



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 29th May 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2009/0636: **Erection of cultural and recreation centre, to include Hindu temple, multi-purpose hall, sports facilities, visitor centre and exhibition space, teaching spaces including library, crèche, priest's house and six sheltered flats for the over 55's. External access, parking, all weather sports pitch and landscaping, including perimeter fencing.**

WARD: Brookside

APPLICANT: Indian Hindu Welfare Organisation (IHWO)
AGENT: Peter Haddon and Partners

REFERRED BY: Head of Planning
REASON: NBC Land Ownership

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE, subject to:

- a) Completion of a s.106 agreement in line with the Heads of Terms identified at paragraph 8.32 of the report attached at Annex 1; and
- b) The attached conditions and for the reason:

The proposed development would result in the loss of an existing area of open amenity space and involves the construction of new buildings within the footprint of a non-statutory Local Wildlife Site. However, the scheme would secure significant benefits for the local community through the provision of high quality areas of sport and recreation and is accompanied by a Biodiversity Strategy which will ensure that the impact upon local wildlife habitat and protected

species will be acceptable. The design and landscaping of the scheme is considered to be suitable for its location and context. Consequently, the proposal is compliant with saved Policies L1, E1, E11, E17, E18 and H7 of the Northampton Local Plan and the principles outlined within the National Planning Policy Statement (NPPF).

2. BACKGROUND TO REPORT AND RECOMMENDATION

- 2.1 A planning application for a Hindu Temple, community centre, sheltered housing and sports facilities was submitted to WNDC in 2009. Following a series of discussions and amendments to the scheme, the matter was reported to WNDC's Northampton Area Planning Committee on 9th November 2010. The committee resolved to approve the application subject to the conditions, the completion of a satisfactory s106 agreement and resolution of local highway issues. The resolution granted authority to the WNDC's Director of Planning Services to issue the consent on the satisfactory completion of these matters. The report to WNDC's committee is attached to this report at Annex 1. This sets out the reasoning behind the decision, the Heads of Terms for the s106 agreement and the suggested conditions.
- 2.2 Following the resolution, discussion progressed around the Heads of Terms for the s106 agreement. However, these negotiations became delayed and authority to determine the application has now transferred to the Borough Council. The primary reason for the delay in completing a s106 agreement was the status of the applicant with regard to the land. The Borough Council owns the site and an agreement to lease the site had been agreed with the applicants – the Indian Hindu Welfare Organisation (IHWO). However, in legal terms, it was deemed that the agreement for lease didn't give the IHWO sufficient legal interest in the land to enter into a binding s106 agreement. Consequently, it was determined that a long term lease would need to be entered into between NBC and the IHWO before the applicants could provide a legal undertaking under s.106 of the Town and Country Planning Act.
- 2.3 A lease has now been agreed between IHWO and NBC but is yet to be signed by the relevant parties. In addition, a detailed s106 agreement has been drafted securing community access to the facilities provided within the development and is ready to be signed on completion of the lease.
- 2.4 Under the terms of the parliamentary order relating to the transfer of planning powers, decisions can be issued by NBC on the basis of resolutions made by the previous planning authority – WNDC. However, given the length of time that has lapsed since the previous resolution and changes to planning policy, particularly in the form of the NPPF, it is considered appropriate to bring a report to the Planning Committee to seek a further resolution. The following is a summary of

the key changes in material considerations since the previous resolution.

Key Changes Since the Previous Resolution

- 2.5 The National Planning Policy Framework (NPPF) was published in March 2012, replacing the previous suite of Planning Policy Guidance Notes/ Planning Policy Statements. The document introduced a presumption in favour of sustainable development based on a definition centred around economic, social and environmental objectives. In respect of this application, it is considered that the proposal does represent sustainable development in terms of the introduction of a social/ community facility, the use of sustainable building techniques and the economic benefits associated with a development of this scale.
- 2.6 In terms of the key planning issues set out at paragraph 8.1 of the report at Annex 1, officers are satisfied that the contents of the NPPF do not alter the assessment of the relevant considerations or the rationale for the previous resolution. The judgements made surrounding biodiversity; mitigation for the loss of open space; design and visual impact; transport and access; sustainability; crime and disorder; and sheltered housing are all still pertinent and the basis for the previous resolution is considered to be sound. In effect, the key principles upon which that resolution was made are maintained and, to some extent, strengthened by the publication of the NPPF.
- 2.7 Members may also note that the previous resolution referred to resolution of any outstanding highway issues. This was required to seek clarification from NCC as Highway Authority in terms of its requirements for the site. Following further discussions NCC officers confirmed that they were satisfied with the scheme and that the conditions attached to the report (numbers 9, 10, 11, 12 and 13) would be sufficient to mitigate the impact of the scheme. Therefore, the present recommendation has been amended accordingly.
- 2.8 The reason for approval set out within the recommendation above has been amended to reflect the introduction of the NPPF, as have the reasons for the conditions below. Otherwise, there is considered to be no material planning reason that would warrant a different decision to be taken.

3. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of development samples of all proposed

external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings.

3. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The soft landscaping for the areas of open space shall utilise native planting in terms of trees and hedgerow species to reflect the surrounding tree and hedgerows within the area.

Reason: In the interests of amenity, to secure a satisfactory standard of development and to ensure that the planting used respects the character and type of planting within the locality in the interests of visual amenity and the benefit of habitat creation.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

5. The development shall be completed in line with the proposals for habitat protection, enhancement and mitigation put forward within the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010), unless agreement to any variation is given, in writing, by the Local Planning Authority. Prior to the commencement of work on the development, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority, specifying the individual measures to be implemented (those identified within Chapters 3,4 and 5 of the Biodiversity Strategy) and setting out a timetable for their delivery. The approved schedule of works shall include full details of the specification/ planting mix for each item of work, as indicated within Chapters 8, 9, and 10 of the Biodiversity Strategy. Thereafter, the development shall only be carried out in accordance with the details so approved.

Reason: To ensure that the development provides adequate protection and enhancement of habitat, in the interests of nature conservation and biodiversity, in accordance with the National Planning Policy Framework and Policies E17 and E18 of the Northampton Local Plan.

6. The on-going management of habitat retained and created within the development shall be as specified within Chapter 11 of the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010), unless consent to any variation is given in writing by the Local Planning Authority.
Reason: To ensure that the habitat within the site is properly managed, in the interests of nature conservation and biodiversity, in accordance with the National Planning Policy Framework and Policies E17 and E18 of the Northampton Local Plan.
7. Prior to the commencement of work on the development, a strategy for the removal and remediation of those areas of the site containing Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the strategy shall be implemented in accordance with the approved details, and in accordance with a timetable that shall be agreed in writing by the Local Planning Authority.
Reason: To ensure the removal of an invasive species in the interests of conserving the nature conservation value of the site.
8. No development shall commence until details of a scheme to protect all trees to be retained within the site, and those adjacent to the site during the construction phases have been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality.
9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities and routing agreements for construction traffic) and the location of waste management and site compound areas within the site.
Reason: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.
10. The parking and turning areas shown on the approved layout plan numbered 3822/001 P10 shall be laid and marked out prior to the development first being brought into use and retained thereafter. Details of the materials to be used in laying out the hard surfaced area shall be submitted and approved pursuant to condition 3 above.
Reason: To ensure adequate levels of car parking within the site in the interests of highway safety.

