



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0137: Erection of a mixed use development comprising of convenience store, retail units, nursery, café restaurant, 77no. apartments extra care facility, 32no. general needs apartments with access and parking spaces, Sites F and G, Upton

WARD: Upton

APPLICANT: Keepmoat
AGENT: West and Machell Ltd

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

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

(a) Prior finalisation of a S106 agreement to tie this application with the S106 agreement for the original planning application 11/0046/FULWNN to secure:

- Residential Standard Charge
- Affordable Housing
- Interpretation Centre Contribution
- Residential Travel Plan

- Public Art Contribution
- Construction Training Contribution
- North East Square Scheme
- Sustainability

And in addition:

- The provision of an additional 2 affordable housing units
- A contribution towards primary care services provision
- The Council's monitoring fee.

(b) Planning conditions set out in paragraph 9 below and for the following reason:

The proposed amendment to block 2 is considered to be acceptable and would have no additional impact when compared with the previously approved scheme. The proposed development is of a scale, density, layout and design that meets the aims and aspirations of the Upton Design Code. The proposed retail and commercial premises will function as a local centre and of a scale that is appropriate to serve the Upton development. The housing development will contribute to towards the established housing need in Northampton. The proposal is therefore in accordance with National Planning Policy Framework and Policies E19, E20, E40, H1, H4, H16, H17, H32 and R11 of the Northampton Local Plan and Policies S3, S9, S10, C1, RC2, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

- 1.2 It is recommended that delegated authority being given to the Head of Planning to negotiate the details of the Section 106 Legal Agreement.
- 1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. BACKGROUND AND PROPOSAL

- 2.1 The site is allocated in the Northampton Local Plan and forms part of the final phases of the Upton 1 development. A planning application (11/0046/FULWNN) for Sites F and G which covers a larger site for the development of a public house, convenience store, nursery, retail units, café/restaurant, 324 no. dwellings and 77 no. apartments extra care facility and associated works was approved in March 2012, in line with the approved Upton Design Code and development brief for the site.

The current proposal is an updated scheme which relates only to part of the site (block 2) and includes the commercial centre for the whole of the Upton development. This commercial centre would also serve developments at St. Crispins' Hospital site, Princess Marina and Upton phase 2.

2.2 The application is a part revised scheme of an already approved proposal. The amendments are the result of the end users of the building requiring changes from the original layout to meet their operational requirements and are summarised as follows:

- The relocation of the nursery from second to ground floor;
- The relocation of the main circulation core to accommodate the relocated nursery;
- The reduction in size (290 sq m) of the restaurant/café to accommodate the relocated nursery;
- The addition of 3no. x 1 bed and 3no. x 2 bed general needs flats at second floor in the space vacated by the relocated nursery;
- The handing of several flats to achieve a bed/bed and living/living relationship between flats;
- The minor relocation of some ancillary accommodation (plantroom, assisted bathroom, bin stores) within the Extra Care Facility to improve operational efficiency.

2.3 The application has been supported by a Transport Assessment, Land Contamination Report, Archaeological Report, Design and Access Statement (amended), Noise Impact Assessment and Flood Risk Drainage Strategy.

3. SITE DESCRIPTION

3.1 The application site (and the remainder of Sites F and G) consists of a cleared construction site. It is located on the corner of Weedon Road and High Street, Upton and is bordered to the north by Mile Iron Lane (the access road leading from Weedon Road which has already been constructed). To the east and south the site will be bordered by Boswell Street and Kiltie Street. The site will be surrounded by mainly residential development forming the remainder of Sites F and G.

4. PLANNING HISTORY

4.1 N/2013/0669 – Erection of 10 retail units and a convenience store (total of 1,641 m²); 15 maisonettes; 35 flats and 10 dwellinghouses; nursery (372 m²) with access and car parking spaces (amendment to previously approved scheme under 11/0046FULWNN) – Withdrawn.

