

Addendum to Agenda Items Tuesday 16th December 2014

5. MATTERS OF URGENCY

5A

N/2013/0338 – S106 agreement for outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road at land to the east of Hardingstone north of Newport Pagnell Road

See report attached.

5B

West Northamptonshire Joint Core Strategy

Following the resolution of the West Northamptonshire Joint Strategic Planning Committee meeting on 15th December 2014 to adopt the West Northamptonshire Joint Core Strategy (JCS), the JCS now forms part of the Development Plan for considering planning applications and carries full weight. The JCS will also replace some of the Northampton Local Plan saved policies as these policies will no longer form part of the Development Plan.

It is recommended therefore that delegated authority be given to the Director of Regeneration, Enterprise and Planning to amend references to Development Plan Policies in decision notices to reflect the above, if appropriate, following Planning Committee resolutions on 16th December 2014.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

9A

N/2014/1131

**Change of Use of 19th Century Stable Block to Restaurant and Café (A3)
Delapre Abbey, London Road**

Objection received from **1 Tewkesbury Close** for the following reason:

The conversion of the 19th Century stable block is unnecessary as consent already exists for a new restaurant/café for Delapre Abbey as part of the Phase 1 Restoration Project. The introduction of a similar use in close proximity could prejudice the financial success of the new Abbey restaurant, the profits from which will be used towards public access and the upkeep of the Abbey.

In addition, the proposal conflicts with the outline plans for Phase 2 of the restoration project for the 19th century stables which envisage a community hub. As detailed plans have yet to be prepared this proposal could jeopardise these future plans.

Officer response:

This objection could be viewed as a commercial objection to competition, which is not a material planning consideration. However, it is important to consider the uses of all parts of the Abbey which will need to function in a complimentary fashion. In this respect, although there is

consent for a restaurant / café as part of the restoration project, this will not be available for some time, and the existing premises occupied as a café (18th Century stables) must be vacated before this new restaurant becomes available, to enable the restoration work to go ahead in this area. In the longer term it is considered that the café currently proposed can make a different offer to the restaurant.

In respect of the use of the stables as a “community hub”, the approved new use of the stables is as business units, intended as a small business studio complex. It is considered that a café would not conflict with this and could be complimentary to this use. An alternative use which was also included in the masterplan is niche retailing market place including a micro brewery and a café, the current proposal is consistent with this.

9B

N/2014/1337

**Non-illuminated freestanding landscape sign
Land off Kettering Road/Wellingborough Road**

No update.

9C

N/2014/1338

**Non-illuminated freestanding landscape sign
Land off St Michaels Road**

No update.

9D

N/2014/1349

**Erection of 3no. non-illuminated free standing aluminium signs
St Edmunds Hospital, Wellingborough Road**

No update.

10. ITEMS FOR DETERMINATION

10A

N/2014/0596

**Outline planning application for mixed use development of land adjacent to Sixfields Stadium to include single storey retail buildings (13,380sqm), single storey buildings for use within classes A3, A4 and A5 (695 sqm) with associated car parking areas, petrol filling station, residential development of up to 255 units comprising of 2-3 storey town houses and 4 storey apartment blocks. Extension at first floor level of the existing West stand to form a conference centre together with a linked 4 storey up to 100 bedroom hotel, landscaping and open space
Land at Sixfields Stadium, Edgar Mobbs Way**

Planning Policy Update

Policies E18 and E40 of the Northampton Local Plan are now superseded.

E18 has been replaced with Policy BN2 of the Joint Core Strategy which states that development will be supported which would maintain and enhance existing designations and assets and which would deliver a net gain in bio-diversity.

E40 has been replaced with Policy S10 of the JCS. This policy is outlined within the original report to Committee which is included as an appendix to the report to be considered by Members.

Additional Consultation Response

A further letter has been received on behalf of the **owners of the Grosvenor Centre** reiterating their client's concerns over the impact of the development on Northampton Town Centre in terms of trade diversion and the subsequent detrimental effect on the vitality and viability of the town centre. This would be contrary to the NPPF and Central Area Action Plan.

Update

Since the report to Members was published there has been progress on the outstanding matters. This progress is outlined below.

Highways

Following the submission of additional work by the applicants the Highway Authority is of the view that while a fully agreed transport assessment has not been submitted the additional information received demonstrates:

1. A reasonable estimation of the expected local and wider traffic movements related to the proposed development;
2. An indication of the scale and location of mitigation which could be required to address development impacts at junctions on the local network;
3. An indication of the junctions on the wider network which could reasonably be expected to be impacted by the development; and
4. Suitable sustainable transport links to and from the development site.

Given this, and bearing in mind that this is an outline application with access not a detailed consideration, the Highway Authority are able to recommend that should the Local Planning Authority be minded to grant outline planning permission the conditions outlined below are included as well as various requirements under Section 106.

Section 106 Planning Obligations

A viability appraisal of the scheme was submitted by the applicant and this has been appraised by consultants acting on the Council's behalf. As a result of this exercise and following discussions between the applicant and officers it has been concluded that the provision of a Section 106 agreement to deliver various benefits would not impact upon the viability of the scheme.