11. Prior to the occupation of the buildings hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. Thereafter, the Travel Plan shall be implemented in accordance with delivery mechanisms approved by the Local Planning Authority in consultation with the Highways Agency
Reason: In accordance with sustainable transport principles set out within the National Planning Policy Framework.
12. Full details of secure parking facilities for bicycles within the development, including the design/ specification of parking stands, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the occupation of the development.
Reason: To accord with the principles of the National Planning Policy Framework and encourage sustainable methods of travel.
13. Details of a scheme to provide footpath links from the site to nearby bus stops on Lings Way shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development. The details shall include the location of the route and specification for the construction of the footpath. Thereafter, the link shall be provided prior to the occupation of the development.

Reason: To provide appropriate links to adjacent public transport services in the interests of encouraging sustainable patterns of travel, in accordance with the National Planning Policy Framework.
14. Full details of the method of the treatment of the external boundaries and those within the site (as identified on plan number 3822/014 P2) 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. The submitted details shall include details of the location, height, design and materials to be used in the construction of all boundary treatments, including details of lockable access gates to site access.
Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development and in the interests of crime prevention.
15. A detailed scheme identifying the method of lighting the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of lighting to all general amenity areas, car parking areas and the outdoor multi-use games area. Furthermore, the scheme of lighting shall be designed to take account of the requirements of paragraph 3.2.5 of the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010) in relation to the impact upon bats. The approved scheme of lighting shall thereafter be

implemented in accordance with the approved details prior to the first use of the development

Reason: To ensure an appropriate lighting scheme in the interests of amenity, site security and nature conservation.

16. The outdoor multi-use games area/ all weather sports pitch, including any associated lighting, shall not operate outside the hours of 0900 to 2100, on Mondays to Saturdays and 0900 to 2000 on Sundays.

Reason: In the interests of protecting surrounding amenity.

17. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good' (or successor) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied for any purpose until a post construction assessment has been undertaken to demonstrate compliance with the approved Sustainability Strategy has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework and saved Policy E19 of the Northampton Local Plan.

4. BACKGROUND PAPERS

- 4.1 N/2009/0636 and 09/0086/FULWNN including Report to WNDK Northampton Area Planning Committee 9th November 2012 as attached.

5. LEGAL IMPLICATIONS

- 5.1 Prior to the planning permission being issued, a s106 agreement will be required. This can only be entered into following the completion of a lease between the applicant and the Borough Council.

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.

Position:	Name/Signature:	Date:
Author:	Chris Preston	16/05/2012
Development Control Manager Agreed:	Gareth Jones	17/05/2012

ANNEX 1 – WNDC Planning Committee Report



Applicants:

Indian Hindu Welfare Organisation

Application No:

09/0086/FULWNN

Date Registered:

28/07/2009

Expiry Date:

27/10/2009

Grid Ref:

480 263

Ward:

Lumbertubbs

Northampton UDA Planning Committee Paper

Report by Director of Planning and Development

Date of Committee Meeting: 9th November 2010

Agenda Item: 5

Description: Cultural and recreation centre to include Hindu temple, multi-purpose sports hall, sports facilities, visitor centre and exhibition space, teaching space, library, creche, priest's house and six sheltered flats for the over 55's. Externally, construction of access, parking, all-weather sports pitch and landscaping, including perimeter security fencing.

Address: Lings Way Meadow, Lings Way, Northampton, NN3 8BE

1. Recommendation

- 1.1 That the application be approved, for the reasons set out below, with authority being delegated to the Director of Planning Services to issue the Planning Permission, subject to the following:
- resolution of any outstanding local highway issues, following receipt of further comment from Northamptonshire County Council's Sustainable Transport department, to the satisfaction of the Director of Planning, including any additional conditions or obligations as may be deemed necessary
 - Completion of a s.106 agreement in line with the Heads of Terms identified in this report
 - the conditions attached to this report.

Reason for Approval

The proposed development would result in the loss of an existing area of open amenity space and involves the construction of new buildings within the footprint of a non-statutory Local Wildlife Site. However, the scheme would secure significant benefits for the local community through the provision of high quality areas of sport and recreation and is accompanied by a Biodiversity Strategy which will ensure that the impact upon local wildlife habitat and protected species will be acceptable. The design and landscaping of the scheme is considered to be suitable for its location and context. Consequently, the proposal is compliant with saved Policies L1, E1, E11, E17, E18 and H7 of the Northampton Local Plan and the principles outlined within PPS1, PPS9 and PPG13.

2. Description of Site

- 2.1 The application site is a triangular plot of land, situated off Lings Way in the eastern district of Northampton. In terms of surrounding uses, Lings Wood Local Nature Reserve is immediately adjacent to the south and east of the site, Greenfields School is situated to the north, Lodge Farm Local Centre to the west and a number of residential properties at North Paddock Court, Hayeswood Road and Paddock Court are situated to the south-west.
- 2.2 The land is approximately 170 metres in length (along the frontage of Lings Way) and has a maximum depth of around 150 metres at its northern end, measured from the Lings Way frontage to the edge of Lings Wood, reducing to a depth of around 40 metres, adjacent to the current car park at the entrance to Lings Wood. In area, the site is 1.68ha.
- 2.3 The present entrance onto the land is at the southern end of the site, adjacent to the public car park. The Wildlife Trust offices within Lings House are also served from the same point of access onto Lings Way.
- 2.4 The site itself is open grassland, and was formerly used as a sports pitch. In recent years, bunding has been placed around the perimeter to prevent unauthorised access and the land has the feel of a meadow, being less frequently mowed and maintained. In fact, the site was designated as a Local Wildlife Site in 2009 by representatives of the Northamptonshire Biodiversity Partnership due to the diversity of grassland plants that had become established due to the infrequent mowing regime.
- 2.5 There are no public rights of way across the land but it is clearly well used by dog walkers, given the informal paths that are visible, leading into Lings Wood.

- 2.6 In terms of ownership, the land is currently owned by Northampton Borough Council although the Council have previously agreed to transfer the land to the IHWO on a 125 year lease, subject to an appropriate planning permission for a community facility being in place.

3. Description of Proposal

- 3.1 The proposal is a full application for a cultural and recreation centre, incorporating a Hindu Temple and a range of multi-functional indoor and outdoor spaces. The main uses proposed are set out below:
- Temple and temple courtyard
 - 6 sheltered housing units for the over 55's
 - A priest's dwelling
 - Assembly and leisure hall
 - Multi-Use Games Area (MUGA)
 - Gym
 - Creche
 - Café
 - Visitor Centre
 - Education and conference rooms
 - Gift shop
 - Community gardens/ allotments
 - 190 car parking spaces and 6 coach spaces
- 3.2 The proposed buildings are of a contemporary design with the principal entrance into the site forming a direct vista from Lings Way to the temple courtyard and ceremonial flight of steps, leading onto three Sikhara (Temple Spires) towards the rear of the site. The central spire, at 17 metres in height, is the tallest structure in the proposed development and the spires at each side of the central feature would be 15.4 metres high. For reference, the trees in Lings Wood directly to the rear are approximately 14 metres high.
- 3.3 To the north of the main temple complex is the main assembly hall and conference/ leisure facilities. The hall itself is a multi-use structure designed to accommodate weddings and conferences but also for day to day use for sport and recreation. Attached to the main hall are a series of teaching/ conference rooms, crèche, café and visitor centre. The footprint of this section of the site is substantial. The largest element of the building, the sports hall has a depth of 60 metres, with a width of 28 metres and a flat roof with a height of 10 metres. The overall collection of buildings to the north of the temple has a footprint measuring approximately 50 metres by 75 metres with a range of building heights from 6 to 11 metres. In order to reduce the visual bulk of the building, the

complex has a number of staggered building lines and roof heights. Green roofs would be created on the large areas of flat roof.

