



# PLANNING AGENDA

**Thursday, 17 December 2015**

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

6:00 pm

**Members of the Committee**

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

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

**Chief Executive** David Kennedy

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

# PLANNING COMMITTEE

## AGENDA

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

The Council permits public speaking at the Planning Committee as outlined below:

### Who Can Speak At Planning Committee Meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

### How Do I Arrange To Speak?

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.  
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk)

### 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 Thursday, 17 December 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) N/2004/0930 - VARIATION OF S106 AGREEMENT ON LAND WEST OF  
HARVEY REEVES ROAD**

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**(B) N/2015/1388 - VARIATION OF S106 AGREEMENT FOR GROSE GARAGE  
SITE, KINGSTHORPE ROAD**

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**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None

**10. ITEMS FOR DETERMINATION**

(Addendum attached)

- (A) N/2015/0333 - HYBRID PLANNING APPLICATION COMPRISING: (A) FULL PLANNING APPLICATION FOR THE ERECTION OF A 1,810M2 NEW RETAIL FOOD STORE WITH ASSOCIATED ACCESS FROM EARL STREET, LANDSCAPING AND CAR PARKING; AND (B) OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS (FROM GREAT RUSSELL STREET) OF UP TO 19 RESIDENTIAL DWELLINGS. FORMER NORTHAMPTON CHRONICLE AND ECHO SITE, UPPER MOUNTS, CASTLE**

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- (B) N/2015/0738 - DEMOLITION OF PART, CONVERSION OF THE EXISTING BUILDING AND ERECTION OF TWO NEW FLOORS TO FORM 64NO. APARTMENTS. NEWSPAPER HOUSE, DERNGATE, CASTLE**

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- (C) N/2015/0791 - SINGLE STOREY EXTENSION TO FRONT OF CAFÉ. DROVERS RETURN CAFÉ, HUNSBURY HILL COUNTRY PARK, HUNSBURY HILL, WEST HUNSBURY**

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- (D) N/2015/0999 & N/2015/1000 - CHANGE OF USE FROM OFFICE (CLASS B1) TO CHILDRENS DAY NURSERY (CLASS D1) AND ASSOCIATED WORKS AND LISTED BUILDING CONSENT APPLICATION FOR INTERNAL ALTERATIONS TO BUILDING AND ERECTION OF PALISADE FENCING, HOME FARM WORKS, ORCHARD HILL, BILLING**

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- (E) N/2015/1108 - CONVERSION OF DWELLING INTO 2 SELF-CONTAINED FLATS. 15 LESLIE ROAD, SEMILONG**

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- (F) N/2015/1110 - DEMOLISH EXISTING CONSERVATORY, ERECT SINGLE-STOREY REAR EXTENSION AND SINGLE-STOREY FRONT EXTENSION. ELEANORE HOUSE, 3 BUTTERMERE CLOSE, EASTFIELD**

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- (G) N/2015/1140 - PROPOSED SINGLE SPAN POLYTHENE COVERED CANOPY TO COVER AN EXISTING GROWING AREA MEASURING 12.5M X 10M. CRAMDEN NURSERIES, HARBOROUGH ROAD NORTH, SPRING PARK**

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- (H) N/2015/1219 - LISTED BUILDING APPLICATION FOR PROPOSED RE-RENDERING OF GROUND FLOOR INTERNAL WALLS. 33 ST GILES STREET, CASTLE**

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- (I) N/2015/1224 - ERECTION OF 6NO WHEELED BIN ENCLOSURES. LAND AT KIRTON CLOSE, TALAVERA**

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- (J) N/2015/1225 - ERECTION OF 7NO BIN ENCLOSURES. LAND AT CRESTLINE COURT, TALAVERA**

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**(K) N/2015/1238 - CHANGE OF USE OF PUBLIC AREA INTO DOMESTIC GARDEN. 69 MAIDENCASTLE, RECTORY FARM**

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**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:-**

**PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS** Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 27 October 2015

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

**OFFICERS:** David Hackforth (Interim Head of Planning), Rita Bovey  
(Development Manager), Nicky Toon (Principal Planning Officer)  
Claire Berry (Planning Policy & Heritage Manager) Jonathan Moore  
(Planning Officer), Andrew Holden (Principal Planning Officer) and  
Theresa Boyd (Solicitor)

#### 1. APOLOGIES

Apologies for absence were received from Councillor Aziz.

#### 2. MINUTES

The Chair noted that the minutes attached to the agenda were from the 2<sup>nd</sup> November 2015 and should have been from the 29<sup>th</sup> September 2015, which had been circulated to members. The minutes of the meeting held on 29<sup>th</sup> September 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/2015/0987**

Ms Heather Green  
Mr Kelvin Acford  
Councillor Alan Bottwood  
Mr Mark Croxon  
Mr Keith Mitchell

##### **N/2015/0421**

Mr Tony Ansell  
Mr Jamie Seamark  
Mr Alex Stevenson

##### **N/2015/0756**

Mr Gallop  
Councillor Smith  
Councillor Stone  
Mr Tristan Hay

##### **N/2015/0757**

Mr Gallop

Councillor Smith  
Councillor Stone  
Mr Tristan Hay

**N/2015/0791**

Ms Mavis Wilmhurst  
Mr Colin Ingle

**N/2015/0991**

Mr David Croissant  
Councillor Marriott

**4. DECLARATIONS OF INTEREST/PREDETERMINATION**

Councillor Oldham declared a personal non pecuniary interest in Item 10e as the Ward Councillor.

Councillor Birch declared a personal non pecuniary interest in Item 9a, as a Trustee of Community Spaces Northampton.

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

**RESOLVED:** That the determination of the following item, which was considered by the Chair to be a Matter of Urgency because of the undue delay if consideration of it was delayed, be as follows:

Members were reminded that the planning applications to the proposed Northampton South SUE development in Collingtree (outline 1,000 dwellings and a full application for 378 dwellings) were refused by the Planning Committee in January 2015. Following the refusal, the applicant Bovis Homes submitted an appeal to the Planning Inspectorate and a public inquiry is due to be heard from 1<sup>st</sup> of December 2015.

The Council has appointed a consultant team to deal with the appeal which includes a leading barrister and consultants to deal with traffic, air quality, planning, heritage and noise matters.

Both of the applications were originally refused on the same reasons including the principle in relation to the JCS, impact on the highway network due to increased traffic, impact on existing residents from increased traffic, noise and air quality, and heritage.

Following advice from the appeal team – The reason for refusal on the principle of the development was withdrawn, and the reference to air quality was removed from the noise and air quality reason.

The appeal team have since then been working on the Council's case and received a significant amount of technical information from the appellant's appeal team.



Following the process of scrutinising all the technical information, the Council had been informed very recently from the highway consultant that the proposed development would have impact but the impact is less than substantial and with the proposed mitigations, the development was considered to be acceptable in highway terms. The noise consultant also advised that he would not be able to defend the reason for refusal on noise impact due to increased traffic.

Following advice from the barrister, the Council had no choice but to withdraw the **two** traffic reasons for refusal. The appeal team would continue with the two other reasons for refusal in relation to noise and heritage matters and will present the Council's case in December 2015.

It was noted that the Council had to adhere to a very strict time table set down in the appeal process. As the matter had only just come to a head there was a need to confirm to the Planning Inspectorate and revise the Council's Statement of Case last week. Any delay would result in cost awarded against the Council for unreasonable delay.

The Committee noted the matter of urgency.

The Chair proposed that a special Planning Committee meeting be held to discuss the Collingtree application.

**RESOLVED:** That a special Planning Committee meeting be held on the 10<sup>th</sup> November 2015.

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

The Development Manager submitted a List of Current Appeals and Inquiries and elaborated thereon.

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

## **7. OTHER REPORTS**

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

The Planning Policy & Heritage Manager elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning and asked members to note the contents of the 2015 Five Year Housing land Supply report, and the implications that this would have on determining planning applications for housing.

Members discussed the report.

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

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

There were 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**

Having declared an interest Councillor Birch left the room.

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. Members' attention was drawn to the additional information contained within the addendum. It was explained that the recommendation in the report was for approval, in principle.

Ms Heather Green spoke against the application as a local resident.

Mr Kelvin Acford addressed the Committee on behalf of St Crispin & Ryelands Cricket Club (SCRCC) and spoke against the application.

Councillor Bottwood spoke as the Ward Councillor and stated he was not representing the views of the Parish Council; He spoke in favour of the application.

Mr Mark Croxon, the architect, spoke in favour of the application

Mr Keith Mitchell, the project manager at NBC, spoke in favour of the application.

Members discussed the report and expressed concerns that there was a need for extra fencing to be placed around the play area to ensure the safety of children using the play area.

#### **RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report and the addendum and matters in paragraphs 1.1 and 1.2 of the report with delegated authority being given to the Interim Head of Planning in consultation with the Chair of Planning Committee to resolve any additional issues raised not dealt with in the report and issue planning permission after the consultation period has expired including an additional condition requiring fencing around the relocated play area.

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

The Planning Officer elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was noted that it was for approval subject to the conditions within the set out in the report.

The Committee discussed the report.

#### **RESOLVED:**

That the application be **APPROVED** subject to the conditions in the report.

## **10. ITEMS FOR DETERMINATION**

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

The Development Manager submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was explained that the report was for the refusal of the application. It was noted that the application was substantially a resubmission of a previously approved scheme but on a larger scale.

Mr Tony Ansell addressed the Committee and stated he was doing so as the applicant and not in his capacity of a Councillor. He stated that he had a disclosable pecuniary interest in the item as he had a financial interest in the leasehold property. He spoke in favour of the application.

Mr Ansell left the room after having addressed the Committee.

Mr Jamie Seamark addressed the Committee and spoke against the application.

Mr Alex Stevenson spoke in favour of the application.

Members discussed the report.

That the application be **APPROVED** as the proposal was essential to secure the substantial public benefit of the improvements to an existing café which serves people visiting Abington Park. The benefit of this would outweigh any adverse impact on the conservation area and the substantial harm to the setting of the Grade 1 listed building, thereby complying with paragraphs 131, 133 and 134 of the National Planning Policy Framework, Policy BN5 of the West Northamptonshire Joint Core Strategy and Policy E26 of the Northampton Local Plan 1997 (saved policies).

### **(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**

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the recommendation was for the approval of the application.

Mr Gallop, a local resident addressed the Committee and spoke against the application.

Councillor Smith, as the Ward Councillor, spoke against the application.

Councillor Stone, also the Ward Councillor, spoke against the application.

Mr Tristan Hay, the property owner addressed the Committee and spoke in favour of the application.

Members discussed the report.

**RESOLVED:**

That the application be **DEFERRED** to allow for further investigation be carried out to clarify the number of existing HIMOs in the area.

**(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**

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the recommendation was for the approval of the application.

Mr Gallop, a local resident addressed the Committee and spoke against the application.

Councillor Smith, as the Ward Councillor, spoke against the application.

Councillor Stone, also the Ward Councillor, spoke against the application.

Mr Tristan Hay, the property owner addressed the Committee and spoke in favour of the application.

Members discussed the report.

**RESOLVED:**

That the application be **DEFERRED** to allow for further investigation be carried out to clarify the number of existing HIMOs in the area.

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

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the recommendation was for approval in principle.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the conditions set out in the report. It was also noted that delegated authority be given to the Interim Head of Planning in consultation with the Chair of Planning Committee to resolve any additional issues raised in comments received not dealt with

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

The Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning. It was noted that the recommendation was for refusal.

Ms Mavis Wilmhurst addressed the Committee and spoke in favour of the application.

Mr Colin Ingle, the applicant addressed the Committee and spoke in favour of the application.

The Committee discussed the report.

**RESOLVED:**

That the item be deferred for negotiations to take place between officers and the applicant regarding design and materials.

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

The Principal Planning Officer submitted a report on behalf of the Director of Regeneration, Enterprise and Planning and elaborated thereon. It was noted that the recommendation was for approval.

**RESOLVED:**

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

**(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**

The Senior Planning Officer submitted a report on behalf of the Director of Regeneration Enterprise and Planning and elaborated thereon. It was noted that the application was retrospective and the recommendation was for approval.

Councillor Marriot, as Ward Councillor, addressed the Committee and spoke against the application.

Mr David Croissant, the owner and landlord spoke in favour of the application.

The Committee discussed the report.

**RESOLVED:**

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

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

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

None

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

None

The meeting concluded at Time Not Specified

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 10 November 2015**

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

**OFFICERS:** Steven Boyes (Director of Regeneration, Enterprise and Planning)  
David Hackforth (Interim Head of Planning), David Rowen,  
(Development Management Team Leader) Andrew Holden, (Principal  
Planning Officer), Theresa Boyd, (Solicitor), Francis Fernandes  
(Borough Secretary) Heather Sargent (Junior Counsel – Landmark  
Chambers)

**1. APOLOGIES**

Apologies for absence were received from Councillor Birch, Lynch and Haque.

**2. DEPUTATIONS / PUBLIC ADDRESSES**

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

**N/2013/1035 & N/2013/1063:**

Mr Malcolm Bruce  
Mr Murray Croft  
Mr Nigel Maple-Toft  
Mr Rod Sellers  
Dr Chris Leads  
Mr Robert Boulter  
County Councillor Gonzalez de Savage.

**3. DECLARATIONS OF INTEREST/PREDETERMINATION**

There were none.

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

There were none.

**5. N/2013/1035: OUTLINE APPLICATION FOR THE NORTHAMPTON SOUTH  
SUSTAINABLE URBAN EXTENSION TO COMPRISE UP TO 1000  
DWELLINGS & N/2013/1063: FULL APPLICATION FOR 378 DWELLINGS  
SERVED BY A NEW ACCESS FROM WINDINGBROOK LANE, AND THE**

## **RE-CONFIGURATION OF PART OF THE COLLINGTREE PARK GOLF COURSE**

The Interim Head of Planning submitted a report and elaborated thereon. He explained that the purpose of this report was to advise Members further on the background to the decision to withdraw reasons 2 and 3 from the Council's case at the forthcoming public inquiry into the Collingtree appeal.

It was noted that no decision was being sought by the Committee as the report was for noting. He reminded the Committee that reason 2 was:

*“The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in Northampton. The proposed development would therefore be contrary to the objectives of the National Planning Policy Framework and Policy C2 of the West Northamptonshire Joint Core Strategy”.*

Reason 3 was:

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

The Council had engaged leading Counsel and a team of independent consultants to defend the refusal of planning permission and to act as expert witnesses at the inquiry. Neither Northamptonshire County Council as Highway Authority nor Highways England (formerly the Highways Agency) responsible for trunk roads had objected to the planning application. It was therefore essential that the Council be able to field professionally qualified witnesses who were willing and able to present technical evidence to the inquiry. For Highways and Traffic evidence the Council engaged John Birch of the Glanville Group, the same consultant who appeared for the Council at the earlier Hardington appeal inquiry. For noise issues, it was noted that they had engaged Mike Brownstone of Resound Acoustics, a qualified and very experienced Acoustic Engineer.

Consistent with the inquiry rules and appeal best practice, the Council's consultants had contacted the appellant's team to identify areas of common ground and where possible, to resolve issues by further work. Shortly before the date set by the Planning Inspectorate for two sides to submit their Statements of Case, the appellant's highways consultants, PBA sent a significant amount of additional traffic data to our consultant team. On the basis of this additional information and further traffic modelling by our team the Council's highway and noise consultants concluded that they could no longer sustain a case based on the impact of the development on the local highway network as referred to in reasons 2 and 3 of the decision notice. Consequently, neither expert would be able to produce a Proof of Evidence in support of those two reasons for refusal or give evidence at the public inquiry.



Given these circumstances, the Council's QC advised in a written Opinion that the best outcome for the Council would be to withdraw reasons 2 and 3 while avoiding paying consequential legal costs to the appellant. The Council's best chance of achieving that outcome was to approach the appellant as soon as possible. Given the urgency of the matter and the risk of a potential award of costs against the Council, the Borough Secretary and Monitoring Officer exercised a delegation to protect the Council's position by withdrawing those reasons for refusal.

The appellant confirmed in writing that, if reasons 2 and 3 were withdrawn, it would not seek consequential costs. Officers then wrote to the Planning Inspectorate informing it of the withdrawal of withdrawing reasons 2 and 3..

Urgent action had been required, firstly because the Council had to submit its Statement of Case to meet the strict Appeal timetable Inspectorate and secondly because the appellant had set a deadline in its agreement not to pursue costs in respect of reasons 2 and 3. It was therefore not possible to report the matter for a decision by the Planning Committee as the first available meeting was after the deadlines referred to above. The matter could not have been reported to an earlier meeting because the new information had not been provided by the appellant.

It was noted that the appeal team would continue to defend the two remaining reasons for refusal (in relation to noise and heritage matters) and would present the Council's case at the public inquiry due to begin on 1st December.

Mr Malcolm Brice, as Chairman of Collingtree Parish Council, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Murray Croft, as a member of Collingtree Park Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Nigel Maple-Toft, as a member of Collingtree Park Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Roger Sellers, as a member of Hunsbury & Collingtree Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Dr Chris Leads, as a member of Wootton Brook Action Group, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

Mr Robert Boulter, as a member of Hunsbury and Collingtree Residents Alliance, addressed the Committee and spoke against the withdrawal of the reasons as set out in the report.

In response to questions asked by the Chair, the Junior Counsel from Landmark Chambers, the legal representative for the Council at the forthcoming public inquiry, stated that the removal of the reasons would avoid the Council and the appellant incurring costs, through the appeals process. She confirmed that the remaining reasons were considered defensible.

County Councillor Gonzalez de Savage, spoke as the Ward Councillor for East Hunsbury and as the Cabinet Member for Strategic Infrastructure, Economic Growth and Public Protection and commented that the Highways Agency could only comment on the legal position.

The Borough Secretary responded to questions by commenting that the withdrawal of the two reasons for refusal could potentially avoid liability for costs of approximately £200,000.

Members discussed the report.

**RESOLVED:**

That Members **noted** the withdrawal of the following reasons for refusal for both applications N/2013/1035 and N/2013/1063:

(2) The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions including local highway network such that the cumulative impacts of the development would be severe. These adverse highway impacts would lead to a detrimental impact on the wider Northampton highway network thereby adversely affecting the prospects for economic growth and regeneration in Northampton. The proposed development would therefore be contrary to the policies of the National Planning Policy Framework and Policies C2, INF1, INF2, N1 and N5 of the West Northamptonshire Joint Core Strategy.

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

Members also **AGREED** to withdraw from the Growth Management Strategy and urged Northamptonshire County Council to do the same.

The meeting concluded at 7.37pm

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**Tuesday, 24 November 2015**

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

**OFFICERS:** David Hackforth (Interim Head of Planning), Rita Bovey (Development Manager), David Rown (Development Management Team Leader), Ben Clarke (Senior Planning Officer), Louremi Aremu (Solicitor), Michael Flynn (Democratic Services Officer)

**1. APOLOGIES**

Apologies were received from Councillors Lane, Haque and Davenport.

**2. DEPUTATIONS / PUBLIC ADDRESSES**

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

**N/2015/0603**

Navin Patel  
KAPG representative  
Cllr Beardsworth (Ward Cllr)  
Gary Witts

**N/2015/0756**

Tristan Hay

**N/2015/0757**

Tristan Hay

**N/2015/1040**

Catherine Mason

**3. DECLARATIONS OF INTEREST/PREDETERMINATION**

None.

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

The Development Team Leader elaborated on a report set out in the addendum submitted by the Director of Regeneration, Enterprise and Planning. The matter was related to cross boundary developments at Pineham business park. The Committee were asked to consider whether to devolve development control power to South Northamptonshire Council (SNC) under Section 101(1) of the Local Government Act 1972 on a S73 application to amend details of the outline planning permission and likely future reserved matters applications as well as consideration of application N/2015/1173 which is a consultation by SNC.

Councillor Larratt raised the issue regarding traffic noise deflected by the industrial buildings in Pineham and requested that his opposition to devolution of development control powers to SNC be minuted.

#### **RESOLVED:**

Members agreed under Section 101(1) of the Local Government Act 1972 to devolve development control powers to South Northamptonshire Council in respect of separate reserved matters applications for Plots 2 and 3 pursuant to outline planning permission S/2014/1603/EIA for the expansion of the Pineham Business Park.

Members agreed under Section 101(1) of the Local Government Act 1972 to devolve development control powers to South Northamptonshire Council in respect of a single reserved matters application for Plots 1 and 2 or a single reserved matters application covering all three plots pursuant to outline planning permission S/2014/1603/EIA for the expansion of the Pineham Business Park.

Members did not agree to devolve development control powers to South Northamptonshire Council in respect of a reserved matters application for Plot 1 only.

Members agreed under Section 101(1) of the Local Government Act 1972 to devolve development control powers to South Northamptonshire Council for a Section 73 application to vary condition 3 of outline planning permission S/2014/1603/EIA in respect of Plot 1.

That Members resolved to raise no objections to the consultation received on the Section 73 application (N/2015/1173) described at Paragraph 3.9 of the report.

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

The Development Manager submitted a List of Current Appeals and Inquiries and elaborated thereon.

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

## 6. OTHER REPORTS

None.

## 7. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

## 8. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

## 9. ITEMS FOR DETERMINATION

### (A) N/2015/0603 - ERECTION OF A 2-BED BUNGALOW AND DETACHED DOUBLE GARAGE LAND TO FRONT OF 37 MILL LANE, KINGSTHORPE

The Development Management Team Leader elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was advised that planning permission was sought for the erection of a single storey detached dwelling and garage on the front garden of 37 mill lane.

Mr Navin Patel spoke against the application and considered the proposed bungalow to be out of character and would cause highway safety problems

The Group secretary of KAPG spoke against the application and considered that the report made reference to the extant planning permission for three dwellings on the adjacent site was unsound. Requirement for additional accommodation could be achieved through extension to dwelling. Concerns regarding visual amenity, highway safety, noise and pollution.

Councillor Sally Beardsworth as Ward Councillor spoke against the application and considered that the proposal bungalow is too close to the road. Concerned about highway safety and air quality.

Mr Gary Witts spoke in favour of the application and confirmed that the bungalow was needed for his elderly mother. The existing dwelling is within the conservation area but not the proposed dwelling.

