



**PLANNING COMMITTEE:** 30<sup>th</sup> September 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0629:** Erection of 54 dwellings of mixed type and tenure; a new foodstore with 90 customer car parking spaces; a new signalled highways access junction on Kingsthorpe Road at Former Grose Motors site, Kingsthorpe Road

**WARD:** Semilong

**APPLICANT:** Mulberry Property Developments Ltd  
**AGENT:** Mr R. Riding; Pegasus Group

**REFERRED BY:** Director of Regeneration, Enterprise and Planning

**REASON:** Major development requiring a legal agreement

**DEPARTURE:** Yes

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** for the following reason:

The proposed development would result in the delivery of residential accommodation whilst the proposed retail unit would have a neutral impact upon the viability and vitality of the hierarchy of centres within Northampton. In addition all elements of the proposal would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal therefore complies with the requirements of the National Planning Policy Framework and Local Plan Policies E19, E20, E40, H7 and T12.

**1.2** The prior completion of a Section 106 Legal Agreement to secure:

- i) A financial payment to fund highways improvements at the junction between Kingsthorpe Road and Mill Lane adjacent to the Cock Hotel; and/or the Kingsthorpe Road corridor to Regents Square;
- ii) A payment to fund the maintenance of new bus shelters;
- iii) 35% affordable housing on site;
- iv) A payment for the provision of health care;
- v) A payment for the provision of education facilities;
- vi) A payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;
- vii) Construction worker training opportunities; and
- viii) The Council's monitoring fee.

1.3 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 Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his 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.

## **2. THE PROPOSAL**

2.1 The application seeks full planning permission to erect 54 dwellings comprising 32 two bedroom houses; 20 three bedroom houses and 2 one bedroom flats. The application also includes the provision of a new supermarket, which would have a floor space of 1,534 square metres, of which 1,140 square metres would be used for the display and sale of goods. The application identifies that the retail unit would be occupied by an Aldi store.

2.2 The residential development would be served by 102 car parking spaces (including garages), whilst the retail store would feature 90 car parking spaces, including 7 dedicated spaces for use by customers with disabilities.

2.3 Access to the development would be from Kingsthorpe Road, with a new signalised junction being installed. The proposed development would also include various elements of landscaping and drainage attenuation works.

## **3. SITE DESCRIPTION**

3.1 The site had a number of buildings that were associated with the sale and repair of cars. This use ceased earlier in 2013, with the majority of buildings being demolished during the spring of that year. The site has

currently been secured by a number of wooden hoardings. A petrol filling station remains operational.

- 3.2 The surrounding land uses include various dwellings to the east and west (in Kingsthorpe Road and Studland Road) and commercial activity to the west. Retail developments are located to the south of the site and a school and parkland to the north. The application site is located approximately 400m south of the Kingsthorpe Centre, which contains two supermarkets (Waitrose and Asda) and is approximately 1,300m north of the town centre. The site is also 1,000m north of the former Barrack Road Sorting Office, for which planning permission has been granted for a supermarket.
- 3.3 The site is directly adjacent to Kingsthorpe Road, which serves as one of the main routes into the town centre. The site is approximately 360m south of the Cock Hotel Junction.
- 3.4 The site and those areas to the west are allocated in the Northampton Local Plan as being an existing business area. The remainder of immediate vicinity is either unallocated or allocated for residential use.

#### **4. PLANNING HISTORY**

- 4.1 N/2013/0197 – Prior notification of demolition – Approved and implemented
- 4.2 N/2013/0170 – Application for a new foodstore with ancillary office accommodation; petrol filling station; on-line delivery service; service area and recycling centre; new signalled highway access junction; highways infrastructure and utilities; car parking spaces and landscaping – Approved and unimplemented.

#### **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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and the Northampton Central Area Action Plan. Whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

##### **National Planning Policy Framework (NPPF)**

- 5.2 The NPPF (paragraph 21) states that town centres should be the heart of communities and that there should be an appropriate level of retailing in the centre in order to meet the needs of the locality. Paragraph 24 of the NPPF requires that the consideration of

applications for town centre uses (which includes retailing) should include a sequential assessment, covering available town centre and edge of centre sites.

