

Addendum to Agenda Items Tuesday 2nd July 2013

10. ITEMS FOR DETERMINATION

10a

N/2011/1278

Residential Development comprising 45no. apartments, associated access, parking, drainage, landscaping and public open space
Land at Old Towcester Road, Southbridge.

NCC Development Management - confirm that they will still not be seeking Education contributions as the likelihood of the development generating pupils is minimal. They state they would still be seeking Fire and Library contributions.

Recommended additional condition in order to secure the provision and long term retention of appropriate cycle storage facilities:

22. The cycle storage facilities show on the approved drawings shall be provided in accordance these details prior to the first occupation of any of the flats within that building and shall be retain and maintained thereafter for this purposes only.

Reason – To ensure the provision of adequate cycle storage facilities in accordance with the NPPF.

10b

N/2012/0909

Proposed residential development of 142 dwellings, garages and associated works, including new access roundabout
Land off Lancaster Way, Towcester Road, Northampton

Comments have been received from the **Buckingham Fields Community Action Group** in respect of the Committee report. Officers' response to these points is in italics.

The access from Towcester Road referenced in Paragraph 3.2 is not closed as those that have a right to use the access can currently do so.

The purpose of the wording is to emphasis the fact that the access point is not available for public access to the site.

The dwellings to the west of the site (Paragraph 3.3) are accessed from Rothersthorpe Road

This reference was intended to cover the properties in Kingmaker Way, which are accessed from Lancaster Way. In the interests of accuracy, these are to the south west of the site. As stated above, the properties to the immediate west of the site are accessed from Rothersthorpe Road.

An area within the site has been excluded from the application as this area of the site falls outside of the applicant's control. There are other areas on the site which the

applicant does not control.

This area of the site in third party ownership has been specifically excluded from the application proposal.

The provision of open space and allotments would not retain the site's original character.

The site currently has an open character due to its undeveloped nature. The relatively low density of the development and the provision of open space and allotments would assist in the retention, in part, of this open character, but clearly this would be significantly altered with the proposed development and with that as permitted by the extant planning permission.

The phasing of the development is likely to mean that the open space at the entrance to the site would not be provided for some time as this is likely to be a storage area during construction works.

It is accepted that some of the proposed areas of open space may be utilised as a storage area during the construction process. The purpose of the Management Plan (which would be secured by condition) would ensure certainty regarding this arrangement and the timescales involved.

Details regarding the internal site boundaries should be available at this stage and not be the subject of a condition.

It is considered that a condition to control this is appropriate given the scale, nature and positions of the boundary treatments and in accordance with Government guidance on the use of conditions.

The wording of Paragraph 7.9 is questioned. It is also considered that the affected dwellings are of a poor quality design.

The report states that the proposed development would not impact upon the amenity of existing residents and yet a condition requiring the submission of details in respect of land levels has been recommended.

There is no link to Leah Bank and that it is unlikely that it would be provided.

Those with rights of access to the site have such rights from the east of the site. The proposed bollards are not acceptable. The entrance could be gated in the future.

This point is noted; however, given the prominence of this entrance to the site by reason of the level of activity that takes place adjacent to it (i.e. its proximity to Braunston Close and the path from Rothersthorpe Road), it is considered that this arrangement is acceptable.

A condition that all the land must be owned by the developer before building work can commence (to ensure completion of the development), is reasonable

No further investigation of the wells is necessary. A strategy needs to be put forward as to how these are dealt with.

The proposed condition would secure a mitigation strategy in the event that they are found to be present on site.

Contamination reports, noise assessments and a construction management plan should not be the subject of conditions.

These conditions were written with reference to the advice of consultees (such as the Environment Agency) in respect of the application. As a result of this advice it is considered that the use of conditions is appropriate and accords with Government Guidance on the use of conditions

The **Buckingham Fields Community Action Group** has commented upon the proposed Section 106 Agreement. It considers that there is sufficient policy basis to secure contributions to the fire and rescue service. It is also argued that a full contribution towards education provision should be secured.

