



NORTHAMPTON
BOROUGH COUNCIL

PLANNING AGENDA

Tuesday, 27 October 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 Tuesday, 27 October 2015
at 6:00 pm.

D Kennedy
Chief Executive

AGENDA

1. APOLOGIES

2. MINUTES

(Copy herewith)

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

(Copy herewith)

7. OTHER REPORTS

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

(Copy herewith)

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

(A) N/2015/0987 - NEW COMMUNITY CENTRE INCORPORATING CHANGING ROOM FACILITIES AND NURSERY SCHOOL. NEW ACCESS ROAD WITH PARKING FACILITIES. RELOCATION OF PLAY AREA. LAND OFF ST CRISPIN DRIVE

(Copy herewith)

(B) N/2015/1172 - ERECTION OF TWO NON-ILLUMINATED FREE STANDING SIGNS. FORMER GREYFRIARS BUS STATION SITE, LADYS LANE

(Copy herewith)

10. ITEMS FOR DETERMINATION

(Addendum attached)

- (A) N/2015/0421 - SINGLE STOREY EXTENSION TO CAFÉ. PARK CAFÉ, ABINGTON PARK, WELLINGBOROUGH ROAD**

(Copy herewith)

- (B) N/2015/0756 - CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 5 RESIDENTS. 45 ALLEN ROAD**

(Copy herewith)

- (C) N/2015/0757 - CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 RESIDENTS. 35 ALLEN ROAD**

(Copy herewith)

- (D) N/2015/0780 - ERECTION OF CINEMA AND CREATION OF EXTERNAL TERRACE. LAND AT THE CORNER OF ALBION PLACE AND DERNGATE**

(Copy herewith)

- (E) N/2015/0791 - NEW CONSERVATORY/GARDEN ROOM TO FRONT OF CAFÉ. DROVERS RETURN CAFÉ, HUNSBURY HILL COUNTRY PARK, HUNSBURY HILL ROAD**

(Copy herewith)

- (F) N/2015/0933 - TWO-STOREY REAR EXTENSION AND CHANGE OF USE TO TWO SELF-CONTAINED FLATS. RETROSPECTIVE APPLICATION. 58 GRAY STREET**

(Copy herewith)

- (G) N/2015/0991 - CHANGE OF USE FROM DWELLING (USE CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 3 RESIDENTS (RETROSPECTIVE). 72 SALISBURY STREET**

(Copy herewith)

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

SUPPLEMENTARY AGENDA

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

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Wednesday, 2 September 2015

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

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) Ben Clarke (Senior Planning Officer) and Jason Field (Solicitor).

1. APOLOGIES

Apologies for absence were received from Councillor Lynch.

2. MINUTES

The minutes of the meeting held on the 28th July 2015 and the reconvened meeting on the 4th August 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/2015/0624

Mrs Neelam Aggarwal-Singh DL

N/2015/0647

Mr Arthur Newbury
Mr John Pentland
Mr Thomas Bode

N/2015/0750 & N/2015/0749 & N/2015/0755

Mr Ifty Choudary

N/2015/0811

Ms Elaine Jones
Mrs Janice Tapp
Mr Tim Hadland
Mr Tad Dobraszczyk

N/2015/0864

Mr Bob Smart

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Golby declared a personal non pecuniary interest in Item 10e – N/2015/0647, as a County Council Cabinet Member for Learning, Skills and Education.

Councillor Aziz declared a personal non pecuniary interest in Item 10e – N/2015/0647 as the Ward Councillor.

Councillor McCutcheon declared a personal non pecuniary interest in Item 10d – N/2015/0624 as a County Councillor for the Headlands Ward.

Councillor Larratt declared a personal non pecuniary interest in Item 10e – as a County Councillor but not related to Education .

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

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the Planning Inspectorate had agreed with the Council's decision with regards to application N/2014/0772 and the appeal had been dismissed.

RESOLVED: That the report be noted.

7. OTHER REPORTS

(A) LOCAL VALIDATION REQUIREMENTS

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was explained that the revised draft Local Validation List needed to be reviewed every 2 years and since it was adopted in September 2013, it was necessary for a review to be carried out in accordance with Planning Legislation. In response to questions asked, it was explained that travel plan was very detailed and would normally require developers to monitor modal movement.

RESOLVED:

That the revised draft Local Validation List be **APPROVED**.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None

10. ITEMS FOR DETERMINATION

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

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration and elaborated thereon. It was explained that the development was for the erection of 18 one bed units and 26 two beds apartments (not 25 as in the report). It was noted that if the scheme be approved there would be no affordable housing provided on site as it had been demonstrated that this would render the scheme unviable.

In response to a question, it was confirmed that an obligation to fund improvements to Victoria Park could be justified; however, this would need to be the subject of further viability assessments. Accordingly, it was recommended that delegated authority be given to the Director of Regeneration, Enterprise and Planning to continue discussions with the applicant in order to ascertain whether such a contribution is possible.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.1 and 1.2 of the report. In addition, Delegated authority be given to the Director of Regeneration, Enterprise and Planning to continue discussions with the applicant in order to ascertain whether a contribution towards improvement to Victoria Park is possible.

(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

The Senior Planning Officer submitted a report submitted by the Director of Regeneration, Enterprise and Planning. Member's attention was drawn to the additional information that was provided in the addendum. The recommendation was for the approval in principle of the application with amended recommendation as contained in the addendum.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and prior finalisation of a S106 agreement to secure the previously agreed appropriate financial contribution towards improvements of the pedestrian environment in the form of enhanced paving to Horsemarket.

Delegated authority be given to the Director of Regeneration, Enterprise and Planning to resolve any additional issues raise in comments received not dealt with in

the report and issue planning permission after the consultation period has expired, following the completion of the S106 agreement.

(C) N/2015/0611 - CHANGE OF USE OF LAND FOR ERECTION OF DECKING IN ASSOCIATION WITH BAR/RESTAURANT (RETROSPECTIVE APPLICATION MIDSUMMER MEADOW, BEDFORD ROAD

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

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to conditions and reasons set out in the report.

(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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was explained that the report was for recommendation for approval subject to conditions set out in the report.

Mrs Neelam Aggarwal Singh (DL) addressed the Committee as the Chair of the Indian Hindu Welfare Organisation and spoke in favour of the application. She stated that the temporary portacabins would be beneficial as it would allow a number of activities to be established, which had been put on hold due to the lack of facilities.

The Committee discussed the report.

RESOLVED:

That **APPROVAL** be granted subject to the conditions and reasons set out in the report.

(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

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. The Members were asked also to refer to further information contained within the addendum. Members were also informed that comments had been received from the Lead Local Flood Authority and that a further condition related to the maintenance of the drainage system was recommended. The heads of terms that would be secured following the Section 106 Legal Agreement was listed.

Mr Arthur Newbury addressed the Committee as a Kingsthorpe resident and spoke against the application. He cited overdevelopment as a reason for his objection and impact on traffic and insufficient infrastructure. In response to questions asked, Mr Newbury stated that he had no issue with development on the land, but the impact on the current infrastructure would be untenable.

Mr John Pentland as a representative of Kingsthorpe Middle School Residents Association spoke against the application stating that minor adjustments to the number of dwellings would not satisfy the needs of local residents. He estimated that there would be an extra 400 road movement per day as a consequence.

Mr Thomas Bode (agent) spoke in favour of the application. He stated that it was a re-submission of a previous application. He confirmed that the site has not been used 2007 and was surplus to educational needs. He commented that there would be no residual problem with traffic as the site would allow residents to use a vast array of transport services such as cycle –paths.

In response to questions asked, the Senior Planning officer explained that the section 106 money would deliver wide ranging services including roundabouts and traffic lights which had been assessed by the Highways Authority. It was noted that a Section 106, could only secure money to mitigate the impacts of the development and therefore funds could not be secured for general community spending. Nonetheless, a financial contribution would be secured in order to fund improvements to the surrounding open space and sports facilities

In response to questions, the Chair confirmed that the Local Highway Authority should be contacted to seek possibility that Highway Officers to attend Planning Committee meetings in the future.

The Committee discussed the report.

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 1.1 to 1.4 of the report and subject to consultation with the adjacent allotment association. Delegated authority was given to the Director of Regeneration, Enterprise and Planning to resolve any issues arising from this additional consultation.

(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

The Senior Planning Officer elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. Members' attention was drawn to the information provided within the addendum. It was explained that whilst there was one

agenda item, three applications had been submitted, which needed to be considered together; however, three separate decisions would need to be made.

Mr Ifty Choudary, spoke in favour of the application and remarked that the application would improve the area and bring much needed employment, with the creation of 25 to 30 jobs.

The Committee discussed the report.

RESOLVED:

That application N/2015/0750 be **APPROVED** subject to the conditions and reasons set out in the report.

That application N/2015/0749 be **APPROVED** subject to Standard Advertisement Conditions.

That application N/2015/0755 be **APPROVED** subject to Standard Advertisement Conditions.

(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

The Development Management Team Leader submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was noted that the officer's recommendation was for the refusal of the application. The Development Management Team Leader also pointed out that there was an error in the report paragraph 6.2 in that an objection was submitted by 96 Park Lane and not 279 Main Road.

Mrs Elaine Jones spoke in favour of the officer recommendations and stated that she was concerned about its proximity to other dwellings and the invasion of privacy.

Mrs Tapp spoke in favour of the officer recommendations for refusal and commented that the application was not in keeping with the surrounding area and questioned whether the dwelling could end up with a loft conversion.

Mr Hadland, the applicant, spoke in favour of the application and explained that it was on an area of his garden currently overgrown with vegetation. He explained that he intended to live in his current property for as long as possible and that the property was being built to let. In response to questions asked, Mr Hadland explained that there were other back land developments in the area and along Main Road; there were four houses that had been permitted to build in the gardens, some being two and a half floors high.

Mr Dobraszczyk, as the architect, spoke on behalf of the applicant. He stated that there was no prohibition of back land development and explained that the bungalow would be sustainable and would not have an impact on the local amenities. When asked why they had not appealed the previous refusal for the dormer bungalow, Mr

Dobraszczyk explained that it was unnecessary as they had addressed the issue that had been raised.

The Committee discussed the application.

The Interim Head of Planning advised that the Committee would need to be clear about the reasons for approval, if they were minded to grant planning permission. Given the decision to refuse permission earlier in the year, the Committee would need to specify what is now different and why a previous reason for refusal is no longer considered to be relevant. The Committee might, for example, consider that, with the removal of the dormer windows, one of the previous reasons for refusal had been overcome and that, on balance, any remaining harm from “backland” development would be outweighed by the benefit of securing an additional residential property.

RESOLVED:

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

With the removal of the dormer windows previously refused the development would have a satisfactory relationship with neighbouring properties in terms of amenity and the harm caused by the backland nature of the development would be outweighed by the benefit of the creation of a dwelling and its contribution to the Borough's five year housing land supply

In addition, delegated authority being granted to the Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee to formulate appropriate planning conditions with the planning permission.

(H) N/2015/0816 - ERECTION OF FRONT PORCH. 14 WOODLAND AVENUE

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Members noted that the application was for approval.

The Committee discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons set out in the report.

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)

The Development Management Team Leader outlined the report of the Director Regeneration, Enterprise and Planning, as set out in the agenda. He advised the Committee that the determination of the application would be made by Daventry District Council (DDC) and this report would form part of the formal consultation response.

The Committee discussed the report.

RESOLVED:

The Northampton Borough Council **OBJECT** to the principle of the development as it is unacceptable in advance of adequate highway infrastructure being provided to serve the north-west of Northampton

The meeting concluded at 9.13pm

Directorate: Regeneration, Enterprise and Planning
Director: Steven Boyes



List of Appeals and Determinations – 27th October 2015

Written Reps Procedure

Application	DEL/PC	Description	Decision
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
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/2015/0364 APP/V2825/D/15/3133232	DEL	Part two storey and part single storey front extension, garage conversion to habitable accommodation and formation of hardstanding at 30 Thruxton Drive	AWAITED
N/2015/0395 APP/V2825/D/15/3132268	DEL	Single storey rear extension. Re-submission of planning application N/2014/1094 at 1 St Peters Gardens	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 Pearces Bungalow, 2 Wellingborough Road	AWAITED
N/2015/0530 APP/V2825/D/15/3132925	DEL	Front dormer extension with extension to existing rear dormer at 27 Grayhurst Close	AWAITED
N/2015/0555 APP/V2825/D/15/3133332	PC	Proposed single storey extension to rear, two-storey front extension, a new first floor window in side elevation, alterations to first floor rear windows and front porch (part-retrospective) at 14 Woodland Avenue	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: 27th October 2015

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Northampton Related Development Area 5
Year Housing Land Supply Assessment

1 RECOMMENDATION

- 1.1 Planning Committee is recommended to note the contents of the 2015 Five Year Housing Land Supply Report and its implications for the determination of planning applications for housing.

2 PURPOSE OF THE REPORT

- 2.1 To consider and note the latest Five Year Housing Land Supply report for use in development management decisions.

3 THE IMPORTANCE OF THE DEVELOPMENT PLAN

- 3.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

- 3.2 In March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF states that it is highly desirable that local planning authorities should have an up-to-date plan in place.

- 3.3 The NPPF stresses the importance of having a planning system that is plan led. It states that due weight should be given to relevant policies in

existing plans according to their degree of consistency with the NPPF. Where a proposal accords with an up-to-date development plan, it should be approved without delay, unless there are clear material reasons otherwise as required by the presumption in favour of sustainable development.

- 3.4 Where the development plan is absent, silent or the relevant policies are out of date, the NPPF requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified (see Paragraph 14 of the NPPF).
- 3.5 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the adopted Development Plan for Northampton Borough currently comprises the following:
- Northampton Local Plan Saved Policies - Adopted 1997
 - Northampton Central Area Action Plan - Adopted 2013
 - West Northamptonshire Joint Core Strategy Local Plan Part 1 - Adopted 2014
 - Northamptonshire Minerals and Waste Local Plan – Adopted 2014

4 THE NATIONAL PLANNING POLICY FRAMEWORK AND HOUSING SUPPLY

4.1 The NPPF places significant weight on the local planning authority identifying deliverable sites to provide 5 years' worth of housing to meet objectively assessed needs. Paragraph 47 of the NPPF and the accompanying National Planning Practice Guidance (NPPG, March 2014) set out what can be considered deliverable. Paragraph 48 of the NPPF does, however, allow local planning authorities to include a windfall allowance when identifying how the target will be met.