- 5.3 Separate to the outcomes of the sequential assessment, the NPPF (in paragraph 26) requires that any retail development with an area in excess of 2,500 square metres should be accommodated by an impact assessment. This should include the impact of the proposal on existing, committed and planned in centre investment and the impact of a proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 5.4 Paragraph 27 requires that town centre uses that do not pass the sequential assessment or would be likely to have a significant adverse impact upon centre viability and vitality should be refused.
- 5.5 In addition to the assessment of the above matters, the NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.
- 5.6 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.
- 5.7 Of particular note to residential proposals is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
- 5.8 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17).
- 5.9 Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that

new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

#### **Northampton Central Area Action Plan (CAAP)**

- 5.10 The application site is not situated in the Central Area; however, Policy 12 of the CAAP identifies a primary shopping area and for this to become the prime focus for retailing in Northampton. Policy 11 states that developments for town centre uses (such as retailing) should be subject to an impact assessment when the quantum of development is in excess of 1,000 square metres. Policy 14 of the CAAP also requires that an additional 40,700 net square metres of comparison retailing and 3,000 net square metres of convenience retailing be provided in the Central Area during the plan period up to 2026.

#### **Northampton Local Plan**

- 5.11 By reason of its age, the majority of the policies in the Local Plan pertaining to retail provision have not been saved. Nonetheless, Appendix 15 provides a schedule of 66 recognised shopping centres (outside of the town centre) but does not distinguish between any of these in terms of scale or hierarchy. This list of centres is relevant to the sequential assessment of the proposed development.
- 5.12 Policy B14 seeks the retention of allocated business sites for employment purposes (Use Classes B1, B2 and B8) unless it can be demonstrated that the proposed redevelopment would generate significant employment and community benefits.
- 5.13 Of additional note, Policy E19 requires that new developments offer sufficient mitigation against its impacts; Policy E20 states that new buildings should be of an appropriate design; Policy E40 requires that new developments pay sufficient regard to minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.
- 5.14 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

#### **Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy**

- 5.15 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 as it has been prepared in

full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited

- 5.16 Policy S2 of the submitted JCS identifies Northampton as performing the role of a regional town centre and allocates Kingsthorpe and Weston Favell as being district centres. The same policy also allocates Far Cotton, Kettering Road, St James and Wellingborough Road as being local centres. The policy also requires that the viability and vitality of these centres should be maintained.
- 5.17 Policy S9 of the JCS reiterates the sequential approach in the location of retail developments and requires that an impact assessment is carried out for developments with a floor space in excess of 1,000 square metres.
- 5.18 Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.19 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.20 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

#### **Supplementary Planning Guidance**

- 5.21 Affordable Housing  
Developer Contributions  
Parking  
Planning out Crime

## **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request conditions in respect of drainage.

- 6.2 **Environment Agency** – No objections in principle, but request conditions relating to the investigation and remediation of contamination.
- 6.3 **Environmental Health (NBC)** – Recommend conditions with respect to contamination, light and noise. Separate controls over noise, operating hours and delivery times should be secured.
- 6.4 **Development Management (NCC)** – Request financial contributions, through the Section 106 Agreement, towards the provision of education, the fire and rescue service and the library service. Additional fire hydrants should also be secured.
- 6.5 **Highways Agency** – No objections.
- 6.6 **Highway Authority** – An acceptable Transport Assessment has been submitted. Some revisions are requested including amendments to the design of some driveways and footpaths. Section 106 obligations are requested in respect of improvements to the adjacent road network and the provision of bus shelters.
- 6.7 **Housing Strategy (NBC)** – The development proposes 35% affordable housing, which is acceptable. 70% of these should be for affordable/social rented tenures and 30% intermediate home ownership. The design of the development indicates that more than 10% would be constructed to mobility standards.
- 6.8 **Nene Valley Nature Improvement Area** – No objections.
- 6.9 **NHS England** – Request a Section 106 obligation towards the provision of health care within the vicinity of the site. This is required as doctors surgeries are operating at capacity within the surrounding area.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor** – The car parking area for the supermarket should be covered by CCTV. Amendments should be sought to the scheme to improve surveillance.
- 6.11 **Urban Designer (NBC)** – The design of the supermarket is acceptable and the matters relating to the design of the residential properties have been addressed.
- 6.12 **Cllr. S Beardsworth** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park.
- 6.13 **County Councillor S. Uidall** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park.
- 6.14 **Queens Park Residents Association** – Request that a Section 106 Agreement is entered into that would provide improvements to the nearby park as the proposed development is likely to increase usage.