The Committee discussed the report.

### **RESOLVED:**

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

The proposed development was considered acceptable in principle within an established residential area and due to its siting, scale and design would not have an undue detrimental impact on the appearance and character of the conservation area, visual and residential amenity of the area, highway safety and complies with Policies E20 and E26 of the Northampton Local Plan, H1, S10, BN5 and BN9 of the West

Northamptonshire Joint Core Strategy and aims of the National Planning Policy Framework (NPPF).

Members also **AGREED** that the details of the boundary stone wall be submitted to Historic England for them to consider whether it should be placed on the Statutory List of buildings of Special Architectural or Historical Interest and that the boundaries of the Kingsthorpe Conservation Area be reviewed as a matter of urgency.

**(B) N/2015/0756 - CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) TO A FIVE PERSON HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) 45 ALLEN ROAD, ABINGTON**

The Development Manager elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was reported that permission was 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 was proposed or no on-site parking facility. It was advised that the application was deferred at the last Committee meeting, pending further information on HIMOs in the area to be submitted by Cllr Stone.

She reported an additional objection letter from the resident of 13 Allen Road.

She confirmed that the information submitted by Cllr Stone was forwarded to Private Sector Housing to be investigated on whether there are more existing HIMOs in the area. Even if some of the properties were found to be in HIMO use, the application proposal would still be policy compliance as there would be less than 15% of properties in HIMO use within a 50m radius.

Mr Tristan Hay spoke in favour of the application.

The Interim Head of Planning confirmed that a meeting took place with the Private Sector Housing Team and agreed to arrange further training session for Members on HIMO early in the new year.

The Committee discussed the report.

**RESOLVED**

That the application is **APPROVED** subject to the conditions as set out in the report 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.

**(C) N/2015/0757 - CHANGE OF USE FROM RESIDENTIAL (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION FOR UP TO 4NO OCCUPANTS 35 ALLEN ROAD, ABINGTON**

The Development Manager elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was reported that permission was sought for a change of use from a single dwelling to a house in multiple occupation (HIMO) for 4 people. It was advised that the application was deferred at the last Committee meeting, pending further information on HIMOs in the area to be submitted by Cllr Stone.

She reported an additional objection letter from the resident of 13 Allen Road.

She confirmed that the information submitted by Cllr Stone was forwarded to Private Sector Housing to be investigated on whether there are more existing HIMOs in the area. Even if some of the properties were found to be in HIMO use, the application proposal would still be policy compliance as there would be less than 15% of properties in HIMO use within a 50m radius.

Mr Tristan Hay spoke in favour of the application.

The Committee discussed the report

**RESOLVED**

That the application is **APPROVED** subject to the conditions as set out in the report 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.

**(D) N/2015/1040 - RESERVED MATTERS APPLICATION FOR 1198 BED STUDENT ACCOMMODATION AND ANCILLARY FACILITIES, 32 BED HOTEL SCHOOL. UNIVERSITY SITE, NUNN MILLS ROAD, DELAPRE & BRIAR HILL**

The Senior Planning Officer presented the report on behalf of the Director of Regeneration, Enterprise and Planning and referred to the addendum. It was advised that this application related to a specific phase of the redevelopment of the former Avon/Nunn Mills site as a new campus for the University of Northampton and that some reserved matters had already been approved.

It was reported that these works would be located in the western section of the site, with the convenience store and bank being located to the north of the area covered by the application. To the south of this would be a number of buildings that would be constructed as 'cluster flats'. These would comprise a series of bedrooms/living areas with en-suite accommodation that would be occupied by individual students. These buildings would have a varied height and would be of five storeys in height.

Further south it was reported would be a 32 bedroom hotel that would be operated as part of the University's courses in this area in addition to further ancillary features including a multi-faith chaplaincy and health centre. To the south and west of this building would be a number of student houses of four storeys in height. These would be arranged in terraces and each would contain 12 bedrooms with shared bathrooms, kitchen and living spaces.

Catherine Mason on behalf of the applicant spoke in favour of the application.

The Committee discussed the report.

**RESOLVED**

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

The layout, appearance, scale and landscaping that has been proposed as part of this phase of the development is of an acceptable standard that has a neutral impact upon the amenities of surrounding properties and the setting of the Grade II Listed Building whilst providing new buildings and landscaping of a good design that would positively contribute to the regeneration of this prominent site. The development is therefore in accordance with the requirements of the National Planning Policy Framework; Policies E6, N1 and S10 of the West Northamptonshire Joint Core Strategy and Policies 1, 3 and 28 of the Northampton Central Area Action Plan.



**(E) N/2015/1067 - CONVERSION INTO 2NO 1-BED FLATS, 4NO NEW 1-BED FLATS AND 2NO NEW 2-BED SEMI-DETACHED DWELLINGS (RETROSPECTIVE APPLICATION). 54 ADAMS AVENUE, ABINGTON**

The Chair advised the Committee that this item had been withdrawn from the agenda and would be referred back to Committee for a decision in the near future

**(F) N/2015/1094 - CHANGE OF USE TO 3 PERSON HMO, 58 LOWER ADELAIDE STREET, SEMILONG**

The Development Management Team Leader elaborated on a report submitted by the Director of Regeneration, Enterprise and Planning. It was reported permission was sought for a change of use from a single dwelling to a house in multiple occupation (HMO) for 3 people. No external alteration to the property was proposed. No on-site parking facility was also proposed. It was advised that the site lies within the Article 4 Direction area which removes permitted development rights for change of use to a HMO.

The Committee discussed the report

**RESOLVED**

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

The proposed development would not lead to an unacceptable concentration of HMOs within the locality that would adversely impact upon the character of the area, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the scale of development 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

**10. ENFORCEMENT MATTERS**

None.

**11. ITEMS FOR CONSULTATION**

**(A) N/2015/1232 - CONSTRUCTION OF 42 DWELLINGS.WEST OF NORTHAMPTON LANE SOUTH**

The Development Management Team Leader presented the report on behalf of the Director of Regeneration, Enterprise and Planning. It was reported that the application, a consultation by Daventry District Council, sought planning permission to erect 42 dwellings which would be accessed via a cul-de-sac formed from Cottingham Drive. A pedestrian link was proposed to Northampton Lane South. A mix of two, three, four and five bedroomed properties were proposed, generally of a two-storey height with a limited number of 2.5 storey properties.

The Committee discussed the report.

## **RESOLVED**

Members **AGREED** the recommendation contained in the report subject to the amendment of the wording in the final point of paragraph 1.1 that Daventry District Council is informed that NBC's Officers 'must' be involved in the negotiation of the Section 106 Agreement.

## **12. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was 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.

The Motion was Carried.

The meeting concluded at 20:00



Directorate: Regeneration, Enterprise and Planning  
 Director: Steven Boyes



**List of Appeals and Determinations – 17<sup>th</sup> December 2015**

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>DEL/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2015/0211</b> APP/V2825/X/15/3063787	DEL	Lawful Development Certificate for an existing single storey rear extension at 69 Raeburn Road	<b>AWAITED</b>
<b>N/2015/0395</b> APP/V2825/D/15/3132268	DEL	Single storey rear extension. Re-submission of planning application N/2014/1094 at 1 St Peters Gardens	<b>AWAITED</b>
<b>N/2015/0470</b> 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	<b>AWAITED</b>
<b>N/2015/0530</b> APP/V2825/D/15/3132925	DEL	Front dormer extension with extension to existing rear dormer at 27 Grayhurst Close	<b>AWAITED</b>
<b>N/2015/0555</b> 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	<b>DISMISSED</b>
<b>N/2015/0561</b> APP/V2825/W/15/3135609	PC	Change of use of single dwelling to house in multiple occupation for 5 residents (Use Class C4) - retrospective application at 76 Somerset Street.	<b>AWAITED</b>
<b>N/2015/0644</b> APP/V2825/D/15/3138574	DEL	Two storey side extension, single storey rear extension and front porch at 71 Wilford Avenue.	<b>AWAITED</b>
<b>N/2015/0798</b> APP/V2825/D/15/3138225	DEL	Change of use of existing storage unit into 2no 1-bed apartments at 2 Oaklands Drive.	<b>AWAITED</b>
<b>N/2015/0932</b> APP/V2825/D/15/3136744	DEL	Erection of a single-storey detached garage. Re-submission of planning application N/2015/0057 at 34 Wysall Road.	<b>AWAITED</b>
<b>Public Inquiry</b>			
<b>N/2013/0338</b> APP/V2825/A/14/2228866	PC	Site at Land to East of Hardingstone, North of Newport Pagnell Road - Outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road – <b>Public Inquiry ended on 30<sup>th</sup> July at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>
<b>N/2013/1035</b> APP/V2825/W/15/3028151	PC	Outline Application for the Northampton South Sustainable Urban Extension to comprise up to 1000 dwellings, a mixed use local centre, a site for a primary school, green infrastructure including formal and informal open space, reconfiguration and extension of Collingtree Park Golf Course, demolition of all existing buildings and structures within the site, new vehicular accesses off Windingbrook Lane and Rowtree Road, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements) all matters reserved accept access, land south of Rowtree Road and west of Windingbrook Lane – <b>Public Inquiry to begin on the 1<sup>st</sup> of December at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>
<b>N/2013/1063</b> APP/V2825/W/15/3028155	PC  22	378 dwellings served by a new access from Windingbrook Lane, and the re-configuration of part of the Collingtree Park Golf Course including a new temporary hole 17 and the demolition of all existing buildings and structures within the site, green infrastructure including formal and informal open space, car parking, sustainable drainage systems (including flood risk betterment) and infrastructure (including highway improvements), land south of Rowtree Road and west of Windingbrook Lane - <b>Public Inquiry to begin on the 1<sup>st</sup> of December at Franklin Gardens, Weedon Road</b>	<b>AWAITED</b>

<b>Hearing</b>			
<b>N/2015/0718</b> APP/V2825/W/15/3137541	DEL	Change of use from retail (use class A1) to restaurant/bar and install extraction equipment to rear at 6-7 Drapery. <b>Date to be decided.</b>	<b>AWAITED</b>
<b>Enforcement Appeal</b>			
		None	
The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.		Appeal decisions can be viewed at - <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a>	
Local Government (Access to Information) Act 1985 Background Papers The Appeal Papers for the appeals listed		Author and Contact Officer Mrs Rita Bovey, Development Manager Telephone 01604 837237 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE	



**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015

**DIRECTORATE:** Regeneration, Enterprise and Planning

**DIRECTOR:** Steven Boyes

**REPORT TITLE:** Variation of Section 106 agreement dated 15<sup>th</sup> March 2005 pursuant to planning permission N/2004/930 (development of car/coach and disabled parking, construction of new service road and provision of associated development including foot/cycle ways, foot/cycle bridges and landscaping) on land west of Harvey Reeves Road

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## 1. RECOMMENDATION

1.1 That the Committee **AGREE** to vary the Section 106 agreement to remove Clause 6.4 of Schedule 2 of the agreement relating to the retention of an easement strip originally required as a potential contingency remediation corridor in relation to ground water remediation measures associated with the development of the former landfill site.

## 2. BACKGROUND

2.1 The relevant S106 dated 15<sup>th</sup> March 2005 relates to planning application N/2004/0930 for the development of an area of land, formerly a landfill site, for areas of parking, construction of a new service road and provision of foot/cycle ways and associated bridges and landscaping. The scheme has since been implemented with the new road forming Edgar Mobbs Way and the site now situated within the Northampton Waterside Enterprise Zone and known as Site 7C.

2.2 The development of the site incorporated a number of mitigation measures relating to remediation measures formulated in consultation with the Environment Agency to control potential groundwater contamination to adjacent receptors which included the River Terrace Deposits along the River Nene, Storton's Pits water bodies and Westbridge Brook. These remediation measures included a number of barriers along the eastern, western and southern boundaries of the site to mitigate contaminant levels in groundwater leaving the former landfill site.

2.3 Clause 6.4 of Schedule 2 of the relevant S106 required an area of land adjacent to these barriers to be retained undeveloped to provide a potential

contingency remediation corridor for the possible installation and subsequent maintenance of a remediation drain and any other necessary equipment or structures as approved in a drainage monitoring and maintenance strategy for the proposed development. The proposed Deed of Variation relates to this area of land.

### **3. PROPOSED VARIATION**

- 3.1 Section 106A of the Town and Country Planning Act 1990 allows a planning obligation to be modified by agreement between both parties. As a consequence Cotham Management Service Limited, who have exchanged contracts with the Homes and Communities Agency to purchase the site, have requested the Borough Council voluntarily agree to a variation of the planning obligation in relation to the retention of the easement strip.
- 3.2 The proposed modification is accompanied by a letter from the Environment Agency dated 22 July 2014 confirming that it considers the 'Harvey Reeves Road Monitoring Report' dated July 2014 submitted by the applicant sufficiently demonstrates that no further remediation works were justifiable or needed at the site. The Environment Agency also confirmed that the easement strip alongside the barrier was no longer considered necessary for the potential installation of pumping equipment as a back-up should the barrier fail.

### **4. CONCLUSION**

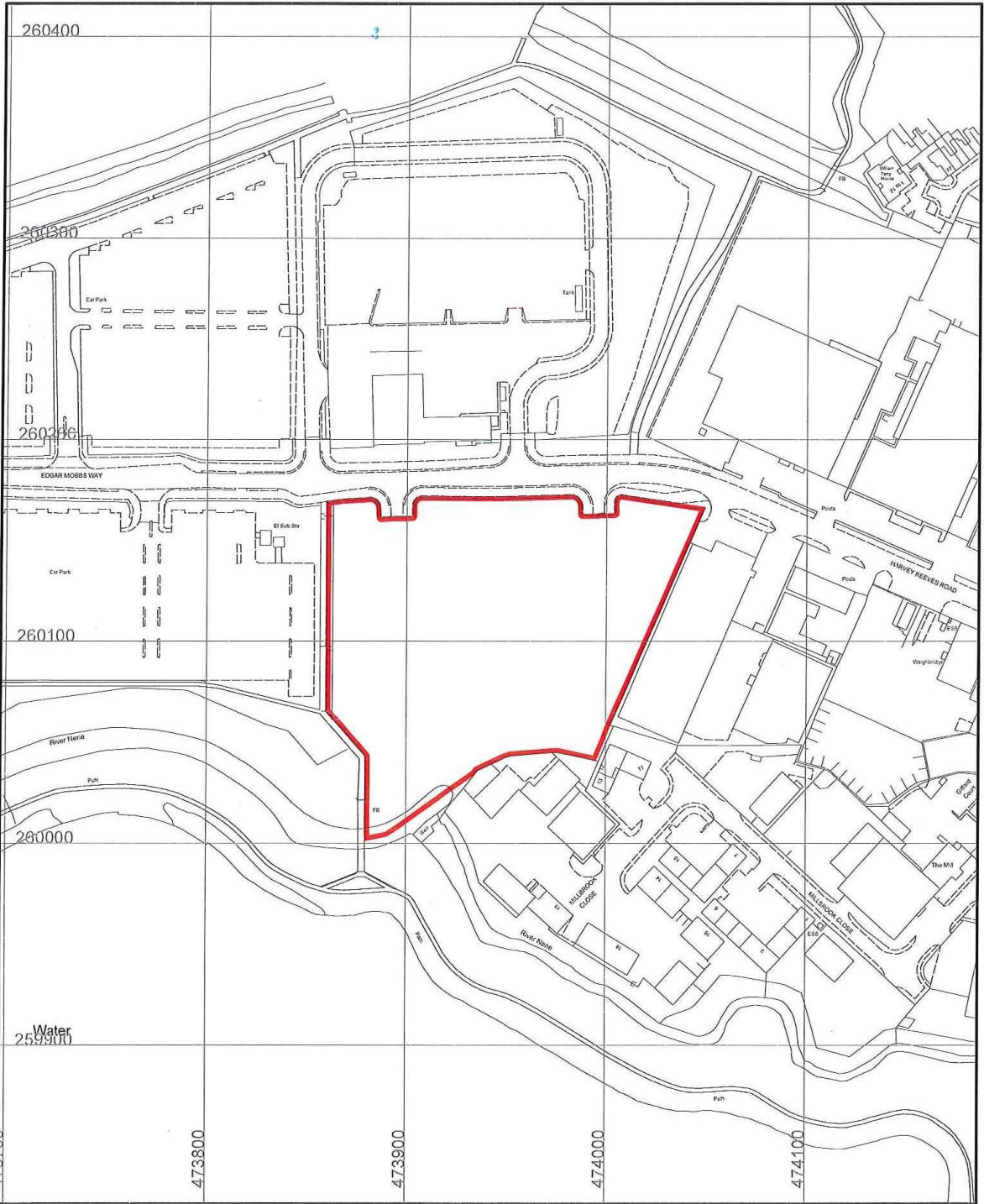
- 4.1 In view that the Environment Agency has confirmed that satisfactory remediation has been carried out on the site and that the easement strip is no longer required it is considered appropriate that the relevant obligation be removed from the S106. All other obligations of the original agreement would remain applicable and in force.

### **5. LEGAL IMPLICATIONS**

- 5.1 As set out in the report.

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

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



<b>TITLE</b> Disposal Plan Site 7C Northampton Waterside Enterprise Zone Northampton				 	<b>Spatial and Market Intelligence</b> Tel: 0300 1234500 Email - <a href="mailto:spatialintelligence@hca.gsi.gov.uk">spatialintelligence@hca.gsi.gov.uk</a> <a href="http://www.homesandcommunities.co.uk">www.homesandcommunities.co.uk</a>
<b>ITP NO.</b> MIDL/MIDE/286	<b>PCS NO.</b> 20615				
<b>DRG NO.</b> GML17284_RevB	<b>DATE</b> 6/8/15	<b>SCALE</b> 1:2500	<b>SIZE</b> A4	Information shown is correct to the best of Spatial Intelligence Department's knowledge at date of issue. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Homes and Communities Agency OD 100024393	





**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015

**DIRECTORATE:** Regeneration, Enterprise and Planning

**DIRECTOR:** Steven Boyes

**REPORT TITLE:** Variation of Section 106 agreement dated the 23<sup>rd</sup> June 2015 pursuant to planning permission N/2014/0629 (Development of foodstore, 54 dwellings and associated highway works) at the former W. Grose garage site, Kingthorpe Road

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## 1. RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 agreement to accept the variation in tenure mixture for the provision of on-site affordable housing and in the event that the developer is unable to dispose of the properties as affordable housing to accept a contribution towards the provision of off-site affordable housing.

## 2. BACKGROUND

- 2.1 Planning application N/2014/0155 was considered by the Planning Committee in September 2014 and February 2015 where it was resolved to approve the application in principle, subject to the prior completion of a legal agreement to secure on-site affordable housing provision and contributions for open space, education and health care provision in addition to highway works and construction worker training opportunities.
- 2.2 The level of on-site affordable housing had been reduced from the normal 35% to 26% (14 dwellings) as a viability appraisal was submitted that had been the subject of a robust, independent analysis which demonstrated that the development would not be viable if the 35% was insisted upon and therefore the scheme would be unlikely to come forward.
- 2.3 The S106 agreement was completed in June 2015 and planning permission issued. Works on site have subsequently commenced.
- 2.4 In the intervening period, as a result of the Government's announcements in the Budget Summer 2015 to reduce social rents in the four years from 2016-17 and the intention to extend the Right to Buy to housing association tenants, housing associations are reviewing their existing financial commitments and the plans for the future. This has introduced some uncertainty in the market with a number of housing associations being

reluctant to commit to new projects until more detail about the Government's proposals are available including the conclusion of the Planning and Housing Bill which is currently progressing through Parliament.

- 2.5 As a consequence of this, the developer has not been able to identify an RP willing to operate the affordable housing with the previously agreed tenure mix (i.e. one third being occupied on shared ownership tenures and two thirds being occupied on affordable rented tenures).

### **3. PROPOSED VARIATION**

- 3.1 Section 106A of the Town and Country Planning Act 1990 allows a planning obligation to be modified by agreement between both parties. As a consequence, Mulberry Property Developments Ltd and W. Grose Ltd have requested the Borough Council voluntarily agree to a variation of the planning obligations. As is standard, the Section 106 Agreement states that the no more than 50% of the market housing can be occupied until 50% of the affordable housing has been made available for occupation and that all affordable housing should be made available for occupation prior to 85% of the market housing being occupied.
- 3.2 The developer has provided full information regarding efforts to market the affordable housing mix as originally agreed and the interest shown by RPs would generate a return for the developer that is substantially less than the amount previously envisaged. If the Section 106 Agreement is not varied, there is a risk that the affordable and market housing – both of which are much needed in Northampton – would not be delivered in their entirety. In addressing this point, officers have considered recent Ministerial guidance (published 9<sup>th</sup> November 2015), which requires that Councils in addressing the matter of affordable housing should adopt a flexible approach in order to avoid delaying housing delivery. This approach should include considering the suitability of 'cascade' mechanisms (i.e. the securing of financial contributions towards off site provision) if necessary to avoid such delays.
- 3.3 The applicant has identified a procedure where the affordable houses would be sold through a Help to Buy agent to purchasers who meet the relevant eligibility criteria with the houses being managed in conformity with the relevant regulatory framework. This would result in the amount of affordable housing being the same as previously agreed, albeit with all dwellings being occupied on shared ownership tenures.
- 3.4 This approach does mean that there is a possibility of there being insufficient interest in the affordable units given that they would be available on one tenure type only. In order to demonstrate the flexibility that is required by the guidance described in paragraph 3.2, the revised legal agreement would need to include a 'cascade' mechanism. This situation was envisaged to some degree by the Council's Affordable Housing Interim Policy Statement.
- 3.5 The revised legal agreement would require the developer to market all 14 dwellings for occupation as shared ownership dwellings for a period of at least three months. Upon the conclusion of this period, the developer would need to submit details of the marketing of any unsold properties to the Council for assessment. Assuming that all reasonable efforts have been made to market the properties, the developer would then make a financial payment for each

unoccupied unit to the Council to contribute towards the provision of off-site affordable housing.

