



PLANNING COMMITTEE: 7th February 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0399: Outline application for the erection of 5no. 3 storey town houses and 9no. apartments. (Appearance and landscaping reserved) at Fyna Vehicle Hire, Weedon Road.

WARD: St James

APPLICANT: Mr C Hickman
AGENT: Architectural Solutions

REFERRED BY: Councillor T Wire
REASON: Concerned re level of development in small areas with major parking problems.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
 - Payment is made to fund local education provision
 - Payment is made to fund improvements to the provision of open space within the environs of the application site.
- (2) Planning conditions below and for the following reason:

The principal of residential redevelopment of previously developed land in a residential area is in accordance with Local Plan Policy H6 and PPS3. The site is capable of providing a suitable residential environment for future occupiers. Subject to the detailed design of the proposal, as controlled under the subsequent reserved matters application(s), the proposal would have no adverse impact on the streetscene or on the amenities of adjoining occupiers and would not be detrimental to highway safety or amenity. Subject to conditions the proposal therefore accords with Local Plan Policies

E20 and H6 and the aims and objectives of PPS1, PPS3, PPG13, PPS23, PPG24 and PPS25.

- 1.2 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 Outline planning permission is sought for 5 three-storey houses and a 3 storey block of 9 apartments. Access would be via an access road from Melbourne Road to the west. This access is roughly in the same location as the existing site access. The houses would form a row to the east of the site while the block of flats would be sited adjacent to the southern boundary. 18 on-site parking spaces are proposed. Access, layout and scale are to be considered at this stage, with appearance and landscaping being reserved matters.

3. SITE DESCRIPTION

- 3.1 The site consists of a vehicle hire yard with some ancillary single storey buildings. Located to the west of Weedon Road.

4. PLANNING HISTORY

- 4.1 The site's history relates principally to the current use as a vehicle yard.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPG13 –Transport
PPS23 - Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 - Development and Flood Risk

5.3 Northampton Borough Local Plan

E20 – New Development

E40 – Planning and crime and anti-social behaviour
H6 – Housing Development within Primarily Residential Areas

5.4 **Supplementary Planning Guidance**

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

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **NCC Development Management** – Requests contributions to libraries, fire service and education.

6.2 **St James Residents Association** – object on the grounds of inadequate parking and problems with traffic to and from the site.

6.3 **NCC Archaeological Adviser** – The site lies within the area of St James' Abbey, and part of the abbey wall was still visible near here in 1906. Any surviving archaeological deposits are likely to have been truncated by modern development, but there is still the potential for remains to survive. I would recommend that this potential can be addressed by the use of a condition for a programme of archaeological works.

6.4 **NCC Highway Authority** – Raised various technical objections. Following meetings with County Highways the design has now been revised to address these and the County Council have raised more minor points. At the time of writing confirmation is awaited that these points have been addressed. Concerns have also been raised as to the number of parking spaces proposed.

6.5 **Police Crime Prevention Design Adviser** – no formal objection to the application in its current form and makes recommendations reduce the likelihood of crime and disorder occurring, including defensible space for the houses, in-curtilage car parking for the houses and details of bin storage.

6.6 **Highways Agency** – The proposed development is not expected to have a material impact on the closest strategic route, the A45 trunk road. Therefore the Highways Agency has no objection to the proposal.

6.7 **Environmental Health** – concerns re loss of amenity due to noise arising from business that will remain in close proximity to the proposed development where a change of use is granted.

6.8 **Environment Agency** – We have no objection to the application, as submitted, subject to the imposition of conditions to cover land contamination.

6.9 **Councillor Terry Wire** – I support those views of the St James Residents Association and add my name to the objections. So much residential development is being crammed into small areas with major parking problems.

7. APPRAISAL

- 7.1 This application is made in outline only, albeit that access, layout and scale are all to be considered at this stage.
- 7.2 The main issues to consider are therefore the impact on the street scene and on the amenities of adjoining properties, insofar as this can be determined at this stage, and the impact of the development in terms of highway safety and parking provision.
- 7.3 The proposal is for five 3 storey town houses with private rear gardens and a 3 storey block of nine apartments. As the application is made in outline the details of these are indicative only, however scale and layout are matters to be considered at this stage.
- 7.4 The adjacent premises in the vicinity of the site consist of a 5 storey block of flats at a distance of over 30 metres from the site to the south and two storey semi-detached houses bordering the northern boundary of the site. Also adjacent, on the Weedon Road frontage to the east, is a garage workshop. The site is separated by Melbourne Road from the car park of the Saints rugby ground.
- 7.5 Given the separation to the neighbouring flats it is not considered that any adverse impact on these neighbours would result.
- 7.6 The proposed parking area would be adjacent to the garden of the neighbouring property at 20 Melbourne Road (a house). Whilst this would lead to some noise and disturbance this must be viewed in the context of the existing use as a vehicle hire depot, which will result in similar, if not higher, levels of potential disturbance.
- 7.7 The context of the area comprises the neighbouring 5 storey block of flats and the large main stand of the rugby ground (Franklins Gardens to the east). Planning permission has been approved in principle at Abbey Street, close to the site, for a three storey block of flats. Additionally, there are a number of conventional semi detached houses adjacent. It is considered that within this context that the proposed houses are of an appropriate bulk and scale.
- 7.8 Comments from the County Council as Highway Authority indicated the need for amendments to the layout of the scheme as originally proposed, including amendments to the access, the provision of a footway within the site and the separation of the buildings from the highway by 1m. Following meetings with the County Engineers and the developers, revised plans have now been produced which largely address these matters, albeit that there remain minor adjustments, plans for which are awaited at the time of writing. The report and recommendation have been drafted on the assumption that these minor matters will be resolved by the time of the Committee meeting.