4.2 Paragraph 47 (bullet 2) of the NPPF states:

“To boost significantly the supply of housing, local planning authorities should:

Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period). Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

4.3 The NPPG addresses the issue of persistent under-delivery further but does not provide categorical advice on how it is to be determined. It is a matter for the local planning authority/ decision maker.

4.4 The NPPF continues:

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.” (Paragraph 48)

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” (Paragraph 49)

4.5 Failure to demonstrate five years’ worth of deliverable housing supply means that policies for the supply of housing cannot be considered up-to-date. Without this supply there is a presumption in favour of granting planning permission to applications for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need to provide new housing. This approach has been upheld in numerous planning appeals.

4.6 This emphasises the significant importance the Government places on pro-actively planning to meet the objectively assessed housing need in development plans and making timely positive decisions that allow local planning authorities to meet their housing needs. The significance of the weight that should be attached to the delivery of these aims in relation to planning outcomes cannot be over-emphasised. Its implications for the decision making process should not be underestimated.

5 THE 2015 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT

5.1 The full 2015 Five Year Housing Land Supply Assessment for the Northampton Related Development Area is available on the Council’s website. This section of this report sets out a summary of the key elements only.

The Geographical Area for the Housing Land Supply Calculation

5.2 The 5 year housing land supply assessment for Northampton relates to the Northampton Related Development Area (NRDA) as set out in the Joint Core Strategy (WNJCS). This is the area in which Northampton’s housing needs will be met.

What is the Housing Target?

- 5.3 The WNJCS sets out the housing requirement for the Northampton Related Development Area of 28,456 dwellings. This is the objectively assessed housing need (OAN) target.
- 5.4 The housing trajectory in the WNJCS (Appendix 3) sets out the anticipated number of dwellings that are expected to be built in the NRDA. Between 2011 and 2015 the WNJCS expected a total of 2,853 dwellings to be completed. This leaves a residual target of 25,603 dwellings to be built between 2015 and 2029 (28,456 minus 2,853).
- 5.5 The WNJCS sets out how it expects this OAN housing need target (excluding any shortfall) to be met for the remainder of the Plan period. For the period 2015/16 – 2019/20 the number of dwellings expected to be delivered is 9,687.

Housing Trajectory and Shortfall

- 5.6 Paragraph 47 (bullet 4) of the NPPF clearly advocates a trajectory based approach towards preparing the 5 year housing land supply and states:

“To boost significantly the supply of housing, local planning authorities should: for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target”

- 5.7 The housing trajectory in the WNJCS is a phased trajectory with a base date of 2011. This sets out how the 9,687 dwellings for the period 2015/16 – 2019/20 will be delivered on a year by year basis.
- 5.8 The trajectory expected that 2,853 dwellings should be delivered for the period 2011 – 2015. In reality 2,650 dwellings were completed. This means that since 2011 there has been an under delivery by a net 203 dwellings against the need requirement.
- 5.9 The National Planning Practice Guidance (NPPG) considers that local planning authorities should aim to deal with any under-supply within the first five years of the plan period where possible. This 2015 Assessment adopts this approach.

Buffer

- 5.10 Paragraph 47 (bullet 2) of the NPPF requires local planning authorities to include:

“An additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local

planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.”

5.11 It is accepted that there has been an under delivery in one year against the objectively assessed need target with the base date of 2011. The NPPF requires local authorities to have either a 5% or 20% buffer. Based on this the revised housing target is as follows:

- Five Year requirement = 9,687 dwellings
- 5% buffer of 9,687 dwellings = 485 dwellings
- Five Year requirement + 5% buffer = 9,687 + 485 = 10,172
- Five year requirement + 5% buffer with shortfall of 203 dwellings = 10,375 dwellings

What is the anticipated supply of dwellings?

Large Sites (Over 10 dwellings)

5.12 Large sites (over 10 dwellings) are expected to deliver the majority of the 5 year housing land supply with a total of 7,086 dwellings. More than half of these will be from the eight sustainable urban extensions allocated in the WNJCS. The majority of the other large sites already have full planning permission or are under construction. The exception is the former School sites which have taken longer to come forward than originally expected but are now progressing in the light of the economic upturn.

Small Sites (10 dwellings and under)

5.13 Small sites with planning permission are expected to be delivered in the next 5 years in accordance with the NPPF. The Council is not aware of any issues that will prevent the delivery of sites with planning permission in a timely manner.

5.14 Therefore, a total of 348 dwellings are included from small sites in the 5 year housing land supply.

Windfall Allowance

5.15 Paragraph 48 of the NPPF supports the inclusion of a windfall allowance in a 5 year supply if there is compelling evidence.

5.16 Notwithstanding the fact that the Northampton Local Plan 1997 is particularly aged and therefore many allocations on its Proposals Map having been overtaken by events, even a few years after its adoption it became evident that the Plan significantly underestimated the likely supply of ‘windfall’ developments. The contribution from sites not identified on the Proposals Map as housing allocations continues to make substantial contributions towards meeting housing needs.

Evidence to support the WNJCS indicates that windfall sites of under 200 dwellings (excluding exceptional events such as the school reorganisation process) have the capacity to generate up to 300 dwellings per annum – a sum that has consistently been delivered for over a decade. It is anticipated that this trend will continue, (if not increase) certainly in the short to medium term due to the Government’s change to permitted development rights, the contents of the NPPF (flexibility on employment allocations) and policies that will be included in Local Plan Part 2 policies.

- 5.17 In terms of assessing future years’ windfalls the assumption has been made that 300 dwellings will be delivered annually in the future. In order to remove the potential for double counting, no provision of additional windfall in years one and two has been assumed and a discounted amount has been included in the remaining years. Therefore, a total of 360 dwellings are included from windfall sites in the 5 year housing land supply.

The Five Year Supply of Deliverable Housing Land Calculation

- 5.18 The table below sets out the 5 Year Supply of Housing Land calculation for the NRDA.

		Dwellings
A	Housing Supply Requirement for 2015-2020 JCS:	9687
B	NPPF 5 Year Housing Requirement (JCS + 5%)	10172
C	Housing Requirement 2011-2015 JCS	2853
D	Net additional dwellings completed 2011-2015	2650
E	Shortfall of provision compared to 2011-2015 target	203
F	NPPF 5 Year Supply Target Taking Account of Shortfall Provision (B+E)	10375
F	Supply of deliverable sites (Appendix 1 of 5 Year Housing Land Supply Assessment)	7794
		%
G	% of 5 year housing supply available: $7794 / 10375 * 100$	75.12%
		Years
H	Years of deliverable housing land 2015 - 2020: $75.12 / 100 * 5$	3.76

- 5.19 The assessment identifies that a 5 year supply for the NRDA cannot be demonstrated. It identifies the capacity to deliver 3.76 years of housing need. This equates to a shortfall of 2,581 dwellings. If a 20%

persistent under-delivery buffer was to be assumed the gap would be much larger. In either case the supply falls short of the NPPF, with its associated implications.

6 OPPORTUNITIES TO THE LOCAL PLANNING AUTHORITIES TO MAKE UP THE SHORTFALL IN THE 5 YEAR HOUSING LAND SUPPLY

6.1 In terms of meeting the 5 year housing land supply there are three options open to the local planning authorities whose administrative areas are wholly or partly within the NRDA, i.e. Northampton Borough, Daventry District and South Northamptonshire Councils:

- a) Seek to increase the speed of housing delivery on sites already identified (e.g. build more quickly and/ or encourage allocated sites to start sooner than expected);
- b) Progress the Part 2 Local Plans to ensure that non-strategic sites over and above the number assumed for windfalls are identified for development to meet the housing requirement set out in the WNJCS; and
- c) Grant planning permission for sites that have not already been included in the windfall assumption or allocated in the existing Development Plan.

6.2 In relation to option a) above, there are two elements that can assist:

- (i) working with developers/ landowners to ensure consent for sites is brought forward quicker than anticipated, for example providing as much confidence to the developer that consent will be given expeditiously or, for example, where necessary gaining external funding or prioritising works to remove delivery blocks such as infrastructure costs. This can be achieved by working with partners such as Northamptonshire Highways and the Local Enterprise Partnerships; and
- (ii) encouraging developers/ landowners to develop more houses more quickly on site themselves or by releasing other planned phases to other developers. To a large extent the more buoyant the housing market and the more efficient the whole of the development process, the more this issue will be addressed. However, there is a limit to the capacity of any local housing market to accommodate increased levels of delivery in terms of the ability of buyers/ occupiers to meet their need (e.g. mortgage availability, financial stability, etc) and the ability of developers to meet the demand (e.g. construction skills shortages, building costs, building material availability, etc).

6.3 In relation to option b) all three Councils that are wholly or partly within the NRDA have now commenced the Part 2 Local Plans however these are still at any early stage. The opportunity for the Northampton

Borough Local Plan Part 2 to identify appropriate sites over and above those counted as windfall is limited. The windfall estimation assumes 300 dwellings per annum and takes account of sites that are of sufficient size to deliver up to 200 dwellings each. To meet the housing requirement set out in the WNJCS additional housing capacity will have to be found in the Borough. Although this cannot be ruled out as occasionally large unidentified sites have come forward (e.g. British Timken, Express Lifts), the reality is that the opportunity to identify additional housing sites of over 200 dwellings each is likely to be limited – certainly for delivery in the short term.

- 6.4 In relation to option c) above when looking for capacity within the NRDA similar points to those listed above under option b) apply.
- 6.5 Whilst option a) above provides the opportunity to increase the 5 year housing land supply its ability to meet the shortfall is unclear given that the 5 year housing supply on average requires delivery of 2,075 dwellings per year to meet needs. Reliance on the market to consistently achieve these levels will be extremely challenging. Given historic delivery rates Planning Committee may view such targets as unrealistic. However, in the context of the NPPF, this is not relevant; it is for the local planning authorities to positively plan to enable delivery rates to meet objectively assessed housing needs and identify a 5 year housing land supply to achieve these delivery rates.

7 LEGAL IMPLICATIONS

- 7.1 The 5 Year Housing Land Supply Assessment is required by the NPPF. It is a key consideration in the determination of planning applications and the Council therefore needs to ensure that its policies are deliverable and up to date. There is a major risk that not having up to date policies in place may lead to development taking place which the Council would otherwise not wish to grant planning permission. If the Council refuse housing applications when there is not an up to date 5 year housing supply this will leave the Council exposed to the risk of facing planning inquiries with its housing policies considered out of date and therefore without weight attached to any conflict with them. In order to reduce this risk the Council needs to ensure that it pro-actively identifies and provides sufficient housing land supply to meet the housing requirement set out in the WNJCS. Without a 5 year housing land supply the presumption in favour of sustainable development for planning applications for housing development gains greater weight compared to the policies within the Development Plan.

8 SUMMARY AND LINKS TO CORPORATE PLAN

- 8.1 The issues associated with meeting the 5 year housing needs is relevant in part at least to the majority of the Corporate Plan (2015 Update) priorities. However, two key priorities in relation to this report are: Priority 5: Better Homes for the Future – Helping You to Have a Home and Priority 6 Creating Empowered Communities. Evidence identifies a significant housing need both for market and affordable that

without corrective action will not be met in terms of rates of delivery for the next 5 years.



PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0987: New community centre incorporating changing room facilities and nursery school. New access road with parking facilities. Relocation of play area at land off St Crispin Drive

WARD: Upton

APPLICANT: Northampton Borough Council
AGENT: Sursham, Tomkins and Partners

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

DEPARTURE: No

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 community centre would provide for necessary community facilities whilst not resulting in any adverse impact on the character and appearance of the conservation area. Whilst the proposal would impact on the setting of the adjacent listed building this would not be significant and would be offset by the wider benefits of the proposal. The proposal would not adversely impact on the amenities of existing neighbouring residents nor highway safety, subject to appropriate mitigation as required by conditions. The proposal is therefore compliant with the requirements of Policies SA, S10, C2 and BN5 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

1.2 As consultation period will not expire until the 2nd of November, 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,

2. THE PROPOSAL

- 2.1 The proposal is for the construction of a single storey new community centre, sports changing rooms and nursery school, an associated access road and area of parking. The existing play area would be relocated to the southern part of the application site.
- 2.2 The building proposed is of a modern design, comprising a wide, low building with a gently sloping flat roof and a separate circular element which would accommodate the nursery.
- 2.3 The community centre would include a main hall which can be divided into two rooms, as well as a café, kitchen, meeting rooms, office and associated toilets and meeting rooms. The operational hours of the community centre use would be from 8am to 10pm on Sundays to Fridays and from 8am to midnight on Saturdays.
- 2.4 Linked to this would be four changing rooms, each incorporating showers and WC, together with officials' changing rooms, kit lockers and equipment stores. This would be open from
- 2.5 A further element to the building would be the nursery, which includes an area for under twos and pre-school children as well as associated facilities. The operational hours of the nursery use would be 8:00am to 6:00pm.
- 2.6 A separate parking area would now provide 54 spaces, following revisions to the plans which had originally shown 80 spaces including 40 overspill spaces. Five spaces for disabled people would be provided also.
- 2.7 In terms of the external appearance, the building has been designed by means of a multi-disciplinary workshop to improve the previous more standard design. The building has been designed in a modern style to represent an interesting feature in its own right which does not compete with historic buildings in the area.

3. SITE DESCRIPTION

- 3.1 The site currently comprises an open field adjacent to relatively new housing to the east and a Grade II listed church and cemetery to the north, within the former St Crispins Hospital site, now redeveloped for housing. The site falls within the St Crispins Conservation Area.
- 3.2 Access to the site is via St Crispins Drive. The site was previously earmarked for the construction of a link road to Berrywood Road. The proposal was subsequently dropped due to the lack of a need for a link and to free up the site for this development.

4. PLANNING HISTORY

- 4.1 The development of the former St Crispin's hospital for residential use was approved in outline under application reference N/1997/0566 on 12th November 2002.
- 4.2 A revised application was submitted under reference N/2004/0719 which revised the proposal by removing the previously consented hotel and substituting residential conversion of the old hospital buildings.

4.3 Following on from these outline permissions, various reserved matters applications were approved for the detailed layout of the site.

4.4 In 2014 a variation to the S106 agreement was approved by the Planning Committee, to remove the obligation to provide a link road through the playing fields. This has freed up this site for this proposal.

