



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**PLANNING COMMITTEE:** 11<sup>th</sup> February 2014  
**DIRECTORATE:** Regeneration, Enterprise & Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0785:** Outline application for the demolition of existing B8 business units and erection of 14 two bedroom and 8 one bedroom apartments, formation of new access parking areas at 172-174 St Andrews Road (as amended by revised plan received on 9 November 2010)

**WARD:** Semilong

**APPLICANT:** Mr. M Brown  
**AGENT:** Mr. B Waine

**REFERRED BY:** Head of Planning  
**REASON:** Major development requiring a Section 106 Agreement

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. PURPOSE OF REPORT**

1.1 This application was originally reported to the Council's Planning Committee in March 2011 and approved in principle subject to a Section 106 Agreement being completed to secure 35% of the development for use as affordable housing and a financial payment towards alternative transport infrastructure provision. Whilst a significant period of time has elapsed since this committee resolution, the Section 106 Agreement has not been completed and therefore planning permission has not been granted. Officers have considered whether the application could be 'finally disposed of'; however, this course of action would not be appropriate due to the various endeavours of the landowner over this time to complete the agreement. Due to the passage of time since the original committee resolution it is necessary to reconsider the application in order to ascertain whether there have been any pertinent changes in material considerations.

## **2. RECOMMENDATION**

### **2.1 APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 2.2 and 2.3 for the following reason:

The principle of residential use on a site allocated within a primarily residential area is acceptable and in accordance with Policy H6 of the Northampton Local Plan. The layout, scale and access to the site are considered acceptable and would not be detrimental to residential amenity or highway safety and the flood mitigation measures proposed are acceptable. The proposal is in accordance with Policies H6, H11, H17 & H32 and E20 & E40 of the Northampton Local Plan and the requirements of the National Planning Policy Framework.

### **2.2** The prior completion of a legal agreement to secure the provision of:

- i) 35% affordable housing;
- ii) a financial contribution to fund alternative transportation infrastructure.

### **2.3** It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

## **3. THE PROPOSAL**

### **3.1** The application proposes the demolition of the existing warehouse units and the erection of 22 apartments with a new vehicular access and parking areas. This is an outline application with the appearance of the residential units and landscaping reserved for future consideration. The apartments are proposed to be contained in two blocks with a vehicular access situated between them with 22 parking spaces and secure cycle storage to the rear. The illustrative drawing submitted with the application shows the blocks to be three storeys high with third floor accommodation in the roof.

## **4. SITE DESCRIPTION**

### **4.1** The site consists of six commercial units in various states of disrepair and situated around a yard used for parking and servicing. The site has an area of 0.17 hectare and measures 51m wide and 30m deep with frontage to St Andrews Road and the Brampton Nene river to the rear. On the opposite side of St Andrews Road lies the Semilong residential

area. Immediately to the north there is a car dealership, which forms an open yard beyond which is a large residential development of two blocks of flats. To the south is a commercial garage. The frontage to St Andrews Road currently contains two advertisement hoardings. The majority of the site lies within Flood Zone 2 with the rear boundary of the site lying in Flood Zone 3.

## **5. PLANNING HISTORY**

- 5.1 Outline planning permission for four industrial units has been approved on this site on several occasions, the last being in May 2005 (ref N/2002/1238). The corresponding reserved matters was refused in July 2008 on the grounds of their dominant appearance, lack of highway visibility and insufficient parking provision (N/2008/0589). This application was allowed on appeal. However, the outline planning permission has since expired.

## **6. PLANNING POLICY**

### **6.1 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.

### **6.2 National Policies**

NPPF paragraphs:

17 - Core Planning Principles

22 - Protection of employment sites

49 - Presumption in favour of sustainable residential development

56 – Design

103 – Flood risk

120 - Pollution

### **6.3 Northampton Local Plan**

H6, H11, H17 & H32 – Residential Development

E20 – New Development

E40 – Crime and Vandalism

### **6.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations SPD (2013)

## **7. CONSULTATIONS / REPRESENTATIONS**

- 7.1 **NCC Highways Authority** - request 1.25 spaces per residential unit and a financial contribution towards the alternative transport infrastructure.