- 4.2 11/0046/FULWNN – Erection of mixed use development, comprising public house, convenience store, nursery, retail units, café/restaurant, 324 no. dwellings, 77 apartment extra care facility, associated roads, parking and landscaping – Approved 28th March 2012.
- 4.3 N/2002/915 – Mixed use development comprising offices, café/restaurant, retail units, public house, residential apartments and live/work accommodation fronting Weedon Road – Outline Application approved – expired.
- 4.4 N/2002/914 – Development without complying with conditions 4,5,6,15,16 and 22 of planning permission 97/0128 – Approved subject to conditions - expired.
- 4.5 N/1997/0128 – Proposed housing with associated infrastructure, local centre and school site – Outline Application approved May 2000.

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 the saved policies of the Northampton Local Plan 1997, the Central Area Action Plan and, whilst not yet adopted, weight can be attributed to the submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan

E1 - Landscape and Open Space requires new development to respect the character and structure of the landscape

E11 and 12 - Hedgerows, trees and woodlands states that permission will not be granted which involves destruction or damage to trees and hedges unless replacement is intended

E19 - Implementing Development requires any adverse effect of development to be allowed for or appropriately mitigated against

E20 - New Development requires the design of any new built development to adequately reflect the character of its surrounding and to ensure adequate standards of privacy, daylight and sunlight

E39 - Renewable Energy requires development involving renewable energy to be designed and installed without detriment to local amenity and not to adversely affect views or skylines

E40 – development must pay adequate regard to the need to deter Crime and vandalism

H1 - Major New Residential Development will be directed to Wooton Fields, Upton, Berrywood and Kings Heath

H4 – The development of Upton and Berrywood Areas shall include facilities such as school sites, local centre sites, community centres, libraries, reserve sites, sites for single person housing, sites for elderly persons dwellings, open space and footpaths

H17 – Housing for people with disabilities requires the provision of 10% of dwellings, when over ten dwellings are expected, to be constructed to the Councils mobility standards

H32 – When granting permission for developments of 15 or more dwellings Affordable Housing will be required

T12 - Development requiring servicing by commercial vehicles will require adequate provision for parking and manoeuvring

R11 - Shopping Facilities in the form of a local centre will be required in Major Residential Development

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations Strategy SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

5.5 Central Area Action Plan

Policy 11 states that retail developments of more than 1,000 square metres outside the town centre boundary will be subject to an impact assessment.

Other Material Considerations

5.6 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

Weight can be given to the West Northamptonshire Joint Core Strategy (JCS). This would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of examination in public and the findings of the Inspector are awaited.

C1 – Changing Behaviour and Achieving Modal Shift aims to change the way people travel by providing and promoting walking, cycling and public transport and by providing information communication networks to reduce the need to travel.

H1 – Housing Density and Mix and Type of Dwellings requires housing developments to make the most effective use of land having regard to such considerations as the existing character and density of the local area, the accessibility to services and facilities, proximity to public transport routes and the impact on the amenities of occupiers of neighbouring properties.

H2 – Affordable Housing requires 35% of the total number of dwellings provided to be affordable.

N10 – Shopping needs outside Northampton Town Centre requires provision to be made for local convenience shopping needs at new local centres of an appropriate scale. No further comparison goods floorspace is required outside Northampton Town Centre.

RC2 – Community Needs requires new residential and commercial development will be required to make provision for Community facilities and public open space.

S3 – Scale and Distribution of Housing Development sets out how housing development will be distributed between the West Northamptonshire borough and district councils

S9 – Distribution of Retail Development requires that retail floorspace will be accommodated firstly within town centres. If there is an identified need for a local centre it will be subject to an impact assessment for proposals over 1,000 sq m to demonstrate they do not have an adverse impact on the vitality and viability of the town centre.

S10 – Sustainable Development Principles states how development should achieve overarching goals of sustainability.