5. PLANNING POLICY

5.1 Development Plan

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

Section 7 – Requiring Good Design – States that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Section 11 - Conserving And Enhancing The Natural Environment – States that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity

Section 12 - Conserving And Enhancing The Historic Environment - This sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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) is a policy to ensure planning is not a barrier to new development.

Policy S10 (Sustainable Development Principle) sets out the list of principles for development to follow. This includes issues such as good design, energy efficiency and accessibility by sustainable transport modes (including walking, the protection and enhancement of the natural environment and green infrastructure.

Policy S11 (Low Carbon and Renewable Energy) requires all new non-residential developments over 500m² gross internal floorspace achieve a minimum BREEAM rating of Very Good.

Policy RC2 (Community needs) requires proposals for new facilities to be supported by a long term maintenance and management plan. There is no evident plan, this should be provided

Policy BN1 (Green Infrastructure Connections) establishes the green infrastructure corridors (GI) of sub-regional and local importance. These should be conserved, managed and enhanced by incorporating existing and identified future networks into development proposals and securing contributions for the creation and future management of GI Networks. The policy goes on to set out the measures to be used to enhance existing and create new GI.

Policy BN2 (Biodiversity) establishes that development that maintains and enhances existing designations and assets or delivers a net gain in biodiversity will be supported.

Policy BN5 (Historic Environment and Landscape) will be dealt with by colleagues in the Heritage Team

Policy INF1 (Approach to infrastructure Delivery) determines that new development will be supported by and provide good access to infrastructure, including physical, green and social elements.

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 E7 (Skyline Development) aims to ensure that proposals do not have any detrimental effect upon the skyline of St Crispin / Berrywood (as seen from the west beyond the town's existing boundary).

Policy E9 (Locally Important Landscape Areas) in association with Appendix 28, establishes that the proposal is situated within a Locally Important Landscape Area. The policy aims to ensure that the proposal has no detrimental effect on the character of the area.

Policy E20 (New Development) Requires the design of any new building or extension to adequately reflecting the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials

E26 (Conservation Areas) Requires that development in conservation areas preserves or enhances the character and appearance of those areas

Policy L26 (Leisure Proposals), in association with Appendix 27, establishes the proposal site as an area where planning permission will be granted for recreational / leisure uses.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

5.6 **Statutory Duty**

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

If there is any harm to the aspects of the listed building or conservation area identified under section 66 or section 72 considerable weight should be placed on this harm in deciding whether to grant planning permission (East Northamptonshire Court of Appeal decision 2014).

Nevertheless a later judgement R Morris v Wealden DC (2014) explained the duty further thus:

“If, for example, the harm was trivial, then the great weight to be attached could more easily be outweighed by any advantages that accrued from the development in question.”

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Heath** – Request that the development take into account guidance on air quality. No further observations regarding site investigation work. In terms of noise generation would support the proposed layout in respect of the nursery, however the location of the halls and the café does create some potential conflicts due to doors opening in direct line of sight with residential properties. Recommend conditions for noise details, including noise from plant and equipment, odour collection and artificial lighting.
- 6.2 **Natural England** – No objection in respect of Statutory Nature Conservation Sites, standing advice should be used in respect of protected species, the Local Planning Authority should be satisfied that the impact on Local Sites is acceptable.
- 6.3 **Environment Agency** – The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.
- 6.4 **County Archaeologist** – The development is within a landscape in which archaeological activity has been known to occur. Any impact on archaeological records can be dealt with by condition. The development will have a detrimental impact on any archaeological deposits, this does not represent an overriding

constraint on the development provided adequate provision is made for the investigation and recording of any remains that are affected.

- 6.5 **Highway Authority** – Initial comments requested a transport statement which has now been received, upon reconsultation with the Highway Authority further work on this was requested and it is anticipated that this will be received in time for the Highway Authority's comments on this to be reported to Committee by means of the addendum.
- 6.6 **Conservation** – The impact of the proposed development on the setting of the Listed Building and character of the conservation area will be prime considerations. The principle of provision of community facilities in an appropriate location is fully supported. However, the proposal will impact on the acknowledged open rural character and setting of the church and associated cemetery. The proposal will significantly impact on views of the church from the open space and residential properties. Not clear what alternative locations have been considered and why they have been discounted.
- 6.7 **Arboricultural Officer** – The proposed development will not have an impact on the existing trees on the site; however, there is a risk that the trees, particularly tree T1, could be damaged through construction related activities. It is essential therefore that the trees are protected in line with the recommendations in the draft Arboricultural Method Statement and draft Tree Protection Plan. Further details are required particularly relating to any proposed landscaping between the proposed car park and the adjacent residential area. There are no arboricultural reasons why this application should be refused. However, request that a finalised Arboricultural Method Statement and Tree Protection Plan are conditioned together with a detailed landscape scheme.
- 6.8 **Urban Designer** – Fully supportive of the proposed scheme, subject to a comprehensive landscaping proposal. Urban design and conservation were involved at the very early stages of the pre-application process, urban design being involved in four design workshops and direct consultation with the Architect throughout June to August to work through the basic design parameters to a fully designed scheme/building for planning. The key issues raised and addressed through re-design being the siting and footprint of the proposed building use, aspect, orientation and internal function of the buildings, relationship to the external areas and building height and massing which was capped height to respect the setting of the listed building, design and materials of the building in relation to its landscape setting and external works and landscaping.
- 6.9 **Police Crime Prevention Design Adviser** – Raises various points regarding the detail of the design, including secured by design, lighting, car park security, cycle parking and segregation of the playspace from the car park.
- 6.10 **St Crispin Berrywood Residents Association** – Pleased to support the application for the estate to have its own community Centre. Understand that all section 106 monies are supplied by the developer and are not public money and if not used would have to be returned, and cannot be used to fund private sports clubs. Only comment would be that would like to see the sports club placed more adjacent to the building.
- 6.11 **Historic England** – No objection in principle, appreciate the proposed development would bring significant public benefit. Urge careful consideration as to whether the design and setting of the proposed building is an appropriate

contextual solution that responds positively to the setting of this important group of heritage assets within the conservation area. The potential impact on the setting of numerous designated heritage assets must be carefully considered. Recommend following the advice of the Principal Planning Archaeologist with respect to the impact on and treatment of any undesignated archaeological remains.

6.12 **Lead Local Flood Authority** – Initial comments raised an object until a satisfactory Flood Risk Assessment has been submitted. Upon receipt of the FRA deficiencies were identified, the agent is working on addressing these and it anticipated that the Lead Local Flood Authority's comments on these revisions will be available to report to Committee by means of the Addendum.

6.13 As the consultation period has not expired at the time the report is being prepared, any further representations received prior to the Committee meeting will be reported to the Committee by means of the Addendum.

6.14 The proposed development has been advertised by way of site notices and letters to neighbouring occupiers, as well as through pre-application consultations carried out by the applicants. At the time of writing this report the consultation period is still ongoing, but to date, representations raising objections have been received from the occupiers of 16 neighbouring and nearby premises and on behalf of businesses in the area, together with a 72 signature petition on behalf of the Cricket Club, raising points which can be summarised as follows:

- The centre is too large.
- The centre would be disruptive due to social events.
- Operating hours are unsociable.
- Alcohol should not be sold on the premises – will lead to anti-social behaviour.
- Concerned about impact on the existing social club.
- Should be adjacent to existing social club.
- Not been shown that the centre would be viable.
- Will increase traffic and car park seems excessive.
- Location of car park would impact on residents.
- Parking very close to children's play area, making this unsafe.
- Safety and health concerns due to car park being adjacent to playground and separated from the nursery by the access road.
- Concerned about loss of green space, siting and visual impact, impact on neighbouring properties and the conservation area, impact on the adjacent church and disturbance of archaeological remains
- No need for another Community Centre, nursery and café.

- Question the need for a baseball pitch.
- Concerns regarding impact on wildlife.
- Lack of consultation.
- On behalf of the Cricket Club – Object - any future community centre should be developed in association with the St Crispin and Rylands Cricket Club.

6.15 Additionally, representations in support have been received from one nearby resident, a Northampton childcare provider and the Northants Baseball Club and the Gregory Celtic Football Club which can be summarised as follows:

- Fully support the development and plans (from a resident)
- From a childcare provider – support as there is a serious lack of childcare in the St Crispins area.
- On behalf of the Northants Baseball Club – Club is growing, to have somewhere to call home would be amazing. Club has supported local community, change would benefit thousands of kids, for anything that is needed you have our full support.
- On behalf of Gregory Celtic Football Club – Since using the pitches the club has increased in size, changing rooms and community centre would be appreciated as an area for parents and visiting teams.

7. APPRAISAL

7.1 The issues to consider are the principle of the development, the detail of design and impact on the character of the area, including the street scene and conservation area and on the setting of the adjacent grade II listed church, and on the amenities of nearby residents. Also the suitability of the building for the proposed use including the proposed parking area.

Principle of the development

7.2 The site is designated in the adopted Local Plan as Greenspace and a Locally Important Landscape Area but is also defined under Policy L26 as being located in an area allocated for recreational and / or leisure uses.

7.3 Furthermore, included within the permission for St Crispin was a Section 106 agreement which requires that land is provided for a community centre. Whilst this agreement does not require a specific location for the centre, there is no other location within the area which has been identified as suitable for the development and the proposed site is therefore considered to be the only suitable location for the proposed community centre.

7.4 The site was previously earmarked for the development of a link road to Berrywood Road. The proposed link was subsequently dropped as the road was no longer required and to make way for the proposed community centre. The development of a community centre on this site is, therefore, considered to be acceptable in principle.

- 7.5 Concerns have been raised by some objectors as to whether there is a need for the facilities, or stating that these ought to be provided in an alternative location. However, such discussions fall outside the remit of the planning process which must consider the acceptability of the development as proposed.

Impact on the adjacent listed building, conservation area and street scene

- 7.6 The site proposed building is situated within the St Crispin Conservation Area and is adjacent to the Grade II listed St Crispins Hospital Chapel (now operating as the St. Neophytos Greek Orthodox Church).
- 7.7 The proposed building would be just over 2m from the boundary with the cemetery of the church and at its closest point 33m from the main building of the church itself.
- 7.8 This is in close proximity to this listed building, however this siting has been chosen due to other constraints of the site, including the need to avoid areas inhabited by protected species, avoid damaging the protected tree on the site and the need to provide separation from the nearest residential occupiers on Frank Large Walk.
- 7.9 The building proposed is of a modern design, comprising a wide, low building with a gently sloping flat roof. The building has been designed at a low level to minimise the impact on the setting of the adjacent listed building and would additionally be screened from this by the existing vegetation on the boundary, which would be retained. The building is forward of the front of the church by around 40m, and as such the impact on important views of the rear of the church would be impacted to some extent, but due to its low level and the angle from which such views are obtained, this would be minimised. Nevertheless, there would be impact to the setting of this building within the context of the field to the rear and when viewed from properties on Frank Large Walk.
- 7.10 The principal views of the front elevation of the church, from the old Kent Road, would be unaffected by the development due to the dense vegetation around the church and the low level of the proposed building.
- 7.11 The St Crispins Conservation Area, within which the site of the proposed building is situated, includes a large number of important historic buildings, including the main hospital buildings, the former hospital farm (now the local centre) and the listed Connolly Lodge, as well as the adjacent listed church. However, other than the church all the historic buildings are a considerable distance away from the site and the remainder of the conservation area includes a very large number of modern dwellings which have been constructed in a typical style for dwellings on a modern estate, with some reference to traditional building styles.
- 7.12 The proposed building has been designed in a contemporary style, as set out above. This design has been chosen rather to avoid detracting from historic buildings in the area by attempting to mimic these by using a “pastiche” design.
- 7.13 It is considered, therefore, that the design of the building is appropriate for its location and would not adversely impact on the conservation area or broader street scene. The proposed design of the building is supported by the Council’s Urban Designer.

- 7.14 Whilst there would be an impact on the setting of the listed building, this is to some extent unavoidable and must be given considerable weight this must be balanced against the significant benefits of the development, as set out in the conclusions below.

Wider Design Considerations

- 7.15 It should be noted that the building has been designed with the aim of achieving a BREEAM “very good” standard and the design includes a green roof system to reduce the amount of energy needed to moderate the temperature of a building, The building will be located in a manner that natural surveillance is provided around the site.
- 7.16 In respect of Local Plan Policy E7, the development is single storey and sited behind Berrywood. It uses a palette of external materials and colours and has a green roof. It is therefore likely to blend into the landscape and it is not considered to have any detrimental effect on the skyline.
- 7.17 In respect of Local Plan Policy E9, the proposal has had regard to the character of the area through the choice of material and building design which has been developed in consultation with the local community.
- 7.18 Lighting details have been submitted, however comments on these from Environmental Health are awaited and will be reported to the Committee by means of the addendum.

Impact on wildlife and trees

- 7.19 The site is within an area occupied by protected species, and in respect of which a management plan has been produced. The response from Natural England refers to their standing advice which in turn indicates the need for appropriate licencing. Subject to the work being undertaken in respect of such licences, the impact on such species would be mitigated. An informative to this effect would be included in the decision notice.
- 7.20 The comments from the Arboricultural Officer are noted and appropriate conditions are imposed to protect existing trees. With the additional landscaping and tree protection, it is considered that the proposal would enhance biodiversity in the area.

Impact on neighbouring properties

- 7.21 In terms of the impact on adjoining and nearby residents it is considered that the building is sufficiently distant from the residential properties to prevent any adverse impact from overshadowing or visual dominance but the building would nevertheless be clearly visible to residents in an area which is currently an open field. This would significantly change the outlook for these residents but it is considered that the building is of an attractive appearance and that visual amenity would not be compromised in the area.
- 7.22 In terms of noise from the use of the building, concerns have been raised by Environmental Health, however they also recommend that this matter can be satisfactorily controlled by conditions. The proposed hours of use of the building would be from 8am to 6pm for the nursery use and for the community centre use from 8am to 10pm on Sundays to Fridays and from 8am to midnight on

Saturdays. It is considered that these hours are reasonable for the proposed use and that subject to the noise mitigation measures which would be secured by condition would prevent any significant impact.