- 7.2 **NCC Planning** – request a Waste Audit.
- 7.3 **NCC Archaeological** - unit request a condition relating to the protection of any heritage assets.
- 7.4 **NCC Police** - no objections.
- 7.5 **NCC Planning** - request financial contribution towards library and fire and rescue.
- 7.6 **NBC Environmental Health** - no objection with conditions relating to the control of contaminated land, traffic noise and air quality.
- 7.7 **Anglian Water** - no objection subject to conditions.
- 7.8 **Environment Agency** - no objection subject to conditions.
- 7.9 **Central Networks** - no objection.
- 7.10 **Wildlife Trust** - no objection demolition of buildings may result in disruption of protected species of birds or bats.
- 7.11 **NBC Housing** - no objection with requirement of 35% affordable units.
- 7.12 **102 Baker Street** objection as the proposed development would:
- a. Affect sunlight and have a detrimental impact on their garden
  - b. Result in overlooking and restrict privacy
  - c. Put more pressure on parking
  - d. Result in an increase in traffic
- 7.13 **Highgrade Motors St Andrews Road (now Combined Motors Ltd)** - have no objection to this but would request that no habitable windows face the boundary of their property in case they wish to develop it.
- 7.14 The above consultation responses were received in advance of the application being reported to Committee in March 2011. By reason of the unchanged material considerations, as detailed below, it has not been considered necessary to repeat this process.

## **8. APPRAISAL**

### **Principle of Development**

- 8.1 The site is located within an area allocated as a primarily residential area in the Local Plan and therefore the principle of a new residential development is acceptable. National policy has been superseded by the National Planning Policy Framework since the application was last reported to Committee. The NPPF advises that housing applications should be considered in the context of a presumption in favour of

sustainable residential development and the proposal is therefore considered to accord with these requirements. The site presently contains buildings in a poor state of repair and is located in a mixed character area with predominantly terraced dwellings to the east and non-residential uses to the north and south. This development would not only provide extra residential accommodation and contribute to meeting the identified housing need in Northampton but would also enhance the appearance of the area. Similar residential redevelopment of commercial premises as apartments has been brought forward in recent years on land to the north of the application site.

### **Siting and layout**

- 8.2 The proposed development is designed to have two blocks sited close to the St Andrews Road frontage with a single point of access located in between. The development has been designed in this way to ensure that the distance away from the river is maximised with the risk of flooding minimised. The siting in this location will compliment the existing residential development to the north and enhance the appearance of the area compared to the existing commercial yard. The layout would also result in the parking and bin storage areas being hidden from view of the public highway but well overlooked by the development itself. The two blocks are to be sited further back from the road than the existing buildings to provide a more open aspect to the site and complement the existing residential development to the north.

### **Impact on amenity**

- 8.3 There are residential properties on the opposite side of St Andrews Road. These are predominantly orientated to Baker Street albeit that nos. 99 and 102 Baker Street do have windows facing St Andrews Road. A minimum separation distance of some 14 metres between the nearest houses on the opposite side of St Andrews Road and the nearest part of the proposed development would be provided. This separation distance combined with the orientation should ensure that there would be no significant impact on the amenity of those properties. Any detailed issues can be dealt with during the reserved matters application for the external appearance of the buildings.

### **Transportation issues**

- 8.4 The Highway Authority required an increase in the distance between the two blocks and better visibility at the junction of the access road with St Andrews Road to ensure highway safety. This has been achieved following negotiation and the submission of a revised layout plan. Parking of 1.25 spaces per unit was also requested as the originally submitted scheme showed 24 units with 20 spaces. The revised plan shows 22 spaces for 22 units. This is considered

acceptable, as it is identical with the provision secured for the recently completed residential development to the north in line with Highway Authority advice. Moreover, the development is situated on a bus route and close to the local centre in Semilong to the east.