6. CONSULTATIONS/ REPRESENTATIONS

Two rounds of consultation have been undertaken with regard to the application. Initial consultations took place in February 2014 and further

consultations took place in April following the submission of an amended Design and Access Statement. A summary of the responses is set out as follows:

- 6.1 **NBC Public Protection** – There is a risk that as a mixed use development the sensitive uses (i.e. residential) could potentially be exposed to significant or unacceptable noise exposure or cooking odours. Recommend conditions to deal with cooking odours, control of fats, oils and grease, refuse storage and noise.
- 6.2 **NBC Housing Strategy** – 6 additional dwellings are being provided which in affordable housing policy terms means an additional 2 affordable dwellings should be sought and included as a variation to the original S106, unless viability considerations indicate that this is not achievable.
- 6.3 **NBC Urban Design – (Initial comments)** The proposal lacks an up to date Design and Access statement and therefore insufficient detail to underpin the revised approach towards the design of the building, its accessibility and strategy for car parking.

The double height retail units adversely impacts on the elevations of the proposed development, particularly to the rear of the building.

The poor means of access to residential units above retail units 01 – 03 via external stairwells will create a flawed residential component and will contribute significantly to a visually poor rear elevation.

(Additional comments following reconsultation) The amendments update the application with a revised Design and Access Statement which suggests some variation in the cladding treatment of the rear elevation however it is not considered this addresses issues raised.

Realise the original approved layout includes outside stairs to properties above the retail units but the stairs look like fire escapes which are not acceptable. States that if a development is to provide a suitable residential offer with a welcoming entrance these stairs need to be replaced with indoor stairwells.

- 6.4 **NBC Arboricultural Officer** – no objections but states that a detailed landscape scheme should be provided.
- 6.5 **Anglian Water** – An informative should be added to any planning permission to ensure that the applicant takes into account the presence of Anglian Water Assets. A surface water management system is required to be agreed via a planning condition.
- 6.6 **Environment Agency** – conditions should be added stating that development shall be carried out in accordance with the submitted Flood Risk Assessment and that no building works shall be carried out

until full details of a scheme for the provision of mains foul sewage infrastructure has been submitted and approved.

- 6.7 **Highways Agency** – No objection.
- 6.8 **NCC Development Management** – request contributions towards fire and rescue and library services.
- 6.9 **NCC Highways & Access Development** – no objection as the previous proposal for parking is not changed. Refer to the Travel Plan submitted for the previous application. Suggest this should be conditioned to form part of the existing permission.
- 6.10 **NCC Archaeology** – The application has been subject to archaeological assessment in conjunction with the adjacent application to the west. The excavation was undertaken in 2012 by Northamptonshire Archaeology now known as MOLA. MOLA are currently working on the post excavation as required by the brief. The assessment will lead to a publication which will fulfil the requirements of the original brief as per the guidance within the NPPF.
- 6.11 **Northamptonshire Police** – Has no concerns about people from the locality making use of the facilities provided in the Extra Care facility but states there should be some physical barriers in place to control communal areas accessible from outside. Also does not consider the external stairs leading to the general needs flats are suitable. States that the doors leading into the blocks will need to be access controlled.
- 6.12 **Western Power Distribution** – No objections on the basis that the developer contacts Western Power prior to work commencing to discuss any alterations to the electricity network.
- 6.13 **NHS England** – The development would affect several surgeries in the area that are already at capacity. A contribution should be sought to make this scheme favourable to NHS England or alternatively the developer could provide a suitable on site facility for a doctor to attend.
- 6.14 **Upton Parish Council** – No comments received.
- 6.15 **Construction Futures** – The training obligation would come to 654 weeks at a contribution of £10,573.
- 6.16 **Site notice, newspaper advert, nearby properties** - No comments received.

7. APPRAISAL

Principle of Development

- 7.1 Full planning permission for the erection of a mixed use development comprising public house, convenience store, nursery, retail units, café, public house, 324 no. dwellings, 77 apartment extra care facility,

associated roads, parking and landscaping was approved by West Northamptonshire Development Committee on 28th March 2012. The approved development was subject to a S106 agreement that included obligations relating to Standard Charge Payments, Affordable Housing, Interpretation Centre Contribution, Residential and Workplace Travel Plans, Public Art, Construction Training Programme, Live/Work Units, North East Square Scheme and Sustainability. The principle of development has therefore already been established and the main aspects to consider are the impacts the proposed changes will have on the overall Upton Development, street scene, residential amenity and highways.