- 7.23 The proposal as originally submitted included a parking area of 80 spaces in close proximity to some of the neighbouring houses. This resulted in a number of objections and it was considered that this would have had a significantly detrimental impact on these neighbouring residents. Amendments were therefore sought which move the parking area to the area currently occupied by the play area and move the play area to the south of the site. This has the advantage moving the parking area away from residents and also placing this at the edge of the site, thereby minimising the intrusion into the green space.
- 7.24 The result of amending the location of the parking area is that the existing play area will need to be repositioned to further south along St Crispins Drive, placing this nearer to some residential properties. It is not considered that this would result in a significantly increased impact on these properties and that overall this would be offset by the greater benefit of repositioning the car parking away from these neighbours. Bunding would be provided between the play area and car park and these neighbours. Additionally, a safety fence would be included between the car park and the play area. Consultation on these amendments are currently ongoing and any comments received will be reported to the Planning Committee via the addendum.

Impact on Highways

- 7.25 The proposed development includes a number of uses which would attract a potentially large number of users to the site. However, this is a centre which is intended to serve the local community, and which users would be able to walk to. Nevertheless, it is also recognised that there will be those who choose to drive, and in addition to this the adjacent playing pitches would be used by teams coming from a wider area, and it is this element of the proposal which would generate the greatest level of potential demand for parking.
- 7.26 Comments received from the Highway Authority initially raised some minor concerns as well as the requirement for a transport statement. Upon receipt of this statement, comments from the Local Highway Authority indicated the need for further work on this statement. It is anticipated that these will be resolved and the comments from the Highway Authority will be reported to Committee by means of the addendum.

Flood Risk

- 7.27 An objection was received from the Lead Local Flood Authority due to the absence of a Flood Risk Assessment. Now that this has been received further points have been raised, it is anticipated that these will have been addressed prior to the Committee meeting and the results of the reconsultation on these amendments will be reported to Committee by means of the addendum.

8. CONCLUSION

- 8.1 The positive and negative aspects of this development proposal are very finely balanced. The proposal would have an impact on the setting of the adjacent listed building, which it is considered is less than substantial. However, as

discussed above the siting of the building has been influenced by external factors, and it has been designed to minimise any adverse impact.

- 8.2 Whilst the impact on the setting of the adjacent listed building is acknowledged, this is considered as being less than substantial and even after giving this harm considerable weight (applying case law relating to the statutory duty under section 66 referred to above) this must be weighed against the public benefits of the proposal.
- 8.3 The building would meet a previously identified and long standing need for community and changing facilities. Furthermore, the design of the building is of a very high quality and incorporates sustainable development principles.
- 8.4 On balance, it is considered that the substantial public benefits are considered significant enough to outweigh the harm to heritage assets such that the application is recommended for approval.
- 8.5 Additionally, the revised parking area would not have undue adverse impact on neighbouring residents or other interests of acknowledged importance which could not be satisfactorily ameliorated by the conditions as proposed below.

9. CONDITIONS

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11, PL10 D, PL10 C, PL11 D, PL12 A, PL13 A, PL14 A, PL15 A, 151000/E/23210 I1.

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

3) The premises shall be open only between the following hours in respect of the approved uses - Nursery School: 8:00am to 6:00pm from Mondays to Fridays; Community Centre: 8:00am to 10:00pm on Sundays to Fridays and 8:00am to midnight on Saturdays; Changing Rooms: 8:00am to 8:00pm on any day.

Reason: In the interests of the protection of residential amenities in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

4) A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the development being first brought into use and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5) A scheme for the collection, treatment and dispersal of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall have been implemented prior to the development being first

brought into use and retained thereafter.

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

6) Details of any external lighting to the building and the car park shall be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with those details before development being first brought into use and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

7) 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 S10 of the West Northamptonshire Joint Core Strategy.

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

Reason: To ensure the provision of adequate facilities in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy.

9) Full details of the proposed surface treatment of all parking areas and footpaths shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

11) Notwithstanding the submitted scheme, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. 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 S10 of the West Northamptonshire Joint Core Strategy.

12) 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 S10 of the West Northamptonshire Joint Core Strategy.

13) The car parking spaces shall at all times be reserved for the parking of vehicles by staff and visitors and there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure that adequate parking facilities are maintained in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

14) No development shall take place prior to 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 is a pre-commencement condition to ensure investigation is carried out in a timely manner.

15) No development shall take place until a finalised Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. All trees shown to be retained in the approved plans shall be protected for the duration of the development by (a) stout fence(s) to be erected and maintained on (an) alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition as it is essential that the tree protection measures are in place before any work which may cause damage to the trees is carried out.

10. BACKGROUND PAPERS

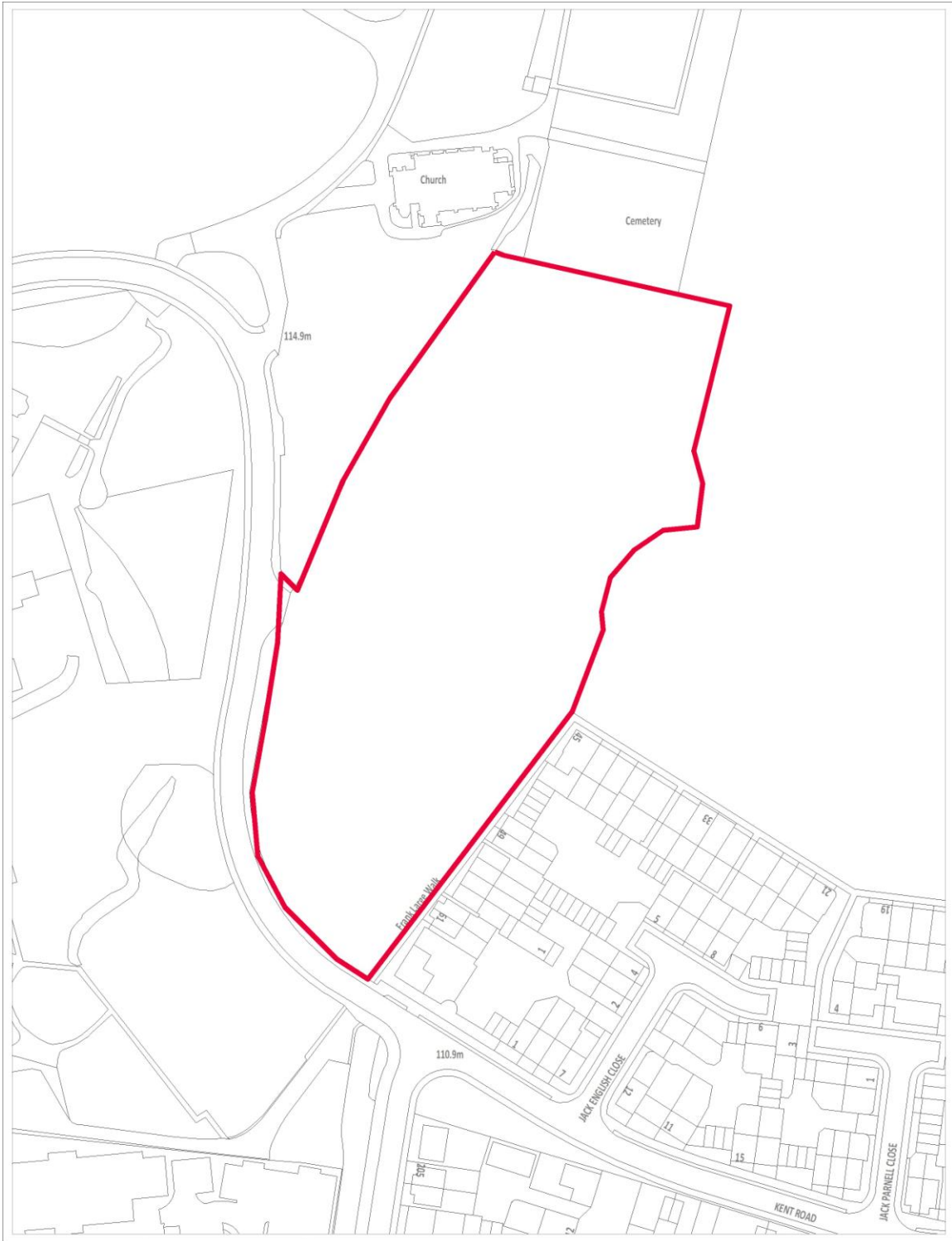
10.1 Application File N/2015/0987

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: 19th October 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Land off St Crispin Drive

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/1172: Erection of two non-illuminated freestanding signs at former Greyfriars Bus Station site, Greyfriars, Ladys Lane

WARD: Castle

APPLICANT: Northampton Borough Council
AGENT: N/A

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council is applicant/land owner

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

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

2. THE PROPOSAL

- 2.1 The application seeks advertisement consent for the erection of two non-illuminated free standing signs. These would measure 7.2 metres x 2 metres and would be 3.5 metres off the ground. The content of the signs would advertise the development opportunity of the site.

3. SITE DESCRIPTION

- 3.1 The site is the cleared site of the former Greyfriars Bus Station, demolished earlier in 2015.

4. PLANNING HISTORY

- 4.1 None relevant to this application.

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies

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

5.3 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. Policy of particular relevance is:

S10 requires development to be of the highest quality design.

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 policy includes:

Policy 1 of the CAAP seeks to ensure that all new development within the Central Area assists in creating uncluttered streets.

6. CONSULTATIONS/ REPRESENTATIONS

6.1 N/A

7. APPRAISAL

7.1 The NPPF advises that the two issues to be considered when determining applications for advertisement consent are amenity and safety.

7.2 It is considered that the signs proposed, while large at 7.2 metres x 2 metres and 3.5metres off the ground, will be of a scale appropriate to this large cleared site and will not appear unduly incongruous in the context of the wider area. The impact on amenity is therefore considered to be acceptable.

7.3 In terms of safety the signs are non-illuminated and set into the site and as such are considered to be acceptable.

8. CONCLUSION

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

9. CONDITIONS

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

10. BACKGROUND PAPERS

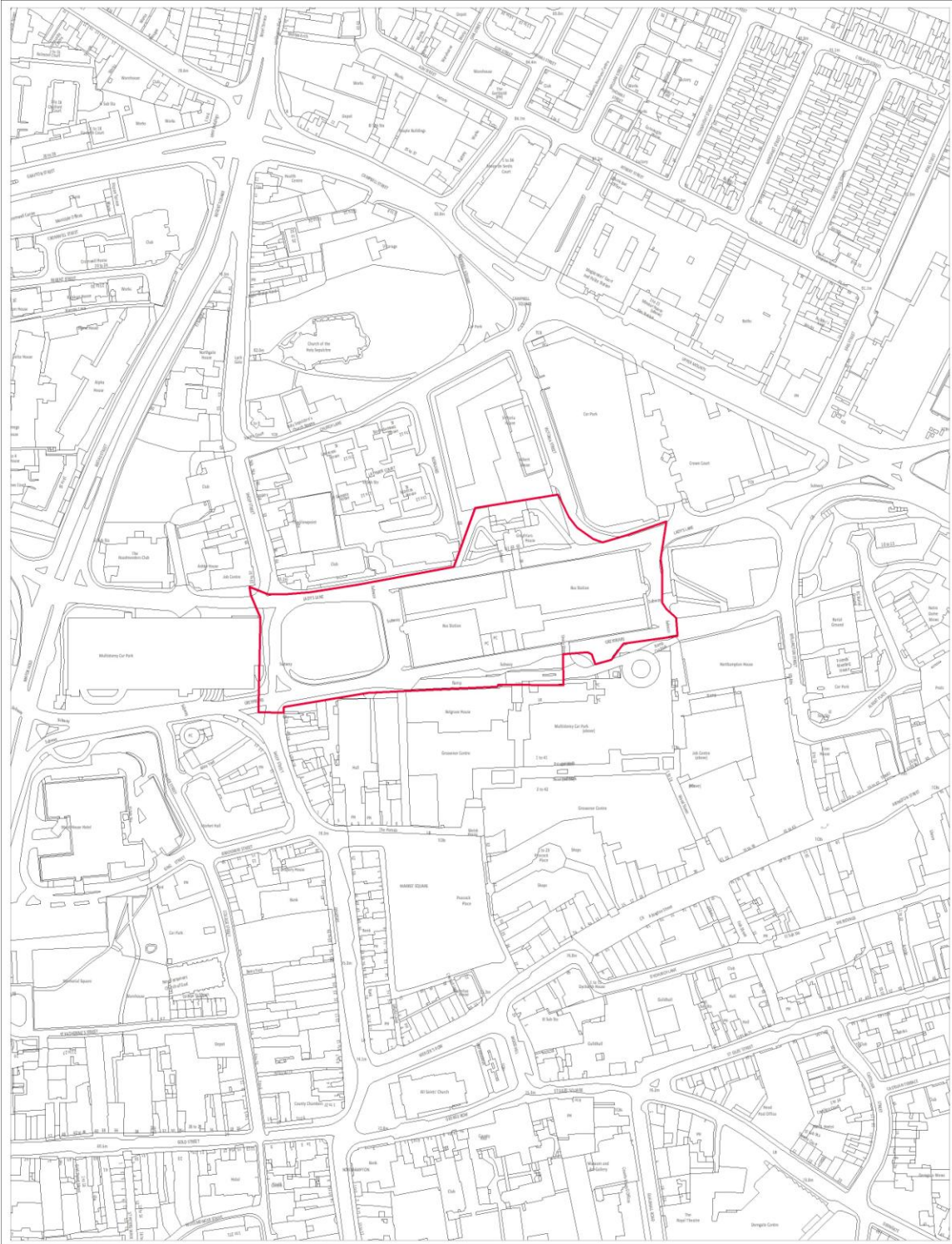
- 10.1 N/2015/1172.

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: 19th October 2015
Scale: 1:3000
Dept: Planning
Project: Planning Committee

Title
Former Greyfriars Bus Station Site, Ladys Lane

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Addendum to Agenda Items Tuesday 27th October 2015

7. OTHER REPORTS

7a

Northampton Related Development Area 5 Year Housing Land Supply Assessment

No update.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9a

New Community Centre incorporating changing room facilities and Nursery School. New access road with parking facilities. Relocation of play area. Land off St Crispin Drive

Flood Risk Assessment - As referred to in the Committee report, revisions to the Flood Risk Assessment were required by the Surface Water Drainage Authority. Revisions have been received but to date these have not been agreed. If by the time of the Committee meeting confirmation has not been received that the FRA is acceptable, delegated authority is sought from the Committee for the decision to be issued once such confirmation has been received.

