



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 5 March 2013
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2013/0114 **Variation of Condition 11 of Planning Permission 10/0077/FULWNN (Construction of Facilities Building) to allow amendment of Finished Floor Levels. Northampton Marina, Victoria Promenade**

WARD: Castle

APPLICANT: Environment Agency

REFERRED BY: Head of Planning
REASON: Land owned by the Borough Council

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

- 1.1 To grant **APPROVAL** for the above proposal without compliance with Condition 11 imposed on planning permission 10/0077/FULWNN dated 8th July 2010 but subject to the other conditions imposed therein so far as they are still subsisting or capable of taking effect.
- 1.2 Subject to the expiry of the formal consultation period and delegated authority being given to the Head of Planning to address any further consultation comments received and to append or amend planning conditions as appropriate subject to the following conditions and for the following reason:
- 1.3 The principle of development has already been established whilst the proposed variation would not have any undue impact on visual amenity, highway safety or flood risk in compliance with the guidance contained within the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposals relate purely to the variation of Condition 11 attached to permission 10/0077/FULWNN. This condition secures compliance with the approved Flood Risk Assessment that was submitted in support of that application and specifically refers to acceptable finished floor levels as a flood mitigation measure. The present Condition 11 of 10/0077/FULWNN is worded as follows:

2.2 *“The development hereby permitted shall only be carried out in accordance with the approved Northampton Marina Flood Risk Assessment IMAN0017533 External Final Version 4 October 2009 and addendum (Version 1 June 2010) and the following mitigation measures detailed within the FRA;*

– finished floor levels are set no lower than 58.6m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development.”

2.3 The application centres upon a desire to relax the requirements of the aforementioned condition so as to allow for the finished floor level of non-habitable elements of the scheme to be set no lower than 58.3m above Ordnance Datum (30cm below the current limit). This proposed alteration is motivated by design development associated with the constraints offered by the topography of the site with the scheme being situated upon a raised flood bund adjacent to the marina. The revised wording of condition would read as follows (this would translate to Condition 1 of the new permission should consent be granted consent):

2.4 *“The development hereby permitted shall only be carried out in accordance with the approved Northampton Marina Flood Risk Assessment IMAN0017533 External Final Version 4 October 2009 and addendums (Version 1 June 2010 & Version 2 January 2013) and the following mitigation measures detailed within the FRA;*

– finished floor levels of habitable buildings are set no lower than 58.6m above Ordnance Datum (AOD) and finished floor levels of non-habitable structures are set no lower than 58.3m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development.”

3. SITE DESCRIPTION

3.1 The site is located to the southern side of Beckett’s Park off the River Nene and adjacent to the new marina. It consists of a newly constructed Facilities Building, which houses toilets, showers, laundry and office accommodation as part of the overall marina development. Detached from the Facilities Building and located to its immediate

south is a single garage unit. The Facilities Building and garage have been constructed in a complimentary style and from an identical palette of materials. Both buildings exhibit low-level brickwork to their elevations with high-level timber cladding immediately above, both are also afforded steel-constructed mono-pitched roofs.

4. PLANNING HISTORY

- 4.1 10/0077/FULWNN Construction of a facilities building housing toilets, showers, laundry and office accommodation (Approved July 2010)
- 4.2 09/0120/FULWNN Construction of 82 berth marina (sui generis) for mixed leisure use (76 berths) and residential use (6 berths) and associated works (Approved February 2010)

5. PLANNING POLICY

5.1 Development Plan

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

5.2 National Policies:

National Planning Policy Framework

5.3 Northampton Borough Local Plan

E1 – Landscape & Open Space

E9 – Locally Important Landscape Areas

E18 – Site of Acknowledged Nature Conservation Value

E20 – New Development

L16 – Countryside and Water Recreation

L17 – Countryside and Water Recreation

L29 – Tourism

5.4 Central Area Action Plan (February 2013)

Policy 29 – The Waterside: Beckett's Park

6. CONSULTATIONS/ REPRESENTATIONS

6.1 *Environment Agency*: No comments received.

6.2 In addition, 27no. neighbour notification letters were sent out on 20th February 2013 to close proximity neighbours. To date, no responses have been received. These consultations run for 21 days and expire on 13th March 2013 accordingly.

7. APPRAISAL

Principle of Development

- 7.1 The principle of development was established as acceptable through the approval of application 10/0077/FULWNN. The inherent benefits of the new facilities were noted within the associated delegated officer report, as was general compliance with regional and local planning policies for this area. Further, the scheme complies with the newly adopted Central Area Action Plan (2013) through supporting the recreational role of Beckett's Park and its marina.

Design & Visual Impact

- 7.2 The proposed variation of condition would allow the footings and finished floor level of the garage unit and neighbouring cycle storage facilities to be set up to a maximum of 30cm below the previously approved levels limit (as imposed by Condition 11). This variation would not have a material impact upon the visual appearance of the garage unit within the context of the wider site and its surroundings. The built structure on-site is considered to be in full compliance with the approved drawings related to permission 10/0077/FULWNN. The garage block remains subservient to the Facilities Building and located to its immediate northern side.

