

Addendum to Agenda Items Tuesday 3rd April 2012

Northampton Borough Council Applications

ITEM 9A
N/2012/0170

Creation of multi-use skatepark at Midsummer Meadow, Bedford Road

National Planning Policy Framework

Since the publication of the agenda national Government has issued the National Planning Policy Framework (NPPF) which replaces all Planning Policy Statements (PPSs), Planning Policy Guidance (PPGs), Mineral Policy Statements and Mineral Policy Guidance as well as Circular 5/2005 Planning Obligations. Further details of the NPPF and its implications are set out under Item 10b below.

In light of the NPPF the officers' recommendation remains to grant planning permission but is amended to replace reference to PPGs and PPS with NPPF in respect of the recommended reason for approval (para 1.1(2) and the reasons for conditions (Section 9).

Additional Representations

County Council Archaeology Adviser - The proposed development will have a detrimental impact on any below ground archaeological deposits. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach an archaeological condition in accordance with NPPF paragraph 14.1 to any permission granted in respect of this application.

Northampton Wildlife Trust - "Holding objection" subject to the imposition of suitable conditions. Concerned due to the lack of ecological survey work given that the site is next to the designated Barnes Meadow Local Nature Reserve (LNR) site area. The current / latest 'preferred' location that has been chosen for this Skate Park facility places it right next to a designated LNR site, at the heart of a major, strategic, Sub-Regional Green Infrastructure Corridor route and also within the boundary of the new Nene Valley Nature Improvement Area (NIA) too. Disappointed to note that there has been no recommendations made for any net planning gain measures, designed to achieve the delivery of biodiversity enhancements to this local area.

The Wildlife Trust has the following concerns about the proposal to install a Skate Park on the edge of the Barnes Meadow LNR site area:

- An increased amount of litter, arising from the use of the Skate Park, which will either be blown, or else be dropped, into the LNR area. This littering will both pollute the land and the water habitats there, and it could also be a

danger to wildlife too. This effect is also likely to see an increase in the overall management costs incurred by The Wildlife Trust in looking after this LNR.

- The effects of light spill, and overall increased levels of light pollution, from the floodlighting masts which could have a disturbance effect upon the local wildlife – including Bat species, for example.
- The effects of increased noise pollution which could also have a disturbance effect upon both the local wildlife and also the human visitors to the LNR site area too.
- The potential for increased amounts of anti-social activity in this area, including graffiti and vandalism, for instance, which would serve to blight the LNR itself and its environs – an area that is well used by members of the general public.

The applicant's response to the Wildlife Trust comments is as follows -

- Maintenance regime in place Litter Pick and emptying bins 3 times a week.
- Supply and installation of a number of bins
- Acceptance by Northampton Skatepark Action Group that litter over and above current levels will be when required cleaned up – Suggestion that NSAG sign a social responsibility agreement with Northampton Borough Council.
- Potential agreement with Wildlife Trust that an interpretation board is placed on the North side of the River indicating the location of the Local Nature Reserve.

Updates to the Report

Contaminated Land (Conditions 4 to 7)

A desktop study and 'walk over' has been completed, as required under condition 4. The Environmental Health Officer is happy with the report and conclusion below:

'Historic map data points towards a very low likelihood of any significant contamination of the subsoil, especially within the parameters of the skatepark construction e.g. 150mm to 200mm excavation.

The borehole data does not suggest any significant causes for contamination concern.

On the basis outlined in the conclusion it would seem that there is at this time no requirement for further site investigation and remediation work in regards to potential land contamination.'

Flood Risk (Paras 6.5, 7.12 and Condition 9)

The scheme designer has submitted detailed design/layout to the Environment Agency. These have been assessed by the Environment Agency and they do not object to the detailed design. Drawings will be submitted to LPA so the planning condition can be discharged.

Car parking (Para 7.10 and Condition 10)

Two solutions are currently under consideration by the applicants –

Traffic restriction order on the access road (no stopping) and restricted waiting

hours on the car park itself. This is viable legally but could take sometime to come be put in place.

To change the access gate opening and closing hours opening at 11am and locking at midnight. Enabling safe drop off of skaters etc.

Additional / Amended Conditions

(Amended 10) A scheme for the management of the adjacent car park shall be submitted to and approved in writing prior to the opening to the public of the skatepark hereby approved.

(11) Unless otherwise agreed in writing by the local planning authority, no development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF paragraph 141.

(12) Prior to the commencement of the use of the skatepark hereby approved, a strategy for the collection of litter in and arising from the site shall be submitted to and approved in writing by the Local Planning Authority. Litter management shall thereafter be carried out in accordance with the approved strategy.

Reason: In the interest of amenity and to prevent adverse impact on the surrounding wildlife, in accordance with NPPF.

(13) Prior to the commencement of the use of the skatepark hereby approved, a strategy for the management of graffiti on the site shall be submitted to and approved in writing by the Local Planning Authority. Graffiti management shall thereafter be carried out in accordance with the approved strategy. Management Reason: In the interest of amenity and to prevent adverse impact on the surrounding wildlife, in accordance with NPPF.