Transport Assessment – Similarly to the above, as referred to in the Committee report, revisions to the Transport Assessment were required by the Local Highway Authority. Revisions have been received but to date these have not been agreed. If by the time of the Committee meeting confirmation has not been received that the TA is now acceptable, delegated authority is sought from the Committee for the decision to be issued once such confirmation has been received.

Environmental Health – The lighting plan does not cover what is required. (In respect of this matter a condition is already proposed which would require further details to be submitted).

Historic England – note the justification for the design approach and choice of materials and claims that it avoids visual conflict and responds to the modern character of the surroundings. Advised to consider very carefully whether the design and appearance of the proposed building is an appropriate contextual solution that responds positively to the setting of this important group of heritage assets within this conservation area. Recommend the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

Further **representations** received from the occupiers of seven neighbouring properties making the following additional points in summary:

- Noise from car parking would affect living conditions
- Play area being moved nearer residential dwellings would result in excessive noise
- Play area could be left where it is, avoiding cost of moving it
- Car parking would be much more sympathetic to neighbouring properties
- Centre should be put to better use than social events
- Exceeds use originally proposed under the Section 106 agreement
- Concerns over security of the centre
- Loss of visual amenity
- Blocked off access road (old Kent Road) could be used as a parking area
- Residents should not have to act as security guards

- Little change since previous plans
- St Crispins and Berrywood Residents Association do not represent the views of residents
- Concerned that flooding has not been taken into account
- Revised plans show no consideration for safety of children, environmental damage, completion for established businesses, anti-social behaviour, need for another nursery school, detrimental appearance and significant expansion from the original project of changing room and toilets.

One representation in support received from **Community Spaces Northampton (CSN)**, stating the following:

Believe that the building of the community centre will provide an excellent opportunity for the residents of the area to benefit from a whole range of social, recreational, sporting, educational and health related activities. The staff and trustees of CSN have over 20 years' experience of managing similar buildings and facilitating community engagement. The community centre will provide activities and facilities for people of all ages in a well-designed and well managed building. The football club and baseball club will benefit from the changing and social facilities offered and this will benefit several hundred sports fans of all ages. As an organisation fully support this planning application believing that it will benefit local residents and be a valuable community resource.

9b
Erection of two non-illuminated free standing signs
Former Greyfriars bus station site, Ladys Lane

No update.

10. ITEMS FOR DETERMINATION

10a
Single storey extension to café. (Resubmission of previously approved application)
Park Cafe Abington Park, Wellingborough Road

No update.

10b
Change of use from single dwelling (use class C3) to a five person house in multiple occupation (use class C4)
45 Allen Road

No update.

10c
Change of use from residential (use class C3) into house of multiple occupation for upto 4no occupants
35 Allen Road

No update.

10d
Erection of cinema and creation of external terrace
Land at the corner of Albion Place and Derngate

No update.

10e
New conservatory/garden room to front of café
Drovers Return Café, Hunsbury Hill Country Park, Hunsbury Hill

No update.

10f

Two-storey rear extension and change of use to 2no self-contained flats. Retrospective application

58 Gray Street

No update.

10g

Change of use from dwelling (use class C3) to a house in multiple occupation (use class C4) for 3 residents (retrospective)

72 Salisbury Street

No update.



PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0421: Single storey extension to café. Park Café, Abington Park, Wellingborough Road

WARD: Abington

APPLICANT: Mr A Ansell
AGENT: Architectural Solutions

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Council owned land and applicant is an elected Member

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reasons:

The extension proposed would result in a building of an excessive size which would appear as a visually prominent feature to the detriment of the character and appearance of the Abington Park Conservation Area and the setting of the Grade I listed Abington Abbey. If permitted this would be contrary to Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy, Policies E20 and E26 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks planning permission to erect a single storey extension to the existing cafe building. This will form a continuation of the existing building providing a kitchen area, office and food store. This would provide the café with a larger kitchen/preparation area and a larger servery and an outdoor furniture store. An extension to the area of hard surfacing in front of the café is also indicated on the plans.

2.2 The application is substantially a resubmission of a previously approved scheme but on a larger scale with the outdoor furniture store being an additional element.

2.3 To facilitate the development a Lime tree would need to be removed.

3. SITE DESCRIPTION

- 3.1 The café stands alone within Abington Park and is sited almost within a group of trees. To the front of the café is a grassed area and the Grade I listed Abington Abbey is approximately 60 metres away. The park is within Abington Park Conservation Area.

4. PLANNING HISTORY

- 4.1 January 2015 planning permission granted for single storey extension to café. N/2014/1207.

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 70 outlines that the provision of facilities should be viewed positively to enhance the sustainability of communities.

Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 131 encourages local planning authorities to consider sustaining and enhancing heritage assets, the contribution heritage assets can make to sustainable communities including their economic vitality and new development making a positive contribution to local character.

Paragraphs 133 and 134 outline that harm to the significance of a heritage asset should be weighed against public benefit.

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 sets out that development will achieve high standards of design and will protect, conserve and enhance the built and natural environment.

Policy BN5 The Historic Environment and Landscape outlines that heritage assets will be conserved and enhanced.

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 states that planning permission will be granted for development where design reflects the character of its surroundings.

Policy E26 indicates that planning permission will be granted in conservation areas where the character and appearance of those areas would be preserved or enhanced.

5.5 **Supplementary Planning Documents**

Abington Park Conservation Area Assessment 2005.

5.6 **Other Material Planning Considerations**

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments are summarised as follows:

- 6.1 **NBC Arboricultural Officer** has commented that there are no arboricultural reasons for refusal subject to conditions.
- 6.2 **NBC Conservation** confirmed that the application is not supported from a conservation perspective due to the encroachment of the enlarged café into the open park, the visual impact of this and its consequent adverse impact upon the conservation area and the Grade I listed Abington Park Museum.
- 6.3 **Northamptonshire Police** have no objections.
- 6.4 **Historic England** have stated that in their view the application site is within the setting of Abington Abbey and could have a harmful impact upon the setting of the listed building. However it is recommended that further assessment work be carried out regarding this and the application be determined in accordance with national and local planning policy and on the Council's specialist conservation advice.
- 6.5 **4 Hexham Court** – object to the application as originally submitted; the application is unattractive and out of keeping with the conservation area; mishmash of

materials on one face of the building. The application site affects the setting of a Grade I listed building and English Heritage should be consulted.

7. APPRAISAL

Previous Planning Permission

- 7.1 The previous planning permission N/2014/1207 for a smaller extension to the café was granted by the Planning Committee in January 2015 as it was considered that, on balance, the public benefit from improving the facilities available to users of Abington Park outweighed the harm to the Conservation Area from the loss of the tree and that the visual impact of the extension was acceptable. The previous permission remains extant and would not be affected by the outcome of the current application.

Design/Appearance/Conservation

- 7.2 The previously approved extension had dimensions of 7.7 x 8.1 metres and represented an increase of approximately 42% to the building. The extension now proposed has dimensions of 11.58 x 8.085 metres which would increase the footprint of the building by approximately 63%. In effect this application proposes three additional 'bays' to the building rather than the two originally permitted. The additional space would be utilised to store outdoor furniture.
- 7.3 It has been identified that the development would be within the setting of the listed Abington Abbey as well as the Conservation Area. The applicant's Heritage Impact Assessment identifies that "the extra bay the subject of the application may be viewed as causing harm to the two designated heritage assets".
- 7.4 It is considered that the larger extension now proposed, whilst appropriately designed in terms of how it continues the existing roof form, would result in a building of an excessive size and which would consequently appear as an unduly visually intrusive feature within the Conservation Area to the detriment of the appearance of this and consequently to the setting of the Grade I listed Abbey also.
- 7.5 Previously the impact upon the Conservation Area (and inherently the setting of the listed building) was considered to be acceptable and the loss of the tree was outweighed by the public benefits arising from an extended café. It is now considered that the additional extension would have a greater visual impact harming the heritage assets, and that this would not be outweighed by the public benefits of the additional extension. This would therefore be contrary to the advice of the NPPF.
- 7.6 In terms of the actual design proposed, the extension would be brick built, however the frontage is proposed to be clad in timber boarding. The representation received refers to this as a "mishmash", however it is considered that the use of cladding would help to visually break-up the building. However this would not overcome the concerns regarding the size of the resulting building.

Trees

- 7.7 The extension proposed would result in the loss of a Lime tree protected by virtue of being within a conservation area. The principle of the loss of the Lime tree

was accepted when determining the previous application, subject to a planning condition to ensure the replacement of the loss tree and with additional planting.

- 7.8 The current proposal would result in the building and patio encroaching into the root protection areas of two other trees. However it is not considered that, with appropriate controls, these trees would not be adversely impacted upon.

8. CONCLUSION

- 8.1 It is considered that the additional visual impact of the extension now proposed would outweigh the public benefits which would arise from the enlarged extension to the café and would not comply with the desirability of preserving or enhancing the character or appearance of a conservation area and inherently the listed Abbey as set out in the 1990 Act. Consequently the application is recommended for refusal.

9. BACKGROUND PAPERS

- 9.1 N/2015/0421.

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: 13th July 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Park Cafe Abington Park, Wellingborough Road

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0756: Change of use from single dwelling (use class C3) to a house in multiple occupation (use class C4) for 5 residents at 45 Allen Road

WARD: Abington

APPLICANT: Mrs. Lisa Hay
AGENT: None

REFERRED BY: Councillors D. Stone and Z. Smith
REASON: Overconcentration will add pressure to services and parking, and cause littering and antisocial behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street scene, 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, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

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

3. SITE DESCRIPTION

- 3.1 A late Victorian, two-storey terraced property with rear loft extension fronting directly onto the street, with a rear outrigger and small rear garden. The area is residential in character with similar terraced properties on both sides of the street.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

5.1 Development Plan

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

5.3 National Policies

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

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

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

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

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

5.4 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the

existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

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

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

5.5 Northampton Local Plan 1997 (Saved Policies)

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

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

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

5.6 Supplementary Planning Documents

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

5.7 Other Material Considerations

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

Proposals for HIMOs should:

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

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – space and amenities indicate that the property is suitable for 5 individuals, providing that the communal WC cubicle on the first floor contains a shower and/or bath facilities.
- 6.2 **Councillor D. Stone** – area already under pressure from overdevelopment and more HIMOs will add to the stress, the area is under pressure on services, parking, fly-tipping and littering.
- 6.3 **Councillor Z. Smith** - the area already has a large number of HIMOs and this creates difficulties with Environmental Services and anti-social behaviour. Important to have clear evidence of the number of HIMOs before approving application.
- 6.4 **Highway Authority** – due to known pressure on parking in the area, requested a parking beat survey by an independent survey company. This has been provided, and the Highway Authority has commented on the data as follows: *‘the data shows that whilst there is considerable parking demand, there is nevertheless some residual parking capacity available. Therefore, the LHA believes that the change of use to a HIMO has the potential to reduce the amount of available parking space in the area, however, we are satisfied that this is unlikely to impact upon highway safety. You may still wish to satisfy yourselves that there is sufficient parking amenity available in the area.’*
- 6.5 The application has been publicised by way of site notice and letters to neighbours.
- 6.6 Objections received from **13, 37, 48 Allen Road, and 135 The Drive** on grounds of over-concentration of HIMOs, creating difficulties with overcrowding, noise, anti-social behaviour; with an existing negative effect on waste services, parking and litter. Area already under severe pressure from overdevelopment, further multiple occupations would add to the existing stress in the area and force out existing C3 residents forming a ghetto of rented accommodation with community spirit eradicated.

7. APPRAISAL

Principle of the development

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

Size of property

- 7.3 The plans indicate that this is currently a three-bedroom property; and it is proposed to have five letting bedrooms (one at ground floor, three at first floor, and one in the roof dormer level) together with a lounge, kitchen and WC on the ground floor and bathroom on the first floor and an additional WC in the roof dormer. The response from Private Sector Housing indicates that the property is suitable to accommodate 5 people from five separate households, provided that a bath/shower is installed. At the site visit, the case officer confirmed that a

bath/shower is installed, and it is therefore considered that the property can accommodate up to 5 people satisfactorily.

Area concentration

- 7.4 Council records evidence that there are no other confirmed HIMOs within the 50m radius of the application site, and therefore no over-concentration exists. The use of this property as a HIMO would equate to less than 1% concentration in the area. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

Parking

- 7.5 No off-street parking is provided. However, the plans indicate that bicycle storage space has been provided in the rear garden. Also, the site is less than 200m from the nearest bus routes and district centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.6 The submitted Parking Survey evidences that there is residual parking capacity along the street. The survey was conducted on a week day evening between 6pm and 9pm. The Highway Authority is now satisfied that any increase in parking congestion in the area is unlikely to impact upon highway safety.

Refuse storage

- 7.7 The plans indicate an area in the rear garden for the storage of refuse and materials for recycling, and this therefore complies with Principle 4 of the Council's Planning Policy Statement on HIMOs.

Amenity

- 7.8 The use proposed falls within Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Indeed without the Article 4 Direction planning permission would not be required for this change of use. Consequently it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

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

9. CONDITIONS

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

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

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

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

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

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

(4) The bin storage and cycle storage provision as indicated on the approved plans shall be implemented prior to the use commencing and retained thereafter.