- 6.15 Six letters of objection have been received. Comments can be summarised as:
- Parking levels for existing residents would be adversely affected.
  - The development will adversely affect the flow of traffic within the area. Kingsthorpe Road already suffers from a high level of usage and congestion.
  - Access to the development should be via Thornton Road/Studland Road, where existing junctions are in place.
  - The noise levels associated with this development will be very intrusive.
  - The new access will adversely affect privacy levels.
  - The dwellings on the northern side of the site would adversely impact upon the privacy of the adjoining school. Some of these dwellings are tall, which would lead to further impacts.
  - There is the possibility of unauthorised access to the rear of the store building.
  - An additional supermarket is not required in this area.
- 6.16 One letter of support has been submitted, which states that the current application is a suitable and appropriate use for the site. Furthermore, the current vacant site has an adverse impact upon safety.
- 6.17 Additional information has been submitted to address the points raised in paragraphs 6.6 and 6.10. An update to these matters will be provided to members via means of an addendum, which will be circulated prior to the meeting commencing.

## **7. APPRAISAL**

### **Principle of the development**

- 7.1 In light of the established need for residential accommodation within Northampton, it is considered that the provision of an additional 56 units is an acceptable form of development. Notwithstanding this, it is recognised that the site is allocated within the Local Plan as being a location for employment uses and clearly, the introduction of residential accommodation would be contrary to this policy requirement. However, this Local Plan policy is exceedingly dated and as discussed within paragraph 5.7 in instances such as this, the NPPF requires that applications are determined on the basis of whether they represent sustainable development.
- 7.2 On account of the site's proximity to a major road (which serves as a link into the town centre) that includes public transport links and an existing local centre, it is likely that residents of the new development would have ready access to a range of employment, leisure and commercial facilities, the site is sustainably located. Furthermore, the development would assist in bringing back into use a prominent and vacant previously used site. In addition to these points, a mixture of



house types would be provided, of which 35% would be affordable and 10% constructed to mobility standards. Therefore a broad mixture of housing and tenures would be provided in line with the requirements of the NPPF. As a consequence of this, it is considered that the residential development would be sustainable and as a consequence, this departure from the Local Plan is acceptable.

7.3 The NPPF requires a five year housing land supply to be demonstrated and at present, Northampton does not have such a supply. Accordingly, the relevant Local Plan Policies are considered to be out of date and as a consequence can only be given a comparatively small amount of weight in the determination of this application. Given that the development would provide additional housing, it therefore follows that the proposed development would make a contribution to the established housing need within the Borough (as identified by JCS Policy S4). The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions). It is considered that due to the prevailing character of the site and surroundings and its lack of specific allocation in the JCS, the development of housing within the site contributes to meeting this objective.

7.4 It should also be recognised that the retail unit is also contrary to the Local Plan requirements. However, Local Plan Policy B14 permits such departures in instances when significant employment and community benefits would be generated. The submitted documentation details that 40 full time employment opportunities would be generated in the retail unit. The proposal would create some community benefits in terms of increased consumer choice and redeveloping a disused site. Furthermore, it should be recognised that the previous use of the site (comprising a composite of car sales, car repairs and fuel sales) did not fall in Use Classes B1, B2 or B8. As a consequence, the proposed development is acceptable in the context of Policy B14. In addressing this point, considerable weight also needs to be given to the fact that there remains an extant permission for retail development of this site.

### **Retail impact**

7.5 Irrespective of this proposal being acceptable in pure land use terms, it is necessary to assess the potential impacts of the development upon the viability and vitality on the existing hierarchy of centres within Northampton.