Items for Determination

ITEM 10A
NI/2011/1249

Erection of 14 detached dwellings with associated works following the demolition of single existing dwelling (as amended by revised plans received on 21 February 2012)

National Planning Policy Framework

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Additional Representations

Wootton and East Hunsbury Parish Council - Concerns raised re. Traffic Management, pond area and flooding:

Concerns about the volume of traffic that will be passing along an already busy road, ask that NCC as Highway Authority give consideration to some form of traffic calming along Berry Lane. Concerns regarding visibility when exiting the proposed development. Continue to receive community representations asking for the access to be moved from 55 Berry Lane to Villagers Close or the Wooldale Road. Safety of children in the proposed pond area - suggest that careful landscaping is planned around the drainage pond.

The main concern that the Parish Council has with this application is the increased flood risk that the proposed development will attract.

The area around Berry Lane and Villagers Close is already subject to localised flooding. Residents are extremely concerned that this development will exacerbate the existing problems.

Additional objections from neighbours at 1 Villagers Close and 43c and 49 Berry Lane (via the Parish Council) –

- If our property was required to make an entrance to the site from Walker's Way we would be prepared to discuss the matter.
- The open ditch which runs from the bottom of our garden to Wooldale Road is overgrown and should be covered.
- The street drainage system is incapable of dealing with even a minor downpour and has been like this for at least five years.
- Severe traffic congestion results from water running off the A45 slip road.
- Flooding occurs after about 20 minutes of heavy rain and has done for at least 18 years.

ITEM 10B N/2012/0067

Erection of student accommodation comprising of 464 bedrooms, ancillary communal facilities, gymnasium, educational training spaces, hard and soft landscaping and public realm works, servicing road and parking facilities (Sui Generis) at St Johns surface Car Park, St Johns Street

Since the circulation of the initial Planning Report the following additional matters need to be brought to your Committee's attention;

NATIONAL PLANNING POLICY FRAMEWORK

On the 27 March 2012, national Government has issued the National Planning Policy Framework (NPPF) this is an attempt to consolidate the complex rules and guidance around planning applications for a wide variety of developments in towns, cities and the countryside and has an immediate effect. This means in all decisions made after the 27 March 2012 must give due weight as a material consideration to the NPPF. The Framework is designed to provide guidance re plan-making and determining applications and is effective immediately.

The framework provides sufficient flexibility and discretion for Local Planning Authorities to think innovatively and support local economic growth in every possible way.

Cancellation of Planning Policy Statements, Planning Policy Guidance, Mineral Policy Statements, and Mineral Policy Guidance, and Circular 5/2005 Planning Obligations.

In terms of considering planning applications, the NPPF consolidates all existing Planning Policy Statements, Planning Policy Guidance Notes and some other circulars to form a single document.

The initial pro growth drive in the draft has been weakened by an acknowledgement that the NPPF has to sit in a balanced, plan led system but it means social and environmental factors are given equal weight to economic priorities.

A key principle of the new planning regime is “preserving & enhancing” the natural environment, which can be done by reusing brownfield land.

It emphasises that the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 that a planning application must be determined in accordance with the Development Plan unless material planning considerations indicate otherwise continues to apply and that the NPPF is a material planning consideration.

Plan Making - Transitional Arrangements

The policies in local plans should not be considered out of date simply because they were adopted prior to the publication of the NPPF. For policies adopted since 2004, Planning Authorities can continue to give full weight to the policies for 12 months from the day of publication of the NPPF, even if there is a limited degree of conflict.

However, in cases where plans predate 2004 and following the 12 month transitional period due weight should be given to relevant in existing plans according to their degree of consistency with the NPPF. The closer the policies are to the Framework, the greater weight that may be given to them.

Emerging plans are also accorded some protection. From the day of the publication of the NPPF Planning Committees may give weight to relevant policies in emerging plans according to their stage of preparation, any unresolved objections and their degree of consistency with the Framework.

The more advanced a plan is, the less significant the unresolved objection is, and the closer the policies are in the emerging plan to the policies in the Framework, the greater the weight that may be given to the policy.

In essence the NPPF is pro growth and clearly sets out the expectation that the planning process should not be a barrier to investment and should promote sustainable growth.

Presumption in favour of Sustainable Development

At the heart of the document is a presumption in favour of sustainable development. The default ‘yes to sustainable development’ has been removed from the July 2011 draft;

This means that where a local plan is absent or not up to date permission for sustainable development should be approved unless adverse impacts outweigh the benefits or if a specific NPPF policy indicates otherwise.

Previously Developed Land

The NPPF makes explicit that Councils must encourage brownfield sites to be bought back into use.

A core land use principle is that planning authorities should encourage effective use of land, which is one of the core planning that should underpin the plan-making and decision-making process. This can be done by reusing land that has been previously developed (brown field land), provided that it is not of high environmental value.