- 3.4 To the south of the temple, six sheltered housing units for the over 55's are proposed, alongside a priest's house. Each of these would be one bedroom units.
- 3.5 The proposals for external areas of the site are comprised of a mixture of wildlife buffer zones alongside the edge of Lings Wood; vegetable produce gardens (for community use), to the south of the site adjacent to the existing entrance; an all-weather sports pitch in the north-east corner; and landscaped car parking areas providing a maximum of 185 car parking spaces, 6 coach parking spaces and 75 cycle stands. The car parking would be situated to the front of the site, with the buildings located towards Lings Wood at the rear.
- 3.5 The new access onto Lings Way would involve the removal of a number of trees from the highway verge. In addition to the vehicular access, a new pavement would be created, linking to the existing bus stop on Lings Way. Presently, there are no pavements along the eastern side of Lings Way at this point and NCC have therefore requested that the site provides pedestrian links to facilitate public transport use.

Amendments

- 3.6 Whilst the overall concept and content of the scheme remains unaltered from the original submission, the layout described above, is an amendment to that originally proposed. Following the original round of consultation regarding the application a number of issues were highlighted regarding the impact on adjacent wildlife habitat, highway matters, and in relation to the loss of existing open space. Specifically, it was considered necessary to reduce the footprint of the building and create a more substantial buffer to Lings Wood, protecting the Nature Reserve, respecting the flight paths and feeding patterns of bats and enabling wildlife planting to mitigate for the loss of the existing meadow. All of these measures were put forward in the Ecological Management Plan prepared by the applicants in response to objections from Natural England, The Wildlife Trust and a number of local residents. The footprint of the current scheme has therefore been reduced from 5,732 square metres to 4,597 square metres and the building line as now proposed is set in further from the boundary with Lings Wood.
- 3.8 Additionally, officers from NBC's Planning Department and the case officer had concerns about compliance with Local Plan Policy with regard to the loss of open space (Policy L1 of the Northampton Local Plan). The resultant amendments have been submitted in an attempt to overcome these concerns. In this respect, the proposals now include community vegetable gardens, greater areas of open

space and the outdoor sports pitch. The applicants have also submitted a schedule indicating the services that would be available within the building and have stressed that these facilities are intended to be available for the entire community. Further comment is provided on this issue in the main body of the report.

- 3.9 In terms of documentation, the application is accompanied by a Design and Access Statement, setting out the main design philosophy, a Transport Statement, draft Travel Plan, Biodiversity Strategy, and Ecological Surveys.

4. Policy Considerations

WNDC Purpose:

- 4.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy Guidance

- 4.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 – Sustainable Development: Planning and Climate Change

PPS3 – Housing

PPS4 - Planning for Sustainable Economic Growth

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

Development Plan:

- 4.3 The Development Plan documents for the area comprises the Northampton Borough Local Plan (NLP) (1997) (saved policies).

The Northampton Borough Local Plan (NLP) (1997) (relevant saved policies);

Policy L1 (Existing Recreational Facilities)

Policy E1 (General Design/ Environmental Considerations)

Policy E11 (Trees and Hedgerows)

- Policy E17 (Nature Conservation)
- Policy E18 (Sites of Acknowledged Conservation Value)
- Policy E19 (Implementing Development)
- Policy E20 (New Development)
- Policy E40 (Crime and Vandalism)
- Policy H7 (Housing Development outside primarily residential areas)

Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)

- 4.4 Northamptonshire County Council Planning Out Crime (2005);

Other non-statutory documents

- 4.5 WNDC Planning Principles (2009):
1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.
- 4.6 WNDC Sustainability Manual
- The WNDC Sustainability Manual sets a framework for assisting the decision making process in terms of the expected standards for sustainable construction.
- 4.7 WNDC Planning Obligation Strategy (POS):
- The Planning Obligations Strategy sets out WNDC's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDC's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDC's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved.

- 5. Representations.** Summaries of the consultation responses are set out below.
- 5.1 Northampton Borough Council.** The application was referred to NBC's Planning Committee on 19th October 2010. NBC members resolved to raise no objection to the application and recommend that WNDC secure the following to the satisfaction of NBC:
- a legal agreement to secure community access to the sports facilities and community gardens/ allotments
 - methods of landscaping to mitigate the visual impact of the car parking to the front of the site and security fencing around the perimeter of the site.
- 5.2 Natural England.** In response to the original consultation, Natural England objected to the application until further information had been submitted providing;
- an assessment of the impacts of the development on the adjoining Lings Wood Nature reserve
 - an ecological management plan providing information relating to biodiversity enhancement, mitigation and monitoring
 - a landscape and green infrastructure strategy
- 5.3** Following the submission of a Biodiversity Strategy on 29th June 2010, Natural England were re-consulted and have removed their objection to the application subject to the following:
- condition to ensure that any destruction or removal of vegetation shall not be undertaken during the months of March to August, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.
 - a written agreement between the developer and the LPA to ensure that the proposals contained within the Biodiversity Strategy for enhancements, mitigation and monitoring are implemented in full.
 - Urge the removal of Japanese Knotweed as soon as possible and recommend details for the translocation of prickly sedge.
- 5.4** Natural England welcomes and commends the additional information provided and the positive changes to the development after the initial consultation.
- 5.5 The Wildlife Trust.** In a letter on 5th August 2009, raised significant concerns regarding the loss of biodiverse habitat directly adjacent to a Local Nature Reserve and considered that inadequate mitigation was put forward. Recommended an increased buffer zone to Lings Wood and off-site compensation to compensate for the loss of grassland habitat within Lings Way Meadow (Local Wildlife Site).

- 5.6 The buffer zone is required to provide a corridor for 4 species of bats as a feeding/ foraging zone. The inclusion of green roofs has potential to compensate to some extent for the loss of habitat but they are unlikely to replicate the botanical diversity of the site as it currently stands. Once the final layout of the site has been agreed, an ecological management plan should be produced and approved to ensure that biodiversity is retained and enhanced.
- 5.7 Recommended that conditions are attached to protect bat feeding areas, including the protection of vegetation and control over lighting along bat movement corridors. Any conditions relating to landscaping should use native species where possible. The dead oak tree should be retained if possible.
- 5.8 A further letter was received on 1st September 2009 regarding the potential for the creation of off-site mitigation within Lings Wood, to compensate for the loss of habitat on the site. The Trust confirmed their view that this was not an acceptable approach and recommended that habitat mitigation should be created within the development. Noted that, if suitable habitat was not created within the site, the application was likely to contravene Schedule 2 of the Conservation (Natural Habitats &c) Regulations 1994, which states that it is an offence to deliberately disturb bats in a way that would affect their local distribution or abundance. The WT also pointed out the responsibilities of Local Planning Authorities under the terms of PPS9 – Planning and Nature Conservation, and The Natural Environment and Rural Communities Act (NERC).
- 5.9 Following this initial round of consultation, the WT have been reconsulted following the submission of the revised application, including the Biodiversity Strategy. A further response was received on 27th July 2010 stating that the Wildlife Trust were still of the opinion that the development would result in a net biodiversity loss and referred to previous comments.
- 5.10 WNDC Officers contacted the WT to seek clarification as to which elements of the Biodiversity Strategy were inadequate or caused concern for the WT. In response the WT reiterated previous concerns but noted that they have not been able to assess the application to the level of detail they would like due to resourcing issues. In this context, the WT noted that they were not formally objecting to the application but placed an emphasis on WNDC, as the determining authority to make sure that its legal duties with respect to wildlife and biodiversity have been discharged properly.
- 5.11 **Northants Bat Group.** Note the importance of the area as a foraging ground for bats. Lings House in the adjacent woodland has been a roosting site for brown long eared bats for decades and they regularly use this meadow for foraging. Pipistrelles also use the house. Noctule bats also forage over the meadow and

probably roost in crevices in trees in the wood. If feeding grounds disappear then the bats will too.