7.6 In assessing retail proposals, regard should be paid to the NPPF as this provides the criteria against which such proposals should be assessed. The NPPF requires applicants for out of centre retail development to submit an impact assessment covering the following:

- i) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 7.7 In addition, applicants are required to undertake a sequential assessment of alternative sites either in, or on the edge of established centres. Where an application fails to satisfy the sequential test, or would have a significant adverse impact on one or more of the factors referred to above, the NPPF states that it should be refused.
- 7.8 It is accepted that there is a policy need to increase the level of convenience goods retailing in Northampton; however, it should also be recognised that some of the planned growth in retail provision has already been accounted for through the granting of previous permissions, some of which have been implemented. This includes an extant permission on this site for the erection of a store with a floor area of 4,518 square metres, of which 2,993 square metres would have been used for the display and sale of goods. The current application cannot be implemented in conjunction with the previous approval and as a result of this store being smaller than the extant scheme, it therefore follows that the impacts of this development would be no greater than the level previously deemed acceptable. In addition, the proposed store would be predominantly be used for the display and sale of convenience goods. This type of retailing would not generally compete with the retail offer within the town centre.
- 7.9 In sequential terms, the applicant has considered that potential to accommodate the proposed store within the allocated centre at Kingthorpe; however, there are no available sites to accommodate to the proposed store. At the request of the Council, the sequential assessment has been extended to include the town centre and other district/local centres.
- 7.10 In terms of the town centre, Policy 14 of the CAAP identifies two town centre sites (Abington Street East and College Street/the Drapery), as being suitable for retail development. However, the plan period for bringing these sites forward for redevelopment is 2021-2026. As a consequence of this, they can be discounted from the sequential assessment due to a lack of availability.
- 7.11 The applicant has considered the potential for located the store within the Greyfriars site. Whilst the intention is to develop this site to improve the town's retail and leisure offer, plans for this redevelopment are at a comparatively early stage, with the Council currently undertaking public consultation regarding the future use of the site. As a consequence of this, it can be argued that as this specific point in time the Greyfriars site does not represent a sequential more preferable site as the level of

convenience retailing (if any) that would be accommodated within this location is yet to be established. Obviously this conclusion will need to be reassessed as and when future applications for retail developments are submitted.

- 7.12 The applicant has also considered locating the proposed store within the existing Primark unit in Abington Street, which is shortly to be vacated. However, this has been discounted on the grounds that there is no direct link between the front of the store and the nearest public car park. Furthermore, the car park would not be for the exclusive use of supermarket customers. For these reasons, it is considered that this site can be discounted from the sequential assessments. As a consequence of these conclusions, it is considered that all potential town centre sites have been considered.
- 7.13 The applicant has considered the possibility of locating the development within other centres in Northampton. Of these, St James can be discounted on account of there already being an Aldi store within this location. As such, it would not be considered viable for a further store to operate in such proximity. The centre at Weston Favell can also be discounted as the named operator has a store within 900m of this centre.
- 7.14 The applicant has assessed the potential of siting the store in the centres at Mereway and Far Cotton; however, these centres have been discounted due to the absence of suitable and available sites.
- 7.15 In conclusion, it is considered that at this present time there are no sequential preferable sites to accommodate the proposed development, which when combined with the conclusions on retail impact as set out previously, the principle of a retail development of the quantum and type proposed is acceptable. In order to provide certainty regarding the future impacts of the retail unit, conditions are recommended that would place a threshold on the maximum amount of floor space that would be used for the display and sale of goods and the proportions of this figure that would be used for the display and sale of convenience and comparison goods.
- 7.16 Separate to these matters, a condition preventing the subdivision of the store is necessary and reasonable. It is noted that stores similar to the type proposed within this application have been subject to conditions requiring their use only as a 'limited assortment discounter'. In this specific instance, as an extant permission for a supermarket stocking a wider array of convenience goods exists, such a condition would be unreasonable.

### **Design and appearance**

- 7.17 The design of the proposed retail unit is of a modern design that makes a positive contribution to the visual amenity of the surrounding area

and is suitable for being located adjacent to a major route into the town. The building features a variety of materials – primarily render and bricks – which would assist in breaking up the massing of the building and adding interest into the streetscene. The substantial use of glass within the building frontage allows a clear line of sight into the building, which creates further interest and activity to this prominent elevation. As there is a wide mixture of building types within the area, it is considered that the contemporary design approach is appropriate.