- 3.6 This payment would be calculated on the difference between the expected returns of market and affordable tenures (market housing will generally attract a much higher return for the developer). These figures were established in the viability appraisal, which has been independently assessed. This figure would be subject to a 15% uplift in order to cover the greater costs attributed to the provision of off-site affordable housing.

#### **4. CONCLUSION**

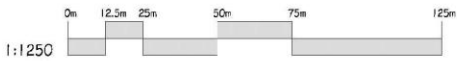
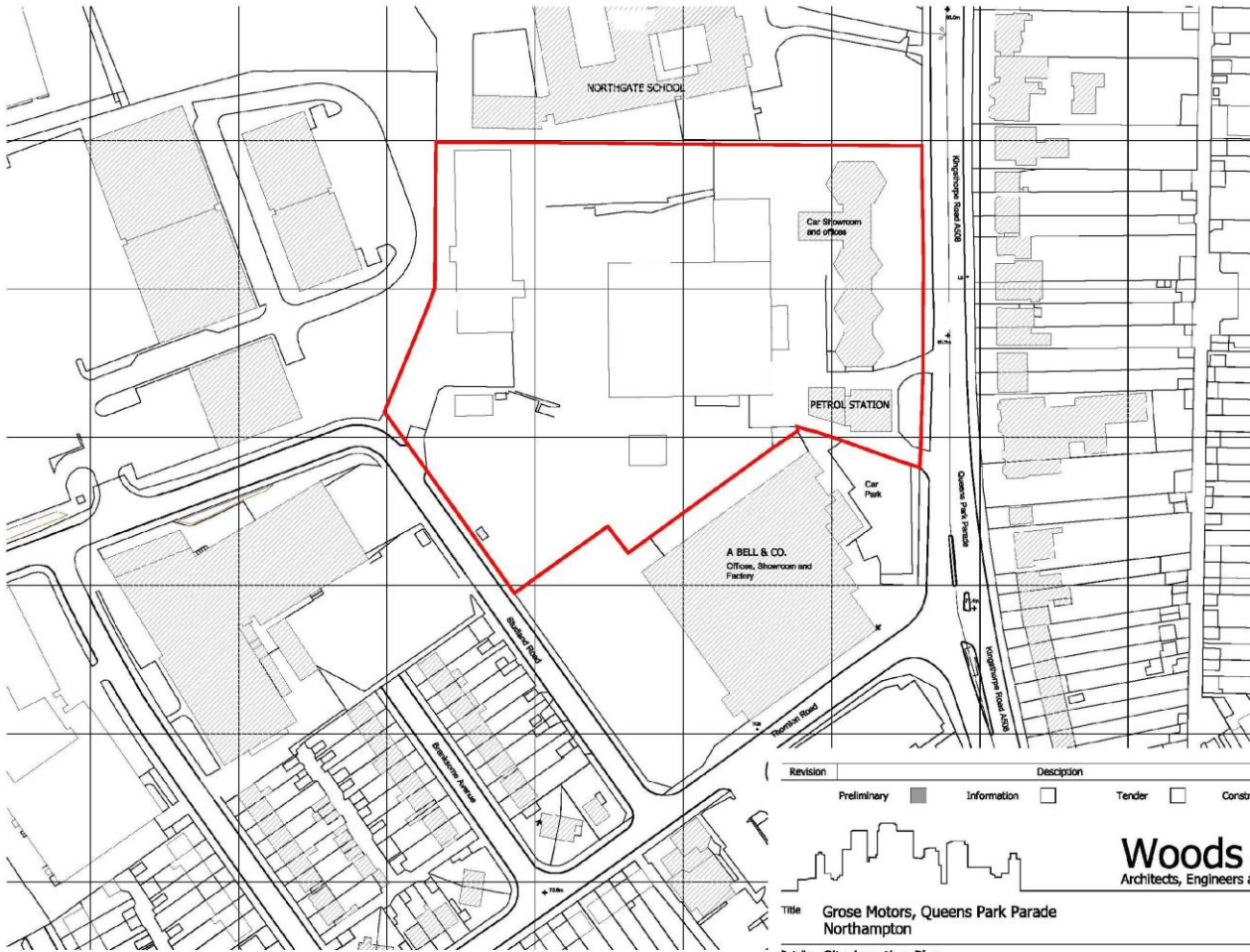
- 4.1 It is recognised that there are significant difficulties in the delivery of affordable housing on this site. Clearly, it would not be desirable to potentially disrupt the redevelopment of the site, which would contribute to meeting the demand for both market and affordable housing in Northampton particularly as the proposal represents the reuse of previously developed land and is in a sustainable location. In the event that the affordable housing is not deliverable on site, a mechanism has been agreed that would ensure the payment of a reasonable contribution for off-site provision.

#### **5. LEGAL IMPLICATIONS**

- 5.1 As set out in the report.

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

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



1:1250

Revision	Description	Drawn	Checked	Date
Preliminary	Information	Tender	Construction	As Built

**Woods Hardwick**  
Architects, Engineers and Development Consultants

Title **Grose Motors, Queens Park Parade Northampton**

Details **Site Location Plan**

Scale **1:1250@A3** Date **May 2014** Drawn **DR** Chk **GS**

**17192/1004**

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## Addendum to Agenda Items Tuesday 17<sup>th</sup> December 2015

<p><b>7. Other Reports</b></p>
<p><b>7a</b> N/2004/0930 - Variation of S106 agreement on land west of Harvey Reeves Road</p> <p>No update.</p>
<p><b>7b</b> N/2015/1388 - Variation of S106 agreement for Grose Garage site, Kingsthorpe Road</p> <p>No update.</p>
<p><b>10. ITEMS FOR DETERMINATION</b></p>
<p><b>10a</b> N/2015/0333 Hybrid planning application comprising: (a) Full Planning Application for the erection of a 1,810m<sup>2</sup> new retail food store with associated access from Earl Street, landscaping and car parking; and (b) Outline Planning Application with all matters reserved except access (from Great Russell Street) of up to 19 residential dwellings Former Northampton Chronicle and Echo site, Upper Mounts</p> <p>No update.</p>
<p><b>10b</b> N/2015/0738 Demolition of part, conversion of the existing building and erection of two new floors to form 64no. apartments Newspaper House, Derngate</p> <p>No update.</p>
<p><b>10c</b> N/2015/0791 Single storey extension to front of café Drovers Return café, Hunsbury Hill Country Park, Hunsbury Hill</p> <p>Additional support received from 3 Reedhill.</p>
<p><b>10d</b> N/2015/0999 and N/2015/1000 Change of use from Office (Class B1) to Childrens Day Nursery (Class D1) and associated works and listed building consent application for internal alterations to building and</p>

<p><b>erection of palisade fencing</b> <b>Home Farm Works, Orchard Hill</b></p> <p>No update.</p>
<p><b>10e</b> <b>N/2015/1108</b> <b>Conversion of dwelling into 2 self-contained flats</b> <b>15 Leslie Road</b></p> <p>No update.</p>
<p><b>10f</b> <b>N/2015/1110</b> <b>Demolish existing conservatory, erect single-storey rear extension and single-storey front extension</b> <b>Eleanore House, 3 Buttermere Close</b></p> <p>No update.</p>
<p><b>10g</b> <b>N/2015/1140</b> <b>Proposed single span polythene covered canopy to cover an existing growing area measuring 12.5m x 10m</b> <b>Cramden Nurseries, Harborough Road North</b></p> <p>No update.</p>
<p><b>10h</b> <b>N/2015/1219</b> <b>Listed building application for proposed re-rendering of ground floor internal walls</b> <b>33 St Giles Street</b></p> <p>No update.</p>
<p><b>10i</b> <b>N/2015/1224</b> <b>Erection of 6no wheeled bin enclosures</b> <b>Land at Kirton Close</b></p> <p><b>Northamptonshire Police</b> - no objections provided that the enclosure was at least 8m away from the nearest building, and is lockable. The reason for this is to reduce the risk of arson to residential properties.</p> <p><b>Northampton Partnership Homes Safety Manager</b> - There is a maximum distance but not a minimum distance for siting wheelie bin enclosures from domestic premises mainly on health and safety grounds, each location must be viewed and fire safety considered separately. Do not agree that 8 metres distance is required.</p> <p><b>Officer Comments:</b> The proposed position of the bin enclosure is approximately 4.3m away from the flats, adjacent to the footpath for easy access, and it is of an open fronted (not locked) design. The configuration of the site makes it impossible to position the bin enclosure 8m away from the flats. However, it is considered that the benefits of housing the bins within a metal enclosure (non-combustible) will be</p>

a significant improvement over the existing situation of bins strewn haphazardly over the area.

**10j**  
**N/2015/1225**  
**Erection of 7no bin enclosures**  
**Land at Crestline Court**

Application **withdrawn** from agenda (scheme to be revised).

**10k**  
**N/2015/1238**  
**Change of use of public area into domestic garden**  
**69 Maidencastle**

No update.



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

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/0333

**LOCATION:** Former Northampton Chronicle and Echo site, Upper Mounts

**DESCRIPTION:** Hybrid planning application comprising: (a) Full Planning Application for the erection of a 1,810m<sup>2</sup> new retail food store with associated access from Earl Street, landscaping and car parking; and (b) Outline Planning Application with all matters reserved except access (from Great Russell Street) of up to 19 residential dwellings

**WARD:** Castle Ward

**APPLICANT:** Aldi Stores Limited / Johnston Publishing Ltd  
**AGENT:** Stoas Architects Limited

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

**REASON:** Major application requiring S106 agreement

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL IN PRINCIPLE** subject to S106 agreement and the conditions as set out below and for the following reason:

The proposed development would result in the satisfactory reuse of this previously developed site on account of the proposal representing a sustainable commercial and residential development that would have a neutral impact upon the viability and vitality of the allocated hierarchy of centres in addition to contributing to the established need for housing within Northampton. Furthermore, the proposal has established a number of acceptable design parameters that would ensure that the proposed development would be of a satisfactory scale and design whilst ensuring a neutral impact upon neighbour amenity and the highway system. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework; Policies H1, H2, S1, S2 and INF1 of the West Northamptonshire Joint Core Strategy; and Policies 1, 12, 16 and 23 of the Northampton Central Area Action Plan.



- 1.2 That delegated authority is given to the Director of Regeneration, Enterprise and Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:
- i) 35% on site affordable housing;
  - ii) A payment towards primary education provision;
  - iii) A payment towards the provision of health care facilities;
  - iv) A payment towards improving the public realm and links between the application site and the town centre;
  - v) The funding of a Traffic Regulation Order to enable amendments to the existing parking restrictions within Earl Street to be carried out;
  - vi) That the applicant submit details of the marketing strategy for the residential portion of the site prior to building works commencing; and
  - vii) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.
- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.
- 1.4 The Council has advertised the application by press notice, multiple site notices and letters to the occupiers of neighbouring properties. The publicity described the proposal as a departure from the Development Plan and identified the proposal as a major application. Consultation responses are summarised in Section 6 of this report. Unfortunately, this publicity did not identify the site as being adjacent to a Conservation Area. The Council has taken steps to rectify this, which means that the consultation period has yet to fully conclude. As a consequence, it is requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning to resolve any forthcoming representations on this subject.

## **2. THE PROPOSAL**

- 2.1 The applicant has submitted a hybrid planning application which seeks full permission for a single element of the scheme (in this case the retail unit, its car parking, landscaping and access), whilst seeking outline approval for the remainder (the residential accommodation), with the exception of access. In the event that the application is approved, a further application would be submitted to the Council to agree the outstanding details for the residential scheme, including scale, layout, landscaping and appearance.
- 2.2 The application seeks permission to erect a food store with an area of 1,810m<sup>2</sup>, of which 1,254m<sup>2</sup> would be used for the display and sale of goods. The store will be situated adjacent to the south western corner of the site with access from the car park and the Upper Mounts. Vehicular access to the site would be via Earl Street, which would lead to a car park containing 110 spaces (including six spaces for use by customers with disabilities), which would be sited to the rear and east of the proposed store. Deliveries to the store would be made via a dedicated bay located in the northern elevation.

- 2.3 The proposed retail unit is likely to generate approximately 35 new employment opportunities.
- 2.4 The remainder of the site would be developed for up to 19 residential dwellings of between two and three storeys in height. Vehicular access would be from Great Russell Street, which runs to the northern boundary of the site from Clare Street. There would also be a pedestrian link between the residential accommodation and the retail unit.

### **3. SITE DESCRIPTION**

- 3.1 The application site formerly contained the Northampton Chronicle and Echo building, which comprised a combination of office accommodation and printing works. The building was demolished in the summer of 2014 after a period of vacancy. The application site is currently in an undeveloped form. The site is also predominantly level.
- 3.2 The site is located adjacent to the Upper Mounts, which serves as part of the main orbital routes around the town centre. Furthermore, the site is in close proximity to the widely used junction between the Upper Mounts and St Michaels Road and has a high degree of prominence. There are a number of civic buildings within the Upper Mounts area, such as the Northampton College, the Magistrates Court, the Mounts Baths and the Fire Station. Whilst these buildings all have significant variations in terms of design there is a unifying theme in that they have a significant presence within the vicinity created by their form and proximity to the highway. The site is also close to the town centre, although linkages to this area from the application site are limited due to the scale of adjoining road.
- 3.3 The areas to the north of the application site are predominantly used for residential accommodation (generally comprising terraced, two storey dwellings); however, there are some commercial units within the adjacent Earl Street, which include a restaurant and small scale retail units. In addition, the vacant area to the north of the application site (which used to contain the Top of the Town nightclub) is the subject of an extant planning permission to construct a three storey building containing 12 flats and office accommodation.
- 3.4 The site is bounded on the northern, eastern and western sides by the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 N/2014/0258 – Prior notification of proposed demolition – Approved.

### **5. PLANNING POLICY**

#### **5.1 Statutory Duty**

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

### 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

5.4 The overarching roles of the planning system are summarised in paragraph 17, which states that planning decisions should always secure a good standard of design and ensure a suitable level of amenity for existing and future occupiers; whilst promoting mixed use developments and conserving heritage assets in a manner consistent with their significance.

5.5 Paragraph 21 states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality. Paragraph 24 of the NPPF requires that the consideration of applications for town centre uses (which includes retailing) should include a sequential assessment, covering available town centre and edge of centre sites.

5.6 Separate to the outcomes of the sequential assessment, the NPPF (in paragraph 26) requires that any retail development with an area in excess of 2,500 square metres should be accommodated by an impact assessment. This should include the impact of the proposal on existing, committed and planned in centre investment and the impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. Paragraph 27 requires that town centre uses that do not pass the sequential assessment or would be likely to have a significant adverse impact upon centre viability and vitality should be refused.

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

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

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

5.9 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

5.10 Paragraphs 133 and 134 outline the need to balance the level of harm to a heritage asset with the public benefits of the proposal.

**5.11 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.

5.12 Policy S2 of the submitted JCS identifies Northampton as performing the role of a regional town centre and allocates Kingsthorpe and Weston Favell as being district centres. The same policy also allocates Far Cotton, Kettering Road, St James and Wellingborough Road as being local centres. The policy also requires that the viability and vitality of these centres should be maintained. Policy S9 of the JCS reiterates the sequential approach in the location of retail developments and requires that an impact assessment is carried out for developments with a floor space in excess of 1,000 square metres.

5.13 Policy S1 of the JCS states that new residential developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. Policy S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period and Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

5.14 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing. Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift.

5.15 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure

**5.16 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.

- 5.17 Policy 1 states that new developments should contribute to the character of an area with regards to the existing urban grain, scale, massing materials and style. It is also a requirement that there is clarity in respect of the relationship between buildings and public spaces that provides a continuity of frontages. New development should contribute towards the provision of logical links between destinations and create buildings with active frontages onto the street. Developments should promote mixed use developments in order to increase vitality and vibrancy. In addition, good quality designs should be promoted that preserve and enhance the character, appearance and setting of heritage assets.
- 5.18 Policy 12 defines the primary shopping area, which should be the main focus for retail developments in the Central Area and comprises a significant proportion of the land contained within the inner ring road. In addition, Policy 14 identifies that there is a need to generate 40,700m<sup>2</sup> of net convenience goods floor space and 4,500m<sup>2</sup> of net comparison goods floor space within the town centre. It is anticipated that over the plan period the bulk of this would be delivered through the redevelopment of the Grosvenor Centre and further development within Abington Street East and the Drapery and College Street.
- 5.19 Policy 16 states that in order to promote town centre living up to 3,400 additional new homes will be constructed within the central area up to 2026, with some of these being located within the Upper Mounts and Great Russell Street areas.
- 5.20 Of specific relevance to this planning application, Policy 23 requires that the Upper Mounts/Great Russell Street is redeveloped in a comprehensive manner that delivers a mixed use scheme delivering some or all of: residential accommodation; offices; employment uses; community, leisure or education facilities; and small scale retailing. The redevelopment should also provide public realm improvements on the Mounts frontage and improve pedestrian linkages with the town centre.

#### 5.21 **Supplementary Planning Documents**

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

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

Comments received are summarised as follows:

- 6.1 **Archaeology Advisor (NCC)** – No objections.
- 6.2 **Conservation (NBC)** – The conservation is characterised by a very dense form of development. Historically, there has been a link between the Holy Sepulchre Church and the Drill Hall in Clare Street. The building line is traditionally the back of the footway. As a consequence, the proposed development and the introduction of landscaping is an alien feature. The proposed materials and use of curtain glazing are out of keeping with the character of the area. It is important that the scale, massing, roofscape and materials of the residential accommodation harmonises with its surroundings.
- 6.3 **Development Management (NCC)** – Request Section 106 obligations to fund contributions to primary school provision, libraries and the fire service.

- 6.4 **Environment Agency** – Request a condition relating to foul water drainage.
- 6.5 **Environmental Health (NBC)** – The applicant has submitted an air quality assessment. Conditions are required to ensure that contamination is suitably investigated and remediated; that controls are in place regarding store opening times and delivery times; and that mitigation is in place to ensure that the residential properties feature adequate noise attenuation.
- 6.6 **Highway Authority (NCC)** – No objections, subject to a condition securing the implementation of the access and funding being secured for a Traffic Regulation Order in respect of alterations to the Earl Street parking restrictions.
- 6.7 **Lead Local Flood Authority (NCC)** – Request conditions relating to the design of a drainage strategy and its ongoing maintenance.
- 6.8 **Northamptonshire Police Crime Prevention Design Advisor** – The scheme has been revised in response to previous comments; however, further details are needed in respect of lighting, boundary treatments and CCTV.
- 6.9 **Cllr. M. Aziz** – No comments
- 6.10 **44 letters of support** have been received comments can be summarised as:
- The position of the proposed store is accessible and environmentally sustainable
  - The development will increase consumer choice in the locality
  - The development would improve the appearance of the locality
  - The develop will generate jobs
- 6.11 Comments have been received from the occupier of **14 Alpine Way, Duston** stating that the store should be located at the far end of the site and that any redevelopment is compatible with the standard and style of existing buildings in the Upper Mounts.
- 6.12 Objections have been received from **Asda** on the grounds that the development is contrary to the requirements of national and local planning policies, particularly as the quantum of retailing is not ‘small scale’. In addition, it has not been demonstrated how the site will be comprehensively redeveloped or would improve public realm or pedestrian connections with the town centre and it is considered that the trade impacts of the proposed store have been understated. *(Officers note: The application has been revised since the submission of these comments and a greater amount of supporting information has been submitted in respect of retail impact. Asda has been given multiple opportunities to comment on these matters; however, no further comments have been received).*

## 7. APPRAISAL

### Principle of the development

- 7.1 Policy 23 of the CAAP is of particular relevance to the application although it is acknowledged that the development site represents a portion of the section covered by this policy. The policy advocates a mixed use development taking place within the area, which could include a small level of retailing.

- 7.2 Whilst it is accepted that the policy does not include any definition of 'small scale', it is understood that the ethos of the policy is to promote the regeneration of this area through a variety of functions, which would be made more sustainable through the provision of ancillary retailing. Given the scale of the proposed retail unit and the associated car park which would occupy a significant proportion of the application site and a reasonably large section of the area covered by Policy 23, this part of the development cannot reasonably be considered 'small scale'.
- 7.3 As a consequence, the proposal represents a departure from the requirements of the CAAP. Therefore, and with reference to paragraph 5.1 of this report, the application needs to be determined on the basis of whether the relevant material considerations outweigh the harm created by the breach of planning policy. Of particular importance, it is necessary to assess the impacts of the development on retailing within the town; the design of the proposal; the impacts on neighbouring properties; the impacts upon the highway system; the conservation area and flood risk.
- 7.4 In assessing retail proposals, regard should be paid to the NPPF. The NPPF requires applicants for out of centre retail development to submit an impact assessment covering the following:
- i) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 7.5 In addition, applicants are required to undertake a sequential assessment of alternative sites either in, or on the edge of established centres (such as Kingsthorpe and the Weston Favell Centre as identified in paragraph 5.11 of this report). Whilst the application site is in very close proximity to the town centre, it actually falls outside of the allocated area and as a result more sequentially preferable sites needs to be considered. The NPPF states that where an application fails to satisfy the sequential test, or would have a significant adverse impact on one or more of the factors referred to above it should be refused.
- 7.6 The site is technically not within the town centre, it is therefore necessary to consider the impacts of the development upon the vitality of the town centre. Whilst it is expected that the proposed development would attract some trade away from town centre food stores (most likely the Tesco in Abington Street and the Sainsbury's store in the Grosvenor Centre which perform more of a 'top up' function); any trade diversion is unlikely to be significant. This conclusion is made on the basis that the store would be occupied as a Limited Assortment Discounter. This means that the large majority of the building would be used for the display and sale of convenience goods (although the number of lines would generally be less than other supermarkets) with a comparatively lower number of comparison goods being sold. These lines would vary depending on season and availability. Therefore, the type of retailing proposed would be complimentary to the town centre offer and would not directly compete against it to any significant degree.
- 7.7 The matter of trade diversion from the town centre could also be mitigated through entering a Section 106 Agreement that would secure the payment of a sum of money for the enhancement of public realm works between the town centre and the application site. This would improve the connections between the two sites and as a consequence would encourage linked trips.