Retail

- 7.2 The proposal includes approximately 1,307 sq.m of retail floor space as compared with the previous approval for 1,301 sq.m. This will be provided with a convenience store of 544.3 sq.m, 3 retail units with a total floor space of 597.2 sq.m (potential to subdivide into 6 smaller units) and a further 3 units totalling 165.3 sq.m located within the Extra Care Facility. The level of retail development is comparable to the previous approval and falls slightly below the 1,500 sq.m figure set within the Sites F and G development brief.

The development plan supports the provision of retail uses within the Upton development. Joint Core Strategy (JCS) Policy N10 enables the provision of local convenience shopping of an appropriate scale. JCS Policy C1 acknowledges the importance of accessible facilities and services in reducing the need to travel. Saved Local Plan Policies H4 and R11 seek to provide facilities (including shopping facilities) at the Upton development. The former decision confirmed that the retail and commercial premises will function as a local centre and is of an appropriate scale and nature to serve the wider Upton development. JCS Policy S9 seeks to accommodate retail floor space firstly within the town centre. The application site is located outside the boundary of the Central Area and Primary Shopping Area, however, Policy 11 states that developments of more than 1,000 sq.m outside the town centre boundary will be subject to an impact assessment. Likewise Policy S9 of the JCS also requires proposals for retail developments of over 1,000 sq.m and outside the primary shopping area of Northampton to prepare an impact assessment to demonstrate that the proposal does not have significant adverse impact on the vitality and viability of the primary shopping area. This requirement is not considered necessary in this instance as the site has extant planning permission for a range of residential and commercial uses. The former decision confirmed that the retail and commercial premises will function as a local centre and is of an appropriate scale and nature to serve the Upton development. In view of this extant consent, it is not considered that a retail impact assessment would be necessary as the amount of retail floor space proposed is comparable. A condition will be imposed however to prevent the units from amalgamating and creating a much

larger store which could have an increased retail impact on the vitality and viability of town centre. Conditions will also be imposed to control opening and delivery hours to safeguard residential amenity.

Café/Restaurant

- 7.3 The provision of a café/restaurant, albeit reduced in size by approximately 290 sq.m is an established principle for the Upton scheme and is considered to be an appropriate facility to serve the needs of the local community, helping to provide a focal point for social activity and contributing to creating a sense of place.

As with the previous proposal, the café/restaurant is located in a prominent position on the corner of Boswell Street although it is now located within the footprint of the Extra Care Facility and accessed from Mile Iron Lane. Conditions are required to safeguard the residential amenities of neighbouring residential occupiers by controlling noise, odour and deliveries.

Nursery

- 7.4 Again the provision of a children's day nursery is established and will provide a valuable facility to serve the wider Upton development. The proposed nursery is 423.9 sq.m which is slightly smaller than the previous proposal of 436.1 sq.m, although a buggy store of 42.9 sq.m is also provided. The nursery has been located at ground floor level between the larger retail units and the smaller retail kiosk units within the Extra Care Facility. It is considered that the relocation of the nursery from second floor to ground floor is preferable in terms of accessibility and function and is therefore acceptable.

General Needs Housing

- 7.5 The previous approval provided 26 general needs apartments on the floors above the retail development. Due to the relocation of the nursery to the ground floor an additional 6 units have been created taking the total to 32 no. general needs apartments consisting of 11 no. 1 bed flats and 21 no. 2 bed flats. The overall scale and distribution of housing provision is set out in JCS Policy S3. It is anticipated that this site, and the additional dwellings, will contribute to the supply of new homes within the next five years.
- 7.6 The previous approved planning application provided 168% parking for the residential units and exceeded the Design Code requirement of 1 allocated and 0.5 unallocated space per unit. No additional parking spaces have been allocated for the additional 6 flats now proposed. A Travel Plan was required to be submitted as part of the original S106 agreement to encourage more sustainable travel modes. As this will also be a requirement under the new S106 agreement it is not considered that additional car parking will be required in this instance.

