and affordable housing provision. If the development was to be granted permission, this Council would be likely to request Daventry District Council to negotiate S.106 obligations primarily related to the impact on local infrastructure within Northampton and provide for affordable housing numbers and types associated with Northampton's needs.

8. CONCLUSION

- 8.1 Overall it is considered that when reading the relevant policies of the JCS as a whole and considering the presumption in favour of sustainable development identified in the NPPF that the principle of the development should be supported subject to the following issues being addressed by DDC:

- Development of the site shall be viewed as related to the growth of Northampton.
- Ensuring that the development does not prejudice the delivery of the Northampton North West Bypass.
- Ensuring that the recreational function and value of the Brampton Valley Way linear park is maintained with particular attention being applied to the treatment and landscaping of the western boundary of the application site and the precise position of the estate road within the site.
- Ensuring that direct pedestrian links are provided across the site to Brampton Valley Way in the interests of serving the future recreational needs of the North of Whitehills SUE.
- Ensuring that the amenities of future residential occupiers at the site would be safeguarded, particularly in respect to the satisfactory mitigation of traffic noise from Welford Road.

- No objections being received from the Local Highway Authority in respect to the impact of the scheme upon the local road network.
- No objections being received from the Environment Agency or Lead Local Flood Authority in respect to the impact of the scheme upon flood risk and the proposed drainage provisions at the site.
- In light of the development being directly related to the growth of Northampton, the appropriate Officers of this Authority should be involved in the negotiation of any Section 106 agreement in relation to such matters as affordable housing provision, infrastructure delivery and site-specific mitigation. Northampton Borough Council should be a financial beneficiary of any such agreement.

9. BACKGROUND PAPERS

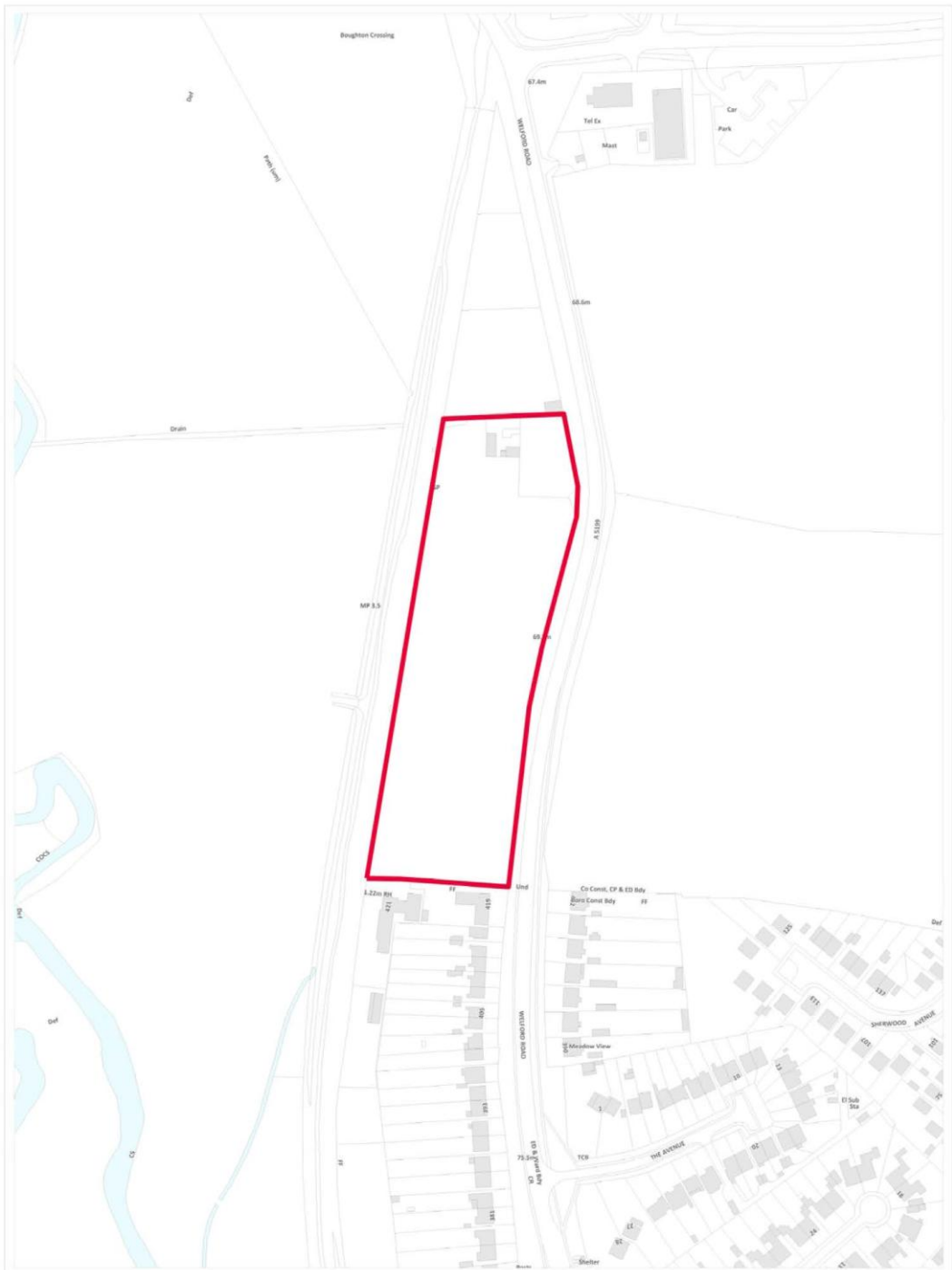
- 9.1 N/2015/0864

10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

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



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Date: 21st August 2015 Scale: 1:2500 @ A4 Dept: Planning Project:</p>	<p>Title Land at top end of Welford Road</p> <p><small>Produced from the 2010 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</small></p>
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