- 7.8 Due to these conclusions, the proposed development is therefore likely to be in greater competition with the allocated centres in Weston Favell, Kingsthorpe and St James, which have similar catchment areas to the proposed store.
- 7.9 In the case of Weston Favell, it is likely that the levels of trade diversion are likely to be of a very small nature. It is also noted that the existing food stores in Weston Favell (Tesco and Lidl) have a level of trade that is significantly above the average level for this type of store and the applicant also operates a store in close proximity to this centre. It is anticipated that the trade diversion away from the Kingsthorpe centre would be higher; however, a number of existing stores in this location also trade in excess of expected levels. It is also notable that the applicant has secured planning permission to operate a store in close proximity to this centre
- 7.10 It is likely that there would be a notable trade diversion from the St James centre. This trade diversion would be in conjunction with the impacts relating to the Approval in Principle for retail developments in the Sixfields area and the approval of a supermarket on the former gasholder site. Given that the three supermarkets in this centre (operated by Aldi, Iceland and Farmfoods) are trading strongly, it is apparent that these would remain viable irrespective of the trade diversion. The concern that does arise is whether the reduced number of people visiting these supermarkets would detrimentally harm the viability of the wider centre due to the absence of linked trips to other businesses.
- 7.11 In addressing this point, it is noted that there is a comparatively high number of convenience goods retailers of varying scales within the St James centre in addition to other commercial businesses. The vacancy rate of units in St James is also comparatively low. It is concluded that the centre is reasonably buoyant and therefore although a trade diversion is likely to be present, the overall impact upon the viability and vitality of the centre is unlikely to be significant enough to warrant refusal of the planning application.
- 7.12 In sequential terms, the applicant has assessed the possibility of locating the proposed store within the town centre. Of the sites identified in the CAAP (Abington Square East and land at Drapery/College Street), neither are available and as such can be discounted from the sequential assessment. The former Primark unit (which is a comparable size to the proposed development and has been included in previous sequential assessments) at 84-86 Abington Street has now been reoccupied and can also be discounted from the sequential assessment.
- 7.13 Whilst it is accepted that the Greyfriars site could potentially accommodate a retail development of the scale proposed, plans for this site's redevelopment are at a formative stage and as a consequence it is not possible to conclude that the site could definitively accommodate the proposed development.
- 7.14 In terms of other centres, it is noted that the applicant already operates a store in St James and in close proximity to the Weston Favell Centre; furthermore, permission has been for a store in Kingsthorpe Road (the former Grose garage site) that would be occupied by the applicant. As a result, it would be unreasonable to insist on the proposed store being sited in one of these locations even if there were available sites. The applicant has assessed the feasibility of locating the store in Wellingborough Road or Far Cotton; however, these have been discounted on the grounds that there are no suitable sites to locate the store. Given these conclusion, it is considered that there are no sequentially preferable sites currently available on which the proposed development could be sited.



- 7.15 The provision of residential accommodation on this site is in accordance with the aims of the CAAP. In addition, the redevelopment of part of this site for residential purposes would make a contribution towards meeting the provision of a five year housing land supply in a sustainable location. The scheme would make a contribution to the established housing need within the Borough (as identified by JCS Policy S4). The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions) and the development of housing on the site contributes to meeting this objective. This residential development would also allow for the entire application site to be satisfactorily redeveloped.
- 7.16 Whilst it is recognised that the scale of the retail development exceeds the quantum of development in the CAAP, the fact that the proposal would result in the redevelopment of a prominent site within the town and it has been demonstrated that there would be no significant harm upon the viability and vitality of the allocated hierarchy of centres in Northampton means that any harm arising from this breach is not significant, which when combined with the delivery of additional housing, the development is considered acceptable in principle.

### **Design and appearance**

- 7.17 The application site is of particular prominence due to the widely used nature of the inner ring road. In addition, the site is in close proximity to a number of notable buildings as discussed in paragraph 3.2. The design of the proposed development is therefore of particular importance.
- 7.18 In response to this context, the applicant has made a number of revisions to the retail development. The most notable of these include the re-siting of the store so that it is adjacent to the Upper Mounts. This ensures that the building maintains the character established on the adjacent sites. In addition, the applicant has increased the height of the building to enable a stronger relationship between the proposed and existing structures.
- 7.19 The front elevation of the building features a significant amount of glazing, including a section that runs for the full height of the building. This serves to accentuate the store entrance, which adds clarity to the design. In addition, the large glazed sections provide views into the building which adds interest to the streetscene. Given the nature of a supermarket layout, the side walls of the building feature little in the way of fenestration. To counteract this, the development includes a variety of materials in order to break up the massing of these elevations and to add interest. The palette of materials would be similar in colour and type to those used on the nearby Northampton College building; however, in order to ensure that the development harmonises with its surroundings a condition is recommended that would ensure that the Council approves building materials at an appropriate time.
- 7.20 The design of the retail store places the loading area to the rear of the building. This ensures that this feature would not be unduly dominant and would assist in maintaining the visual amenity of the locality.
- 7.21 The applicant has submitted a detailed landscaping scheme that shows that there would be a variety of low level plants surrounding the building and the store site's boundaries. In addition, a number of trees would be planted in front of the store building and within the car park. These features would ensure that the development makes a good contribution to visual amenity. Conditions are recommended that

would require the implementation of this landscaping in a timely manner and for its on-going maintenance.

- 7.22 The application is made in hybrid form and the details of the proposed housing scheme are submitted in outline only (with all matters reserved except access). The applicant has submitted indicative parameters regarding the housing element of the proposal.
- 7.23 The submitted details highlight that four apartments and 15 houses would be provided in the development. These buildings would be between two and three storeys in height. In order to provide certainty regarding the impacts of the development in visual and neighbour terms, a condition is recommended that would formalise this maximum parameter.
- 7.24 The indicative layout suggests that the proposed dwellings would be arranged in four separate terraces, which reflects the prevailing character. The submitted indicative elevations suggest that a residential development of a more modern design would be pursued. Whilst this is a deviation from the traditional form of a number of the surrounding buildings this approach is acceptable. This is because current regulations regarding the building of houses in proximity to roads and pavements mean that it is not possible to completely replicate the positioning of the traditional terraced houses, which justifies a design deviation. The suggested design is also similar to the approach taken in respect of the redevelopment of the adjacent site (the former 'Top of the Town' nightclub). In addition, the proposed houses would be in close proximity to a retail store, which is of a modern design.
- 7.25 The application has been revised to accommodate the observations from the Northamptonshire Police's Crime Prevention Design Advisor. In particular, the supermarket boundaries would be marked through low level post and rail fencing which would effectively funnel people to designated access points. This ensures a safer form of development, in addition it enables for the effective monitoring of the site via CCTV.
- 7.26 In order to ensure a safe form of development, conditions are recommended that would enable the Council to approve details and implementation of CCTV and car park lighting (including the hours of usage). A further condition is required that would require the submission of details of suitable staggered barriers to prevent the unauthorised access of the supermarket site by cars from the proposed residential development.
- 7.27 The applicant has revised the indicative parameters for the proposed residential development to ensure that all dwellings are accessed either directly off Earl Street or the internal roadway within the development. It is noted that Northamptonshire Police have made recommendations regarding the car parking layout and boundary treatments to serve the dwellings. By reason of this element of the proposal being submitted in outline form, these matters would be addressed at the Reserved Matters stage; however, informative notes should be added to the decision notice in order to provide clarity for the future developer.

### **Heritage considerations**

- 7.28 As discussed previously, the site is adjacent to the Boot and Shoe Quarter Conservation Area. It is noted that some concerns have been raised from the Council's Conservation Officer regarding the set back of the development from the pavement edge, the introduction of landscaping and the nature of the proposed

materials. It is also noted that the concerns have been raised regarding the proximity of the proposed store building to the vista running northwards to the Drill Hall building in Clare Street.

- 7.29 In assessing these matters, it is considered that the development has been revised in order to ensure a clear visual link from the southern boundary of the site to the Drill Hall. The submitted plans also highlight that differing surface treatments would be used in order to highlight the historic road pattern. This serves to replicate the original layout that to some degree represents the street pattern that was present prior to the development of the Chronicle and Echo building.
- 7.30 It is accepted that the buildings are set back from the footpath edge (although it is recognised that this was a feature of the Chronicle and Echo building, which was in place when the Conservation Area was designated). In considering this point, it is considered that the set back from the highway effectively delineates between the more historic buildings of the Conservation Area and buildings of modern construction that are located adjacent to it. In addition, it is noted that CAAP Policy 23 requires that buildings of comparable scale to those of surrounding sites are constructed on this site. This therefore envisages a building of larger proportions. As a consequence, the introduction on landscaping adjacent to the street serves to add further interest and break up the massing of the building.
- 7.31 It is recognised that the materials are different to those most commonly present in the Conservation Area; however, within the Upper Mounts there is considerable variation ranging from the traditional form of buildings such as the fire station and the Mounts Baths to the much more modern form of the Northampton College buildings. As a result of this, the store building would not represent an incongruous feature in this context. By reason of the proximity of the store to the proposed residential accommodation, it is considered that a similar design ethos is appropriate. It is recognised that this is a variance to the traditional palate of materials; however, any harm is unlikely to be significant.
- 7.32 As a consequence, that the development causes a less than substantial degree of harm to the heritage assets. The NPPF requires that less than substantial harm to heritage assets to be considered against the public benefits of the development proposed. In this case it is considered that the public benefits of the development would be improvements to the appearance of the Conservation Area and general arising from the redevelopment of a prominent vacant site, the contribution to addressing the need for new housing in Northampton and the provision of convenience retailing in a sustainable location.

#### **Impact on neighbouring properties**

- 7.33 The positioning of the proposed supermarket means that there would be a neutral impact on neighbouring properties in terms of matters such as light, outlook and privacy. The comparatively low height of the residential accommodation means that it could be designed in such a manner to prevent any undue loss of amenity for the occupiers of existing residential properties.
- 7.34 It is recognised that the operation of a retail unit has the potential to generate some noise. In order to mitigate these impacts, conditions are recommended that would limit the opening times of the store and the periods in which deliveries can be made. The applicant has also undertaken a noise assessment that considers the potential of noise arising from the operation of plant and equipment. A condition is recommended

that would require the retail development to operate in accordance with the submitted specifications.

- 7.35 It is recognised that the development is sited adjacent to the Upper Mounts, which is a heavily trafficked route. In order to ensure that the occupiers of the proposed residential properties have a satisfactory level of amenity, conditions are proposed that would require a survey of noise levels to be carried out and for suitable mitigation to be installed in the proposed houses if required.
- 7.36 The usage of the Upper Mounts is likely to increase as a result of the proposed development being brought into use. The applicant has prepared an assessment that indicates that the development would potentially have an impact upon air quality. In order to mitigate these impacts, the applicant has prepared a travel plan which details a number of mechanisms for encourage the use of more environmentally sustainable means of travel. The Travel Plan also includes regular monitoring to ensure that it is implemented fully. The application details that cycle storage would be provided to serve the retail unit and a further condition is recommended to secure similar provision for the residential accommodation. These measures would operate in conjunction with the proposed upgrades to the public realm to improve linkages with the town centre as outlined in paragraph 7.7.

### **Highway impacts**

- 7.37 Vehicular access for the proposed store would be access from Earl Street whilst the residential development would be served by Great Russell Street. Whilst it is recognised that the development would increase the usage of these roads, no objections have been received from the Highway Authority. The proposed access arrangements from Earl Street have been revised during the application process to address comments from the Highway Authority and a condition is recommended that would require the full implementation of this element of the development prior to the first occupation of the retail unit.
- 7.38 On account of the development's proximity to the Upper Mounts and being surrounded by predominantly residential accommodation, the proposal is sustainably located and as a consequence future patrons would not necessarily be reliant upon a private car in order to access the store. Similarly, future residents of the development would have comparatively easy access to public transport links and other facilities.
- 7.39 In order to achieve the proposed access, parking restrictions in Earl Street would need to be altered and the developer would fund through the Section 106 Agreement a Traffic Regulation Order (TRO) from the Highway Authority to enable this to take place.
- 7.40 The retail development would include 110 car parking spaces, including six for use by customers with disabilities and six that would be dedicated for use by parents with small children. Whilst the total provision of car parking is comparatively high for a retail development of the size proposed, this is acceptable as an increase in on street car parking as a result of the proposed retail development would not be desirable. The scheme also includes suitable off-street areas for the manoeuvring of delivery vehicles.
- 7.41 The indicative parameters for the residential accommodation are that a minimum of 27 car parking spaces would be provided. Given the sustainable and accessible nature of the site's location and the potential scale of the residential accommodation,

a condition is suggested that would ensure this minimum provision at the Reserved Matters stage.

- 7.42 In order to ensure a satisfactory impact on the surrounding area, it is recommended that a Construction Environment Management Plan (CEMP) be secured by condition. This would include, but not be limited to, details of the routing of construction traffic, the hours in which construction could take place and the provision of wheel washing facilities. The CEMP would also include strategies for reducing the impacts upon neighbour amenity such as strategies for the suppression of construction dust and noise.

### **Ground conditions**

- 7.43 By reason of the former commercial use of the site, it is necessary and reasonable for a condition requiring the investigation and remediation of any contamination in order to secure a satisfactory standard of development.

### **Archaeology**

- 7.44 Whilst it is recognised that the site is in close proximity to the historic town centre, the fact that the site has been extensively developed in the past means that there is unlikely to be any items of historical interest present on the site. As a result of this, further investigation into matters of archaeological importance would not be justified.

### **Drainage**

- 7.45 In considering planning applications, it is necessary to consider the risk to developments from flooding in addition to ensuring that the proposed development does not increase the risk of flooding elsewhere. The latter point can generally be addressed through ensuring that the development contains appropriate drainage. Therefore whilst the application site and its surroundings are not within a flood zone it is incumbent to ensure that a suitable drainage system is provided as part of the development in order to prevent flood risk unreasonably increasing elsewhere. The developer has made a number of amendments to the scheme in order to address the representation of the Environment Agency and the County Council as Lead Local Flood Authority and conditions are recommended to ensure that an appropriate drainage scheme is installed at the site and that a suitable management regime is put in place in perpetuity.

### **Legal Agreement**

- 7.46 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
  - ii) Directly related to the development; and
  - iii) Fairly and reasonably related in scale and kind to the development.
- 7.47 In addition to the matters as previously discussed relating to the provision of improved linkages between the site and town centre and the required Traffic Regulation Order, 35% of the proposed residential dwellings would be made available for occupation as affordable housing. 70% of these dwellings would be for social or affordable rent and 30% intermediate ownership. This would ensure that the

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

- 7.48 An obligation would be included within the Section 106 Agreement that would secure the payment towards the improvement of Castle Primary School, which is likely to serve the development and is operating at full capacity. The County Council have not identified any need of the development to contribute towards secondary school education.
- 7.49 The County Council has also requested a payment for the provision of the fire service and library facilities. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured by this obligation. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and does not need to be replicated as part of the planning process. As a consequence, the aforementioned legal tests have not been complied with.
- 7.50 Planning legislation cannot compel a developer to complete all phases of a proposal; particularly in instances such as this where the applicant has indicated that they would be seeking a third party for the delivery of the housing element of the proposal. Notwithstanding this, an obligation to be included in the Section 106 Agreement that would require details of the marketing strategy for the residential section of the site to third party developers to be submitted and agreed by the Council. This would reduce the risks of a section of the site being left undeveloped.

## **8. CONCLUSION**

- 8.1 The development represents an acceptable use of the site; would have a neutral impact upon the viability and vitality of the allocated hierarchy of centres in Northampton, neighbour amenity and would assist in the delivery of needed housing of all tenures in the Borough. Furthermore, the proposed retail unit is of an acceptable design, whilst suitable design parameters have been established for the residential element of the scheme. The proposal would also have a neutral impact upon the highway system, appropriate mitigation can be secured through the Section 106 Agreement and conditions. The proposed development would have a neutral impact on the conservation area. Accordingly, it is considered that the scheme is consistent with the overall aims and objectives of national and local planning policies.

## **9. CONDITIONS**

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

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

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

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

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

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

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

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

5. The retail unit hereby permitted shall only be occupied as a Limited Assortment Discounter only.

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

6. The floor space of the retail development hereby permitted that can be used for the display and sale of goods and products to the public shall not exceed 1,254 square metres. No more than 20% of this figure (250.8 square metres) shall be used for the display and sale of comparison goods. The remaining 80% shall be used for the display and sale of convenience goods only.

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

7. Notwithstanding the details submitted, the retail unit hereby permitted shall not include any specialist counters: including, but not limited to butchers, fishmongers, bakeries, delicatessen or chemists.

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

8. The retail unit hereby permitted shall not be divided to form more than one retail unit.

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

9. The retail unit hereby permitted shall only be open to customers between the hours of 8am and 10pm on Mondays - Saturdays; 10am to 4pm on Sundays; and 10am to 4pm on Bank and Public Holidays.

Reason: In the interests of maintaining the amenities of surrounding residential properties in accordance with the National Planning Policy Framework.

10. No deliveries or collections shall be made to or from the development hereby permitted before 7.30am and after 8pm on Mondays to Saturdays and before 10am and after 4pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupiers of surrounding properties in accordance with the requirements of the National Planning Policy Framework.

11. Prior to the commencement of development of the retail unit, 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 1 of the Central Area Action Plan.

12. Prior to the commencement of the retail development hereby approved, full details of the method of the treatment of the external boundaries (including the installation of a staggered barrier to serve the link between the residential and retail development) of the retail development shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the retail unit 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.

13. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing Z12A42-P005 Rev. D shall be carried out in the first planting and seeding seasons following the occupation of the retail building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

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

14. Prior to the commencement of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity and highway safety in accordance with the requirements of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure timely submission of details.

15. The car parking, vehicle manoeuvring space and access as shown on drawing Z12A42-P003 Rev. C shall be fully implemented prior to the first occupation of the retail development hereby permitted and retained thereafter.

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

16. The vehicular access from Great Russell Street as shown on drawing Z12A42-RES-P002 Rev. C shall be fully implemented prior to the first occupation of the residential development hereby permitted and retained thereafter.



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

17. The residential development hereby permitted shall contain a minimum of 27 car parking spaces (including garages), which shall be provided prior to the first occupation of the residential development hereby permitted and shall be retained thereafter.

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

18. The residential development shall not include more than 19 dwellings.

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

19. The residential units hereby approved shall not exceed 9.2m in height.

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

20. Notwithstanding the details submitted, full details of secure cycle storage to serve the retail unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the retail unit and retained thereafter.

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

21. Notwithstanding the details submitted, full details of CCTV to serve the retail unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the retail unit and retained thereafter.

Reason: In the interests of creating a secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

22. Notwithstanding the details submitted, full details of external lighting (including hours of usage) to serve the retail unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the retail unit and retained thereafter.

Reason: In the interests of creating a secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

23. The retail development hereby permitted shall be fully implemented in accordance with the submitted Travel Plan (dated December 2014).

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

24. No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval. Any site investigation found to be required shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval. All remedial works found to be required shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within two weeks of completion (or within two weeks of completion of each respective phase).

Reason: In the interests of ensuring that the possibility of contamination is adequately mitigated in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that such details are adequately addressed in a timely manner.

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

Reason: In the interests of ensuring that the possibility of contamination is adequately mitigated in accordance with the requirements of the National Planning Policy Framework.

26. Prior to the residential development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room and/or outdoor amenity spaces due to transportation noise. This must take into account, the likely growth of traffic over the next 15 years.

Where noise levels in any habitable room or amenity space may exceed:

Indoor habitable areas – LAeq,16H 35 dB window open, during the daytime period (07:00 – 23:00)

Bedrooms – LAeq,8H 30 dB and LAMAX 45 dB (for 2+ events per hour) window open, during the night time period (23:00 – 07:00)

Outdoor Amenity Spaces – LAeq,16H 50 dB

A scheme to protect any affected habitable rooms/bedrooms or out outdoor amenity spaces shall be submitted to the Local Planning Authority for written approval. For habitable rooms/bedrooms this will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory level of amenity for the future occupiers of the development in accordance with the requirements of the National Planning Policy Framework.

27. Notwithstanding the details submitted, full details of the refuse storage to serve the residential development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development and shall be retained thereafter.

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

28. Notwithstanding the details submitted, full details of the cycle storage to serve the residential development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development and shall be retained thereafter.

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

29. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development should be submitted to and approved in writing by the local planning authority. The design should include an appropriately detailed drainage arrangement drawing(s); design calculations and any supporting evidence. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained thereafter.

The Surface Water Drainage Strategy shall also include the details relating to the residential development.

Reason: To ensure that drainage systems are appropriately designed to ensure satisfactory storage of/disposal of surface water from the site in accordance with the National Planning Policy Framework. This condition is required in order to ensure that such details are agreed in a timely manner.

30. No development shall take place until a detailed scheme including residential element of the application for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Reason: To ensure the future maintenance of drainage systems associated with the development in accordance with the National Planning Policy Framework. This condition is required in order to ensure that such details are agreed in a timely manner.

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

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure. This is a pre-commencement condition to ensure that details are submitted in a timely manner.

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

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

32. The retail development hereby permitted shall be carried out in accordance with the conclusions of the submitted Environmental Noise Survey and Plant Noise Impact Assessment (reference: BS 33806/NIA and dated 20<sup>th</sup> March 2015).

Reason: In the interests of the amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.

### **Informatives:**

1. A Limited Assortment Discounter is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt includes a Convenience Goods Retailer, which sells a limited ranged of Convenience Goods at a low price.
2. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods
3. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services

4. Northamptonshire Police advise that all access gates to serve the residential development are lockable in order to create a secure form of development.