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

(5) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

10.1 N/2015/0756

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
45 Allen Road

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0757: Change of use from single dwelling (use class C3) to a house in multiple occupation (use class C4) for 4 residents at 35 Allen Road

WARD: Abington

APPLICANT: Mr. T. Hay
AGENT: None

REFERRED BY: Councillors D. Stone and Z. Smith
REASON: Overconcentration will add pressure to services and parking, and cause littering and anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street scene, 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, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 Permission is sought for a change of use from a single dwelling to a house in multiple occupation (HIMO) for 4 people. No external alteration to the property is proposed. No on-site parking facility is proposed.
- 2.2 The site lies within the Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

3. SITE DESCRIPTION

- 3.1 A late Victorian, two storey terraced property fronting directly onto the street, with a rear outrigger and small rear garden. The area is residential in character with similar terraced properties on both sides of the street.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

5.1 Development Plan

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

5.3 National Policies

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

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

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

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

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

5.4 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the

existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

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

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

5.5 Northampton Local Plan 1997 (Saved Policies)

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

5.6 Supplementary Planning Documents

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

5.7 Other Material Considerations

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

Proposals for HIMOs should:

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

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – space and amenities indicate that property suitable for 4 individuals, providing that the communal WC cubicle on the first floor contains a shower and/or bath facilities.
- 6.2 **Councillor D. Stone** – area already under pressure from overdevelopment and more HIMOs will add to the stress, the area is under pressure on services, parking, fly-tipping and littering.
- 6.3 **Councillor Z. Smith** - the area already has a large number of HIMOs and this creates difficulties with Environmental Services and anti-social behaviour. Important to have clear evidence of the number of HIMOs before approving application.
- 6.4 **Highway Authority** – due to known pressure on parking in the area, requested a parking beat survey by an independent survey company. This has been provided, and the Highway Authority has commented on the data as follows: *‘the data shows that whilst there is considerable parking demand, there is nevertheless some residual parking capacity available. Therefore, the LHA believes that the change of use to a HIMO has the potential to reduce the amount of available parking space in the area, however, we are satisfied that this is unlikely to impact upon highway safety. You may still wish to satisfy yourselves that there is sufficient parking amenity available in the area.’*
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7. APPRAISAL

Principle of the development

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

Size of property

- 7.3 The plans indicate that this is currently a three bedroom property, and it is proposed to have three letting bedrooms (one double and two single on the first floor); with a bathroom on the first floor, with a lounge, dining room, and kitchen, on the ground floor. The response from Private Sector Housing indicates that the property can accommodate 4 people from three separate households, provided that there is a shower and/or bath installed in the first floor bathroom. At the site

visit, the case officer confirmed that a bath/shower is installed, and it is therefore considered that the property can accommodate up to 4 people satisfactorily.

Area concentration

- 7.4 Council records evidence that there are no other confirmed HIMOs within the 50m radius of the application site, and therefore no over-concentration exists. The use of this property as a HIMO would equate to less than 1% concentration in the area. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

Parking

- 7.5 No off-street parking is provided. However, the plans indicate that bicycle storage space has been provided in the rear garden. Also, the site is less than 200m from the nearest bus routes and district centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.6 The submitted Parking Survey evidences that there is residual parking capacity along the street. The survey was conducted on a week day evening between 6pm and 9pm. The Highway Authority is now satisfied that any increase in parking congestion in the area is unlikely to impact upon highway safety.

Refuse storage

- 7.7 The plans indicate an area in the rear garden for the storage of refuse and materials for recycling, and this therefore complies with Principle 4 of the Council's Planning Policy Statement on HIMOs.

Amenity

- 7.8 The use proposed falls within Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Indeed without the Article 4 Direction planning permission would not be required for this change of use. Consequently it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

- 8.1 Taking the above into account, it is considered that the use of this property as a house in multiple occupation for 4 people is in compliance with Policy requirements, and is therefore recommended for approval.

9. CONDITIONS

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

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

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

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

(3) The development hereby permitted shall be occupied by a maximum of four residents at any one time.

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

(4) The bin storage and cycle storage provision as indicated on the approved plans shall be implemented prior to the use commencing and retained thereafter.

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

(5) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

10.1 N/2015/0757

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
35 Allen Road

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0780: The erection of a cinema and creation of external terrace on land at corner of Albion Place and Derngate

WARD: Castle

APPLICANT: Royal and Derngate Theatre
AGENT: One17 Architects & Interior Designers

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

By virtue of its siting within the open space, the proposed development would neither preserve nor enhance the character and appearance of the conservation area and would lead to some impact on the setting of the adjacent listed buildings. However, on balance the impacts are considered to be less than substantial. The aesthetic qualities of the design are of a high standard and would be in keeping with the existing cinema and an element of open space and landscaping would remain. The site is located within the town centre where policy seeks to promote regeneration and strengthen the offer of cultural, leisure and tourism provision when weighed against the public benefits. The proposal would enhance the cultural offer within this location and allow for the expansion of an existing prominent business within the town centre. On balance, it is considered that the public benefits outweigh the harm to heritage assets and therefore, the proposal is considered to be in accordance with Policies S10, E7, BN5, N1 and N2 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the aims and objectives of the National Planning Policy Framework.

1.2 As the consultation period will not expire until 29th of October, 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.

2. THE PROPOSAL

- 2.1 The application proposes the erection of a second cinema adjacent to the existing Errol Flynn Filmhouse. The scheme proposes a cinema building aligned parallel with the existing cinema and of similar design. The scheme has been amended with the aim of reducing impacts and to improve footpath provision through the site. The cinema would essentially reflect the design and materials of the existing cinema albeit on a slightly wider and shorter footprint with a roof level approximately 0.5m higher. A stepped access between the two cinemas would lead up to an external terrace and seating area. The cinema would sit level with the ground of the existing cinema with the land excavated and graded around it. The development of the site would include the removal of a number of trees of varying maturity. The existing footpath through the open space would be re-routed alongside the parking area on Albion Place. Security shutters are proposed at the base of the steps to secure the external terrace area out of hours and existing security shutters on the walkway to the theatre would be re-located towards the end of the walkway.
- 2.2 The application is supported by a Planning Statement, a Tree Survey and a Heritage Impact Assessment.

3. SITE DESCRIPTION

- 3.1 The application site is an area of open space within the Central Area and Derngate Conservation Area situated at the top of Albion Place at the junction with Derngate. The site lies to the immediate east of the Royal and Derngate Theatre with the existing Errol Flynn Theatre located in the south. The site comprises of varying levels with a grass embankment rising up to the walkway to the theatre and a general gradual slope of the overall site from Derngate towards the southern end. A row of Grade II listed terraced properties, Nos. 21 to 24 Albion Place, are located opposite the site to the southwest with a further, Nos. 3 to 7 Albion Place, are situated to the south. Many of the terraces have been converted back to residential use but some commercial uses maintained. Derngate to the north comprises of varying commercial uses at street level with residential accommodation above. The site to the northeast on the corner of Castilian Street/Derngate has an extant permission for the erection of a 3½-storey development of seven townhouses as yet unimplemented.

4. PLANNING HISTORY

- 4.1 N/2011/1149 – Erection of an extension to provide a cinema. Approved 7.03.12.

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:

The NPPF has a presumption in favour of sustainable development and aims to support sustainable economic growth. Paragraph 21 supports the expansion of existing business sectors. Paragraph 23 advises on the importance of meeting the needs for retail, leisure, office & other main town centre uses ensuring that they are not compromised by limited site availability.

The NPPF emphasises the importance of securing high quality design and the conservation of heritage assets in a manner appropriate to their significance at paragraph 17 further emphasising that good design is a key aspect of sustainable development and should contribute to making places better for people at paragraph 56. Paragraph 64 advises that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

Paragraph 131 advises that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and at paragraph 132 advises that great weight should be given to the assets conservation.

Paragraph 133 advises where a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. At paragraph 134 advice is that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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 – development should achieve the highest standards of design incorporating safety and security considerations and a strong sense of place and protect, conserve and enhance the natural and built environment and heritage settings.

Policy E7: Tourism, Visitor & Cultural Industries – development proposals will be supported where they contribute towards the achievement of regeneration aims and objectives; strengthen the overall tourism offer; benefit local communities and businesses; and the development is of a use, form and scale which does not harm the quality of the natural or built environment.

Policy BN3: Woodlands and Enhancement and Creation – loss of veteran trees will not be permitted unless the benefits of the development in that location clearly outweigh the loss.

Policy BN5: The Historic Environment & Landscape – designated and non-designated heritage assets and landscapes will be conserved and enhanced.

Policy N1: The Regeneration of Northampton – supports the regeneration of Northampton by a focus on the town centre and central area for leisure and service development providing high quality urban design and public realm and protecting its heritage assets and historic character through managed change.

Policy N2: Northampton Central Area – acknowledges that major office, leisure and cultural development will take place in the Northampton Central Area as identified in the Central Area Action Plan.

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 – development must demonstrate a high design standard; positively contribute to the character of the area; preserve and enhance the character, appearance and setting of the central area's heritage assets paying suitable regard to adopted Conservation Area Appraisals and Management Plans; and promote high quality inclusive design.

Policy 4: Green Infrastructure – development within the Central Area must deliver and/or contribute the provision of green infrastructure by enhancing the setting and function of the green infrastructure identified on the 'Proposals Map'.

5.5 Supplementary Planning Documents

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

5.6 Other Material Considerations

Derngate Conservation Area Appraisal & Management Plan

5.7 Statutory Duty

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

If there is any harm to the aspects of the listed building or conservation area identified under section 66 or section 72 considerable weight should be placed on this harm in deciding whether to grant planning permission (East Northamptonshire Court of Appeal decision 2014).

Nevertheless a later judgement *R Morris v Wealden DC* (2014) explained the duty further thus:

“If, for example, the harm was trivial, then the great weight to be attached could more easily be outweighed by any advantages that accrued from the development in question.”

6. CONSULTATIONS/ REPRESENTATIONS

Comments are summarised as follows:

- 6.1 **NBC Conservation** – The space is identified in the Conservation Area Appraisal and Management Plan as a ‘valuable green space’. This has already been eroded following the construction of the Errol Flynn 1 cinema making the remaining space more valuable, however the existing cinema enabled the remaining space to be enhanced thus improving the remaining green space. The existing cinema is partially sheltered by the mass of the Dergate Theatre and does not project forward of the listed terrace of properties to the south of the site. The current proposal would divide the remaining open space into two less usable areas and would project forward significantly blocking the view of the terrace of properties to the south, would result in the erosion of the green space impacting on the setting of the listed terrace of properties opposite and would dominate the view south from Castilian Street. These elements would therefore have a negative impact on the setting of the listed buildings and character of the conservation area. The amended scheme is insufficient to mitigate the impact on the setting of the adjacent listed buildings and the character of the conservation area.
- 6.2 **NBC Arboricultural Officer** – The development requires the removal of mature and early mature and some young recently planted trees. All the trees form a synergistic group which provides amenity to the area and contributes to an important landscape feature as part of the open space with the conservation area. The loss of trees is in itself not overly significant but the combination of the loss of trees with the fragmentation of the open space as a result of the development is not acceptable. The construction of the proposed footpath may also have an adverse impact on the trees dependant on the method of construction and the scheme allows very little scope for the planting of replacement trees. No further comments on the amended scheme.
- 6.3 **NBC Environmental Health** – The development will require heat control and ventilation plant, the main concern being noise from plant and equipment and breakout from the cinema soundtrack. It would also be appropriate to check for contamination on site. Conditions are recommended in relation to the submission of a scheme for the control of noise and contamination.
- 6.4 **Crime Prevention Design Advisor** – no objection to the principle of a second cinema in this location. NBC CCTV has a very poor view of this space with only parts visible and at some distance with the only guardianship coming from houses at the top of Albion Place. The development will need to create an environment which feels welcoming and not intimidating. Historically this space was used by drinkers and is somewhat secluded. Removal of the seating blocks is recommended as this removes any option to sit and congregate in order to drink.

- 6.5 **Town Centre Conservation Advisory Committee** – consider the proposed alignment would have an impact on the setting of the listed buildings in Albion Place and the mature trees and valuable green space. Adequate consideration should be given to assessing the impact on the conservation area and the setting of the listed buildings.
- 6.6 **The Town Centre Manager** – advises that the existing cinema, whilst enhancing the environment, has been well received by the general public and attracted capacity audiences who have supported other local businesses in the locality. There appears to be demand for expanding the cinema offer and the design and layout is in keeping with its location.
- 6.7 **The Theatres Trust** – No objection. The creation of an additional cinema will complement the existing cinema and support the role of the Royal and Derngate as a cultural destination. The location and orientation of the extension ensures the fire escape from the theatre building will be maintained free from obstruction.
- 6.8 There is no requirement to refer the application to Historic England as the development is under 1000 square metres in area and does not affect the setting of a Grade 1 or II* listed building.
- 6.9 The consultation period on the amended scheme will not expire until 29th of October 2015 and any additional comments received will be reported via the report addendum.

7. APPRAISAL

Background to Design Issues

- 7.1 The application was subject to pre-application discussions with the Local Planning Authority where it was suggested by officers that an alternative layout be considered which positioned the proposed cinema at an angle with the existing cinema running along the length of the walkway to the theatre in order to retain as much of the green space as possible in a single area and reduce the impact on adjacent listed buildings. The application as submitted aligns the proposed cinema parallel with the existing.
- 7.2 Discussions have continued regarding the layout during the course of this application and the scheme has been amended to widen the building but shorten it by two rows of seating in response to concerns raised by officers regarding impact on the open space and heritage assets. The submitted revised Planning Statement advises that the applicant wishes to replicate the existing cinema as closely as possible but provide “a more raked profile to the viewing space to improve screen visibility for all audience members” and “greater space between the projection window and the ceiling”.
- 7.3 The applicant’s supporting statement seeks to provide justification for the siting of the cinema (as amended) as follows:
- The shape of the cinema is a wedge (shallower at the entrance and deeper at the screen end). Working with rather than against the site contours is invariably a logical response.
 - Running the cinema parallel with the walkway (as suggested by the local planning authority) involves considerably more excavation at greater cost.

Furthermore, problems were experienced during the construction of the existing cinema with undermining the walkway foundations.

- The walkway's primary function is as an emergency or fire escape route from the theatre.
- The outdoor terrace is beneficial to both cinemas and for the supervision and maintenance of outside space. Placing outdoor furniture on the existing walkway has proved popular however the walkway's primary function is as an emergency or fire escape route from the theatre and building control officers have advised to keep the walkway clear.
- The generous opening between the two cinemas would create an important visual link between the walkway and the green space below.
- The relationship between the buildings in the application scheme is comfortable and logical.

Impact on Heritage Assets

7.4 National and local planning policy seek to ensure that development proposals are of high quality design and conserve and enhance heritage assets and their settings having regard to the significance of the heritage asset. Where a proposal will lead to substantial harm or loss to the significance of the heritage asset this should be weighed against the substantial public benefits of the proposal. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.5 The application site forms a prominent green open space within the town centre, the setting of which is further enhanced by the presence of mature trees. The space provides a natural setting that enhances the setting of the existing cinema, the adjacent unattractive façade of the Derngate Theatre, the surrounding conservation area and the setting of the adjacent listed buildings. When viewed from Castilian Street to the north of the application site the open space affords views down towards the group of listed terraced properties on Albion Place (Nos. 3 to 7) albeit these views are interrupted by the presence of the existing cinema and partially obscured by the trees when in full bloom. The relationship of the open space with the listed terrace opposite is interrupted by the presence of the parking area and associated signage.