There are no objections from the Highway Authority subject to the requirements of the Travel Plan being complied with.

Extra Care Facility

- 7.7 As previously approved the extra care facility will provide 77 two bed self-contained apartments with associated facilities including residents lounge, dining room, sensory garden, special needs bathing suites and hobby rooms. JCS Policy H1 seeks to cater for different accommodation needs, including the needs of older people and vulnerable groups. The provision of the extra care facility is therefore supported.
- 7.8 Alterations to the extra care facility mainly relate to the relocation of the main circulation core to accommodate the relocated nursery and to the relocation of the plant room, assisted bathroom and bin stores. The changes are considered to be relatively minor and acceptable. As with the previous application it is considered necessary that a condition is applied to ensure that the facility is operated as a C2 Residential Institution Use (and no other uses within C2), as opposed to sheltered/general retirement housing which would be operated within a C3 use class. A C3 use of the facility, if not properly controlled, could result in parking issues. Whilst parking provision for the extra care facility has increased from 24 to 28 spaces, it not enough to warrant any change from a less intensive C2 use, where parking would be predominantly for visitors and staff.

Design and Layout

- 7.9 The Upton Development is subject to a Design Code which sets out the design principles and requirements for the development of the site. Throughout the development of Upton significant weight has been attributed to the role of the Code in creating a cohesive development that delivers the original vision for the development as established in the Framework Plan and Enquiry by Design Process.
- 7.10 When the extant permission for Sites F and G was considered it was vigorously tested against the requirements of the Code by the Upton Working Group (representatives from the Homes and Communities Agency, West Northamptonshire Development Corporation, Northampton Borough Council, The Princes Foundation and the original master planners EDAW (now AECOM)). The current proposal is very similar to the previously approved planning application. The proposed layout, massing and storey heights are identical and it is considered that the alterations that have been made to external elevations to accommodate the reconfigured uses are relatively minor. The Urban Design Officer has raised concerns about some aspects of the design, particularly to the rear of the building (i.e. the façade created by double height retail units) but as these were elements that featured in the original design it is not considered they would warrant refusal in this instance. One of the concerns raised by the Urban

Designer and the Crime and Design Officer related to the means of access to 14 residential units above retail units 1-3. Whilst the access to other units is via lifts and internal stairways the stairways to these units is via external staircases only. The issue was raised with the developer but they state that there is no room to incorporate internal staircases for these units. They have however submitted revised plans changing the stairs from ones with open balustrades to solid balustrades. It is a material consideration that the proposals now match the previous approved staircases and as the previous application is extant and could still be built out it is considered that the current proposal could not now be considered for refusal. Conditions will be imposed ensuring that the rear courtyard and staircases are adequately lit and that a security system is in place to control access.

Residential Amenity

- 7.11 As discussed previously in paragraphs 7.2 and 7.3, it is recommended that planning conditions are secured which place a number of restrictions on the future operations of the proposed commercial units. These are necessary to safeguard the amenities of future residential occupiers from nuisance resulting from noise and odour as a result of the operation and servicing of the proposed commercial uses. This is particularly important having regard to the high density of the development and proximity of residential uses to commercial uses. It is however recognised that a balance needs to be reached between creating conditions in which businesses can viably operate within and safeguards to protect residential amenity. It is also considered that a comprehensive Construction Environmental Management Plan (CEMP) should be secured via planning condition to secure the full details of how construction activities would be undertaken on site to ensure that the amenities of any nearby occupiers would be appropriately protected.

Sustainability

- 7.12 Low environmental impact is a key aim of the Upton development. The Design and Access Statement indicates a range of sustainability criteria to improve the environmental performance of the development. All RSL and private sale units will meet Level 4 of the Code for Sustainable Homes and commercial buildings will attain a BREEAM rating of excellent. These proposals will meet the requirements of the Upton Design Code and Joint Core Strategy Policy S10: Sustainable Development Principles. Section 106 obligations have been imposed through the previous planning permission to ensure that the agreed levels are attained.