**10. BACKGROUND PAPERS**

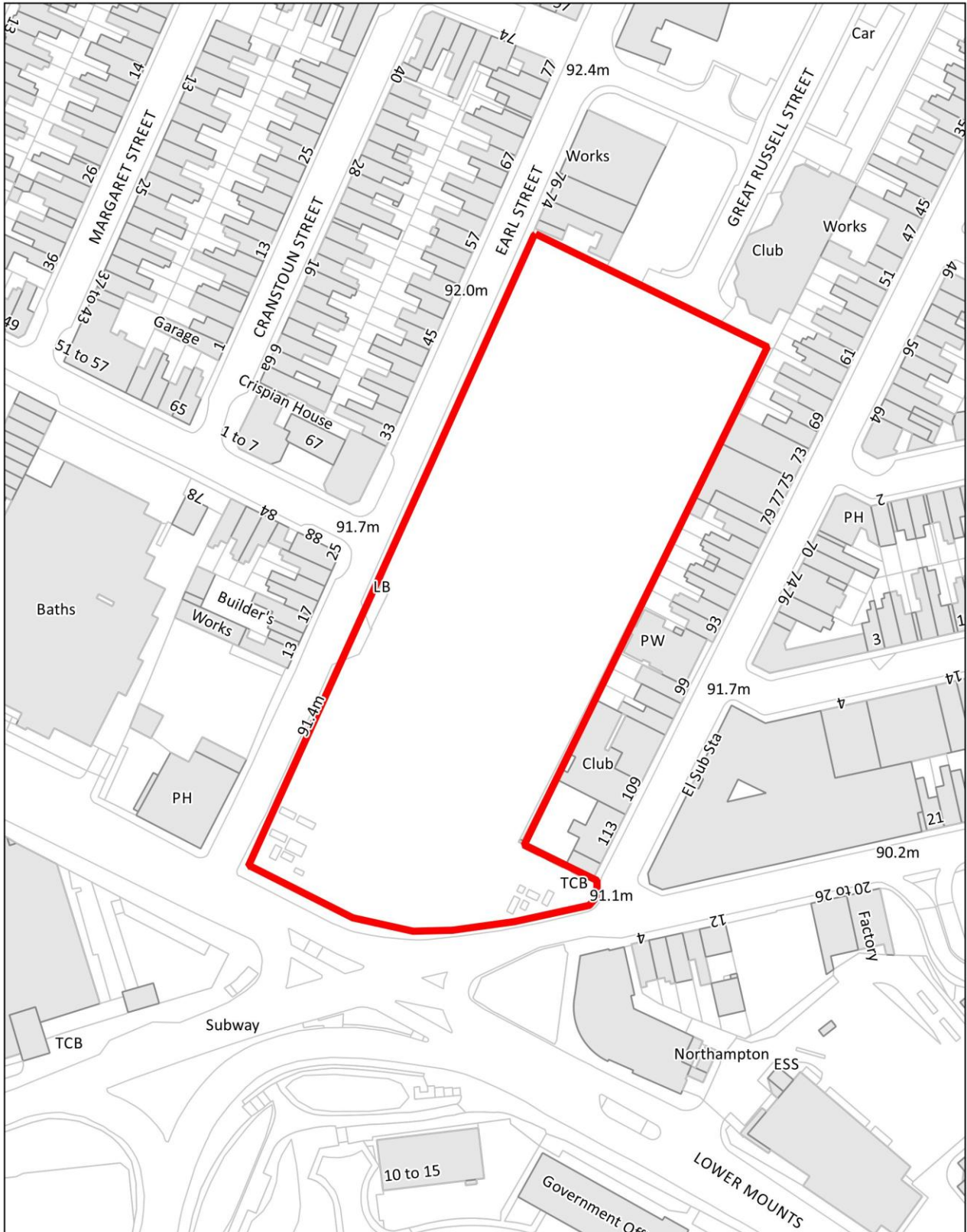
- 10.1 None

**11. LEGAL IMPLICATIONS**

- 11.1 None

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

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



Title: **Former Northampton Chronicle and Echo Building,  
Upper Mounts**

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Date: 30-11-2015

Scale: 1:1,250

Drawn by: Plannir



<b>PLANNING COMMITTEE:</b>	17 <sup>th</sup> December 2015
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>DIRECTOR:</b>	Steven Boyes
<b>APPLICATION REF:</b>	N/2015/0738
<b>LOCATION:</b>	Newspaper House, Derngate
<b>DESCRIPTION:</b>	Demolition of part, conversion of the existing building and erection of two new floors to form 64no. apartments
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Derngate Lofts Ltd
<b>AGENT:</b>	Derngate Lofts Ltd
<b>REFERRED BY:</b>	Director of Regeneration, Enterprise and Planning
<b>REASON:</b>	Major application
<b>DEPARTURE:</b>	No

## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The benefits of the development in terms of its contribution to the five year housing land supply and the visual improvement to the Derngate Conservation Area and wider townscape, coupled with the contribution to the aspirations for the repopulation and reinvigoration of the town centre would outweigh the less than substantial harm arising to heritage assets and the relative under provision of car parking. This would therefore accord with Policies H1, S3 and S10 of the West Northamptonshire Joint Core Strategy, Policies SO7, 1, 2, 10 and 16 of the Central Area Action Plan, 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 convert a vacant office building and gym in the town centre into a residential development of 64 apartments. The development proposes to erect an extension to the building to form an additional two floors (with a mezzanine). A further mezzanine would be installed on the ground floor giving the building, overall, seven floors. An 'off-shot' two storey wing to the rear of the building would form part of the conversion.

2.2 As part of the development there would be the demolition of some lower rise structures to the rear of the building to form a courtyard. Vehicular access would be taken from Derngate with basement car parking providing 32 spaces.

- 2.3 Information submitted with the application indicates that the apartments would be serviced and available for short/long term lease as well as purchase.
- 2.4 The proposal has been the subject of discussions between the applicant and Officers and has been amended as a result of this.

### **3. SITE DESCRIPTION**

- 3.1 The building is a 1950/60's flat roofed building across four floors fronting Derngate with various elements to the rear. In recent years the upper floors have been used as offices with the basement and ground floor used for commercial purposes. However the entire building is currently vacant.
- 3.2 The site is within the Derngate Conservation Area and immediately adjacent to a building with a mix of commercial use at ground floor and residential on the upper floors in an area with a mix of commercial and residential uses.

### **4. PLANNING HISTORY**

- 4.1 No history relevant to this application site.

### **5. PLANNING POLICY**

#### **5.1 Statutory Duty**

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

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.

#### **5.2 National Policies**

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

Paragraph 23 requires positive and competitive town centre environments.

Paragraph 47 requires Authorities to have a five year housing land supply.

Paragraph 49 advises that housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 51 advises planning permission to be granted for change of use from commercial to residential where there is an identified housing need unless there are economic reasons for not doing so.



Paragraph 56 requires good design.

Paragraphs 131 and 132 advise that account should be taken of the significance of heritage assets and weight should be given to the asset's conservation.

Paragraphs 133 and 134 outline the need to balance the level of harm to a heritage asset with the public benefits 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 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 H2 - Affordable Housing - sets out the requirement for 35% affordable housing to be provided subject to viability.

Policy S3 – Scale and Distribution of Housing Development – requires the construction of approximately 18,870 dwellings in Northampton Borough over the plan period.

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

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

### 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:

Strategic Objective 7 - Repopulate the Central Area - sets out to substantially increase the resident population.

Policy 1 - Promoting Design Excellence - requires high design standards including making efficient use of land and preserving and enhancing heritage assets and their settings.

Policy 2 - Tall Buildings - requires the justification for these.

Policy 10 – Parking - sets out the maximum standards of provision required.

Policy 16 - Central Area Living - outlines the need for 3,400 homes up to 2026.

## 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:

E20 - New Development

E26 - Conservation Areas

## 5.6 Supplementary Planning Documents

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Derngate Conservation Area Appraisal and Management Plan 2006

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **NCC (Highways)** - express concerns over the levels of car parking and cycle storage.

6.2 **NCC Lead Local Flood Authority** - have no objections.

6.3 **Anglian Water** - do not object.

6.4 **Environment Agency** - do not object.

6.5 **Northamptonshire Police** - recommend a number of security measures which should be incorporated into the development.

6.6 **Historic England** - do not object but offer comments regarding the increase in height of the building and the impact this may have on the setting of the Grade II\* listed Guildhall and recommend that the application be determined in accordance with national and local policy.

6.7 **NBC Conservation** - conclude that the addition of two storeys to the building will adversely impact on the setting of the Grade II\* Guildhall.

6.8 **Highways England** - do not object.

6.9 **Construction Futures** - request £5,723 towards construction training opportunities.

6.10 **Town Centre Conservation Advisory Committee** - have concerns over the serviced nature of the apartments and the design of the building (as originally submitted).

6.11 **NBC Environmental Health** raise no objections but request conditions regarding refuse provision, air quality, noise and a Construction Environment Management Plan.

## 7. APPRAISAL

### Principle of Development

7.1 Strategic Objective 7 and Policy 16 of the Central Area Action Plan set out the aim to provide housing within the town centre. The NPPF aims to create positive and competitive town centres

with a mix of uses. It is considered that the principle of using a vacant commercial building for 64 apartments is consistent with these policies.

- 7.2 In addition the NPPF requires Local Authorities to have a five year housing land supply and, where there is an identified need for housing, to grant planning permission for the change of use from commercial to residential unless there is an economic argument for not doing so. The Borough does not currently have this supply of housing and consequently it is considered that in principle the development proposed would contribute towards this.

### **Design**

- 7.3 The design of the development has been the subject of lengthy discussions between officers and the applicant and as a result an amended design has been submitted.
- 7.4 Originally an art-deco style façade was proposed for the building which would have encompassed both the existing building and the proposed extension. This would have resulted in the building, and in particular the extended element, appearing more significant in terms of its overall height and mass.
- 7.5 Subsequently the design has been amended to provide a more simplistic façade which is more in keeping with the existing design and form of the building. The extension has been reduced in height by approximately 0.5 metres as well as now being constructed in lighter materials. In addition the whole of the extended element is now set back from the front of the building and designed to appear subservient rather than one of the additional floors being designed to be incorporated into the main building. The proposed material used for the extension is considered to be appropriate and would enhance the appearance of the Conservation Area.
- 7.6 It is considered that these changes result in the extension appearing as a more separate, subservient element which in design terms reduces the bulk and mass of the building.

### **Heritage/Visual**

- 7.7 The site is located within the Deringate Conservation Area and owing to the views to/from the Grade II\* listed Guildhall, it is also considered to be within the setting of a listed building.
- 7.8 For the reasons outlined above the impact upon the conservation area from a broad design perspective is considered to be acceptable.
- 7.9 The building in its current form is considered to be somewhat unprepossessing and when combined with its vacant state and the potential for deterioration does not make a particularly positive contribution to either the conservation area or the setting of the listed building. The increase in the height of the building by approximately 3.8 metres will raise this to approximately 1.5 metres higher than the neighbouring building and will consequently impact upon both the Conservation Area and the setting of the listed building as a consequence.
- 7.10 However, it is not considered that the increase in height, relative to the neighbouring building, or the theatre opposite, albeit this is a civic building, is so great as to cause significant harm to the character or appearance of the Conservation Area.
- 7.11 The Council's Conservation Officer has commented that the increase in height would adversely impact upon the setting of the listed Guildhall. When viewing the Guildhall from Deringate the extended building will, undoubtedly, have a greater presence within those views. However it would not particularly obscure or block the views of the Guildhall itself and it is considered that the Guildhall would remain the dominant feature, and indeed the focal point, within those views.

- 7.12 Consequently it is considered that the development causes a less than substantial degree of harm to the heritage assets.
- 7.13 The NPPF requires less than substantial harm to heritage assets to be considered against the public benefits of the development proposed. In this case it is considered that the public benefits of the development would be improvements to the appearance of the Conservation Area and general townscape which would arise from renovating the exterior of a somewhat unattractive and vacant building and getting this into a viable long term use.

### **Amenity**

- 7.14 It is considered that the increase in height of the building could result in some additional overshadowing and loss of light to adjacent buildings, predominantly commercial but with some residential, but that this would not be unduly significant to warrant the refusal of the application.
- 7.15 The relationship between the rear 'off-shot' element of the conversion and one of the adjacent buildings is not considered to be ideal given that there is a distance of approximately 5.5 metres between these. This would result in some overlooking of the residential units as well as a somewhat sub-standard level of residential outlook. However it would be difficult to resist this element of the application on this basis as it would be possible for the applicant to make a prior notification for the change of use from offices to residential under the General Permitted Development Order under which amenity cannot be considered.
- 7.16 The Council's Environmental Health team have requested several conditions to safeguard the amenities of existing and future residents. While these are considered to be reasonable it should be noted that given the town centre location of the site and its lawful use for offices it is not considered that the development proposed would have a significant additional impact from an environmental perspective.

### **Highways**

- 7.17 The Highway Authority have expressed concerns over the levels of car parking and cycle storage. With regard to car parking this equates to one space per two flats with 32 spaces proposed. It is considered that in this town centre location, and given the proximity of public car parking facilities, that it would be unreasonable to refuse the application on this basis.
- 7.18 In terms of the lack of cycle storage 36 spaces are proposed and it is considered that additional storage could be secured by condition, should planning permission be granted.

### **Viability**

- 7.19 A development of this scale would ordinarily be required to provide an element of affordable housing. However the applicant has undertaken a viability appraisal of the scheme which has proven that the provision of affordable housing would render the scheme unviable. The NPPF makes it clear that viability is a material planning consideration and as such affordable housing cannot reasonably be requested.
- 7.20 Construction Futures have requested a contribution of £5,723 towards construction training opportunities. It is considered that this matter could be addressed through a condition requiring a scheme for construction training opportunities to be submitted and agreed.

## **8. CONCLUSION**

- 8.1 Overall, and on balance, it is considered that the benefits of the development in terms of its contribution to the five year housing land supply and the visual improvement to the Derngate

Conservation Area and wider townscape coupled with the contribution to the aspirations for the repopulation and reinvigoration of the town centre would outweigh the less than substantial harm arising to heritage assets and the relative under provision of car parking. Consequently it is recommended that the application is granted planning permission.

## **9. CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan schedule: N260-101B, N260-102, N260-103B, N260-111D, N260-112B, N260-113C, N260-114B, N260-115C, N260-120C, N260-121C, N260-133 C.

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

3. Prior to the commencement of development, details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to allow for the approved materials to be incorporated into the development.

4. The parking and turning, loading and unloading space shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the requirements of the National Planning Policy Framework.

5. Prior to the first occupation of the development, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

6. Notwithstanding the details submitted, prior to the commencement of development, 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. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the requirements of the National Planning Policy Framework. This is a pre-commencement condition to allow for the agreed facilities to be incorporated from the earliest phase of development.

7. Prior to the commencement of the development, 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. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

Reason: To ensure the satisfactory provision of refuse facilities to comply with Policy E20 of the Northampton Local Plan.

8. Before development commences a scheme to provide construction training opportunities on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason: To ensure the provision of construction training opportunities in accordance with the Council's Planning Obligations SPD.

9. The gym/spa shown on the approved plans shall only be for the use of residents of the development hereby permitted and shall not be open to the general public.

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

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

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

11. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- a) A site Waste Management Plan;
  - b) A Traffic Management Plan incorporating the routing construction traffic and details of heavy vehicle movement patterns
  - c) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms;
  - d) Details of siting of all vehicles of site operatives and visitors;
  - e) Details of the design, appearance, erection and maintenance of security hoardings to include informative displays;
  - f) The location, extent and duration of any temporary stockpiling areas;
  - g) Measures to prevent debris being deposited on the surrounding highway;
  - h) A programme of implementation for items (a) – (g).

Reason: To safeguard the amenities of neighbouring residents during construction work to accord with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to allow the agreed measures to be enacted from the start of work.

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

Reason: To ensure adequate amenity standards in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to allow the necessary measures to be incorporated throughout the development.

**10. BACKGROUND PAPERS**

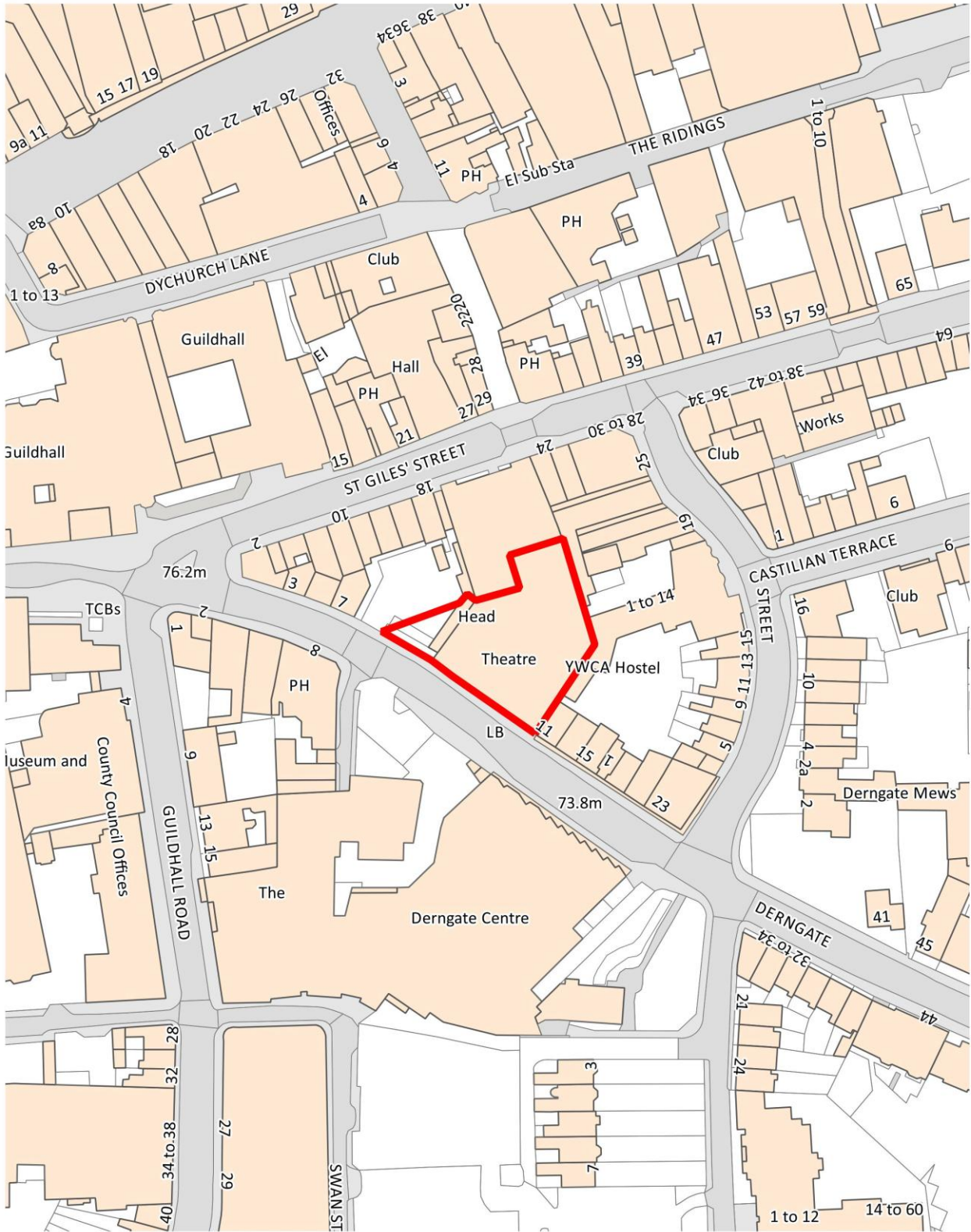
10.1 N/2015/0738


**11. LEGAL IMPLICATIONS**

11.1 None.

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Newspaper House, Derngate</b></p>	<p>Date: 07-12-2015</p>
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		<p>Drawn by: Planning</p>





**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/0791

**LOCATION:** Drovers Return Cafe, Hunsbury Hill Country Park, Hunsbury Hill Road

**DESCRIPTION:** Single storey extension to front of cafe

**WARD:** West Hunsbury Ward

**APPLICANT:** Mr Colin Ingle  
**AGENT:** Mr Colin Ingle

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

**DEPARTURE:** No

## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed development would due to its siting, scale and design not have an undue detrimental impact on the appearance and character of the host building, area, neighbouring amenity or adjacent trees and complies with Policies E20 of the Northampton Local Plan, S10 and BN5 of the West Northamptonshire Joint Core Strategy, and aims of the National Planning Policy Framework.

### 2. BACKGROUND

2.1 Members will recall that the application was first brought before the 27<sup>th</sup> October Planning Committee meeting with a recommendation for refusal following concerns from Officers on the proposed materials. Members deferred a decision so that officers could negotiate with the applicant on an improved design. The revised plans now show that the proposed Perspex is removed and the extension will be constructed in wood.

### 3. THE PROPOSAL

3.1 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 a maximum height of 2.5 metres high and project 3 metres off the front wall of the existing building. Associated with the development is a small extension to the existing patio. The proposed extension would be constructed in wood with polycarbonate roof.

#### **4. SITE DESCRIPTION**

4.1 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.

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

#### **5. PLANNING HISTORY**

5.1 Planning permission granted to convert toilet block to café in 2009.

#### **6. PLANNING POLICY**

##### **6.1 Statutory Duty**

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.

##### **6.2 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.

##### **6.3 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.

#### 6.4 **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.

#### 6.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004.

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

Comments received on this revised proposal are summarised as follows:

7.1 **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 new materials proposed and the form of the structure).

7.2 **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.

7.3 **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. Recommend that additional details are provided by the applicant on the doors, materials and locking mechanisms to be used and can be secured by condition on any grant of permission.

7.4 Letters of support from **3 Reedhill, 7 Holbein Gardens and 40 Gresham Drive:**

- The amended design is in keeping with the area
- The café is of great benefit to the park and the covered area will be useful in bad weather

7.5 **Friends of West Hunsbury Parks** – fully support of the revised plans for the extension.

7.6 1 letter of objection from **1 Sentinel Road:**

- Out of keeping with area
- Would be an eyesore
- Increase in anti-social activity
- Concern that an application for a larger extension may come forward in future

### 8. **APPRAISAL**

8.1 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**

- 8.2 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**

- 8.3 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 (polycarbonate) and walls of wooden construction. 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 cafe. The proposed materials i.e. wood construction are considered to be a significant improvement to those shown on the original planning application (with Perspex). It is considered therefore that the proposal is now acceptable and would be in accordance with Policy E20 of the Northampton Local Plan which promotes good design and Paragraph 64 of the NPPF.