7.6 The Derngate Conservation Area Assessment (September 2006) referred to the value and importance of this open space within the central area acknowledging that it was underused and would benefit from seating and a more rigorous maintenance regime. The open space was subsequently enhanced with the erection of the existing Errol Flynn theatre with the provision of an area of informal block seating and a footpath that winds through the open space. Although the space has been enhanced visually there is nothing to suggest that usage of the space has increased as a result. The supporting statement submitted with the application acknowledges that the construction of the existing cinema created more of a focus on the remaining green space which reduced the incidence of antisocial behaviour to an extent but not completely. The benefits of the open space are therefore considered to be more of a visual merit within the conservation area and as part of the setting of the adjacent listed buildings than

as a functional amenity space within the town centre. The existing footpath route through the open space would be retained albeit on a different alignment.

- 7.7 The development as proposed would divide this remaining open space into less usable areas and result in the loss of existing mature trees although a number of trees would be retained to the front of the site adjacent to Derrnagate and the existing parking area.
- 7.8 The building would be visually prominent within the open space when viewed from Castilian Street and further obscure views of the listed buildings at Nos. 3 to 7 Albion Place. However, the views of these listed terraces are already interrupted by the presence of the existing cinema and partially obscured by existing trees on site. The upper floors of the terrace would remain visible above the cinema and the immediate setting of these listed buildings when viewed further down Albion Place would remain unchanged. Views of the listed terrace (Nos. 21 to 24) when approached from Derrnagate would remain uninterrupted with the buildings viewed as part of the remaining open space. The setting and open space has already been partially eroded by the presence of the parking area and associated signage.
- 7.9 On balance it is considered that whilst the development as proposed would neither enhance nor preserve the character of the conservation area and the setting of the listed buildings the harm would not be of such significance that it could be considered substantial. Therefore, it is considered that paragraph 134 of the NPPF should be applied and that the test as to whether the development is acceptable is as to whether the public benefits of the proposal outweigh the less than substantial harm.

Cultural and Economic Impacts

- 7.10 The NPPF aims to support sustainable economic growth and the expansion of existing businesses. The NPPF and policies of the JCS and the CAAP seek to focus leisure and cultural development within the town centre. The JCS seeks to support development proposals that contribute towards regeneration aims and objectives which help to strengthen the overall tourism offer of the town and benefit the local community and businesses whilst seeking to preserve heritage assets and historic character.
- 7.11 The site lies within an area being promoted by the Council as a 'cultural quarter' for Northampton. The development of a second cinema in this location within the town centre adjacent to the existing cinema and theatre has the potential to benefit surrounding businesses and the town's night-time economy and would increase the cultural focus within this location consistent with the Council's aims of regenerating the town centre and enhancing the cultural experience that Northampton has to offer.
- 7.12 The supporting information submitted with the application advises that the existing cinema has 'proved so successful that the management now wish to open a second screen'. The provision of a second cinema is therefore in accordance with the aims of the NPPF which seeks to support the sustainable economic growth of existing businesses.

Other Matters

- 7.13 The location of the proposed cinema would be in close proximity to existing public car parks on Albion Place and at St John's Multi-storey. In addition the site is within a sustainable location within the town centre with good access to public transport. Customers would predominantly attend the venue in the evenings and are unlikely to conflict with daytime requirements for parking within the town centre. As such it is not considered that the proposal would lead to any significant adverse impacts on parking provision within the locality.

8. CONCLUSION

- 8.1 The positive and negative aspects of this development proposal are very finely balanced. The adverse impact on the open space, the character and appearance of the Derngate Conservation Area and the setting of the adjacent listed buildings is acknowledged. The harm on balance is considered to be less than substantial and therefore this must be weighed against any considered public benefits of the proposal.
- 8.2 The aesthetic appearance of the cinema would be in keeping with the high quality design of the existing cinema and its location would assist in screening the less attractive elevation of the theatre. An element of open space and mature trees would remain surrounding the proposed cinema albeit more divided than at present and further landscaping could be required by condition to assist in blending the appearance of the development within its setting.
- 8.3 The new cinema would provide an opportunity to further enhance the cultural and leisure offer of the town centre and would support the expansion of an existing prominent business in the town centre. On balance, it is considered that the public benefits are considered significant enough to outweigh the harm to heritage assets, even after applying the relevant weight to such harm, such that the application is 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) Notwithstanding the details submitted prior to 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

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan. This is a pre-commencement condition in order to ensure that details are submitted in a timely manner.

- (3) Prior to commencement of development an Arboricultural Method Statement shall be submitted including a Tree Protection Plan, details of any works within the Root Protection Area of any retained trees and including a 'no-dig' construction method for the proposed footpath. Development shall be carried out in accordance with the submitted details.

Reason: In the interests of preserving the health and amenity of retained trees and in the interests of visual amenity in accordance with Policy BN3 and Policy S10 of the West Northamptonshire Joint Core Strategy. The details are required pre-commencement to ensure appropriate protection of the trees.

- (4) Prior to the occupation of the development hereby permitted a detailed scheme of hard and soft landscaping for the site shall be submitted to the Local Planning Authority for approval in writing. The hard landscaping shall be carried out in accordance with the approved details prior to occupation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

- (5) 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 S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

- (6) Notwithstanding the details submitted details of the proposed security shutters shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy 1 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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

- (8) Prior to the occupation of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval in writing that specifies how noise from fixed plant or equipment and breakout from the auditorium shall be controlled. The scheme shall be implemented in accordance with the approved details prior to the development coming into use and retained thereafter. The applicant shall provide evidence that the scheme has achieved the design targets required within 1 month of the development being brought into use.

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

- (9) The development hereby permitted shall be carried out in accordance with the following approved drawing nos. 2297(PL)01 received 8.07.15 and 2997 (PL)02 rev A & 2997(PL)03 rev A received 9/10/15.

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

10. BACKGROUND PAPERS

- 10.1 N/2015/0780

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: 26th August 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
Land corner of Albion Place and Derrigate

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0791: New conservatory/ garden room to front of café at Drovers Return Café, Hunsbury Hill Country Park, Hunsbury Hill Road

WARD: West Hunsbury

APPLICANT: Mr Colin Ingle
AGENT: None

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

DEPARTURE: No

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

REFUSAL for the following reason:

Due to its construction and associated materials used, the proposed extension would represent an incongruous form of development detracts from the appearance of the existing building detrimental to visual amenity and contrary to Policy E20 of the Northampton Local Plan, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 Permission is sought for a front single storey extension to the existing café to be used as an information/visitor room and as a shelter for dog walkers using the park. The proposed extension would be constructed in wood and perspex with a maximum height of 2.5 metres and project 3 metres off the front wall of the existing building. Associated with the development is a small extension to the existing patio.

3. SITE DESCRIPTION

- 3.1 The application site consists of a café situated within the grounds of Hunsbury Hill Country Park a few kilometres south of Northampton town centre. The café is located next to a car park and was a former public convenience block converted

around 2009. The park is under the ownership of Northampton Borough Council. The site is not within a designated Conservation Area but is close to a scheduled monument at Hunsbury Hill Fort.

- 3.2 The nearest residential properties are located to the west on Sentinel Road and to the south on Hunsbury Close.

4. PLANNING HISTORY

- 4.1 Planning permission granted to convert toilet block to café in 2009.

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:

Paragraphs 56 and 57 Design - stresses the importance of good design in order to make places better for people.

Paragraph 69 Security - encourage safe and accessible environments where crime and disorder do not undermine quality of life.

Paragraph 17 Amenity - importance of ensuring high quality design and good standard of amenity.

Paragraph 118 Trees - consideration to be given to impact of development on trees and woodland.

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:

S10 Sustainable Development Principles - Development will achieve the highest standards of design and strong sense of place.

BN3 Trees - Protection of trees outside ancient woodlands will be protected.

BN5 Heritage Assets - Seeks to secure protection of heritage assets.

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 Design of new development – encourages good design in terms of materials, layout and scale.

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NBC Conservation** - The area is covered by the Hunsbury Hill Fort Conservation Management Plan which has been adopted by the Council and is a material consideration in the determination of this planning application. Whilst there is no objection in principle, there are concerns regarding the extension's design. (Further verbal confirmation from the Conservation Officer was that the concerns relate to both the materials proposed and the form of the structure).

NBC Arboricultural Officer - There are trees on 3 sides of the café. There would be some impact on the closest tree as there may be some minor encroachment into the Root Protection Area but it is not considered that this will affect the long term health of the tree.

Northamptonshire Police Crime Prevention Advisor - No objections given that there have been no reported crime at the site in last 12 months although consideration must be given of providing doors to prevent congregation of miscreants.

Letters of support received from **11 St Benedicts Mount, 16 and 48 Greenglades, 11 Bourton Close, 36 and 46 Summerfields, 40 Gresham Drive, 7 Holbein Gardens, 3 Reedhill, 13 Hunsbury Close:**

- The café serves the community very well
- Will allow dog walkers to enjoy the café in inclement weather
- This is a further reason to allow visitors to the area
- The proposed design is simple
- There are no parking or highway safety concerns
- No risk of overlooking or amenity concerns
- There are no listed buildings nearby and is not in a conservation area
- No impact on pollution
- Will improve facilities for customers

Objection from **1 Sentinel Road** and petition with 7 addresses:

- The Park should be for locals to enjoy and not outsiders to make money
- The proposed materials are unacceptable

- Will be a fire hazard
- This is not a place for such a structure
- Method of construction will cause annoyance to residents when the wind blows against the structure

7. APPRAISAL

- 7.1 The main considerations are the impact on the appearance and character of the area, design, security, impact on existing trees and neighbour amenity.

Principle of development

- 7.2 There is no objection in principle to the proposed extension as it will support the continuation of a community facility used by local residents and visitors to the park for recreation.

Design and appearance

- 7.3 The site is not particularly prominent when viewed from the nearest public highway on Hunsbury Hill Road being screened by existing trees. The proposed design of the extension is of simple construction with pitched roof and supported by posts and screens. Notwithstanding the comments from the Conservation Officer, it is not considered that the form i.e. single storey pitched roof extension is an unacceptable addition to the existing café. However the materials to be used are of low quality with wood and perspex construction which do not complement the existing building and significantly detracts from its character and adversely impact on visual amenity of the locality. The applicant was informed that the materials and construction as proposed are unacceptable but unwilling to amend the proposal. It is considered therefore that the proposal is unacceptable and would be contrary to Policy E20 of the Northampton Local Plan which promotes good design and Paragraph 64 of the NPPF.

7.4 Impact on amenity of neighbours

Due to the separation distance of approximately 27 metres from the closest residential property at 25 Hunsbury Close and combined with the modest scale of the development, it is considered that the proposed extension would have minimal effect on neighbours living conditions in terms of noise and general loss of amenity.

Security and Crime Prevention

- 7.5 As there has been no reported crimes at the café within the last 12 months, Northants Police raise no objections provided that consideration is given by the applicant to install a door into the extension to prevent congregation of miscreants after the café has closed. The applicant has confirmed that the extension will be fully closed and locked after hours. This is considered acceptable in terms of security.

Impact on Trees

- 7.6 The site is surrounded by mature planting on 3 sides. No trees would be affected by the proposal. The Council's Tree Officer has no major concerns in terms of impact on long term health of trees.

Conservation

- 7.7 Although the site is not in a Conservation Area consideration should be given to the Hunsbury Hill Fort Conservation Management Plan as the site is approximately 290m to a scheduled monument. However, it is not considered that the proposal would adversely affect the setting of this heritage asset. The Conservation Officer however considers the proposed design of the development is unacceptable.

8. CONCLUSION

- 8.1 For the reasons cited above the proposal is considered unacceptable and is therefore recommended for refusal as it is contrary to local and national planning policy.

9. BACKGROUND PAPERS

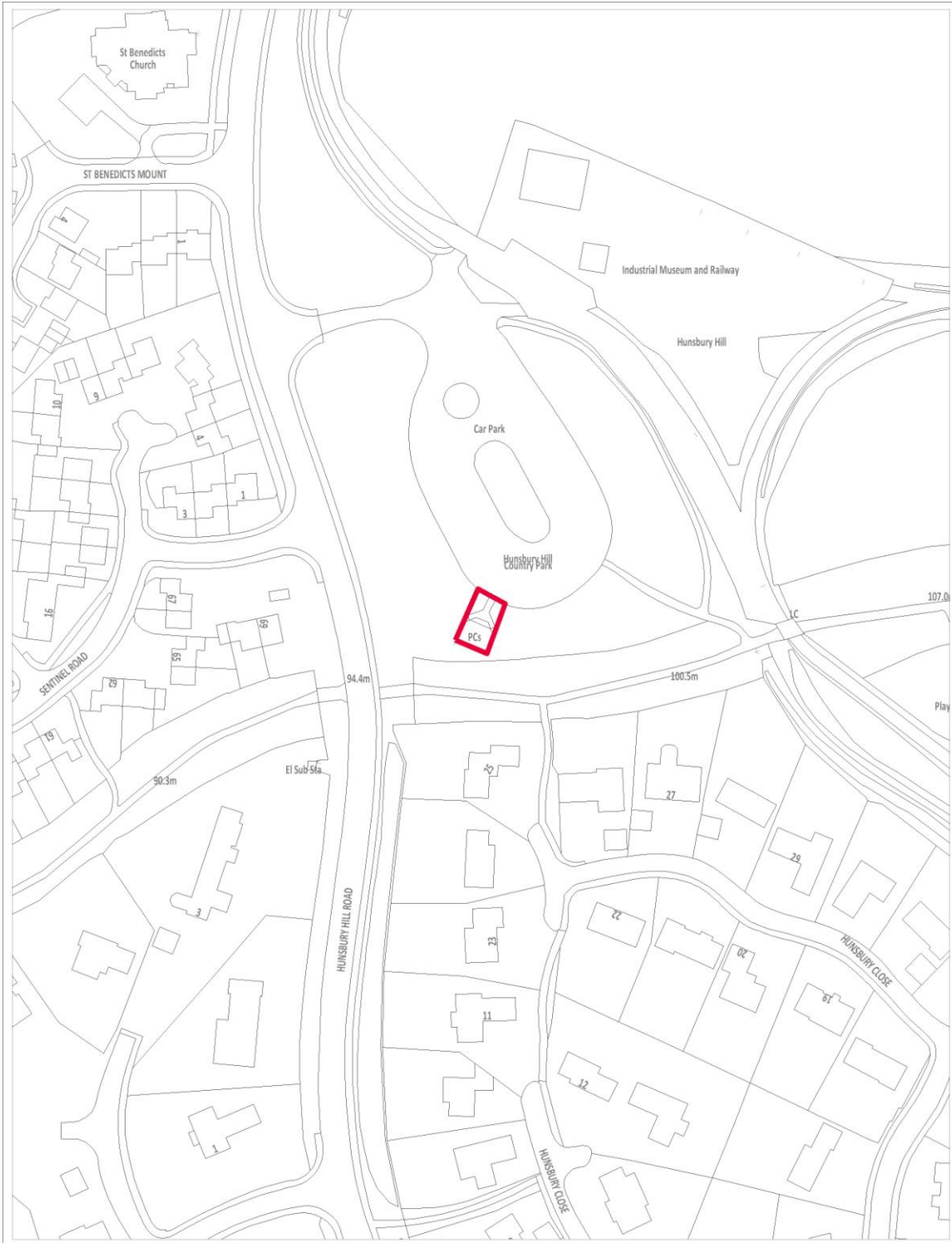
9. N/2015/0791

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: **14th October 2015**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Drovers Return Cafe, Hunsbury Hill Country Park