Affordable Housing

- 7.13 The approved planning requirement for Sites F and G was for 35% affordable housing with a 70% social rent/30% shared ownership split. The original S106 agreement also made provision for agreement by the

Local Planning Authority to proposed alternative tenure/dwelling mixes. In relation to the F and G development as a whole, 6 additional dwellings are now being provided which in affordable housing policy terms means an additional 2 affordable units being required across the site.

Legal Agreement

- 7.14 The previous applications for Sites F and G have already delivered a significant amount of infrastructure secured through Section 106 agreements.
- 7.15 Having regard to the fact that the previous S106 agreements for Sites F and G will meet the majority of the demands in terms of planning obligations a requirement for this current application is that it should be linked to the previous S106.
- 7.16 In addition, amendments to Block 2 have resulted in an additional 3 x one bed and 3 x two bed apartments over and above the original approved planning application which in affordable housing policy terms means that an additional 2 affordable dwellings should be secured.
- 7.17 NHS England has also requested that a contribution of £28,198 be made towards primary care provision. As this was not covered by the original S106 this should now be secured. An alternative put forward to the developers is for the provision of a room within the extra care facility for a doctor to attend.
- 7.18 As such the S106 agreement should link to the existing S106 relating to Sites F and G (Application No. 11/0046/FULWNN) dated 28 March 2012 to cover the following heads of terms:
- Residential Standard Charge
 - Affordable Housing
 - Interpretation Centre Contribution
 - Residential Travel Plan
 - Public Art Contribution
 - Construction Training Contribution
 - North East Square Scheme
 - Sustainability
- In addition to the previous S106 there is a requirement for:
- Contribution towards GP services or the provision of room within the extra care facility for a GP to attend.

- Council's Monitoring Fee
- A clause stating that if planning permission 11/0046/FULWNN is implemented including block 2 then the current application, N/2014/0137, cannot be implemented and vice versa.

8. CONCLUSION

- 8.1 The proposed amendment to block 2 is considered to be acceptable and would have no additional impact when compared with the previously approved scheme. The proposed development is of a scale, density, layout and design that meets the aims and aspirations of the Upton Design Code. The proposed retail and commercial premises will function as a local centre and are of a scale that is appropriate to serve the Upton development and the housing development will contribute to towards the established housing need in Northampton.
- 8.2 The proposal is therefore in accordance with National Planning Policy Framework and Policies E19, E20, E40, H1, H4, H16, H17, H32 and R11 of the Northampton Local Plan and Policies S3, S9, S10, C1, RC2, H1 and H2 of the Submitted West Northamptonshire Joint Core Strategy.

9. 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.

2. The development hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Details and/or samples of all proposed facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

4. 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 and 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 a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

5. A minimum of 10% of the affordable units 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, full details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: To ensure a satisfactory standard of development in accordance with National Planning Policy Framework and Policy H17 of the Northampton Local Plan.

6. Prior to occupation of the development hereby approved full details of electronic gates to secure the parking court/pedestrian routes, including details of appearance, means of operation and management /maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall be provided prior to the first occupation of the development. The gates shall be operated and managed /maintained in accordance with the approved details and retained thereafter.

Reason: In the interests of security and to ensure compliance with the Upton Design Code in accordance with National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

7. A lighting scheme for the parking court and rear access areas shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details prior to the first occupation of any development within the relevant development area.

Reason: In the interests of security in accordance with National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

8. 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 how existing trees adjacent to the site shall be protected during the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with National Planning Policy Framework.

9. 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 development 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 in accordance with Policy E20 of the Northampton Local Plan.

10. Notwithstanding the details submitted, full details of the cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of any development within the relevant development area and retained thereafter.