- 7.9 The Highway Authority also makes reference to concern over the number of parking spaces proposed. There is some very limited unrestricted parking in the immediate area but most of the surrounding area is either double yellow lines or residents only parking spaces. Whilst future residents may qualify for residents passes the available spaces are clearly oversubscribed. It is considered, therefore, that some future residents of this development would choose not to have cars. Moreover, given that the site is located in a sustainable location near shops and services on Weedon and St James Roads, near bus routes into town and with easy access to the railway station it is not considered that refusal on grounds of parking could be sustained. Overall the 18 designated parking spaces proposed are considered sufficient for the development proposed.
- 7.10 Concerns have been raised by Environmental Health officers as to the potential impact of the existing neighbouring business on the future residents of the site. However, this is an established area which already features a mix of uses and there are neighbouring houses which are equally close to this existing business. The site is allocated in the Local Plan as Primarily Residential. It is considered that a survey of existing noise levels will be necessary in order to inform the detailed design of the residential units, including necessary mitigation measures, but that the noise levels of the site would not preclude development altogether, given the character of the area. As there are existing dwellings in equal proximity to those proposed it is not considered that this would be an undue inhibiting impact on the garage business.
- 7.11 The Police Crime Prevention design adviser refers to the need to provide adequate security to the new dwellings. These matters can be largely address via condition. One matter that is not addressed is the request that the car parking for the houses should be on-curtilage rather than in a single shared parking area. Although this arrangement might be better, the car parking area proposed would be very well overlooked by and close to all of the proposed properties and therefore would not undermine crime prevention objectives.
- 7.12 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it considered that any request for a financial contribution to these matters could not be reasonably sustained.
- 7.22 On account of the proposed development being for family housing, it follows that a reasonable number of school age children would reside within the development. It is therefore considered that the requirement of a financial payment towards the provision of education payment is necessary and reasonable and related to the type of the development proposed. Furthermore, the application site is located within an area in which the surrounding primary schools have a limited capacity, which is projected to remain the case for the foreseeable future. It would appear

more likely that residents occupying one of the proposed dwellings would prefer for their children to attend one of the local primary schools and therefore due to the shortages of places, a financial payment is directly related to the scale and type of the development and is therefore in accordance with the requirements of Circular 05/05.

- 7.23 No significant on-site public open space has been proposed. If an on-site provision of open space were to be insisted upon, it would be of such a small scale that it would not be a practical nature. Therefore, it is considered that an off-site contribution to enhance existing recreational facilities is a reasonable alternative. Given the proximity of Victoria Park, a potential project would be the installation of lighting to the park's multi-use games area.

8. CONCLUSION

- 8.1 It is considered that the proposed development is acceptable in terms of its bulk, scale and impact on adjoining residential occupiers and in terms of the suitability of the site for residential development.

9. CONDITIONS

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

Reason: This permission is in outline only granted under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(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) Prior to the submission of any application for the approval of reserved matters, a noise survey and an air quality assessment shall be submitted to the Local Planning Authority. These assessments shall identify the measures necessary to ensure a satisfactory standard of accommodation for the future occupiers of the development hereby permitted. The development shall thereafter be carried out in full accordance with the approved details and any mitigation shall be retained thereafter.

Reason: To secure a satisfactory standard of accommodation for future occupiers in accordance with PPS1, PPS23 and PPG24.

(5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of archaeological research in accordance with the advice contained in PPS5.

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

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

(7) Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site has been subject to potentially contaminative uses, with the site currently used for vehicle hire, including a vehicle repair workshop. The site is underlain by a Secondary A Aquifer, which represents a controlled water that requires protection. In accordance with the guidance in PPS23 and PPS25.

(8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority

for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is appropriately dealt with. In accordance with the guidance in PPS23 and PPS25.

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

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. In accordance with the guidance in PPS23 and PPS25.

(10) No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure. In accordance with the guidance in PPS23 and PPS25.

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

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

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

(13) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies E20 and E40 of the Northampton Local Plan.

(14) Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the

development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance Policies E20 and E40 of the Northampton Local Plan.

(15) 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 prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

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

(16) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to 20 Melbourne Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

17) Full details of security measures to be incorporated into the design of the housing shall be submitted to and approved in writing prior to the commencement of development. The development shall thereafter be carried out in full accordance with the approved details.

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

10. BACKGROUND PAPERS

10.1 N/2011/0399.

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.

Position:	Name/Signature:	Date:
Author:	A Holden	27/01/12
Development Control Manager Agreed:	Gareth Jones	30/01/12



Name: Sharon Weir
 Date: 26th January 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
Fyna Vehicle Hire, Weedon Road

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