- 5.12 If there is no alternative to development on this site (see three tests outlined in the Habitats Regulations) then as much insect-foraging area as possible needs to be provided for bats. Recommend mixed habitat with trees, uncut hedgerows, uncut grassland, mown grassland, no chemical sprays, a management plan for the next three decades, protect bat commuting routes and control lighting so that it does not disrupt bat flight lines.
- 5.12 **Highways Agency.** In response to the initial consultation the HA issued a TR110 Holding Direction, directing that planning permission was not granted until further information was submitted. In summary, the additional information requested was as follows:
- The Travel Plan should set targets for the proposed development
 - Trip generation rates used in the Transport Assessment needed clarification
 - Trip distribution needed to be updated to show the impact upon the strategic road network
- 5.13 Following the initial response from the HA, the applicants submitted a revised Transport Assessment and Travel Plan in June 2010. The HA have reviewed these documents and confirmed that the majority of comments previously raised have been clarified to their satisfaction. There are some outstanding issues in relation to the Travel Plan but the HA recommend that these are resolved to the satisfaction of NCC as the Local Highway Authority. Based on the limited impact of the scheme on the strategic highway network, the HA have now lifted their Holding Direction, subject to the following condition:
- Prior to occupation a Travel Plan to be agreed. Such Travel Plan shall operate in accordance with delivery mechanisms approved by the Local Planning Authority, in consultation with the Highways Agency.
- 5.14 **NCC Sustainable Transport.** In response to the initial consultation, NCC made a number of requests regarding the application in terms of footpaths and cycleway improvements. A condition was recommended to secure these works. Further conditions were recommended in terms of site access arrangements and car parking within the site.
- 5.15 In terms of the transport statement and travel plan, NCC requested further information, leading to the submission of revised documents in June 2010. NCC were reconsulted and further comments are still awaited.
- 5.16 **Sally Keeble (former MP, Northampton North).** A letter was received from Sally Keeble who, at the time of writing, was MP for Northampton North. The

letter stated full support for the project, noting that it had been in preparation for a considerable period of time. The following points are a summary of the letter:

- the proposal is innovative and will provide much needed community facilities for the local community
- there is a pressing need for faith buildings to meet the needs of various communities in the town
- there is good road access to the site
- the steps taken by the IHWO to overcome concerns relating to wildlife are generous
- the IHWO have undertaken outreach work to make sure the local community are engaged.

5.17 **Michael Ellis MP (Northampton North).** Supports the application and notes that it is worthy of approval. Considers that the proposal will bring facilities for the Hindu community who have had to rely on inadequate facilities for too long. Notes that the site is some distance from residential properties and that traffic should not be an issue.

5.18 **Sport England.** Note that the proposals include the provision of a multi-purpose sports hall and an all weather pitch. Sport England would support the use of these facilities for the wider community. Indeed, the Sports Facilities Strategy undertaken by the JPU identifies the need for additional multi-purpose halls.

5.19 Notes that the land is allocated for Leisure and recreation in the Local Plan and quotes para.10 of PPG17 Planning for Open Space, Sport and Recreation which states, 'existing open space should not be built on unless an assessment has been undertaken which has clearly shown the space to be surplus to requirements. Recommends that determination should consider the value of the space that may be lost against the demand for other types of open space/ recreation that could be met by the facility.

5.20 **Northamptonshire Police.** Note the proposed boundary treatments and consider that they are acceptable to deter unauthorised entry. Recommend that the sheltered housing units achieve Secured By Design standards.

6. Notifications and Responses

6.1 The application has been advertised by way of neighbour consultation letters, site notices and a press notice. As a result of this, there has been a significant amount of public interest regarding the application. 478 responses have been received, with 220 of these registering an objection to the scheme and 258 stating support. In addition three petitions have been received, one in support, signed by 49 people and two in objection, one signed by 591 people and one signed by 22 people. The comments received are summarised below:

In Objection

- The greenspace should be retained as it is as a well used area of open space for local residents.
- This area of Northampton has been developed enough and the remaining green spaces should be saved from further development
- The idea of a large fence around the site will create a prison like atmosphere, denying families the right to ramble through the wooded area, enjoying wildlife
- The site has been used for recreation for more than 30 years
- It will destroy the local landscape
- The land is identified as open space in the Local Plan. If members go against this, they are contradicting their own planning policies
- Other sites should be used, for example the empty school sites
- Traffic along Lings Way is already high and this will exacerbate the situation
- The impact on wildlife will be unacceptable
- Despite the revised plans, the entirety of the Local Wildlife Site will be destroyed and the whole of the grassland area will be buried under development. The retained areas along the woodland edge are shaded areas and will never become meadow habitat. How can grassland habitat survive under trees?
- The loss of existing habitat will mean that biodiversity will be impoverished to the point that bats can no longer use the area for foraging. The value of the green roof will not be the same as habitat being replaced and will be unsuitable for bats foraging.
- The only accessible grassland will be on the roof which is inaccessible for local people. It is not clear if they will be able to access other wildlife areas.
- The Biodiversity Strategy claims that 61% of the site is to be used for sport and recreation – the definition of what constitutes this is misleading i.e. by including café and temple uses. The overall amount is more like 12% of the site, 21% if the allotments are included. This is not enough to justify removal of open space under Policy L1 of the Northampton Local Plan.
- Property prices in the area will be affected
- Noise levels will increase in a quiet area
- The buildings will be very tall and unsightly
- Inadequate car parking is provided leading to vehicles parking on the verges of Lings Way
- Badgers have used this site since 1971
- Night lighting will disturb the wildlife
- There is no footpath on this side of the road, thus creating a hazard for pedestrians
- The site is, for many children, the first contact with nature
- The scheme will do nothing for community spirit which exists in the area
- Since the meadow has been cut, the impact on wildlife has been noticeable
- Brownfield sites should be preferred before building here
- Development will go right up to the boundaries of the site, potentially impacting upon the adjacent woodland, contrary to Policies E11 and E12 of the Local Plan

- There will be an adverse impact upon the adjacent Nature Reserve, contrary to Local Plan Policies E17 and E18
- The wide entrance to the site would be unsightly and out of character with the area
- The Police report that the site will become a target for vandalism – if a 2.4metre fence is erected to overcome this it will not create a welcoming effect.
- The proposals include sports facilities that are already well catered for in the area. Lings Forum Leisure Centre is less than a mile away and Lodge Farm Community Centre is sited across the road.
- The development is contrary to Policies L1 of the Northampton Local Plan, Policy 28 of the East Midlands Regional Plan, and the loss of open space is contrary to advice in PPG17.
- Northampton's Open Space Sport and Recreation Audit identifies a shortage of natural and semi-natural open space in this part of town. This proposal would make this situation worse and replace it with facilities that are not needed.
- The landscape impact would be contrary to Policy E1 of the Northampton Local Plan
- Loss of Wildlife is contrary to PPS9 advice and national and European law
- Concerned that the six sheltered flats for the elderly will be available for all sections of the community, not just the Hindu community.