Reason: In the interests of encouraging more sustainable means of travel in accordance with the requirements of National Planning Policy Framework.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Stewart and Harris 10255 Rev D dated 30 June 2011 and the following mitigation measures detailed within the FRA:

- Minimum finished floor level of 63.5m
- 885m³ of onsite surface water attenuation
- 1600m³ of surface water attenuation within Duston Mill Reservoir

The mitigation measures shall be fully implemented prior to occupation of the development proposed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the requirements of the National Planning Policy Framework.

12. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme of phasing for the provision of mains foul sewage infrastructure on and off the site has been submitted to and approved in writing by the Local Planning Authority. No building 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 National Planning Policy Framework.

13. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been in accordance with the surface water management strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with National Planning Policy Framework.

14. Development shall not commence on any phase of development until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include, but not be limited to, details of the intended hours of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities and routing arrangements for construction traffic) and the location of waste management and site compound areas within the site.

Reason: To ensure that appropriate consideration is given to environmental assets and safeguard the amenities of the locality in accordance with National Planning Policy Framework.

15. The Extra Care Facility hereby approved shall operate as a residential care facility and for no other uses within Class C2 of the Town and Country Planning (Use Classes) Order 1997, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to retain sufficient control over the uses and in the interests of residential amenity and highway safety in accordance with National Planning Policy Framework and Policies E19 of the Northampton Local Plan.

16. The convenience store (Use Class A1) hereby permitted shall not extend beyond the curtilage shown on the approved drawing no.3077(1)10a and shall not extend into or be amalgamated with the adjacent units (Retail 01, 02 and 03).

The approved retail units and kiosks (Use Class A1) shall not be amalgamated with each other and shall not individually exceed the floorspace details on the shown on approved drawing no. 3077(1)10a.

Reason: To enable the Local Planning Authority to protect the vitality and viability of the primary shopping area in accordance with National

Planning Policy Framework, Policy R11 of the Northampton Local Plan and Policy S9 of the JCS.

17. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise in relation to any commercial premises, whether from fixed plant or equipment and the provisions to be made for its control. The agreed scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

18. Before the café/restaurant development (Use Class A3) hereby permitted commences, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that provides sound insulation between the development and the residential accommodation located above and the means to control noise levels within the building. The agreed scheme shall be implemented in full prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of residential amenity in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

19. Prior to the first occupation of each of the commercial premises hereby permitted, suitable opening times for each commercial premises shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter each commercial premises shall operate within the approved opening times.

Reason: In the interests of residential amenity in accordance with NPPF and Policy E19 of the Northampton Local Plan.

20. Deliveries to or collections from any of the commercial premises hereby approved shall not take place before 08.00 or after 20.00 hours on any one day.

Reason: In the interests of residential amenity in accordance with National Planning Policy Framework.

21. Prior to the occupation of the restaurant/café hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority that specify the provisions to be made for:

- i) The collection, treatment and dispersal of cooking odour
- ii) The ongoing maintenance of the odour abatement plant

- iii) The provisions to be made for the collection, treatment and disposal of fats, oils and grease (by the provision of grease interceptors to BS EN 1825:2002 standards) and the maintenance of the plant.

Reason: In the interest of general amenity in accordance with National Planning Policy Framework.

- 22. Within the submitted schemes as detailed in Condition 21 above the applicant shall provide a detailed smell risk assessment under Annex C of the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems and the information set out in Annex B of the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Extract systems: The Information Required to support Planning Application, paragraph 10. The agreed schemes shall be implemented in full prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory of development in accordance with National Planning Policy Framework.

- 23. 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 in full prior to the development first coming into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory of development in accordance with National Planning Policy Framework and Policy E19 of the Northampton Local Plan.

- 24. Noise mitigation measures which cover glazing and ventilation specifications shall be carried out in accordance with the details contained within the Noise Impact Assessment dated 14th February 2014 (report no.10036-1r1) prior to the occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of National Planning Policy Framework.

- 25. Full details or security measures to be incorporated into the design of the Extra Care Facility shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with the requirements of National Planning Policy Framework and Policy E40 of the Northampton Local Plan.