### **8.4 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**

- 8.5 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. Also other security improvements would be agreed by condition including details of the locking mechanism of doors and security to the building after hours. The applicant has confirmed that the extension will be fully closed and locked after hours and that they are happy to agree a condition on any grant of planning permission.

### **Impact on Trees**

- 8.6 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**

- 8.7 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.

## **9. CONCLUSION**

- 9.1 For the reasons cited above the proposal is considered acceptable and is therefore recommended for approval subject to the conditions below.

## **10. CONDITIONS**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plan 1062/15 A.

Reason: For the avoidance of doubt and to comply with the provisions of the planning application.

- (3) No development shall take place until further details of the external colour treatment of the extension hereby approved has been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with those agreed details.

Reason: To ensure a satisfactory external appearance of development to accord with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition in order to secure acceptable external appearance before work starts.

- (4) Notwithstanding the submitted details, no development shall take place until further details detailing security measures to protect the site from anti-social behaviour have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details and maintained thereafter.

Reason: In the interests of security to comply with the NPPF. This is a pre-commencement condition to allow acceptable security measures to be put in place prior to work starting.

## **11. BACKGROUND PAPERS**

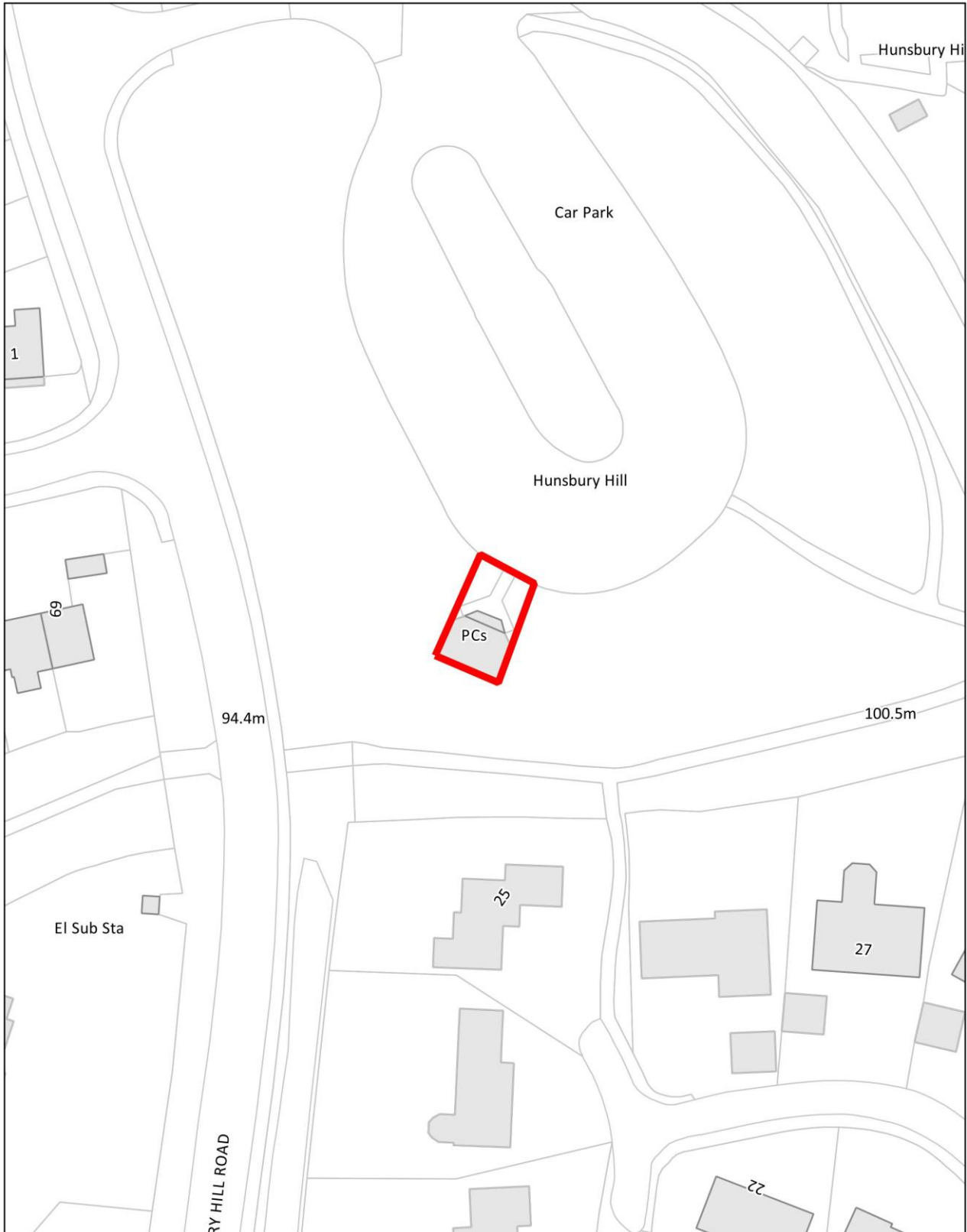
- 11.1 N/2015/0791.

## **12. LEGAL IMPLICATIONS**

- 12.1 None.

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

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



Title: **Drovers Return café, Hunsbury Hill Country Park**

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**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/0999 and N/2015/1000

**LOCATION:** Home Farm Works, Orchard Hill

**DESCRIPTION:** Change of use from Office (Class B1) to Childrens Day Nursery (Class D1) and associated works and listed building consent application for internal alterations to building and erection of palisade fencing

**WARD:** Billing Ward

**APPLICANT:** Bambino Ltd  
**AGENT:** Aitchison Raffety

**REFERRED BY:** Cllr C Malpas  
**REASON:** Parking and traffic issues

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**N/2015/0999 – Planning Application**

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

The proposed change of use of the property from offices (use class B1) to a childrens day nursery (use class D1) for 80 children would support the sensitive re-use of a vacant listed building and provide a community facility with employment opportunities without significant harm to the character or appearance of the building, surrounding area, highway safety or the amenity of neighbouring properties. The proposal is therefore in accordance with Policies C2, S10, RC2, E1, BN5 and B9 of the West Northamptonshire Joint Core Strategy, Policies E20, B14 and H35 of the Northampton Local Plan and National Planning Policy Framework.

**N/2015/1000 – Listed Building Application**

1.2 **APPROVAL** subject to the conditions as and for the following reason:

The proposed development would represent the effective re-use of a vacant listed building without significant harm to the historic and architectural character of the listed building, its setting or the visual amenities of the wider area in accordance with the guidance contained in National

Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

## **2. THE PROPOSAL**

- 2.1 The proposal is to change the use of the building from offices to a childrens day nursery to accommodate 80 children with an age range from 0 – 5 years. The applicant initially proposed that up to 117 children would be cared for with the creation of 24 jobs. Proposed hours of use would be 7.30am to 6.30pm Monday to Friday. The proposal includes internal alterations to the building, alterations to the parking layout, the erection of fencing to form a play area and the erection of a cycle shelter.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located on the east side of Orchard Hill close to the junction with Manorfield Road and comprises a two storey Grade II listed former farmhouse. The property has been extended and converted to office use and is currently vacant. Hardstanding lies to the south and west of the building and provides car parking for approximately 30 vehicles. The site is bounded by a low stone wall, some with railings to the top. Surrounding properties comprise of residential and commercial uses.

## **4. PLANNING HISTORY**

- 4.1 98/0897 – Extended floor area onto existing office structure by constructing a first floor onto existing single storey lean to - Approved with conditions.
- 4.2 98/LB36 – Additional floor space provided to existing office by adding a floor on top of existing single storey lean to – Approved with conditions.
- 4.3 NR/65/187 – Change of use of farmhouse to offices – Approved with conditions

## **5. PLANNING POLICY**

### **5.1 Statutory Duty**

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special regard to the desirability of preserving the building and its setting or any features of special architectural or historic interest which it possesses.

### **5.2 National Policies**

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

Paragraph 14 supports sustainable economic development.



Paragraph 32 states that developments that generate significant amounts of movement should be supported by a Transport Statement or assessment and development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states that plans and decisions should ensure developments that significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 70 – seeks to ensure positive planning for community facilities to enhance the sustainability of communities and residential environments and ensure that social, recreational and cultural services the community needs are delivered.

Paragraph 131 – account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability.

Paragraph 132 states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Paragraph 134 states that where the proposed development will lead to less than substantial harm of a heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Paragraph 140 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

### **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:

C2: New Developments – states that new development should maximise travel choice from non-car modes and should be supported by a transport assessment and travel plan.

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

RC2: Community Needs – supports a positive approach to the provision and retention of community facilities and identifies that such facilities including those for children’s services are vital to the well-being of residents.

E1 – Existing Employment Areas - Change of use to (non- employment generating) uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment uses in the long term, there is a clear conflict with adjoining uses or its release would offer community benefits.

Policy BN5: The Historic Environment and Landscape – seeks to conserve and enhance heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets.

Policy BN9: Planning for Pollution Control – Proposals should demonstrate that opportunities to minimise and where possible reduce the adverse impacts of noise.

#### 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 – seeks to secure development which has an acceptable design and layout and achieves acceptable standards of amenity.

Policy B14 – Developments for non-business uses in business areas- planning permission will not be granted for development outside the business use classes unless such development would be of significant benefit to the local community and would lead to substantial employment opportunities.

Policy H35 – Planning permission for childminding, play schemes, nursery or crèche facilities will be granted unless they give rise to disturbance for adjoining occupiers, where there are adequate parking facilities and there is no detriment to highway safety.

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

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

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

Comments received are summarised as follows:

6.1 **NBC Public Protection - Initial comments** - Expresses concern about the scale of the proposal for up to 117 children in a quiet residential location. Requests further information about noise break-out from the building and further details of acoustic fencing. Considers a temporary consent for a limited number of children should be considered to assess the impact on surrounding properties.

6.2 **NBC Conservation - Initial comments** - no objections in principle. Requests amended plans showing the cycle shelter and playground fencing repositioned. Requests details of additional toilet and washing facilities.

**Further comments** following the submission of amended plans:

Position of cycle shelter more appropriate;

Support the proposal to retain surviving railings;

Considers that the fenced play area will undermine the setting of the Listed Building. Requires further details of profiles and means of fixing of railings;

No details of any future play equipment;

No details of water supply and drainage to sinks.

6.3 **NCC Highways - Initial comments** – require a minimum of 26 car parking spaces, 9 cycle spaces and a detailed travel plan to determine how picking up and dropping off will be managed and the proposed measures to encourage sustainable travel.

**Further comments** following the submission of amended plans and Travel Plan – The addition of 5 extra spaces to be used at peak times brings the total number of parking spaces to 26 which is in line with the minimum requirement. Although the arrangement is not ideal as these spaces will not always be available, given the site constraints it is considered to be a pragmatic solution. Pleas that number of cycle spaces increased to 10. No comments to make with regard to the submitted Travel Plan.

6.4 **Councillor Christopher Malpas** – concerned about numbers of children using the facility together with the lack of organised procedure for dropping off and collecting the infants. Consider traffic generation and the reduction in parking spaces will have a severe effect on the area especially as there will be more members of staff than spaces available. Wishes to call the application in to be heard by the Planning Committee.

6.5 **Billing Parish Council** – No comments received.

6.7 **Objections** have been received from **Steinhurst, Church Lane, Old Rectory Nursery, Church Lane, The Outlook Creative Group, the Courtyard, Orchard Hill, 17 Orchard Hill, 3 and 8 Willow Rise, 20 Home Farm Close, 11 Church Walk**. Comments can be summarised as follows:

- Proposal will have serious detrimental impact on adjacent businesses and local residents in terms of safety, traffic and parking
- The traffic in the area will be substantially increased as up to 117 cars drop off and collect children
- Increase in traffic will create safety issues at Manorfield Road/Orchard Hill junction and will add to the traffic created by the existing Old Rectory Day Nursery in nearby Church Lane
- Vehicular access is opposite the access to The Priory and two other businesses and close to busy road junction which results in high volume of traffic at peak times
- Considerable number of accidents have already occurred at the Orchard Hill/Manorfield Road junction where visibility is limited. Proposal will create increase in parking, congestion and accidents.
- Vehicle access to the property is only suitable for one vehicle which will create backlog of vehicles
- Parking restrictions are in place to the south of the site but are never observed or enforced
- Due to restricted parking consider majority of cars will park on the street and carry out 'u' turns to exit
- Major problems with parking issues in the past resulting in obstruction for neighbouring properties, refuse and delivery vehicles
- Nearby St Andrews Church has no off-street parking. Will create further problems when weddings and funerals etc occur
- Noise levels from outside play areas and additional traffic will be detrimental to nearby residents and adjoining businesses
- There are currently 5 day nurseries and playgroups within a half mile radius. Not all are operating at full capacity. Cannot foresee a situation to sustain an additional 117 place nursery
- Proposal contrary to Planning Policy E1 of West Northamptonshire Joint Core Strategy and not sustainable
- Traffic plan is misleading and bears no relation to existing conditions. Unlikely that many people will cycle to the premises.
- Proposals to make changes to the interior of the Listed Building are not acceptable.
- The road survey is not complete and appears to avoid the key issues on road safety.

## **7. APPRAISAL**

### **Principle of development**

- 7.1 The National Planning Policy Framework makes clear the presumption in favour of sustainable development and aims to promote healthy communities and deliver community needs (social, recreational and cultural) by planning for sustainable communities with shops, meeting places, sports venues etc. Policy RC2 of the West Northamptonshire Joint Core Strategy supports a positive approach to the provision of community facilities recognising their value in meeting community needs and contributing towards sustainable communities. Policy B14 of the Northampton Local Plan supports development outside of the business use classes where the use would be of significant benefit to the local community and would lead to substantial employment opportunities. Policy BN5 of the JCS seeks to conserve and enhance heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets.
- 7.2 Whilst the proposal will reduce the office space available within the business area, the premises have remained vacant for approximately 23 months. The proposal would provide a community facility, employment for up to 24 people and would bring about the re-use of a vacant listed building. It is considered therefore that in principle the proposal is acceptable.

### **Impact on Heritage Asset**

- 7.3 The property is Grade II Listed and was granted planning permission for conversion to offices in 1965. It appears that most of the original detailing within the building have already been removed. Proposed internal alterations involve unblocking a previous blocked up doorway between two rooms in the historic part of the building, the removal of stud partitioning within the modern extension and the insertion of three new doors. The Conservation Officer has no objection to these internal works although additional details of proposed washing facilities were requested. Five new sinks are proposed to be installed within the building. The applicant has stated that these can be linked to existing pipework however the Conservation Officer requires further details. Subject to agreeing appropriate details of the method and precise details of the installation of these facilities it is not considered the proposed alterations would lead to any significant impacts on the internal fabric of the listed building.
- 7.4 External alterations comprise the erection of pallisade fencing to section off part of the existing car park to form a play area, the provision of a cycle shelter and the replacement of existing timber fencing with acoustic fencing along the eastern boundary. There are no proposed alterations to the fabric of the building. The proposed pallisade fencing will consist of 1.3 to 1.9 meter high railings and will match existing railings that surround the site. The Conservation Officer requested alterations in terms of the re-siting of the cycle shelter and the play area fencing to minimise the impact on the Listed Building. Amended plans have been received. Whilst the re-located cycle shelter is considered to be acceptable the Conservation Officer has still expressed concerns about the fencing of the play area impacting on the setting of the listed building. It is noted that the forecourt of the listed building is laid out as a car park. It is considered that as the railings are not a solid structure and there are already existing railings to the boundary of the building, the division of the car park with additional similar railings will not impact significantly on the buildings setting in this instance. There are no objections to the replacement of existing timber fencing on the east elevation with acoustic timber fencing.

### **Impact on amenity**

- 7.5 The nursery will operate during weekdays only. The application is accompanied by a Noise Assessment which suggests areas of mitigation to prevent any detrimental impact on neighbouring properties. These measures include the erection of acoustic fencing on the eastern

boundary adjacent to the properties in Home Farm Close and suggests that first floor windows facing Home Farm Close are kept closed. These proposals are detailed on the submitted plans and further details of the acoustic fencing have been submitted. Notwithstanding this information the Environmental Health Officer has expressed concern about noise issues that a 117 child place nursery will create. They suggest that a reduced number of children for a temporary period would allow the use to commence and the impacts be assessed. With regard to this suggestion the applicant has stated that a temporary consent would not be feasible and it would cause considerable problems for the viability of the business proposition with problems of obtaining loans, leasing the premises, employing staff and potentially making them redundant. On balance, in view of objections to the proposal and concerns about the impact of the proposal on neighbouring amenity it has been agreed that the maximum number of child care places should be limited to 80 only.

### **Impact on Highways**

7.6 The Highway Authority initially objected to the proposal as a Travel Plan had not been submitted with the application. In addition they stated that 26 car parking spaces were required and a minimum of 9 cycle spaces. Following the submission of a Travel Plan and plans showing compliance with Highways parking requirements, albeit that five additional parking spaces have been incorporated for use during peak times only, the Highway Authority now have no objections. Numerous objections have been received regarding the impact of additional traffic and parking and it is acknowledged that the proposal may attract additional vehicle movements in the vicinity of the site. However, as the Highway Authority has raised no objections, and the proposal complies with Policy C2 of the West Northamptonshire Joint core Strategy, it is not considered that the proposal could be refused on highway grounds. In addition, the premises were previously used as offices that generated considerable amount of parking requirement and traffic movement. This use could be re-instated if no other alternative use is found.

## **8. CONCLUSION**

8.1 Whilst the principle of development is considered to be acceptable and in accordance with planning policy it is considered that the proposal for 117 children will unduly impact on neighbouring residential amenity by reason of an unacceptable level of noise and disturbance. The proposal is therefore recommended for approval but with a condition that only 80 children are cared for at the premises.

8.2 It is considered that the proposed use is acceptable and would not cause undue harm to residential and general amenity, highway safety. The proposal would cause less than substantial harm to the character and setting of the listed building in line with the advice contained in NPPF.

## **9. CONDITIONS**

### **Planning Application N/2015/0999**

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: 15-101.1, 15-101.2 REV D, 15-101.3, 15-101.4 REV D, 15-101.5, Section A-A REV A, Section B-B REV B, Section C-C, Section D-D, Section F-F, Proposed railings and Gate Design Revision A, cycle shelter details dated 5/11/2105, acoustic fencing details dated 8/10/15.

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

3. The premises shall be used as a Children's Day Care Nursery only and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority to allow it the opportunity to assess the impact any other Class D1 would have on neighbour amenity in accordance with Policy E20 of the Northampton Local Plan.

4. The premises shall be used for the provision of childcare for no more than 80 children.

Reason: In the interests of the amenities of the locality and ensure effective planning control is retained by the Local Planning Authority in accordance with Policy H35 of the Northampton Local Plan.

5. The provision of childcare is to take place between the hours of 0730 and 18:30 Monday to Friday and at no other time.

Reason: In the interests of residential amenity in accordance with Policy H35 of the Northampton Local Plan.

6. The parking spaces shown on the submitted plans shall be laid out prior to the first use of the premises hereby approved and retained thereafter.

Reason: To ensure the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with guidance in the National Planning Policy Framework.

7. The first floor windows on the east elevation shall remain closed as detailed on drawing number 15-101.2 Rev D during occupation of the building for nursery use.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy H35 of the Northampton Local Plan.

8. The acoustic fencing as detailed on drawing number 15-101.4 Rev D shall be installed prior to the first use of the premises hereby approved and retained thereafter.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy H35 of the Northampton Local Plan.

9. The proposed cycle shelter shall be installed prior to the first use of the premises hereby approved and retained thereafter.

Reason: To ensure the proposed development complies with the requirements of the Travel Plan in accordance with Policy C2 of the West Northamptonshire Joint Core Strategy.

#### **Listed Building Consent – N/2015/1000**

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

Reason: To comply with Section 18 of the (Listed Building and Conservation Areas) Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15-101.1, 15-101.2 REV D, 15-101.3, 15-101.4 REV D, 15-101.5, Section A-A REV A, Section B-

B REV B, Section C-C, Section D-D, Section F-F, Proposed railings and Gate Design Revision A, cycle shelter details dated 5/11/2105, acoustic fencing details dated 8/10/15.