- 7.18 The store has been designed to enable the plant and servicing areas (including deliveries) to be situated either towards the rear or side (northern) elevations. This prevents any significant views of these elements of the proposals from being formed, which is of importance due to the possibility of such items having a negative impact upon the visual amenity of the wider area.
- 7.19 The store would have maximum height of 5.5m, which would ensure that the building harmonises with its surroundings to some degree on account of the general low level form of development within the vicinity of the site.
- 7.20 The development includes 90 car parking spaces for use by the retail unit. This provision is acceptable given the scale and location of the store. The development has been designed in such a way so as to ensure that these spaces would benefit from a high level of natural surveillance due to the proximity of these spaces to the road and the main entrance of the store.
- 7.21 The proposed retail unit also includes cycle storage that would be situated adjacent to the store's entrance. It is likely that due to the convenience of this feature, more sustainable means of travel would be encouraged. A condition is recommended that would ensure that this storage is provided prior to the store first coming into use.
- 7.22 The proposed residential units are of a comparatively simple design, but contemporary design, which ensures that the development forms its own distinctive character which is of importance due to the mixture of house types within the surroundings of the site and the size of the development proposed. . The palette of proposed materials will include a mixture of brick types and renders, which would ensure some variety in appearance, which is necessary due to the scale of the development. Furthermore, a number of units would include areas of cladding that would serve to highlight key elevations and add interest to the streetscene of the development. For these reasons, it is considered that the development would have a neutral impact upon visual amenity.
- 7.23 All of the houses have a sufficient private garden space and are situated in such a way so as to ensure a satisfactory level of light, privacy and outlook for future residents. It is noted that boundary treatments are of importance in creating a safe and attractive

development and a condition is recommended that would enable the Council to approve these details.

- 7.24 The design of development is sufficient to prevent any significant loss of amenity to the occupiers of neighbouring properties. Details of land levels, which can have a bearing on this will be submitted to the Council by condition.
- 7.25 It is noted that some concerns have been raised by the neighbouring school regarding the height of two of the units (plots 39 and 40, which are situated to the north of the site) and the potential for overlooking from the dwellings adjacent to the northern boundary. In response, as the two taller dwellings are only an additional 0.5m higher than the remainder of dwellings within this section of the site, there would not be a significant impact upon the adjoining school. In terms of privacy levels, it is considered that due to the fenestration pattern, the differences in land levels and the new boundary treatments that would be installed on this boundary; there would be no undue loss of privacy to the school. In order to provide certainty of this factor in the future, a condition is recommended that would remove permitted development rights for the insertion of additional windows within the northern elevations of these units.
- 7.26 The proposal includes the erection of some dwellings in comparatively close proximity of the commercial building to the south of the site. This is appropriate as it allows for the development of the site to be carried out in a more efficient manner and a satisfactory level of amenity would be secured for the future residents of the development by reason of the bespoke design that has been utilised on some units, the general layout of the development and the differences in land levels. In order to ensure that this development does not prejudice the future operation of the existing commercial unit, a condition is also recommended that would remove permitted development rights for additional windows for selected units.
- 7.27 The applicant has revised the scheme during the application process in order to re-site the dwellings that were to be originally accessed from Studland Road. The positions of these dwellings have been revised so that they are now orientated towards the internal access road and the new pedestrian route that would run from Studland Road to Kingsthorpe Road. This amendment assists in the creation of a more integrated proposal as well as improving the safety of the pedestrian routes, which responds to the comments previously made by Northamptonshire Police.
- 7.28 As discussed previously, the residential accommodation would incorporate a total of 102 parking spaces. The bulk of these would be situated within the curtilage of the associated dwelling. The parking spaces that are not in curtilage are grouped together within central areas that are readily overlooked by a number of dwellings. These

arrangements are sufficient to ensure that the parking areas would be safe and readily used. The layout of the development would include a variety of surface treatments for the parking areas, which ensures interest within the streetscene and is an effective means of delineating public and private spaces.