10. BACKGROUND PAPERS

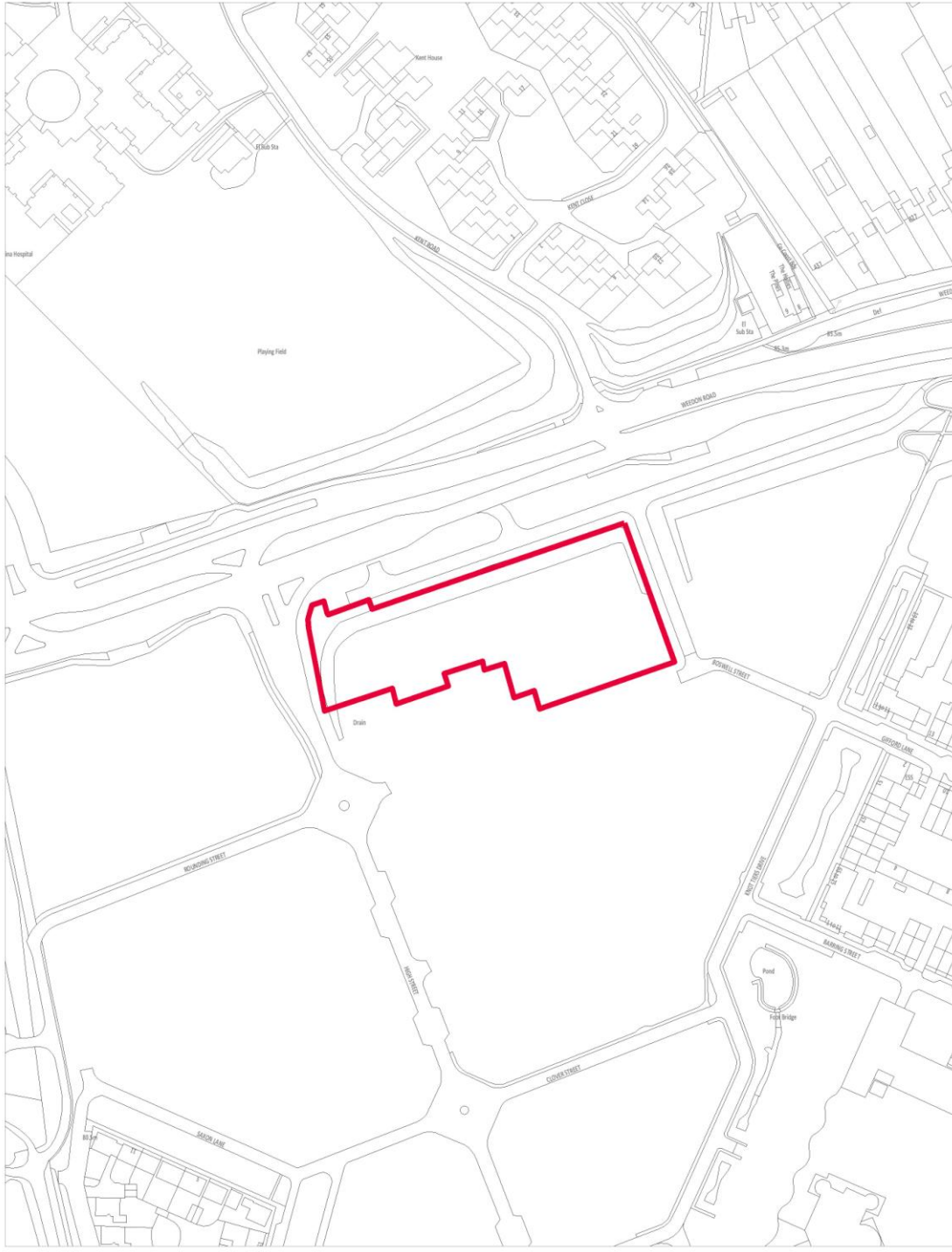
10.1 11/0046/FULWNN, Upton Design Code

11. LEGAL IMPLICATIONS

11.1 None.

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 May 2014**
Scale: **NTS**
Dept: **Planning**
Project: **Committee**

Title
High Street, Upton

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