The policy basis for Section 106 Agreements is set out within the Committee Report. It is acknowledged that the legal agreement associated with the extant permission did not include a payment towards education provision; however, the change in circumstances are detailed within Paragraphs 7.36 and 7.37.

Comments are also made regarding the suitability of the proposed boundary treatments and suitability of alternative access arrangements.

12 Mortimer Close – The proposed development would have a detrimental impact upon highway safety and generate a significant level of congestion. There is already a significant amount of traffic using Towcester Road.

196 Towcester Road – The driveway for this property is not shown on the drawings (Officers' note: it is referenced within Paragraph 3.3 of the application report). There are concerns that the boundary treatments could reduce the level of privacy at this property.

Representations have also been received from the owner of the land excluded from, but surrounded by; the application site confirming this and that there is no agreement in place to sell the land to the developer.

Cllr B. Glynane – Objecting to the development for the following reasons:

1. Complete lack of 106 payments, no education contribution and no Fire and Rescue contribution.
2. That a sewer pipe is to be moved, when the development could have been designed around it.
3. There is a lack of clarity regarding the site's boundary treatments
4. No details have been submitted on land levels, which is something that residents should comment on.
5. No details of the protection of green space
6. There has been no movement with regards to the replacement of the roundabout with a 'T' junction.
7. There is no information regarding flood attenuation. On this point alone the application should be deferred until this information can be debated by the committee and commented on by residents at risk.

Finally this application should be withdrawn or deferred until the issues that have been raised have been discussed and addressed to the satisfaction of those affected by this application.

Officers' Response:

The proposed Heads of Terms for the Section 106 Agreement include the making of a payment towards education provision. The reasons for the lack of a Fire and Rescue contribution are set out within the Committee report. The Section 106 Agreement would also secure the retention of the proposed open space for public access. The recommended conditions in respect of flood risk are a result of consultation with the Environment Agency.

Revised wording to Paragraph 7.38, which should read:

The County Council has also requested a payment for the provision of the fire services. There is no adopted development plan policy support for this and it is not clear what facilities would be secured / needs would be addressed by this requirement. The new Community Infrastructure Levy Regulations also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is considered that this request cannot be supported.

10c

N/2013/0235

Creation of 1,303sqm additional retail mezzanine floor area.

Unit C Nene Valley Retail Park St James Mill Road East Northampton.

Further Correspondence from the Applicant

The applicant has requested a minor amendment to condition 2 to allow for the flexibility to sell food and drinks from an ancillary café at the premises. The proposed wording is as follows:

*The floorspace hereby permitted shall not be used for the sale of convenience goods, including food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and periodicals and nondurable household goods, **except where such goods are sold from an ancillary cafe facility.***

Officer Response: The applicants have confirmed that the potential occupants of the unit intend to provide a small ancillary café within the building. A certificate of lawfulness has already been issued to the effect that this would be lawful and would not need a separate planning permission. Therefore, the suggested amendment to condition 2 is considered to be acceptable. It is therefore recommended that the condition be approved in the form suggested by the applicant.

10d

N/2013/267

Variation of condition 3 of Planning Permission N/2010/1037 to allow the community and education centre to operate between 10am

The Clicker 1 Collingdale Road Northampton.

Nothing to add.

10e

N/2013/0445

Change of use of ground floor from retail (Class A1) to hot food takeaway (Class A5) and create 1no. self-contained flat on first floor and second floor; installation of extraction flue to the rear and alteration of shop front including access to upper floor flat and alteration to existing roller shutter to front.

70 Kingsley Park Terrace

Crime Prevention Design Officer has no objection but suggests that the door leading to the first floor level flat should be a tested and certificated secure door set to PAS 24:2007 standard and that provision is made within the ground floor lobby for the secure storage of a bike. A secure door has been added as an Informative. There is sufficient space to the rear of the premises for bike storage.

11. ENFORCEMENT MATTERS

None

12. ITEMS FOR CONSULTATION

None