In Support

- The proposal will be a much needed and valuable resource for the local community
- The proposal will bring community integration and celebrate the diversity of Northampton
- The range of community and sports facilities will offer a wide range of sports, entertainment and leisure facilities for people of all ages and cultures
- This will become an education resource for local schools
- The centre will fill a gap for the Hindu community in terms of the lack of existing facilities of this type in the town
- It will become a regional asset for the town

7. Site History

- 7.1 There is no relevant planning history in relation to the site.
- 7.2 As stated above, the site is presently owned by Northampton Borough Council and there is an agreement that NBC will transfer the land to the IHWO on a 125 year lease. This arrangement has been previously agreed by NBC's cabinet.

8. Considerations

- 8.1 The principal considerations in the determination of this application are considered to be; the principle of development and loss of existing open space; the impact upon nature conservation, existing wildlife and its habitat; design and visual impact; highway matters; sustainability; crime and disorder; and housing. Requirements for the site in the form of suggested Heads of Terms for the s.106 agreement are also set out.

Principle of Development

- 8.2 The key consideration in terms of the principle of this development relates to the balance between the loss of existing open space/ amenity area and the mitigation put forward within the scheme for community sports and leisure facilities.
- 8.3 This debate is set within the context of saved Policy L1 of the Northampton Local Plan. This states that permission will not be granted for development on the sites listed in Appendix 18 which would result in:
- A) the loss of public or private indoor or outdoor recreational facilities, for which there is an established or potential need, unless suitable replacement facilities of at least an equivalent standard are provided within or immediately adjacent to the town. Or,
 - B) the loss of open space of established amenity/ landscape value unless the development secures the majority of the site as a facility for sport and recreation.
- 8.4 The application site is not a formal sports facility and is considered, primarily to fall within an open space of established landscape/ amenity value under section B) of Policy L1. There is no formal right of access across the land and the meadow is considered to be an amenity space, linked to the wider publicly accessible area at Lings Wood. In effect, Policy L1 stipulates that areas of amenity space such as this should not be approved for development, unless that development secures the majority of the site as a facility for sport and recreation.
- 8.5 The Design and Access Statement Supplement, submitted with the revised application identifies the areas of the site that would be associated with sport or recreation, including the indoor hall, outdoor all-weather pitch, retained amenity areas, allotment gardens and the temple and its associated gardens. The D&A identifies that these areas would occupy 65% of the site area. Officers have discussed the issue of public access with the applicants and it is clear that the facilities are intended for the wider community, not just those of the Hindu faith. The applicants are prepared to enter into an agreement under s.106 of the Town and Country Planning Act, setting out the detail of how this access would be

guaranteed. A schedule of the proposed uses has been provided by the applicant in this respect and this is included at **Appendix A**.

- 8.6 Certain areas of the building that have been included within the D&A as sport and recreation space are not considered to be strictly intended for this purpose. In particular, the temple itself is identified. In the sense that the proposal is intended to include a visitor centre aimed at the wider public, this could be a recreational use in a loose sense but the primary function of this area will clearly be religious worship. By its nature, the building is intended to be multi-functional and there will therefore be differing uses at different times in sections of the site. In terms of Policy L1 and the compensation measures put forward officers are satisfied that the revised application, will provide an overall package, securing the majority of the site for sport and recreation.
- 8.7 NBC, have been consulted on the application and the matter was reported to their planning committee on 19th October 2010. It should be noted that NBC are the plan making authority and have undertaken an Open Space Audit in 2009, examining the current and projected open space and recreation needs across the town. Based on this audit, the officer report noted that, ‘the eastern districts of Northampton are well served by this type of amenity greenspace that exists on the site at present and its loss in that regard is not considered unduly adverse.....In summary, the loss of the current publicly accessible meadow is compensated by the provision of more formal sports facilities, allotments and natural areas, all of which are desirable open space and would offer recreation benefits to the wider public’.
- 8.8 On the basis of the above, NBC do not object to the current application, providing a detailed s.106 secures appropriate access to the range of facilities put forward. Based on the above, it is considered that the mitigation put forward is sufficient to ensure that the scheme complies with the requirements of Policy L1 of the Northampton Local Plan.
- 8.9 Clearly, the form and function of the open space and recreation offer under the scheme will be significantly different than the current informal area of open space. A substantial number of objections have been received on the basis that this area should be maintained in its present form as a quiet area of informal recreation. Equally, a large number of support letters have been received stating a desire to see facilities provided on the site for local use. The mitigation put forward in terms of sports and leisure facilities is unlikely to be considered suitable, or acceptable, by those wishing to see the site retained in its present form. Officers note the opinions expressed but are of the view that the proposals, as submitted, are compliant with the requirements of Policy L1 in respect of the loss of existing open space. The intention of the policy is to ensure that, where informal amenity space is to be lost, any development secures alternative

provision on the site for sport or recreation. The revised planning application, in association with the proposed s.106, is considered to meet this requirement. Further consideration of the design of the scheme and the impact on visual amenity is set out later in this report.

Biodiversity and Nature Conservation

- 8.10 The application site is located directly adjacent to Lings Wood, a Local Nature Reserve (a statutory designation) and is itself designated as a Local Wildlife Site (non-statutory). In essence, the concerns raised by the Wildlife Trust and some local residents centre around the direct impact of the scheme on these designations but also the impact upon protected species (primarily bats) through the loss of feeding and foraging habitat. Following the initial round of consultation, objections were received from Natural England and the Northamptonshire Wildlife Trust and the applicant was requested to provide more information regarding the impact upon protected species and biodiversity. This information was submitted in the form of additional survey work, a biodiversity strategy and an ecological management plan.
- 8.11 PPS9 – Biodiversity and Geological Conservation – sets a number of key principles for decision making in relation to biodiversity. In particular, paragraph 1 notes that:
- Development plan policies and decisions should be based upon up-to-date information about the environmental characteristics of their area, and
 - The aim of planning decisions should be to prevent harm to biodiversity (and geological conservation). Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before permission is granted, adequate mitigation measures are put in place.....If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.
- 8.12 Saved Policies E17 and E18 of the Northampton Local Plan relate to nature conservation. E17 states that planning permission will not be granted for development unless features and areas of acknowledged nature conservation value can be safeguarded or adequately accommodated. E18 relates to statutory designations, as identified in the development plan, including Local Nature Reserves, and states that planning permission will not be granted where development would have a significant adverse effect upon the nature conservation value of these sites.

- 8.13 Taking account of national and local planning policy, the key consideration is whether the proposed development will lead to “significant harm” to biodiversity in terms of habitat and protected species. The revised planning application has reduced the footprint of the buildings on site and retained a buffer zone between the buildings and the adjacent trees at Lings Wood. None of the trees within the wood are considered to be affected by the proposed development and therefore, there would be no direct physical impact upon the Local Nature Reserve. The two main elements to consider are therefore considered to be the impact upon the Local Wildlife Site and the potential impact upon protected species which may be affected by the loss of habitat.
- 8.14 On the first issue, the building footprint is directly within the boundary of the LWS and would result in the loss of grassland from this area (the Biodiversity Strategy identifies this as an area of 0.95ha of semi-improved grassland). Measures put forward within the scheme include the retention and management of areas of species rich grassland, ruderal vegetation and woodland edge enhancement within 5m of the boundary to the existing woodland. New habitats proposed within the scheme are low lying turf, planted with wild flowers, native shrub and tree planting, green roof grassland and allotments. The applicants conducted further survey work of the grassland within the LWS and submitted an ecological survey report, which identified the nature of the plant communities within the site. The botanical survey identified three main types of habitat under National Vegetation Classification (NVC) – grasslands, open vegetation and woodland/scrub. The report identifies that none of these communities are included as priority habitats on the Local or National Biodiversity Action Plan but that they are of botanical value, especially in relation to habitats in the immediately surrounding area. The summary within the report notes;
- In conclusion, the site is considered to be of local importance botanically, with the habitats complimenting those of the immediate surrounds and providing ecological interest in an urban fringe location. The tendency towards acidic habitats is also of interest to the local area. However, the site is not exceptional, and the invasion of ruderals suggest that the grassland is degrading in botanical interest.*
- 8.15 It is also noted that recent management and regime of close mowing of the area is likely to impact upon its botanical interest. Following the receipt of the additional survey work and biodiversity strategy a further round of consultation was undertaken. Natural England have subsequently removed their objection to the scheme and commended the revisions to the application. Based upon the response from Natural England as statutory consultee, the ecological survey work undertaken and the biodiversity strategy that is put forward with the application, it is not considered that the impact of the development would lead to “significant harm” to local biodiversity in terms of habitat loss. The survey work carried out in relation to the site identifies that the LWS is not of exceptional quality in its