Flood Risk

- 7.3 The application is accompanied by an addendum to the approved Flood Risk Assessment (October 2009). The addendum notes the design development that has occurred and specifically references the revised finished floor level of the garage, cycle and similar facilities whilst cross-referencing associated technical plans contained within the FRA. The Environment Agency (EA) have been formally consulted upon the proposals in their role as technical consultee; their comments are awaited. Any positive recommendation of this application would therefore need to be subject to the expiry of this formal consultation period and delegated authority being granted to append/amend planning conditions in accordance with any response received from the EA.

Other Matters

- 7.4 The proposed variation would have no impact upon access and car parking arrangements at the site. There would also be no material impact upon neighbouring amenity. It should be noted that the consultation period associated with this application is still live; the recommendation therefore is required to reflect this. Delegated authority would be required to address any further comments received that are material to the determination of the application.

8. CONCLUSION

- 8.1 The principle of development has already been established whilst the proposed variation would not have any undue impact on visual amenity, highway safety or flood risk in compliance with the guidance contained within the National Planning Policy Framework.

9. CONDITIONS

1. The development hereby permitted shall only be carried out in accordance with the approved Northampton Marina Flood Risk Assessment IMAN0017533 External Final Version 4 October 2009 and addendums (Version 1 June 2010 & Version 2 January 2013) and the following mitigation measures detailed within the FRA;

– finished floor levels of habitable buildings are set no lower than 58.6m above Ordnance Datum (AOD) and finished floor levels of non-habitable structures are set no lower than 58.3m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development.

10. BACKGROUND PAPERS

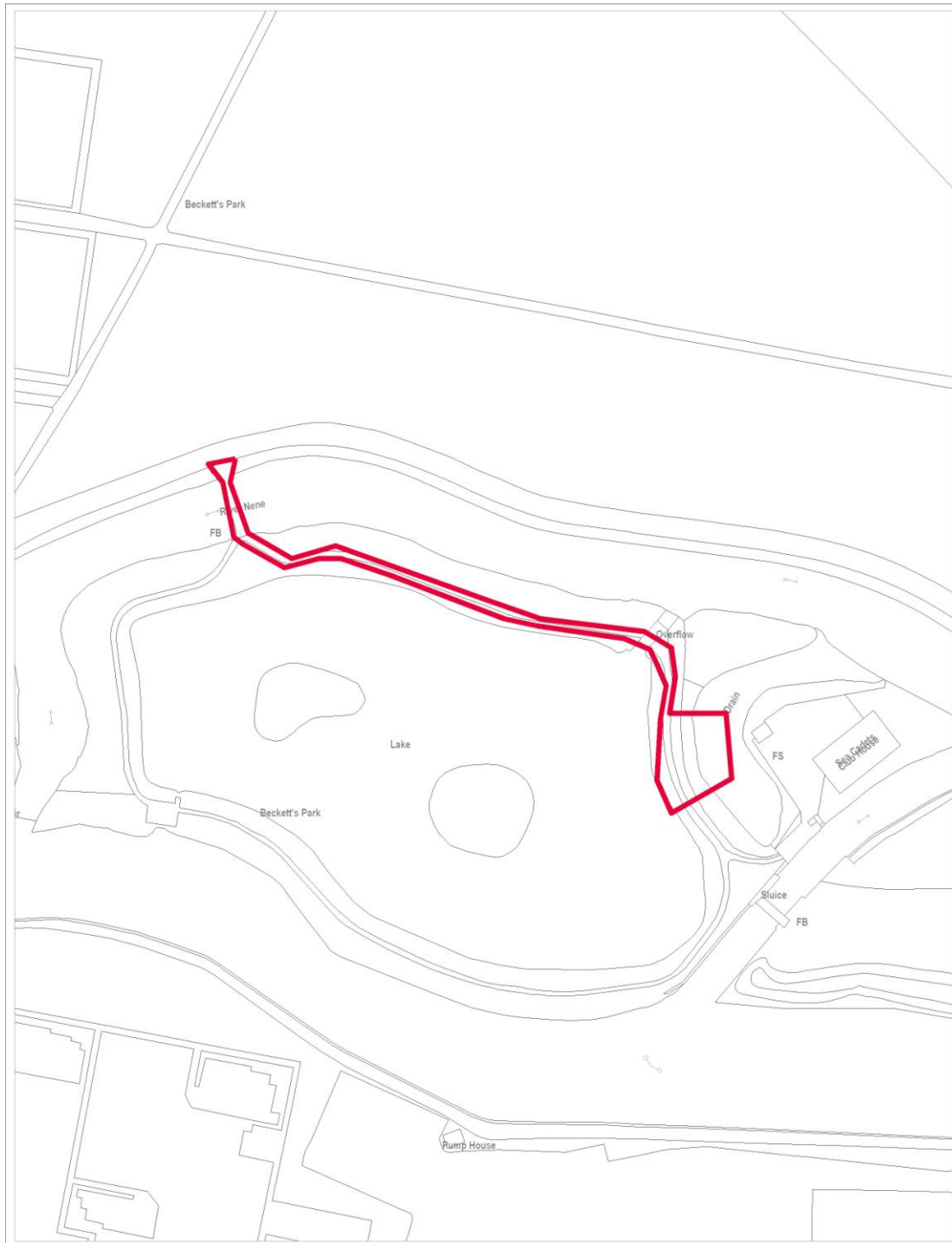
- 10.1 10/0077/FULWNN and N/2013/0114

11. LEGAL IMPLICATIONS

- 11.1 None for the Council as Local Planning Authority.

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: **Planning**
 Date: **20th February 2013**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title
Northampton Marina

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