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

3. Notwithstanding the submitted information further details of the profiles of proposed railings and the means of fixing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the integrity of the listed building in accordance with National Planning Policy and Policy S10 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the submitted information further details of the works required to install the new sinks into the premises shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the integrity of the listed building in accordance with National Planning Policy and Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

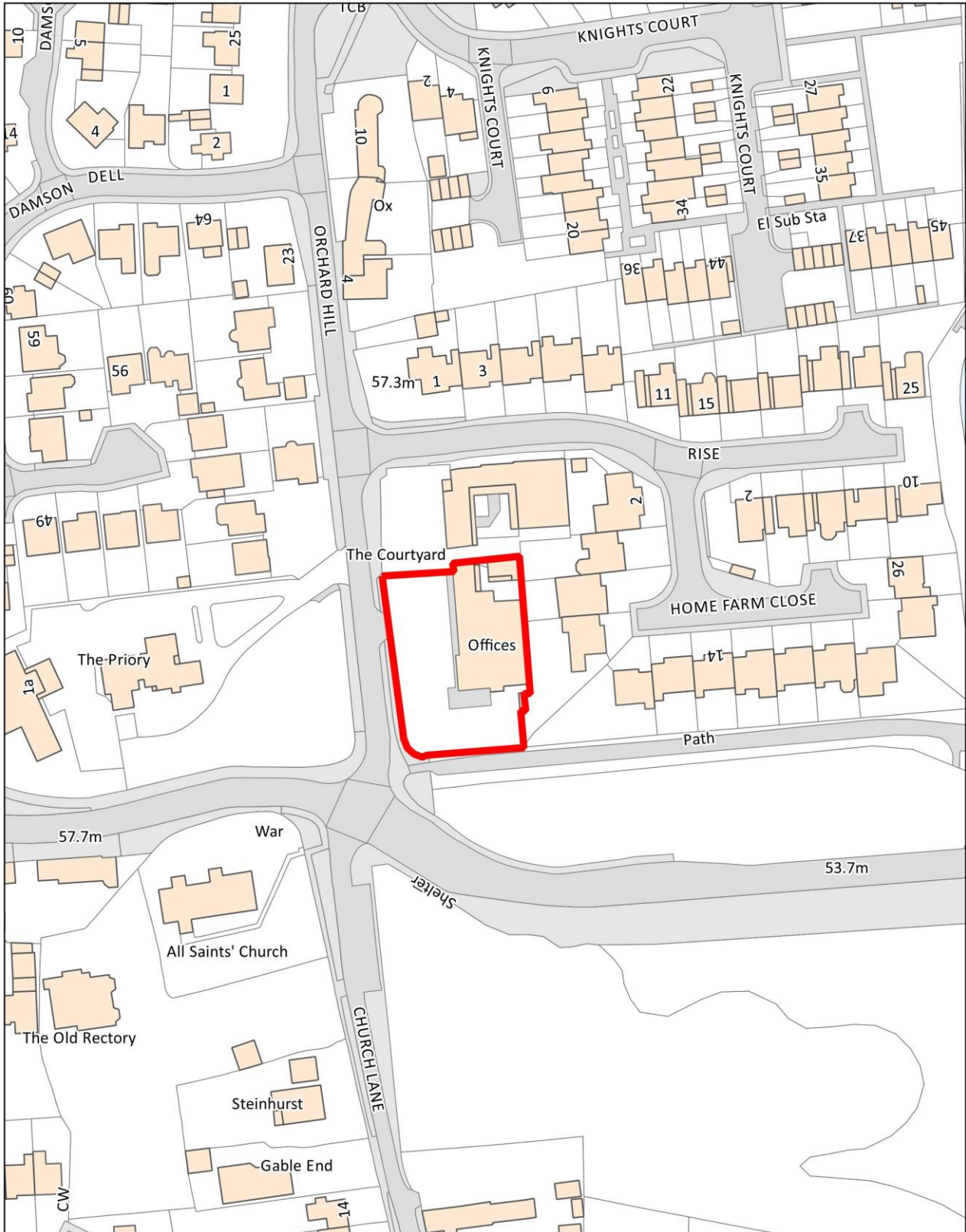
10.1 None.


## **11. LEGAL IMPLICATIONS**

11.1 None.

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Home Farm Works, Orchard Hill</b></p>	<p>Date: 07-12-2015</p>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**  
 Planning Committee

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1108

**LOCATION:** 15 Leslie Road

**DESCRIPTION:** Conversion of dwelling into 2 self-contained flats

**WARD:** Semilong Ward

**APPLICANT:** Mr Geoff Porton

**REFERRED BY:** Cllr L Marriott  
**REASON:** Loss of a family home and parking issue

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed development represents an acceptable land use, would secure an acceptable level of amenity for the future occupiers and would have a neutral impact upon the occupiers of neighbouring properties and the highway system. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework; Policies H1 and S10 of the West Northamptonshire Joint Core Strategy; and Policy E20 of the Northampton Local Plan.

**2. THE PROPOSAL**

2.1 The applicant seeks planning permission to convert the existing property consisting of an existing end of terrace two storey house into two one-bedroom flats. The first floor flat would be access from Leslie Road whilst the ground floor flat would be accessed from a yard located to the rear (north west) of the site.

**3. SITE DESCRIPTION**

3.1 The application site consists of an existing dwelling located in a predominantly residential area. The application site consists of the existing building and a small yard which is shared with a workshop located to the rear of the building and is excluded from the application site. The building is unusual in that it has an irregular shape, which is caused by the relationship with Leslie Road and Lower Adelaide Street. The

dwelling is also unlike other dwellings in the vicinity in that there is no meaningful private garden or amenity space.

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

4.1 None relevant.

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

##### **5.1 Statutory Duty**

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:

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

5.4 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50).

5.5 Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

##### **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. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.

H1 – Housing mix

S10 – Sustainable Development Principles

## 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

## 5.8 Supplementary Planning Documents

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

## 6. CONSULTATIONS/REPRESENTATIONS

- 6.1 **Cllr L. Marriott** – Requesting that the application is determined by the Planning Committee on the basis that the development would result in the loss of a family home, which is particular importance due to the opening of a school in the nearby former Royal Mail Sorting office. In addition, there are problems with the number of Houses in Multiple Occupation in the vicinity which would be exacerbated by the proposal and the development would increase parking problems in the area.

## 7. APPRAISAL

### Principle of the development

- 7.1 By reason of the character of the surrounding area, it is considered that residential accommodation represents an acceptable use of this site. Whilst it is accepted that the development would represent the loss of a house that could be occupied by a family, the site features a number of unique circumstances that are material to this application and do not render the property conducive for use as a family dwelling. In particular, the property features a very restricted outdoor space (in terms of size and shape), which is the result of the surrounding road layout and the presence of a workshop to the rear of the site. This makes it difficult for residents to experience a high degree of amenity. In addition, this area is shared with the workshop, which is likely to experience some activity associated with people entering and leaving this building and deliveries or collections.
- 7.2 It is recognised that there are a number of Houses in Multiple Occupation within the vicinity; however, very few dwellings have been converted to flats. Therefore given the issues as raised above, combined with the need established within the NPPF to provide a variety of housing types, conversion of this building to flats is appropriate.
- 7.3 As the property is located in an area covered by an Article 4 Direction, any future change of use to the property to a House in Multiple Occupation would require planning permission and as such future potential uses of this building would not be material to the determination of this application.
- 7.4 The development would also result in the creation of an additional unit of accommodation, which would make a small contribution towards the delivery of the required five year housing land supply that all Local Planning Authorities are required to provide.

### Design and appearance

- 7.5 The development would not result in any external alterations to the building which ensures a neutral impact upon the character and appearance of the surrounding area. This lack of alterations also ensures that there would be a neutral impact upon the amenities of surrounding properties in terms of ensuring an appropriate level of light, outlook and privacy. As the building would be used as flats, there are no permitted development rights for the installation of windows, which provides certainty regarding the future impacts of the development.
- 7.6 The building has been arranged so as to ensure that all occupiers of the building have a suitable level of amenity in respect of light, outlook and privacy.
- 7.7 It is noted that the ground floor flat would be accessed via the shared yard to the rear of the site. This access arrangement is considered safe and secure as the entrance to the site would benefit from a good level of natural surveillance as required by Policy S10 of the West Northamptonshire Joint Core Strategy.
- 7.8 In order to secure a good standard of development, a condition is recommended that would require the further submission of details regarding refuse storage and for this to be implemented prior to the first occupation of the development and to be retained thereafter.

#### **Highway considerations**

- 7.9 It is recognised that demand for car parking in the vicinity is predominantly addressed through on street supply. In considering this matter, weight should be given to the fall back position, which is that the building can legitimately be used as a two bedroom dwelling. It therefore follows that the use of the building as a two single bedroom flats is unlikely to generate significantly greater number of vehicle movements that would justify refusal of the planning application.
- 7.10 In addition to this point, it is noted that the application site is located in close proximity to the town centre and the wider area is reasonably well served by public transport. As a result, the site is sustainably located and as such residents would not necessarily be reliant upon private cars for transport.

### **8. CONCLUSION**

- 8.1 It is considered that the development would be an acceptable use of this site, would not adversely affect the amenities of the locality or surrounding properties and would not negatively impact upon the highway system. As a consequence, the proposal is compliant with the requirements of national and local planning policies.

### **9. CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 12130-01.

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

3. Notwithstanding the details submitted, full information of refuse storage to serve both dwellings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

## **10. BACKGROUND PAPERS**

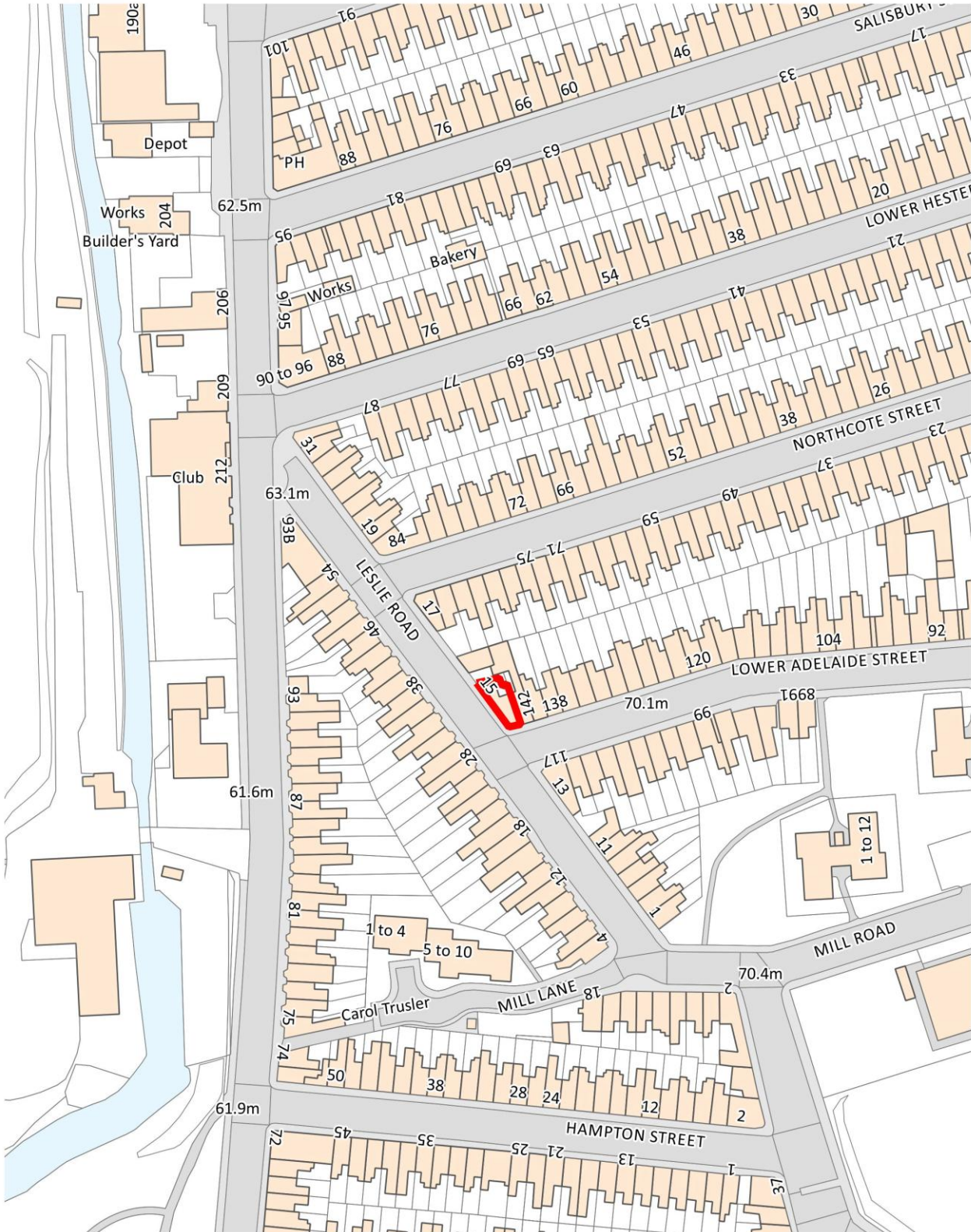
- 10.1 None


## **11. LEGAL IMPLICATIONS**

- 11.1 None

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>15 Leslie Road</b></p>	<p>Date: 07-12-2015</p>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**  
 Planning Committee

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1110

**LOCATION:** Eleonore House, 3 Buttermere Close

**DESCRIPTION:** Demolish existing conservatory, erect single-storey rear extension and single-storey front extension

**WARD:** Eastfield Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Drawing Office Associates Ltd

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

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposal will have no adverse impact upon visual or residential amenity and is in accordance with Policy E20 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Permission is sought for single storey front and rear extensions, with the demolition of the rear conservatory, together with some alterations to windows and doors.

**3. SITE DESCRIPTION**

3.1 A sheltered housing complex in a residential area with open space to the north and west. The building is two storey of red brick construction, with car park to the front.

**4. PLANNING HISTORY**

4.1 N/2009/0976 – extension to accommodate lift – approved.

**5. PLANNING POLICY**

## 5.1 Statutory Duty

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

## 5.2 National Policies

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

Para.17 – always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

## 5.3 West Northamptonshire Joint Core Strategy (2014)

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

**Policy S10 – Sustainable Development Principles** – development will achieve the highest standards of sustainable design, incorporating safety and security considerations and a strong sense of place.

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

## 6. CONSULTATIONS/ REPRESENTATIONS

6.1 None received.

## 7. APPRAISAL

7.1 The proposed new lobby at the front is of pitched roof design (existing is flat roofed). Other alterations include reconfiguration of the property to incorporate a scooter store and bin store to the front, with required alterations to windows and doors.

7.2 At the rear the conservatory would be formed into a lounge, and a small lobby added with single pitch roof, together with required alterations to windows and doors.



- 7.3 The proposal would improve facility for this sheltered housing complex and in design terms the proposal is considered acceptable and will not have undue impact on visual and residential amenity.

## **8. CONCLUSION**

- 8.1 The proposal is considered acceptable as it will not have undue impact upon surrounding visual or residential amenity.

## **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, block plan, 1, 3A, 7, 8, 10, 11.

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

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

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

## **10. BACKGROUND PAPERS**

- 10.1 N/2015/1110

## **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.

Playing Field



Title: **Eleanore House, 3 Buttermere Close**

Date: 07-12-2015

Scale: 1:957

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

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1140

**LOCATION:** Cramden Nurseries, Harborough Road North

**DESCRIPTION:** Proposed single span polythene covered canopy to cover an existing growing area measuring 12.5m x 10m

**WARD:** Spring Park Ward

**APPLICANT:** Mr Nic Palmer  
**AGENT:** Mr Nic Palmer

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

**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 structure is considered to be in keeping with the character of the site as a nursery, without undue impact on the function of the green space or the amenity of nearby residents, in accordance with Policy E20 of the Northampton Local Plan, Policies S10 and of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Planning permission is sought for the erection of a single span polythene covered canopy at the Cramden Nursery to cover an existing growing area.

2.2 The proposed canopy will be constructed of galvanised framework, with an ultra-violet inhibited white polythene roof covering. The proposed structure measures 10m x 12.5m, 4m high.

**3. SITE DESCRIPTION**

3.1 The application site has been used as a plant nursery for many years and the land is owned by the Borough Council. It is located immediately to the north of Kingsthorpe Cemetery and access is via a private road off Harborough Road North.

3.2 The nursery site consists of a single storey office building, machine sheds, car park and a series of growing buildings mainly greenhouses and poly-tunnels.

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

4.1 **N/2009/722** - Erection of 12m x 10m double span poly-tunnel approved October 2009.

4.2 **N/2008/0163** - Marquee for staff training/ demonstration and widening site entrance to main road (A508) – approved April 2008.

4.3 **N/2003/1251** - 4 no. growing area polythene roof canopies – approved October 2003.

4.4 **N/2012/0993** – Erection of single span polythene covered canopy to cover an existing outside sales area – approved November 2012.

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

##### **5.1 Statutory Duty**

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

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

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

Para. 7 – requiring good design.

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

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

**Policy S10** – Sustainable Development Principles: development will achieve the highest standards of sustainable design and a strong sense of place; be located where services and facilities can be easily accessed by walking, cycling or public transport; maximise use of natural light and ventilation; maximise water efficiency protect, conserve and enhance the natural and built environment; minimise pollution from runoff.

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

## **6. CONSULTATIONS/REPRESENTATIONS**

6.1 Site notice posted, and Ward Councillor notified. No representations received.

## **7. APPRAISAL**

7.1 The main consideration relates to the principle of development within a greenspace, and whether it would have undue impact on amenity of neighbouring properties.

### **Principle of development**

7.2 This site is located within a Green Space as designated by the Northampton Local Plan, adjacent to a cemetery and allotments. However, the application site is part of an established nursery and it is considered that the proposed development would be in line with the underlying objective for green spaces i.e. that their function or character would not be prejudiced.

7.3 This application is for an additional canopy structure which will be located amongst other greenhouses and poly-tunnels/canopies, which would be almost entirely out of public view. It would be well within the established nursery curtilage and wholly in keeping with the character of the site. It is considered therefore that the proposal would not harm the function and character of the Greenspace as identified in the Local Plan. It is also considered that the proposal meets the wider objectives of Policy S10 of the West Northamptonshire Joint Core Strategy.

### **Impact upon amenity**

7.4 The proposed structure would be located over 90 metres away from the nearest residential properties on Harborough Road North and would not be readily visible from any public roads as it would be shielded by existing nursery buildings.

7.5 The proposed canopy is to be used to shelter an existing floor level growing area from the elements, which would enable better control of the crop and a reduction of wastage. It is considered that the proposed structure would not have undue visual impact affecting amenity of neighbouring properties

## **8. CONCLUSION**

8.1 The proposal would not impact on the function of Greenspace as identified in the Local Plan. It is considered acceptable and would not have undue impact on amenity of nearby residential properties. The application is therefore recommended for approval subject to the condition 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.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan, QT12349.

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

## **10. BACKGROUND PAPERS**

- 10.1 None

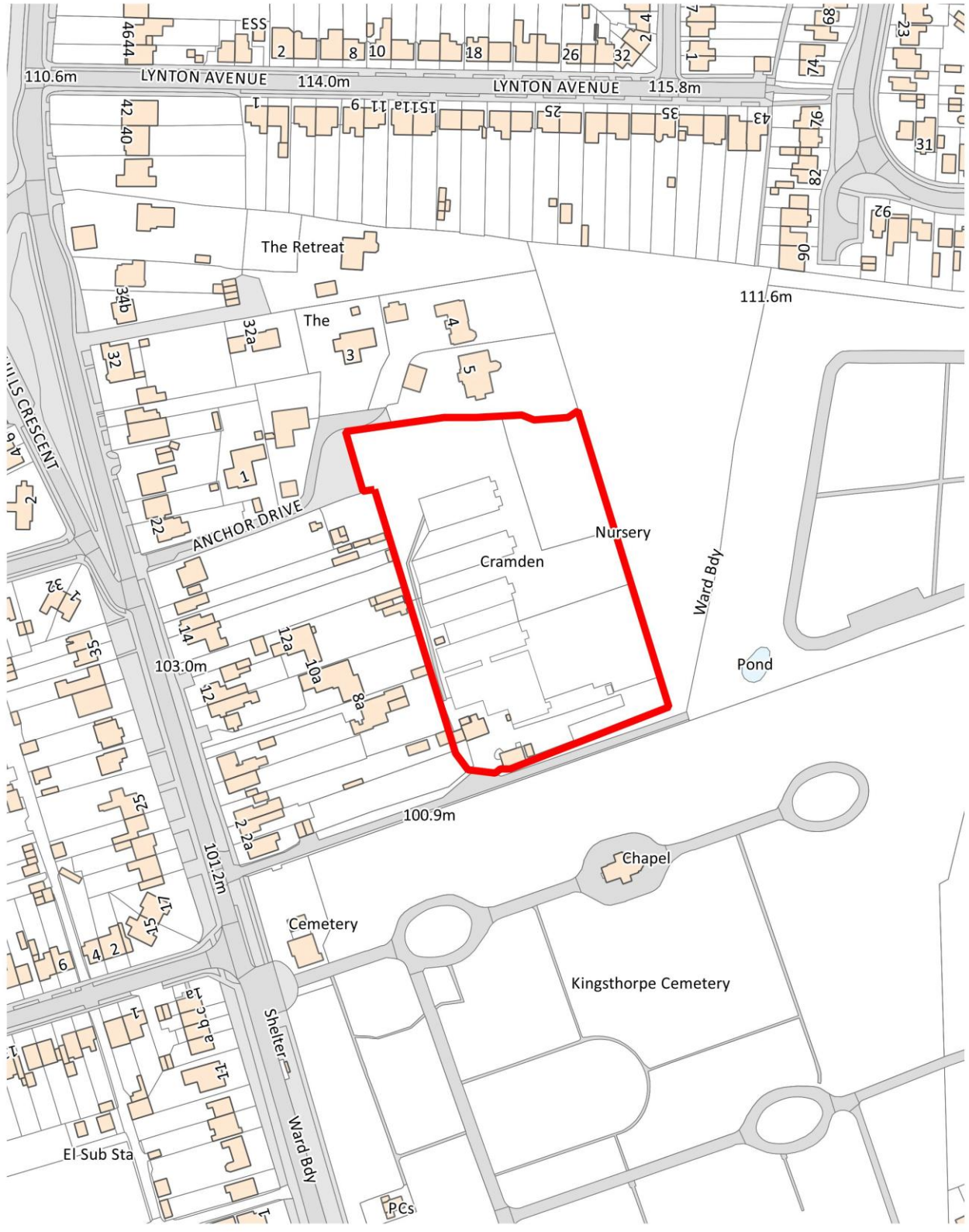
## **11. LEGAL IMPLICATIONS**


- 11.1 None

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

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





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Cramden Nurseries, Harbrough Road North</b></p>	<p>Date: 07-12-2015</p>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**  
 Planning Committee

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1219

**LOCATION:** 33 St Giles Street

**DESCRIPTION:** Listed building application for proposed re-rendering of ground floor internal walls

**WARD:** Castle Ward

**APPLICANT:** Mr Brian May  
**AGENT:** Underwoods LLP

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

**REASON:** Council Member is a trustee of the charity that owns the application premises

**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 works would have a neutral impact upon the historic environment and as a consequence, the works are in conformity with the requirements of the National Planning Policy Framework; Policy S10 of the West Northamptonshire Joint Core Strategy; and Policy 1 of the Central Area Action Plan.

**2. THE PROPOSAL**

2.1 The applicant seeks Listed Building Consent to replace the existing gypsum plaster with a lime plaster.

**3. SITE DESCRIPTION**

3.1 The application site forms part of a terrace running from 33-45 St Giles Street that are Grade II Listed and are from the mid-19<sup>th</sup> century. The reasoning for the listing is that the buildings feature a Welsh slate roof with modillioned cornices, architraves, sills on console brackets, pulvinated friezes and shop fronts with Corinthian pilasters.