entirety but that there are areas of botanical interest within it. The strategy put forward of reducing the footprint of the building, maintaining areas of habitat and creating new habitat as part of the development is therefore considered to be acceptable. The impact of the loss of the section of LWS is not therefore considered to be sufficient to warrant the refusal of this planning application and the overall impact of the scheme and its associated works will not lead to a net loss in biodiversity on the site.

- 8.16 In terms of protected species, no species of interest were recorded within the site but the revised scheme retains a buffer along the edge of the woodland to reflect the foraging patterns of bats which roost in adjacent woodland. The associated biodiversity plan identifies planting and management of this strip to ensure that appropriate habitat is maintained. In addition, the strategy recommends that lighting is controlled within this zone to maintain dark corridors. Bat roosting boxes are proposed within buildings and retained trees. Given the response of Natural England the mitigation strategy in terms of bats is considered to be acceptable and the scheme should not impact negatively on protected species.
- 8.17 In view of the revised scheme and consultation responses, officers are of the opinion that the impact of the application on conservation and biodiversity interests will be acceptable.

Design and Visual Appearance

- 8.18 The proposed development will bring about a substantial change in the local landscape through the introduction of buildings on a large footprint in terms of the hall and associated facilities, in addition to the three Sikhara which would be the prominent feature in connection with the temple. The design is a mixture of contemporary architecture based on simple, ordered, building lines, with traditional features and more ornamentation within the temple element. Proposed materials are a mixture of re-constituted stone, with a Northamptonshire aggregate, and marble panels to the temple and Sikhara. The surface of the re-constituted elements would incorporate surface treatment or patterned formwork, with themes reflecting the adjacent woodland i.e. bark, leaves, trunks etc.
- 8.19 The building would become a prominent feature in the area being clearly visible from surrounding public vantage points. Officers are satisfied that the form and scale of the buildings, allied to its architectural style and position within the site, will result in a striking design that responds well to the context of the surrounding woodland.
- 8.20 The majority of the buildings are contained below the level of mature trees within Lings Wood to the north and east and the main views of the site would be obtained from Lings Way, particularly from the proposed entrance point which is

carefully aligned on an axis with the temple gardens and Sikhara at the rear of the site. The largest spire would project approximately 2 metres above the general level of adjacent woodland. The landscaping to the car parking areas at the front of the site would be in formal avenues to compliment this formal vista. It is considered that the principle of situating the buildings to the rear of the site helps to integrate the building into its surroundings and reduce the immediate impact from the adjacent highway. To make this approach successful, it is recommended that conditions are attached to secure appropriate treatments to the car parking areas at the front of the site, including the landscaping, surface treatments and any boundary treatments to be utilised in order to provide security. Careful detailing of these elements will make the difference between a well landscaped and managed frontage and one that is dominated by a sea of car parking.

8.21 The majority of existing trees within the highway verge would be retained as a result of the development, apart from a small number of trees which would need to be removed to make way for the new vehicular access. These trees are not currently protected in terms of preservation orders due to the fact that they are in public ownership. The NBC arboricultural officer has raised concerns regarding their removal and suggested that the access be moved further to the north in an existing gap within the tree line. The applicant does not wish to relocate the access because of the impact that it would have on the main visual axis running from the temple to the entrance. Their position is that this is a fundamental element of the design and that an alteration to the access would have a negative impact on the appearance of the scheme as a whole. Officers are of the view that the highway trees are of particular value as a group in terms of their visual amenity and that the loss of individual specimen to make way for the access can be adequately compensated by replacement planting elsewhere along this frontage. Conditions are recommended to secure this element. Subject to this, the existing trees will ensure that the buildings will not dominate the surrounding area but an appropriate balance will be maintained, keeping the existing landscaped feel alongside Lings Way but allowing key views into the site and the new buildings.

8.22 In summary, it is considered that the design and visual impact of the scheme will be acceptable subject to conditions to secure appropriate materials, landscaping, replacement tree planting and boundary treatments.

Highway Matters

8.23 Highway concerns were raised following the initial consultation from local residents but also from NCC Highways and the Highways Agency (HA). Essentially, the Highways Agency were concerned regarding the potential impact of the scheme on the strategic road network, and NCC Highways requested clarification regarding the impact upon the Local Road Network, including

junction capacity analysis. Both organisations requested further information regarding the Travel Plan for the site which seeks to encourage sustainable travel patterns. Following these comments, a revised Transport Assessment and Travel Plan were submitted in June 2010.

- 8.24 The HA are now satisfied that the impact upon the Strategic Road Network will be negligible and are content that highway implications should be a matter for local determination. Subject to a condition to secure the travel plan, the HA have now removed their holding direction.
- 8.25 NCC Highways were reconsulted on the revised Transport Assessment and Travel Plan in July 2010 but, as yet, have not responded. Officers have chased a response and are expecting further comment to be received prior to the meeting on 9th November. Informal conversations at officer level have indicated that NCC are broadly satisfied with the scope and content of the revised documents. However, members are recommended to note the recommendation set out at the beginning of this report which is for approval subject to the satisfactory resolution of Local Highway matters in consultation with NCC Highways.
- 8.26 The initial response from NCC Highways recommended a number of conditions relating to the access arrangements and pedestrian/ cycle improvements. Such conditions, as requested at the time of writing are attached to this report.
- 8.27 In terms of the submitted Travel Plan, the varied nature of the use proposed makes specific targets and measures difficult to predict. However, the document breaks down the suggested targets between employees working at the site and visitors to the facilities. A travel plan co-ordinator would be appointed to encourage sustainable methods of travel including walking, cycling, public transport and car sharing.

Sustainability

- 8.28 An energy statement has been submitted in relation to the development, investigating the possibility of incorporating a range of sustainable technologies within the scheme, including wind turbines, photo-voltaic panels, biomass heating, geothermal heat pumps, CHP, solar water panels, rainwater recycling, grey water recycling. The conclusion of this report is that the most appropriate solutions for the site, based on financial and suitability of the technology would be ground source heat pumps, solar thermal hot water panels and solar voltaic panels, in connection with rainwater recycling and ventilation built into the fabric of the building to utilise ambient ground temperature as a method of ventilation. The applicants aim to achieve a BREEAM 'Very Good' rating for the building.

- 8.29 Officers are satisfied with the statement as provided and the proposed target under the BREEAM rating system. It is recommended that this is secured by way of a condition.