### **Highway considerations**

- 7.29 This proposed parking provision is acceptable given the scale of the proposals. Conditions are recommended that would require these spaces to be provided prior to the first bringing into use of each respective phase of the development.
- 7.30 The scheme has been revised in order to improve highway safety and visibility within the development. As a consequence of this, it is considered that the development would have a neutral impact upon highway safety. A signalised junction would be provided in Kingsthorpe Road, which would ensure adequate and safe access for vehicles. A condition is recommended that would require the full details of the technical specification of this junction to be approved by the Council prior to works taking place.
- 7.31 It is noted that Kingsthorpe Road features a significant amount of traffic. However, the traffic impacts of this development are likely to be less than the extant scheme and therefore the proposal is acceptable within this regard. Nonetheless, it is accepted that there would be an increase in the total level of traffic using the surrounding network should this development proceed, which should be mitigated. Accordingly, a Section 106 obligation is recommended that would result in a contribution towards the Highway Authority's planned programme of upgrades between Regent Square and the Cock Hotel Junction. This programme of works is designed to reduce congestion and improve journey times. Works are designed to reduce congestion and improve journey times. Therefore, on balance, the proposed development would have a neutral impact upon highway capacity.
- 7.32 The development would also result in the provision in new bus shelters on Kingsthorpe Road. Funding for the on-going maintenance of these shelters would be secured through the Section 106 Agreement. A condition is recommended that would secure the submission of a Travel Plan to encourage more sustainable means of travel. This would also assist in mitigating any air quality impacts arising from the development.

### **Noise, disturbance and potential land contamination**

- 7.33 The extant permission is unrestricted in terms of opening times and features comparatively lenient times for deliveries. As residential accommodation will be constructed in closer proximity to the store than

has previously been the case, more detailed conditions covering these matters are necessary and reasonable.

- 7.34 In terms of disturbance, further conditions requiring a scheme for the mitigation of noise from the retail unit (e.g. from plant and equipment) and details relating to the usage and type of external lighting within the car parking and vicinity of the store are also required. The proposal also includes acoustic fences, which would offer some mitigation to the new dwellings from the retail unit.
- 7.35 In order to mitigate any adverse impact that the construction process would have upon the occupiers of neighbouring properties, a Construction Environment Management Plan will be submitted prior to the commencement of each phase of the development. This would include matters such as the times in which construction works would take place, strategies for the suppression of dust and noise and procedures for washing the wheels of vehicles when leaving the site.
- 7.36 The development has been assessed by the Environment Agency, which has raised no objections to the development taking place subject to conditions relating to the investigation into and mitigation of any contamination that may be within the site.

### **Legal Agreement**

- 7.37 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations 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.
- 7.38 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.
- 7.39 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards the provision of primary and secondary school education within the vicinity, improvements to public open space, the health service and construction worker training opportunities. These matters address on going shortages of provision within the vicinity of

the application site that would be further exacerbated if this development to proceed without the legal obligations.

7.40 As discussed in paragraph 7.26, the Section 106 Agreement would also secure enhancements to the Kingsthorpe Road transport corridor and the maintenance of new bus shelters. This would mitigate the transport impacts of the proposed development, in addition to encouraging more sustainable means of travel.

7.41 The County Council has also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured needs would be addressed by this obligations. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.

## **8. CONCLUSION**

8.1 In conclusion, it is considered that the proposed development represents a suitable reuse of this prominent vacant site. The residential development would contribute towards meeting the established need for housing within Northampton, whilst it has been demonstrated the retail unit would not harm the viability and vitality of the hierarchy of centres within Northampton. It has also been demonstrated that the proposal would not adversely impinge upon the amenities of surrounding properties and is of a good standard of design. Further mitigation would be secured via conditions and the associated Section 106 Agreement.

## **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 ensure conformity with the Planning Application.

3. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:



- (i) A preliminary risk assessment, which has identified:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources; and
  - pathways and receptors of potentially unacceptable risks arising from contamination at the site
- (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and detailed risk assessment to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set in the remediation strategy in (iii) are complete identifying any requirements of longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

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

- 4. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the installation of underground tank(s). The scheme shall include the full structural details of the excavation, the tank(s), tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented prior to the first use of the development hereby permitted and retained thereafter.

Reason: To protect controlled waters in accordance with the requirements of the National Planning Policy Framework.

- 5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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 the National Planning Policy Framework.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration. Soakaways should not be located in areas of potential contamination. This is to ensure accordance with the requirements of the National Planning Policy Framework.

7. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development 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.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

8. No development shall take place until further details of the site access to Kingsthorpe Road has been submitted to and approved in writing by the Local Planning Authority. The further details shall provide particulars of the new pedestrian crossings, signalised junction; improvement works on Kingsthorpe Road, details of the bus stops and shelters, and details of any retaining structures. The development shall be carried out in accordance with the approved details in accordance with a programme of implementation that is subject to the written approval of the Local Planning Authority.