- 8.5 A financial payment has been requested by the Highway Authority to improve the local infrastructure for cycling and pedestrians originally contained within the NCC Northampton Cycling Development Plan which has now been subsumed in to the Northampton Town Transport Strategy. It is considered that a payment would be justified to finance the implementation and refurbishment of advance stop lines and associated markings at the junctions with Kingsthorpe Road and Spencer Bridge Road as part of the planned cycle link from Kings Heath to Black Lion Hill adjacent to the railway station identified in the County Council's Northampton Cycling Development Plan (scheme ref. F49).

### **Environmental and Other Issues**

- 8.6 A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency has no objections to this proposal but require conditions to be attached to ensure that the appropriate works are carried out to prevent the development from flooding. The site remains predominantly within Floodzone 2 as previously reported to Committee and the mitigation measures proposed within the FRA regarding finished floor levels are in line with updated policy requirements.
- 8.7 The Wildlife Trust has requested a condition be attached to enable a survey to be completed to determine the possible presence of birds or bats in the existing buildings. However, although the aims of such a condition are supported, as the buildings could be demolished without planning permission, a condition is not justified. Therefore an informative rather than a condition is recommended.
- 8.8 The proposed development could have a detrimental impact on any archaeological deposits present in the site and a watching brief is required to ensure their protection in line with the advice of the County Archaeologist's advice to be secured via condition.
- 8.9 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development and the fact that it is not clear how such contributions would be directly related to the proposed development as required by the Community Infrastructure Levy Regulations, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

## **9. Planning Obligations**

9.1 The 2011 resolution required a Section 106 Agreement to secure affordable housing and alternative transportation infrastructure. Circular 05/05 (which was relevant in 2008) has now been replaced by the Community Infrastructure Levy Regulations, which specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

9.2 The securing of 35% of the development for affordable housing and a payment towards the provision of education remains appropriate and any approval of this application should be subject to the completion of the a legal agreement to secure these elements.

## **10. CONCLUSION**

9.1 This proposal is considered to provide a positive benefit to the locality by way of improving the street scene with the removal of relatively unattractive commercial buildings and the redevelopment of the site with a modern residential scheme.

## **10. CONDITIONS**

**(1)** Approval of the details of the external appearance of the buildings and the landscaping of the site (“the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

**(2)** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990.

**(3)** The development hereby permitted shall be begun either before expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990.

**(4)** A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

**Reason:** To ensure adequate provision is made for people with disabilities in accordance with the guidelines contained within Policy H17 of the Northampton Local Plan and NPPF.

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

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

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

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

**(7)** Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

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

**(8)** The submission of reserved matters shall include the provision of a minimum of one on site car parking space per unit.

**Reason:** To ensure that adequate parking facilities are maintained in accordance with Policy H6 of the Northampton Local Plan.

**(9)** Prior to development commencing, the applicant shall submit to the Local Planning Authority an assessment of the noise exposure of each habitable room on the [exposed] facades due to transportation noise. This must take into account, the likely growth of traffic over the next 15 years.

Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of  $L_{Aeq,8 \text{ hour}} 30 \text{ dB}$ , with the window open, a Noise



Insulation Scheme shall be submitted to the Local Planning Authority for written approval that protects those rooms, and will require the provision of a ventilation, or heat control system that enables the windows to be kept closed in warm weather. The Noise Insulation Scheme shall be implemented in accordance with the approved details prior to the occupation of any of the rooms affected and maintained in perpetuity.

**Reason:** In the interests of residential amenity in accordance with the advice contained in NPPF.

**(10)** Prior to the commencement of any development on the site the impact of air quality in the vicinity of the site shall be assessed in accordance with current good practice. The findings of the assessment shall be used to inform the design of any remedial measures deemed necessary to ensure compliance with current air quality standards.

**Reason:** To protect the amenities of future occupiers of the apartments in accordance with the guidelines contained within NPPF.

**(11)** Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposed of the preferred option(s).

**Reason:** To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in NPPF.

**(12)** Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetables of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:** To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in NPPF.

**(13)** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in NPPF.

**(14)** No development shall take place within the area indicated until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

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

**Reason:** To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the NPPF.

**(16)** The development permitted by this planning permission shall only be carried out in accordance with the approved BCAL Consulting Flood Risk Assessment (FRA) dated July 2010 Revision A, reference number 4420R001A FRA and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 62.46m Above Ordnance Datum (AOD).