Sheltered Housing

- 8.30 An element of the scheme is for the erection of 6 sheltered housing units for the over 55's which would be situated adjacent to the proposed temple. These would be one bedroom units, in a single, two storey, block with three at ground floor level and three above. The terms for this housing were agreed with NBC's Housing team as part of the lease arrangement between NBC, the landowner, and the applicant, the IHWO. The lease limits the number of units to 6 and provides that the units shall be occupied by those over 55 from the Hindu community. The units would be managed by the IHWO, without an RSL, but NBC retain some nomination rights, with strict allocation requirements and rents to be in line with target rents.
- 8.31 In planning terms, the units are considered to be an ancillary element of a much larger scheme and do not alter considerations over the principle of development outlined above at paragraphs 8.2 to 8.10. The units are included as part of the community function of the site rather than to meet a defined local housing need for the over 55's. In this sense, the units are considered to be an acceptable element of the scheme and the controls put forward within the lease are considered to be an acceptable level of control over the future use of these units.

Crime and Disorder

- 8.32 The Police have commented on the application and consider that the fencing proposed should be adequate to protect the site from anti-social behaviour and unauthorised entry. Accordingly, conditions are recommended to secure the boundary treatment. Officers also note that the site will benefit from an on-site presence throughout the day and night and this should add to the overall level of surveillance and security. Therefore, despite the relative level of isolation, it is considered that sufficient measures are in place to provide adequate security at the site.

Section 106 Agreement

- 8.32 It is recommended that a s.106 agreement is secured to ensure that the recreation and open space proposals put forward by the applicants within Appendix A are open to all sections of the community and available on a reasonable basis in terms of hours of use and pricing structure. A mechanism will also need to be agreed in relation to the community vegetable gardens in relation to advertising their availability and selection criteria for proposed use. This agreement should secure

these uses on an on-going basis throughout the lifetime of the scheme. NBC Officers and Members have requested to be consulted on this process and any on-going discussions relating to the s.106 will therefore involve further discussion with relevant officers at NBC.

9. Conclusion

- 9.1 The proposed development has generated a significant response from the local community, with a division in views between those wishing to retain the site in its current form and those wishing to see the development and its associated facilities proceed. On balance, based upon an assessment of local and national planning policies, it is considered that the development will provide an acceptable balance, providing acceptable sports, community and recreation facilities, in compensation for the loss of existing informal amenity area. The measures contained within the development are considered to be adequate to ensure that the biodiversity of the site and its surrounding environment are not adversely affected. All other matters can be adequately mitigated by way of condition.

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings.

3. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The soft landscaping for the areas of open space shall utilise native planting in terms of trees and hedgerow species to reflect the surrounding tree and hedgerows within the area.

Reason: In the interests of amenity, to secure a satisfactory standard of development and to ensure that the planting used respects the character and

type of planting within the locality in the interests of visual amenity and the benefit of habitat creation.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

5. The development shall be completed in line with the proposals for habitat protection, enhancement and mitigation put forward within the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010), unless agreement to any variation is given, in writing, by the Local Planning Authority. Prior to the commencement of work on the development, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority, specifying the individual measures to be implemented (those identified within Chapters 3,4 and 5 of the Biodiversity Strategy) and setting out a timetable for their delivery. The approved schedule of works shall include full details of the specification/ planting mix for each item of work, as indicated within Chapters 8, 9, and 10 of the Biodiversity Strategy. Thereafter, the development shall only be carried out in accordance with the details so approved.

Reason: To ensure that the development provides adequate protection and enhancement of habitat, in the interests of nature conservation and biodiversity, in accordance with the principles of PPS9 and Policies E17 and E18 of the Northampton Local Plan.

6. The on-going management of habitat retained and created within the development shall be as specified within Chapter 11 of the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010), unless consent to any variation is given in writing by the Local Planning Authority.

Reason: To ensure that the habitat within the site is properly managed, in the interests of nature conservation and biodiversity, in accordance with the principles of PPS9 and Policies E17 and E18 of the Northampton Local Plan.

7. Prior to the commencement of work on the development, a strategy for the removal and remediation of those areas of the site containing Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the strategy shall be implemented in accordance with the approved details, and in accordance with a timetable that shall be agreed in writing by the Local Planning Authority.

Reason: To ensure the removal of an invasive species in the interests of conserving the nature conservation value of the site.

8. No development shall commence until details of a scheme to protect all trees to be retained within the site, and those adjacent to the site during the construction phases have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities and routing agreements for construction traffic) and the location of waste management and site compound areas within the site.

Reason: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.

10. The parking and turning areas shown on the approved layout plan numbered 3822/001 P10 shall be laid and marked out prior to the development first being brought into use and retained thereafter. Details of the materials to be used in laying out the hard surfaced area shall be submitted and approved pursuant to condition 3 above.

Reason: To ensure adequate levels of car parking within the site in the interests of highway safety.

11. Prior to the occupation of the buildings hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. Thereafter, the Travel Plan shall be implemented in accordance with delivery mechanisms approved by the Local Planning Authority in consultation with the Highways Agency

Reason: In accordance with local and national planning policy advice which

seeks to minimise travel by private car.

12. Full details of secure parking facilities for bicycles within the development, including the design/ specification of parking stands, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the occupation of the development.

Reason: To accord with the principles of PPG13 and encourage sustainable methods of travel.

13. Details of a scheme to provide footpath links from the site to nearby bus stops on Lings Way shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development. The details shall include the location of the route and specification for the construction of the footpath. Thereafter, the link shall be provided prior to the occupation of the development.

Reason: To provide appropriate links to adjacent public transport services in the interests of encouraging sustainable patterns of travel.

14. Full details of the method of the treatment of the external boundaries and those within the site (as identified on plan number 3822/014 P2) 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. The submitted details shall include details of the location, height, design and materials to be used in the construction of all boundary treatments, including details of lockable access gates to site access.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development and in the interests of crime prevention.

15. A detailed scheme identifying the method of lighting the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of lighting to all general amenity areas, car parking areas and the outdoor multi-use games area. Furthermore, the scheme of lighting shall be designed to take account of the requirements of paragraph 3.2.5 of the Biodiversity Strategy (Report Number RT-MME-106018-02, Prepared by Middlemarch Environmental, dated March 2010) in relation to the impact upon bats. The approved scheme of lighting shall thereafter be implemented in accordance with the approved details prior to the first use of the development

Reason: To ensure an appropriate lighting scheme in the interests of amenity, site security and nature conservation.

16. The outdoor multi-use games area/ all weather sports pitch, including any associated lighting, shall not operate outside the hours of 0900 to 2100, on Mondays to Saturdays and 0900 to 2000 on Sundays.

Reason: In the interests of protecting surrounding amenity.

17. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good' (or successor) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied for any purpose until a post construction assessment has been undertaken to demonstrate compliance with the approved Sustainability Strategy has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and saved Policy E19 of the Northampton Local Plan.

APPENDIX A – Schedule of Proposed Community Uses

Kutumbh Centre Sports, Recreation & Room Usage

Kutumbh Centre will provide the following facilities for use by the local community. It will charge for the use of these facilities on a market price comparable to other similar facilities within Northampton. Described below is how these facilities will be advertised and managed. There will be a full time Centre Manager who will manage all bookings via a computerised booking system. All facilities will be advertised on Kutumbh Centre & IHWO website.