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0933: Two storey rear extension and change of use to two self-contained flats (retrospective application) at 58 Gray Street

WARD: Castle

APPLICANT: Mr S. N. Gilani
AGENT: Mr M. Bagshaw; John Martin and Associates

REFERRED BY: Cllr D. Stone
REASON: The development is an overdevelopment of the site, puts pressure on parking and services and has increased anti-social behaviour

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The development is compatible towards the surrounding land uses and has a neutral impact upon the neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy and Policies E20, H18, H21 and H23 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant seeks permission to retain an existing extension, which was constructed in 2008 as part of the conversion of the building to form two separate self-contained flats. The units have been occupied in the intervening period. This application has been submitted in order to regularise the situation.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey mono-pitch building adjacent to 56 Gray Street. The bulk of the buildings in the vicinity are two storey terraced

houses of a traditional form. The vast majority of these buildings appear to be occupied as single household dwellings and only six out of the 57 properties within the street are used as houses in multiple occupation. In addition, a development of flats has been constructed on the northern side of Gray Street. The site is also sited in the Boot and Shoe Quarter Conservation Area.

- 3.2 Planning permission has previously been granted to convert the property to a two bedroom house. The development constructed varies from the approved plans as two flats have been constructed in addition to a two storey extension with a projection of approximately 2m.

4. PLANNING HISTORY

- 4.1 WN/2006/0120 – Conversion of 23 Shakespeare Road into two flats and conversion of 58 Gray Street into one two storey dwelling – Approved

08/0130/FULWNN - Demolition of rear extension and erection of two storey rear extension and conversion of existing building into two 1 bedroom flats and alteration to side window – Refused

- 4.2 The 2008 application was refused as it was considered that the development would lead to a loss of privacy for the occupiers of surrounding properties.

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 Central Area Action Plan (2013) 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

- 5.3 Paragraph 17 sets out the principles of the planning system and in particular states that planning decisions should secure decisions of good quality design and amenity in addition to encouraging the use of previously developed land.

- 5.4 Paragraph 50 states that planning decisions should create a good quality homes of sufficient variety in order to meet the needs of differing groups of the community, such as young people, people with children and older people. In addition, the NPPF (in paragraph 49) requires that housing development is carried out by promoting sustainable development.

- 5.5 Paragraphs 56 and 57 require that new developments are of a good standard of design.

5.6 **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

5.7 **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
H18 – Residential extensions
H21 – Conversion to flats
H23 – Conversion to flats

5.8 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

5. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 5.1 **Highway Authority (NCC)** – No objections.
- 5.2 **Cllr. D. Stone** – The scheme is an overdevelopment of the site, puts pressure on services and car parking and causes anti-social behaviour.
- 5.3 **13 Shakespeare Road** – Make observations regarding the retrospective nature of the application and car parking provision within the vicinity of the site is limited.

6. **APPRAISAL**

- 6.1 By reason of the nature of the surrounding land uses, it is considered that the development is complementary towards the area. By reason of the development being located within a residential area and in close proximity to the town centre, the Racecourse public open space and Kettering Road and Barrack Road it is considered that that the development is sustainably located and in accordance with the requirements of the National Planning Policy Framework. It is also considered that the provision of two further units of accommodation in such a sustainable location would assist in meeting the need for housing within Northampton.
- 6.2 The comparatively small scale of the development (i.e. two flats each of two bedrooms) means that the units are likely to be occupied by small households or individuals. As a large number of units within Gray Street are occupied as family housing and the relatively small number of houses within the vicinity that have been converted to flats means that a good mixture of house types

would remain. The size of the units also exceed the minimum sizes specified within Policy H23 of the Northampton Local Plan.

- 6.3 By reason of the small scale of the two units, it is considered that the development does not put any unduly great pressure upon parking provision within the area bearing in mind that a two bedroom dwelling in this site has previously been deemed acceptable and the fact that the two flats have been occupied since 2008. Prior to being converted to residential purposes, the site was used for commercial activities (car repairs). It is likely that this use would have had a more intensive impact upon parking requirements within the vicinity.
- 6.4 This application represents a revised scheme from that previously considered by WNDC. In essence, the side window from the extension has been removed. This removes any potential for the development to adversely impact upon the amenities of the surrounding properties in Shakespeare Road and overcomes the previous reason for refusal. The design of the extension maintains the proportions of the original building and is constructed from materials of the same type as the main part of the building. This ensures that there is no significant adverse impact upon visual amenity.
- 6.5 The bulk of the development retains features (such as windows and the external staircase) that predate the use of the property for residential purposes and as such the development would maintain the visual amenity of the locality and surrounding properties.
- 6.6 In order to ensure that a good standard of development is maintained in the future, a condition is recommended that would ensure that suitable refuse storage is provided within a reasonable timescale.
- 6.7 As the application site is located within an area covered by an Article 4 Direction, a further planning application would be required if there was ever an intention to change the use of the flats to Houses in Multiple Occupation. It is noted that comments have been submitted that have raised issues regarding the retrospective nature of the application; however, the planning system provides for applications to be made retrospectively, in order to remedy breaches of planning control. Local planning authorities must treat such applications on their merits, in the same way as planning applications submitted in advance of development taking place.

7. CONCLUSION

- 7.1 It is considered that the retention of the development has a neutral impact upon neighbour amenity and the surrounding highway system. As the development is compatible with the surrounding land uses, it is considered that the application is acceptable.

8. CONDITIONS

1. Notwithstanding the details submitted, full details of refuse storage to serve the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority within four weeks from the date of this approval. The refuse storage shall be fully implemented within 12 weeks from the date of this permission 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.

9. BACKGROUND PAPERS

9.1 None

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: **14th October 2015**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
58 Gray Street

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PLANNING COMMITTEE: 27th October 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0991: Change of use from dwelling (use class C3) to a house in multiple occupation (use class C4) for 3 residents (retrospective) at 72 Salisbury Street

WARD: Semilong

APPLICANT: Mr David Croissant
AGENT: None

REFERRED BY: Councillor L. Marriott
REASON: Will reduce family homes in the area. Too many HIMOs already existing in the area. Parking issues that will be added to by an additional HIMO

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The development proposed would not lead to an unacceptable concentration of HIMOs within the locality and would not adversely impact upon the character and appearance of the property, the street scene, nor would it 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, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission is sought for the retention of the change of use of the dwelling (use class C3) to a house in multiple occupation (use class C4) for three residents. No external alteration to the property is proposed.

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

3. SITE DESCRIPTION

- 3.1 The application site constitutes a two-storey, traditional terraced dwelling house with no off-street parking in Salisbury Street.
- 3.2 The property has a bedroom, lounge, kitchen on the ground floor and two further bedrooms and a bathroom on the first floor.

4. PLANNING HISTORY

- 4.1 N/2015/0176 Lawful Development Certificate for the proposed installation of external wall insulation 16/04/2015.

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 Northampton Local Plan (1997).

5.2 National Policies

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

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

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

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

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

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan

making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

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

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

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

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

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

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

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

5.6 **Supplementary Planning Documents**

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

5.7 **Other Material Considerations**

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

Proposals for HIMOs should:

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

- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillor L Marriott:** This will cause a reduction in family homes in the area which will be required ongoing, particularly when the new school opens on the old Royal Mail site on Barrack Road. Too many HIMOs already exist in the area and this will add to the problems already created by these. Parking is already a problem, as already identified by the Police, an additional HIMO will add to the problem.
- 6.2 **NCC Highways:** No observations to make in this instance.
- 6.3 **NBC Private Sector Housing:** The property is considered to be suitable to let to 3 separate individuals.

7. APPRAISAL

Principle of the Development

- 7.1 The conversion of the property to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 7.2 The surrounding area is predominantly residential in character. From Council records that there is not a significant concentration of HIMOs in the surrounding area. There are eight identified HIMOs within a 50 metre radius of the property, equating to 7.9% of properties in use as HIMOs within a 50m radius of the application site. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.
- 7.3 A condition shall be attached to the planning permission to restrict the use of the premises to a maximum of 3 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that there would not be a significant impact on the character and amenity of the area as a result of the development.

Amenity and Refuse Storage

- 7.4 Policy H30 of the Local Plan, although dated, is in line with the aims of the NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size in amenity terms in accordance with the Council's HIMO Facilities and Amenities Guidance. All bedrooms are served by adequate outlook and light.
- 7.5 A condition shall be attached to the planning permission requiring details of refuse storage.

- 7.6 The use proposed falls within Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Indeed without the Article 4 Direction planning permission would not be required for this change of use. Consequently it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

Parking

- 7.7 There is no off-street parking associated with the development. The Local Highways Authority have not objected to the application. Given that the lawful use as a dwelling would be likely to generate some vehicle movements, it is considered that the use as a HIMO for 3 residents would not create any significant additional traffic. The site is in a relatively sustainable location within walking distance of services and facilities in the town centre and the impact on car parking would not be unduly significant. A condition for cycle storage is to be imposed to promote sustainable travel to the site.
- 7.8 The proposal's impact on highways and parking is considered to be acceptable and in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF.

8. CONCLUSION

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

9. CONDITIONS

- (1) The property shall be occupied by no more than 3 persons at any one time.

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

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

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

- (3) Within one month of the date of this permission details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority and these shall be implemented in accordance with the approved details within one month of the date of approval

and retained thereafter.

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

10. BACKGROUND PAPERS

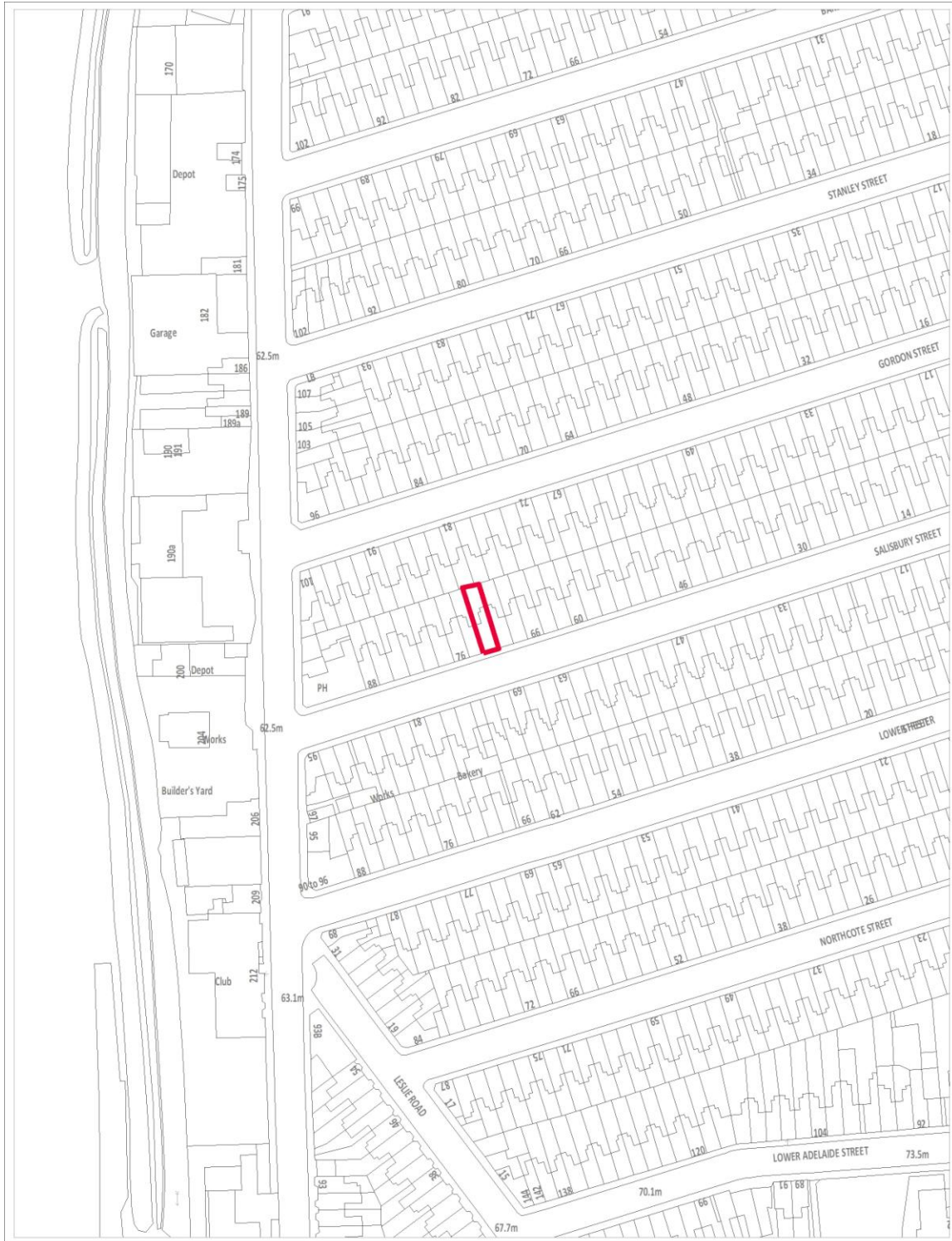
10.1 N/2015/0991.

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: 16th October 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
72 Salisbury Street

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