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the NPPF.

## **10. LEGAL IMPLICATIONS**

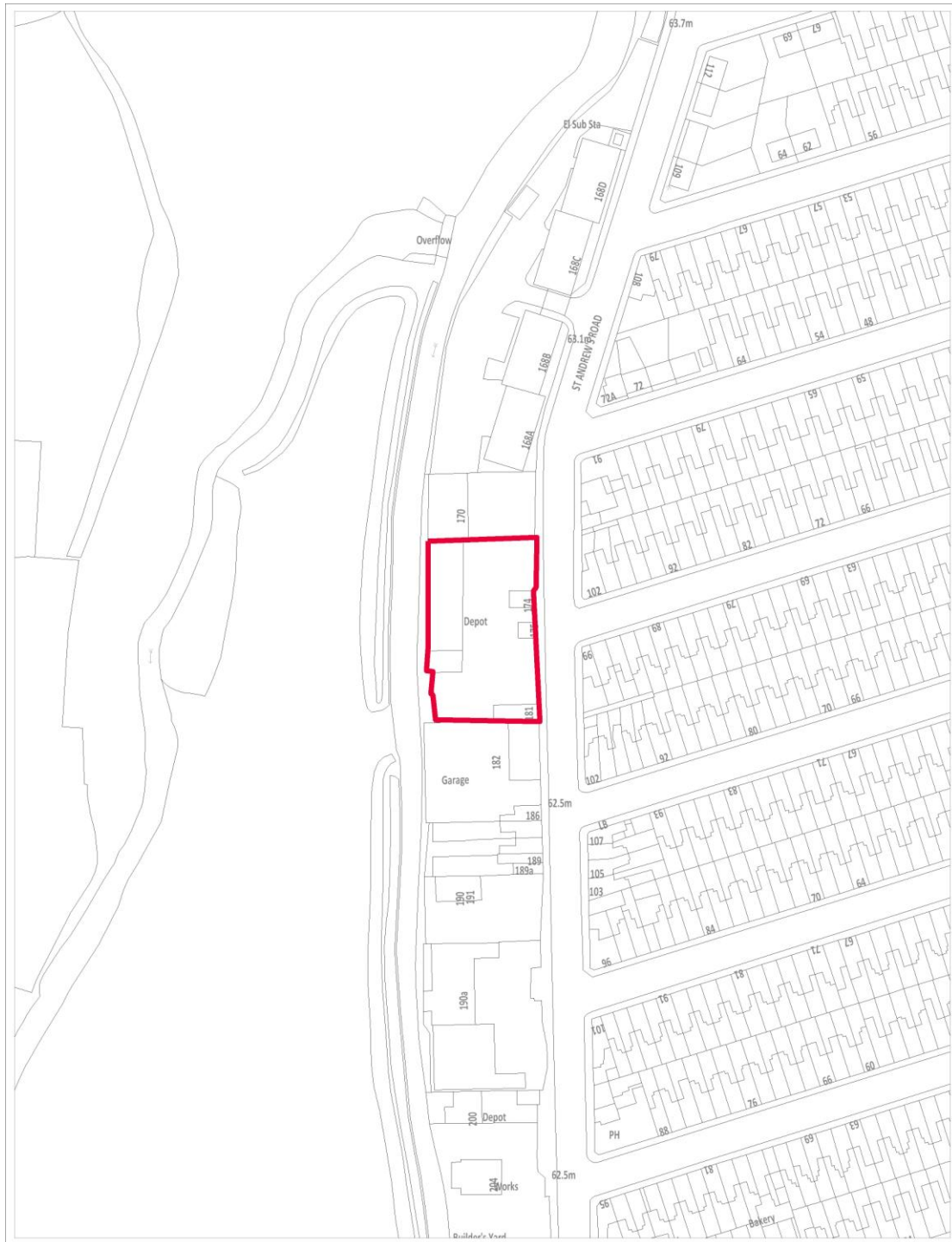
10.1 None.

## **11. BACKGROUND PAPERS**

11.1 N/2010/0785.

## **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: 27th January 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**174 St Andrews Road**

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