SPORTS FACILITIES (bookable by the hour) incl

Badminton Courts

5 aside Football

Basketball

Indoor Cricket Practice

- leaflets will be placed in local libraries (like Weston Favell)
- regular advertising in local newspapers
- leaflets will be placed in all local schools
- leaflets will be sent to other communities such as Polish, Bangladesh, Muslim, Sikh, etc

TRAINING CLASSES (held weekly)

Pilates Classes

Gymnastics

Martial Arts Classes

Indoor Circuit Training

- regular advertising in local newspapers
- leaflets will be placed in local libraries
- leaflets will be placed in local doctors surgeries
- leaflets will be sent to other communities such as Polish, Bangladesh, Muslim, Sikh, etc

CULTURAL & HEALTH CLASSES (held weekly)

Music Classes (various)

Rakei Classes

Yoga Classes

Dance Classes (various)

Health Workshops

- regular advertising in local newspapers
- leaflets will be placed in local libraries
- leaflets will be placed in local doctors surgeries

- leaflets will be sent to other communities such as Polish, Bangladesh, Muslim, Sikh, etc
- leaflets will be placed in local schools

GYM

- this will not be advertised as the facilities will be limited in space and equipment. It will however be kept affordable and offered on a membership basis to first come first serve. The membership will be capped once the facility is used to the maximum

BUSINESS MEETING ROOM HIRE (from 20 -1000 person)

- this will be bookable by the hour
- regular advertising in the local newspaper
- all local businesses will be approached directly

I.T. FACILITIES

Internet access (bookable by the hour)

- this will not be advertised as the facility is limited but offered on a first come basis

I.T. Training (held weekly or monthly)

- the training classes will be advertised by distributing leaflets to the local community

CULTURAL LIBRARY

- leaflets will be placed in the local libraries
- we will write to R.E. teachers in all Northamptonshire schools

THEATRE / CINEMA SHOW (chargeable and held at regular intervals)

- only Bollywood films will be shown as cannot compete with cinema's for mainstream viewing. This will be advertised through IHWO database
- we will write to other communities offering the facility to show their movies
- we will write to local schools, colleges, universities and theatrical organizations about access to host their own theatrical shows

EXHIBITION SPACE

Cultural (free access)

- We will write to other faiths and communities about their ability to exhibit their religion and cultural qualities. We will then compile a timetable for a monthly or

quarterly period. This timetable will then be circulated to all schools in Northamptonshire and neighbouring counties about school visits to this facility

- Leaflets will be placed in local libraries

Non-Cultural (chargeable)

- We will advertise this facility to businesses and other organisations as well as writing to them

YOUTH ROOM (free use)

- leaflets will be sent other communities about access to this facility

WEDDING & BANQUETING FUNCTIONS (bookable by the hour)

- regular advertising in the local newspaper
- leaflet will be sent to other communities
- exhibit at local wedding exhibitions
- leaflets placed in local libraries

CRECHE (chargeable)

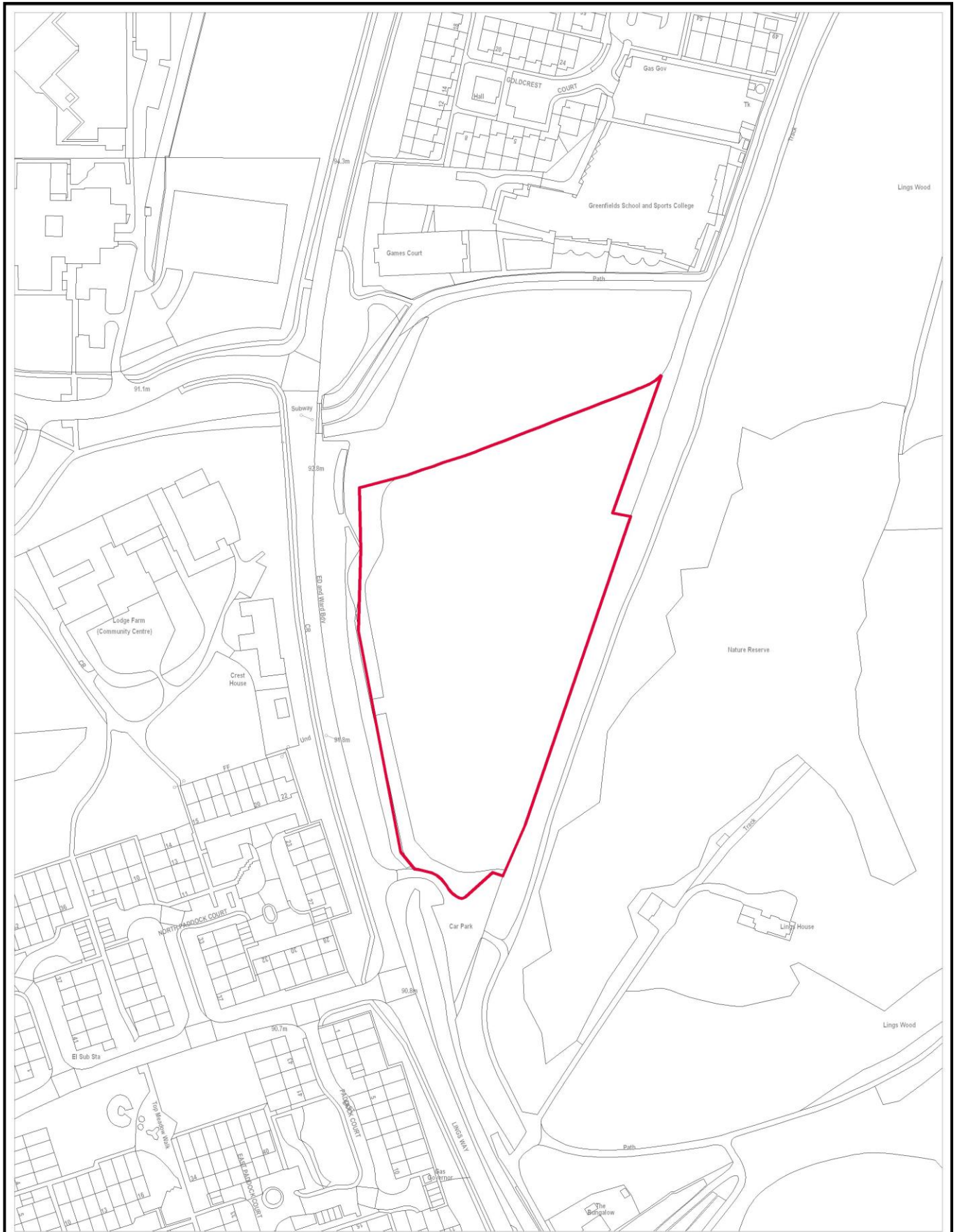
- either franchise this facility to established child care organisation or
- bring in manager to run
- leaflets will be sent to local communities
- leaflets will be placed in local libraries

DAY CARE CENTRE (free access)

- leaflets will be sent to local communities
- leaflets will be placed in local libraries

EXTERNAL GARDENS AND GREEN SPACE

The vegetable produce garden will be let in small sizes to the local community on a 'first come first serve' basis, on short term licences, in order for them to grow local produce. This facility is currently not available locally and where something similar is available there seems to be a waiting list. This facility would be strictly managed by Kutumbh Centre Management. The formal Temple Gardens will be open to all visitors to the Centre. It is intended that the boundary between the retained/ re-created natural habitat and Lings Nature Reserve will be delineated only by a knee rail, so that this habitat is perceived as an extension of the nature reserve. This natural habitat will be open for all to access and it is the aspiration of the Kutumbh Centre that habitat management will be by, or in co-operation with, the Northamptonshire Wildlife Trust.



Name: SW
 Date: 17th May 2012
 Scale: 1:2000
 Dept: Planning
 Project: Site Location Plan

Title

Proposed Cultural and Recreation Centre, Lings Way

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