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

9. Notwithstanding the details submitted, full details of the reinstatement of vehicular crossovers to footway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, fully implemented prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

10. Notwithstanding the details submitted, full details of the surface treatments to the car park, access roads and pedestrian routes serving the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

11. Prior to the first occupation of the retail development hereby permitted, the following works shall be fully implemented:
- Footway connections and vehicular access between the store and Kingsthorpe Road in accordance with drawing 17192/10001C; and
  - The car park circulating aisles, the car parking spaces and parking spaces for those with disabilities and parent and child priority.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the retail unit hereby permitted and retained for their designated use throughout the life of the development.

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

12. Prior to the commencement of the development of the retail unit, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- The control of noise and dust during the development process;
  - Traffic management and signage during construction;
  - Enclosure of phase or sub-phase development sites;
  - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
  - Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
  - The safe means of access of construction traffic to the site;
  - Routing agreement for construction traffic; and
  - Hours of operation of building works.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

13. Details and/or samples of all proposed external facing materials for the retail unit 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.

14. Full details of the method of the treatment of the external boundaries of the retail unit shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the unit 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.

15. 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 retail unit and associated car park, manoeuvring spaces and access road. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

16. All planting, seeding or turfing comprised in the approved details of landscaping approved pursuant to Condition 15 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 in accordance with Policy E20 of the Northampton Local Plan.

17. Notwithstanding the details submitted, any external plant and equipment serving the retail unit shall meet  $L_{Aeq}$  of at least 6dB below the minimum background level ( $L_{A90, 1 \text{ hour}}$ ).

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in the National Planning Policy Framework.

18. The acoustic noise barriers as shown on drawings 17192/1001c and 17192/100 shall be fully constructed prior to the first occupation of the retail unit hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise in accordance with the advice contained in the National Planning Policy Framework.

19. Notwithstanding the information submitted, full details of the proposed cycle storage to serve the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the store hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policies E20 and E40.

20. Notwithstanding the details submitted, full details of CCTV covering the retail unit site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development hereby permitted being first brought into use and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in line with the requirements of Policy E40 of the Northampton Local Plan.

21. Notwithstanding the details submitted, full details of the position and specification of the proposed external lighting (including hours of usage) for the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the amenities of neighbouring properties in accordance with the requirements of the National Planning Policy Framework.

22. Prior to the first occupation of the retail unit hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

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

23. The retail unit hereby permitted shall only be open to customers between the hours of 8am and 10pm on any day on Mondays to Saturdays and 10am and 5pm on Sundays.

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

24. Deliveries shall only be made to the retail unit hereby permitted between the hours of 6.30am and 10pm on any one day on Mondays to Saturdays and 8.30am and 5pm on Sundays.

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

25. The net sales area of the retail store shall be limited to a maximum of 1,140 square metres. Of this floor space, no more than 912 square metres shall be used for the display and sale of convenience goods and no more than 228 square metres shall be used for the display and sale of comparison goods.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

26. The retail store hereby permitted shall not be sub-divided to form more than one retail unit.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of centres in accordance with the National Planning Policy Framework.

27. Prior to the commencement of the development of the residential units, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and

- Hours of operation of building works.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

28. Details and/or samples of all proposed external facing materials for the residential units 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.

29. Full details of the method of the treatment of the external boundaries and individual plot boundaries of the residential development shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the development 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.

30. Prior to the first occupation of the residential development hereby permitted, the following works shall be fully implemented:

- Footway connections and vehicular access between the store and Kingsthorpe Road and Studland Road in accordance with drawing 17192/10001C.

All vehicle parking spaces, access roads, circulation space and footways shall be fully implemented prior to the first use of the residential development hereby permitted and retained for their designated use throughout the life of the development.

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

31. 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, including surface treatments for roads, parking areas and driveways for the residential development. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

32. All planting, seeding or turfing comprised in the details of landscaping approved pursuant to Condition 31 shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the northern elevation of the proposed units on Plots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 as shown on drawing 17192/10001c.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the southern elevation of the proposed units on Plots 2 and 3 as shown on drawing 17192/10001c.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

35. Notwithstanding the details submitted, full details of the refuse storage of the flats (Plots 24 and 25 as shown on drawing 17192/10001c) 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 shall be fully implemented prior to the first occupation of Plots 24 and 25 and retained thereafter.