There were previous concerns that the document would result in over development in the countryside. The revised NPPF makes it clear and implicit that Council policies must encourage the effective of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental land. The intrinsic value of the countryside is recognised as a core planning principle.

Housing Development

Housing development features predominantly in the NPPF. Local Planning Authorities are required to identify and update annually a 5 year land supply to meet their assessed needs for market and affordable housing. If an authority does not do this the NPPF than the presumption in favour sustainable development comes into affect. Local Planning Authorities are also required to identify a 5% buffer of identified available land to ensure choice and competition in the market for land. If an authority persistently under delivers on housing they would be required to identify an additional 20%.

Local Planning Authorities are advised to set out policies which resist development of residential gardens where it could be seen to cause harm to the area. Although it does not recommend refusing this type of application it does indicate that planning permission would be harder to obtain for smaller self build developments new developments often undertake.

Town Centre Development

NPPF maintains the town centre first policy for town centre uses. Developers wishing to build out of town schemes would need to demonstrate there are suitable alternative sites in the centre ie follow a sequential test. Office uses also required to conform with the think town centre first approach. Therefore the sequential approach to site section for town centre uses and the requirement of impact assessment are retained.

Neighbourhood Planning Guidance

The Neighbourhood Planning Guidance set out in the NPPF states that neighbourhood plans cannot not promote less development than that set out in the adopted local plan to ensure that development is not impeded.

Summary

In essence the planning reforms have 3 fundamental objectives; to put power in the hands of the communities; to better support growth and to ensure that cities/towns

and rural areas are left in a better condition than they are now.

The NPPF promotes;

- A presumption in favour of sustainable development (both in plan making and application decision making)
- The creation of sustainable communities that are strong vibrant and healthy;
- The involvement of local communities in preparing neighbourhood plans in order to shape the development in their area;
- New powers for communities to identify and protect green spaces in their area that are of particular importance to them;
- The promotion of the importance of early engagement with the local community via pre-application discussions and plan preparation
- A commitment to sustainable economic growth. As such the NPPF confirms significant weight should be placed on the need to support the economy through the planning system
- A continued reference to development management rather than development control.
- An emphasis on the need for viability assessments to enable delivery of development, presumably to ensure that potential land is not land banked due to potential financial barriers to development
- An overriding requirement for good high quality design

ALTERATIONS TO THE CIRCULATED COMMITTEE REPORT

Reason for Approval amended as follows:

The proposed reason for approval on the front of the Planning Report needs to be amended as follows;

The proposed development would respect and enhance the character and appearance of the setting of the adjoining Derrigate Conservation Area, Statutory and locally listed buildings, would not significantly adversely affect impact upon the amenities of surrounding residential occupiers and would not be prejudicial to highway safety. For these reasons, the proposal would comply with the thrust of saved policies D29, E9, E20, of the Northampton Local Plan, Central Area Action Plan Pre Submission, Policies 2, 17 & 21, West Northamptonshire Joint Core Strategy Pre Submission, Policy E6 and confirms with the National Planning Policy Framework.

References within the report to PPS's and PPG's should be **deleted** and substituted with references to the NPPF, this includes the reasons given for some of the conditions. Your Committee's delegated authority is sought to revise the conditions as appropriate and also for the planning reasons given.

Other Representations Received (inc revision to conditions)

Four further letters of objections from residents living within wider Northampton have been received which object to the principle of student accommodation, the loss of car parking and reiterate concerns summarised in main report.

Environment Agency / Anglian Water - Anglian water and the Environment Agency are satisfied with the additional information submitted by the applicant. *Consequently condition 33 is no longer required and therefore officers recommend that it be deleted.*

Highway Matters (inc additional conditions)

Members should note that the land transaction relating to the surrounding highway works has been completed and the requisite land is now dedicated as public highway thus facilitating the delivery of the proposed highway works as discussed in the Committee report including site vehicular access / servicing.

Further discussions with Highway Authority officers have identified a requirement for additional conditions to ensure that a fire door does not encroach onto the highway along Swan Street and to ensure that any subterranean works do not cause any disruption / harm to the integrity of the highway.

The following conditions are therefore recommended to deal with encroachment matters and subterranean works:

- Revised details of the fixing / position of the fire door along Swan Street shall be submitted to and approved in writing by the Local Planning Authority to ensure it does not encroach onto the adjoining highway. The development shall be fully implemented in accordance with the approved details and retained thereafter.
Reason: In order to ensure that the fire door does not encroach on the public highway in the interests of protecting the safety of users of the highway in accordance with the objectives of the NPPF.
- Further details of subterranean works associated with the development adjacent to the new highway along Swan Street shall be submitted to and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details and retained thereafter.
Reason: In order to ensure that the development does not detrimentally effect the integrity / stability of the public highway in the interests of protecting the safety of users of the highway in accordance with the objectives of the NPPF.