3.2 The application site is a retail unit; however, this has been vacant since 2014. It is understood that a prospective tenant has been identified to occupy the building once the proposed works have been carried out.

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

4.1 None.

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

##### **5.1 Statutory Duty**

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 Section 66 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.

##### **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.

##### **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.

5.5 **Policy S10** requires that new developments maintains or enhances the character and appearance of heritage assets, in addition to promoting good design

##### **5.6 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.

5.7 **Policy 1** is of particular relevance which requires that the appearance and setting of heritage assets are either preserved or enhanced. In addition, development, should positively contribute to the character of the area. In addition, Policy 13 requires that developments at ground floor level within the Central Area should positively contribute to the character and function of a frontage.

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

6.1 **Conservation (NBC)** – No objections.

6.2 **Cllr. D. Stone** – No objections.

## **7. APPRAISAL**

7.1 It is recognised that the existing gypsum plaster is not of a type that is sympathetic to the character of the Listed Building. As a consequence, its removal is consistent with the requirements of planning policy, particularly as the new plaster is of a more historic nature. The new plaster would contain a mixture a combination of lime and horsehair to act as binding where needed. Therefore the proposed revisions would allow for the reinstatement of a traditional feature and as such, the scheme is in conformity with national and local planning policies.

7.2 The replacement plastering would not result in the loss of any particular features of historical interest, which would further reduce the historical impacts of the proposal.

7.3 The proposed works would assist in bringing the building back into use as a retail unit, which would assist in promoting the viability and vitality of the locality.

## **8. CONCLUSION**

8.1 The proposed works are of a small scale, are of an appropriate nature and type and would result in the productive reuse of this Listed Building. The works are therefore in accordance with national and local planning policies.

## **9. CONDITIONS**

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001; 002; and 003.

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

## **10. BACKGROUND PAPERS**

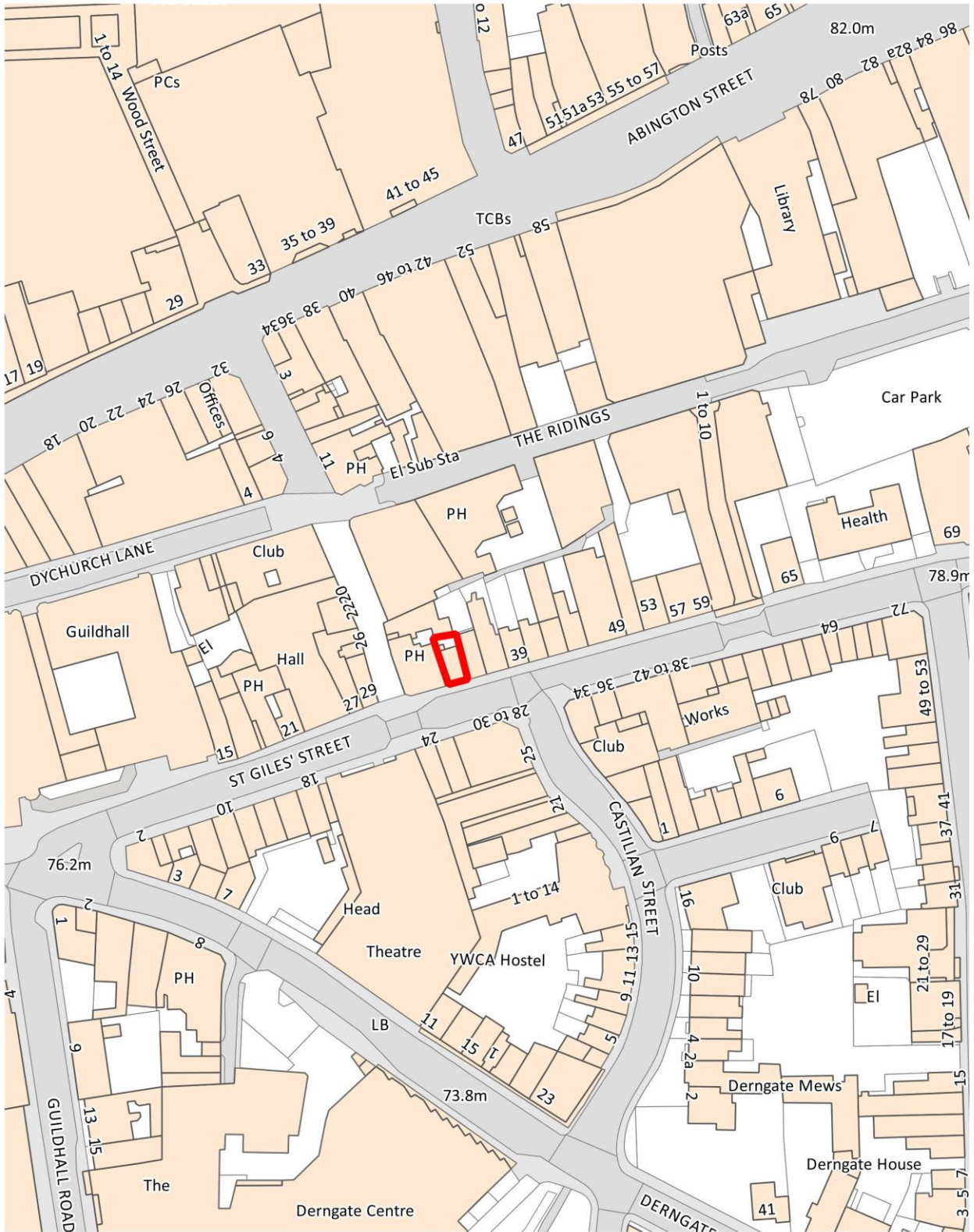
10.1 None.


## **11. LEGAL IMPLICATIONS**

11.1 None.

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>33 St Giles Street</b></p>	<p>Date: 07-12-2015</p>
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**NORTHAMPTON**  
**BOROUGH COUNCIL**  
 Planning Committee

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1224

**LOCATION:** Land at Kirton Close, Goldings

**DESCRIPTION:** Erection of 6no wheeled bin enclosures

**WARD:** Talavera Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Northampton Partnership Homes

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

**REASON:** Council owned land

**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 bin store will not adversely affect visual amenity of the area nor impact on residential amenity and highway safety, and would be in accordance with Policy E20 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Planning permission is sought for the installation of a steel mesh structure to house six wheelie bins serving the adjacent flats.

**3. SITE DESCRIPTION**

3.1 The site is in a corner location on a residential estate, and is bounded by a wide grass verge and railings on the south side.

**4. PLANNING HISTORY**

4.1 None.

**5. PLANNING POLICY**

## 5.1 Statutory Duty

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

## 5.2 National Policies

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

## 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 will achieve the highest standards of sustainable design, incorporating safety and security considerations and a strong sense of place.

## 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 policy is material to this application:

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

## 5.5 Supplementary Planning Documents Planning Out Crime in Northamptonshire 2004

## 5.6 Other Material Considerations

### Growing Together Neighbourhood Plan

The consultation to the pre-submission draft of the Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) has been completed and preparations are underway for submission. This Plan carries limited weight. The following policies are relevant to the determination of this proposal:

**Policy DES1:** Integrate refuse and recycling storage facilities to mitigate the visual impact they may have on the public realm.

## 6. CONSULTATIONS/ REPRESENTATIONS

6.1 None received.

## **7. APPRAISAL**

7.1 The proposed bin enclosure will be located within the area enclosed by railings on the south side of the flats. It measures 1.6m high, 4.4m wide and 1.025m deep, and would be of steel mesh construction painted black.

7.2 The flats currently have normal sized black bins (not the larger 1,100 litre Euro bins), which are kept within the area bounded by railings.

7.3 It is considered that the proposed structure would not be visually obtrusive to the street scene, and would secure/contain the bins, keeping them from blowing over and spreading litter.

7.4 The proposed housing would be siting over 4m away from the nearest residential property, it is not considered that the proposed development would affect residential amenity and highway safety.

## **8. CONCLUSION**

8.1 It is recommended that this application be approved.

## **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, NPH 000-003, NPH 000-005A.

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

## **10. BACKGROUND PAPERS**

10.1 N/2015/1224

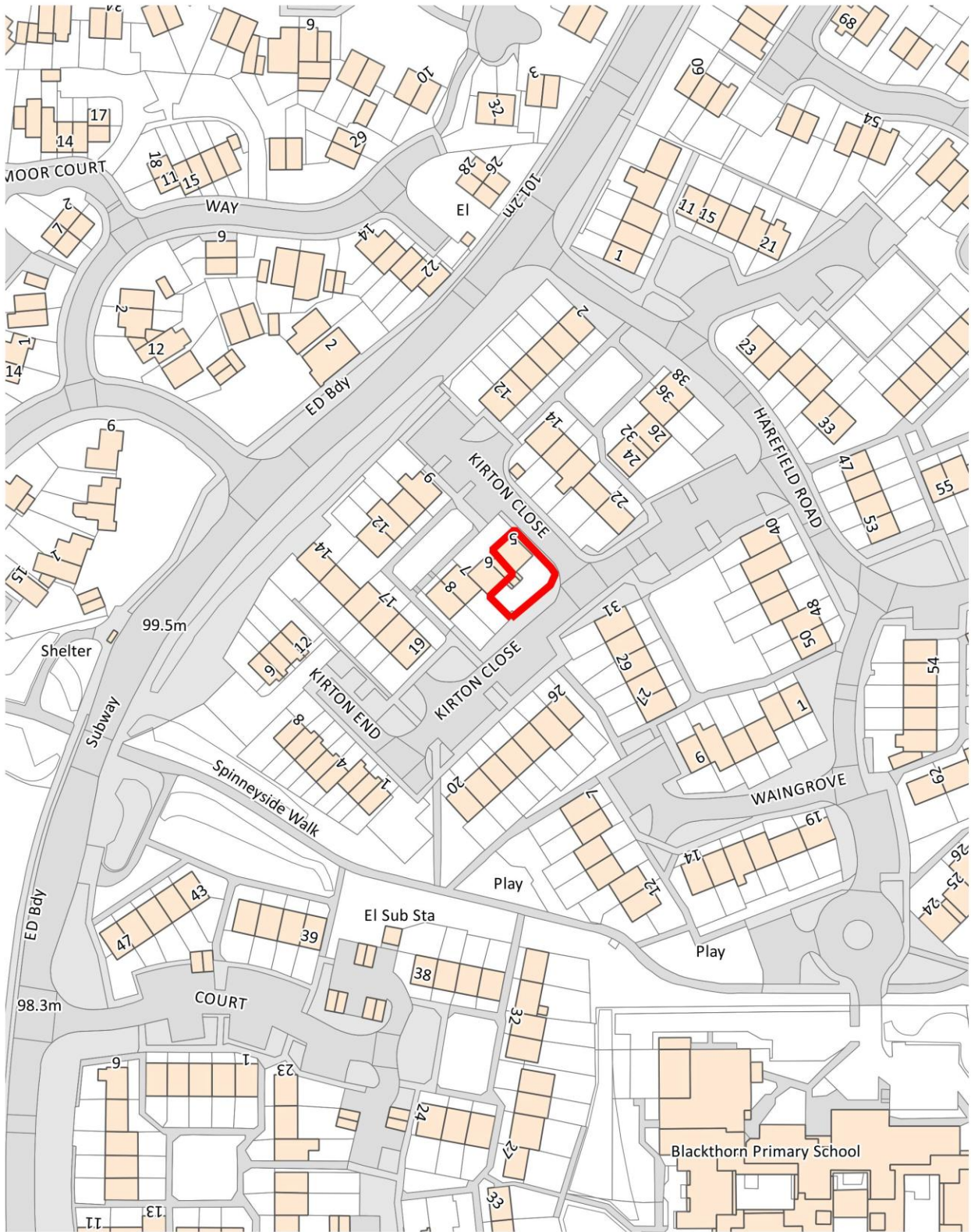
## **11. LEGAL IMPLICATIONS**


11.1 None

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

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





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Title: <b>Land at Kirton Close</b></p>	<p>Date: 07-12-2015</p>
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<b>PLANNING COMMITTEE:</b>	17 <sup>th</sup> December 2015
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>DIRECTOR:</b>	Steven Boyes
<b>APPLICATION REF:</b>	N/2015/1225
<b>LOCATION:</b>	Land at Crestline Court, Goldings
<b>DESCRIPTION:</b>	Erection of 7no bin enclosures
<b>WARD:</b>	Talavera Ward
<b>APPLICANT:</b>	Northampton Partnership Homes
<b>AGENT:</b>	Northampton Partnership Homes
<b>REFERRED BY:</b>	Director of Regeneration, Enterprise and Planning
<b>REASON:</b>	NBC owned land
<b>DEPARTURE:</b>	No

## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The proposed bin store will not adversely affect visual amenity of the area nor impact on residential amenity and highway safety, and would be in accordance with Policy E20 of the Northampton Local Plan, Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

### 2. THE PROPOSAL

#### 2.1 Planning permission is sought for the installation of euro bin storage units to house seven bins serving the adjacent flats.

### 3. SITE DESCRIPTION

#### 3.1 The site is on the grass verges adjacent to the parking areas for the flats.

### 4. PLANNING HISTORY

#### 4.1 None.

### 5. PLANNING POLICY

#### 5.1 **Statutory Duty**



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

## 5.2 National Policies

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

## 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 will achieve the highest standards of sustainable design, incorporating safety and security considerations and a strong sense of place.

## 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 policy is material to this application:

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

## 5.5 Supplementary Planning Documents Planning Out Crime in Northamptonshire 2004

## 5.6 Other Material Considerations

### Growing Together Neighbourhood Plan

The consultation to the pre-submission draft of the Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) has been completed and preparations are underway for submission. This Plan carries limited weight. The following policies are relevant to the determination of this proposal:

**Policy DES1:** Integrate refuse and recycling storage facilities to mitigate the visual impact they may have on the public realm.

## 6. CONSULTATIONS/ REPRESENTATIONS

### 6.1 None received.

## **7. APPRAISAL**

- 7.1 Two bin enclosures are proposed, one to house 5 bins and one to house 2 bins, which would be located on each side of the road adjacent to the flats, on green verge areas. The enclosures measure 1.8m high, 3.2 and 8m wide respectively, and 1.402m deep, and would be constructed of timber on a steel frame. These enclosures are designed to house the larger 1,100 litre euro sized bins.
- 7.2 The proposed bin enclosures would be approximately 9m from the nearest residential property. It is considered that the proposed siting would not adversely impact on residential amenity and would not affect highway safety.
- 7.3 It is considered that to have the refuse bins housed in timber structures would be more visually amenable than the existing arrangement whereby bins are sited without any housing, and that this would not be substantially detrimental to the visual amenity of the street scene.

## **8. CONCLUSION**

- 8.1 It is recommended that this application be approved.

## **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, NPA-000-001, NPA-000-002, NPA-000-002A.

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

## **10. BACKGROUND PAPERS**

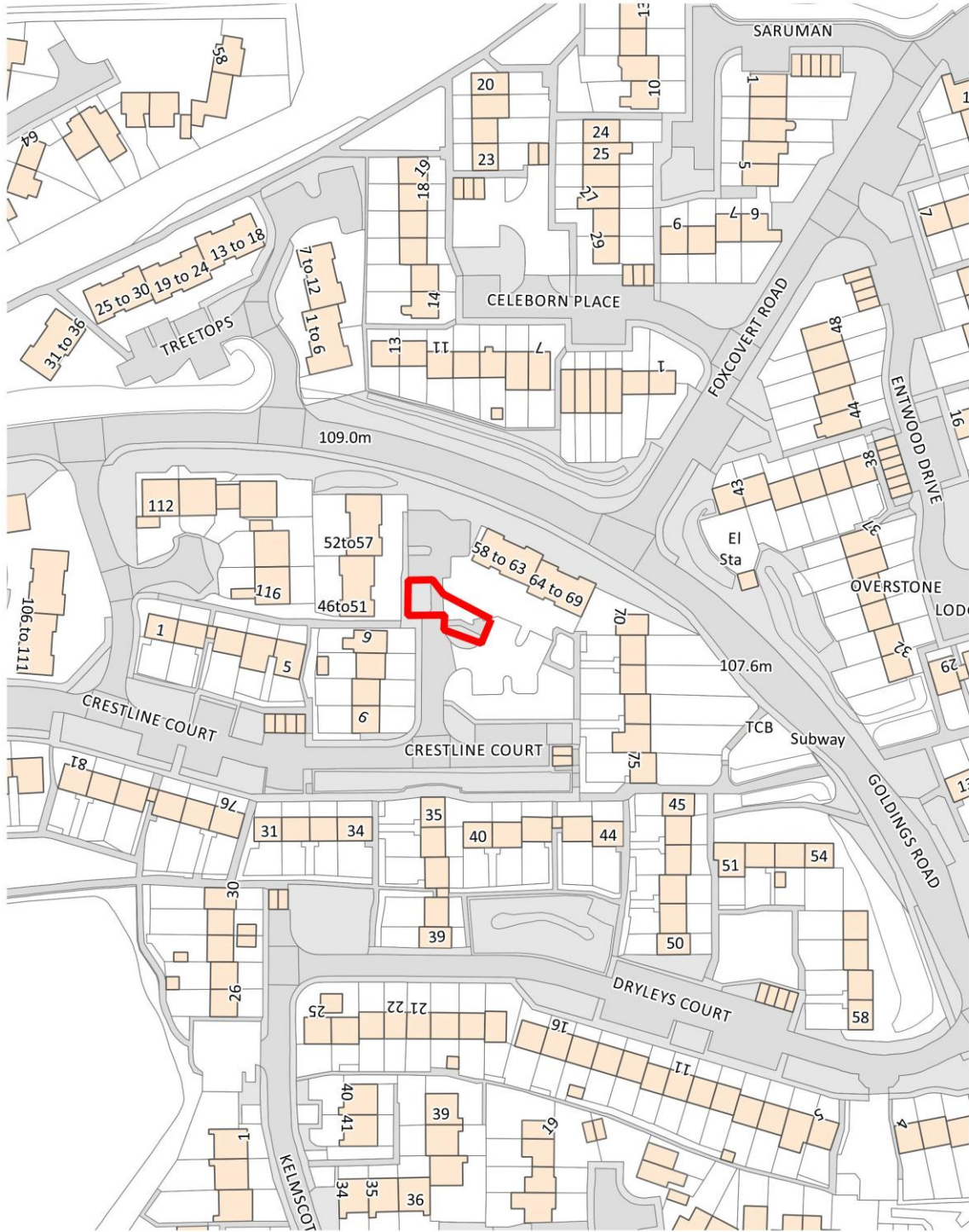
- 10.1 N/2015/1225


## **11. LEGAL IMPLICATIONS**

- 11.1 None

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

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



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p><b>Title: Land at Crestline Court</b></p>	<p><b>Date:</b> 07-12-2015</p>
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**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1238

**LOCATION:** 69 Maidencastle

**DESCRIPTION:** Change of use of public area into domestic garden

**WARD:** Rectory Farm Ward

**APPLICANT:** Mr Leigh Evelyn  
**AGENT:** N/A

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

The proposal would have a neutral impact on the character of the surrounding area and would not adversely impact on residential amenity. The proposal is considered in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

1.2 As consultation period will not finish until 21<sup>st</sup> of December, that delegated authority is given to the Head of Planning in consultation with the Chair of Planning Committee to determine the application taking into consideration any further consultation responses received.

**2. THE PROPOSAL**

2.1 The application proposes the change of use of a small area of grassed amenity land to the side of No. 69 Maidencastle to incorporate as part of the domestic garden. A close-board fence approximately 1.8m high would be erected to enclose the area of land concerned. The application has been amended to bring part of the proposed fence line 0.5m nearer to the house towards the front of the property to avoid a visual 'pinch-point' with the adjacent footpath.

**3. SITE DESCRIPTION**

3.1 The application property and adjacent land is owned by the Borough Council. The property is an end-terrace located within a residential area. The application site is bordered on three sides by footpaths one of which encloses a small area of grassed amenity land to the side of the property. There is no direct vehicular access to the property.

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

4.1 There is no relevant planning history.

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

##### **5.1 Statutory Duty**

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).

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

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

Paragraph 14 has a presumption in favour of sustainable development seeking to approve development proposals that accord with the development plan without delay unless any adverse impacts would outweigh the benefits.

Paragraph 17 seeks to secure high quality design and a good standard of amenity for existing and future occupants of land.

##### **5.2 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 – seeks to achieve high standards of sustainable design incorporating safety and security considerations and to protect, conserve and enhance the natural and built environment.

##### **5.3 Other Material Considerations**

###### Growing Together Neighbourhood Plan

The consultation to the pre-submission draft of the Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) has been completed and preparations are underway for submission. This Plan carries limited weight.

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

Policy 1: Design Quality – development should be designed to respond to and enhance the setting of Local Green Spaces and other valued green spaces.

## **6. CONSULTATIONS/ REPRESENTATIONS**

6.1 **NCC Highway Authority** – no observations.

6.2 Neighbouring properties notified. The notification period will not expire until 21<sup>st</sup> December 2015. Delegated authority to the Director of Regeneration, Enterprise and Planning is sought to determine the application taking into consideration any further comments received.

## **7. APPRAISAL**

7.1 The immediate surrounding area is characterised by a pattern of blocks of terraced properties interconnected by a number of footpaths and occasional small pockets of open space/amenity land.

7.2 The application proposes to enclose a relatively small proportion of the overall area of grassed open space situated to the side and rear of the property extending out from the existing side and rear boundary of the property by no more than 2.5m maximum.

7.3 The amended scheme moves the proposed fencing 0.5m further away from the footpath at the narrowest point assisting in maintaining a suitable level of open space either side of the footpath. The proposal would not adversely impact on residential amenity of nearby properties.

## **8. CONCLUSION**

8.1 It is considered that extent of land to be enclosed would have a neutral impact on the overall character of the area and would not adversely impact on residential amenity. The application is therefore recommended for approval in principle subject to consideration of any consultation responses.

## **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: Site Plan, scale 1:500 received 2/12/15.

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

## **10. BACKGROUND PAPERS**

10.1 N/2015/1238

## **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.