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



36. Notwithstanding the details submitted, full details of the type of glazing and ventilation to Plots 42, 43, 44, 45, 46 and 47 (as shown on drawing 17192/10001c) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of the relevant dwellings and retained thereafter. Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

Informative Notes:

- i. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods.
- ii. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services

**10. BACKGROUND PAPERS**

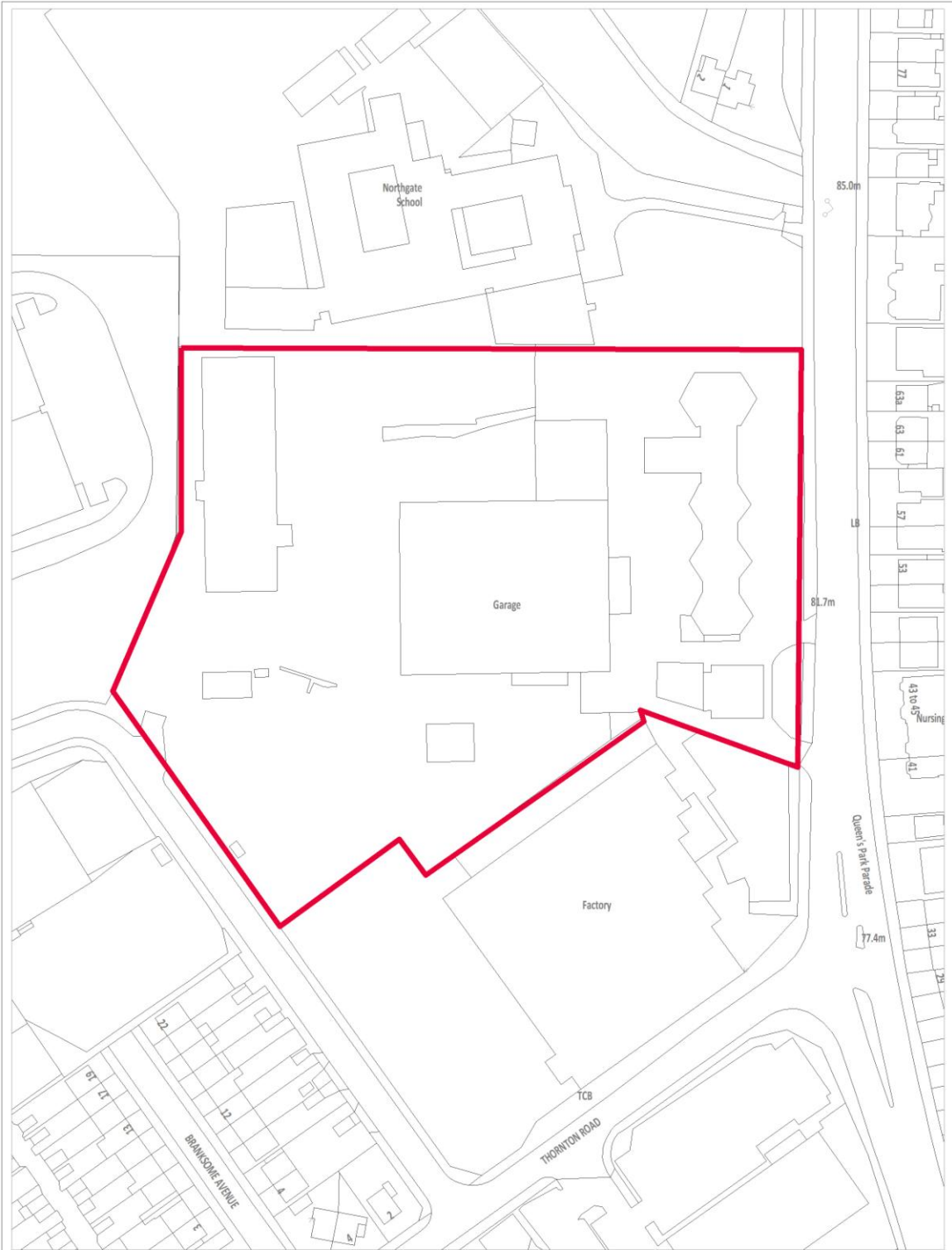
- 10.1 N/2013/0170 and N/2014/0629

**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: Location Plan  
 Date: 15th September 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**W Grose Ltd, Kingsthorpe Road**

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