The **Heads of Terms** of this agreement would therefore be:

- The provision of 35% of the 255 units as affordable housing or the provision of a sum in lieu for off-site provision;
- A financial contribution towards education provision of £840,985;
- A financial contribution towards the monitoring and maintenance of CCTV of £30,000;
- A financial contribution towards town centre improvements of £329,015;
- A financial contribution of £500,000 towards road/transport improvements;
- A financial contribution of £850,000 towards a replacement athletics facility and sports pitch;
- The provision and maintenance of on-site public open space;
- The Council's monitoring fees.

In addition there would be £776,918 payable towards CIL.

The affordable housing contribution is in accordance with the level of provision stipulated within the Council's Planning Obligations SPD.

Northamptonshire County Council requested a total of £1,681,970 for education provision. To allow the Section 106 package to address a number of areas it is considered that to provide half of this request is reasonable. The County Council also requested contributions for libraries and fire and rescue. Given the finite amount available it is considered that there are other matters on which this money could be spent.

As part of the retail development would be the installation of CCTV. For this to link with the existing system would require on-going monitoring and maintenance at a rate of £3,000 per annum for 10 years as advised by the Council's Community Safety Partnership Manager.

Since the report to Members was originally drafted it has emerged that there is a further application in relation to the Rusden Lakes development to vary conditions of the original permission. This would result in a small increase to the floorspace of that scheme. As outlined in the report to Members it is considered that the cumulative impact on Northampton Town Centre from the various 'committed' developments would not be unacceptable. The proposed increase in floorspace at Rushden Lakes would not be sufficient to render this application unacceptable in retail impact terms with an estimated trade diversion from Northampton Town Centre of less than half of a percentage point. However this impact would increase the cumulative impact on the town centre further and to mitigate this it is considered that a financial contribution from the Sixfields development should be used for improvements to the town centre

The financial contribution towards road/transport improvements would allow for works identified by the Highway Authority to make the proposed development acceptable from their perspective, including £250,000 towards bus service improvement, £45,000 towards junction improvement works and £45,000 towards provision and maintenance of additional bus shelters. Several of the roads which would access the site are unadopted and improvements cannot therefore be secured through the usual mechanisms under the Highway Act. The remainder of the contribution would be used by this Authority for road improvements within its control in the vicinity.

The athletics facility and sports pitch at the site was originally to be lost through the extension of the east stand of the football stadium and the replacement of this was to be secured through a condition on that permission. In terms of funding that replacement facility part of this was to be done through an agreement between the developer and the Council in relation to land ownership. It is however considered appropriate that the remainder of this facility and a replacement sports pitch be funded through the Section 106 agreement.

Areas of on-site public open space are indicated and it is considered necessary to secure the provision and on-going maintenance of these.

It will also be necessary to revisit the Section 106 agreement should the level of retail development fall below a certain threshold owing to financial arrangements which the applicants have in place with the HCA relating to the purchase of part of the site.

The NHS requested £158,255 towards doctor surgeries. However it is considered that the surgeries listed by the NHS in their response are not reasonably associated with the site and that such a contribution would not be appropriate.

Amended Recommendation

As the Highway issue has been satisfactorily resolved the recommendation needs to be amended and should now read:

1.1 APPROVAL IN PRINCIPLE subject to the following:

- a) prior referral of the application to the Secretary of State;
- b) the completion of an appropriate and reasonable Section 106 legal agreement to deliver:
 - The provision of 35% of the 255 units as affordable housing or the provision of a sum in lieu for off-site provision;
 - A financial contribution towards education provision of £840,985;
 - A financial contribution towards the monitoring and maintenance of CCTV of £30,000;
 - A financial contribution towards town centre improvements of £329,015;
 - A financial contribution of £500,000 towards road/transport improvements;
 - A financial contribution of £850,000 towards a replacement athletics facility and sports pitch;
 - The provision and maintenance of on-site public open space.
 - The Council's monitoring fee.
- c) planning conditions; and
- d) as the consultation period will expire on 18th December 2014 that delegated authority be granted to the Director- Regeneration, Enterprise and Planning to resolve any matters if not already raised in the Planning Committee report and any minor amendments to planning conditions for the following reason:

The development would not adversely impact upon the character and appearance of the area; road safety; flood risk; the viability and vitality of Northampton Town Centre and would bring jobs and facilities within the Northampton Waterside Enterprise Zone as well as utilising brown field and contaminated land with no unduly detrimental impact to public health. This would accord with Policies S9, S10, BN2, C2, E7, H1, H2, INF1 and N1 of the West Northamptonshire Joint Core Strategy, Policies E20 and H17 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework .

It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of any confirmation or approval being received from the Secretary of State, 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 that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of the National Planning Policy Framework.

Additional Conditions:

In addition to the conditions outlined in the Committee report the conditions outlined below are also considered to be necessary.

28. Prior to commencement of any phase of development or the submission of any reserved matters application for any phase of development in which details of access are included, that the applicant submits a full Transport Assessment to be prepared in accordance with a scope to be agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing the developer shall thereafter undertake any mitigation identified within the agreed Transport Assessment prior to the commencement of development, to include the works identified in conditions 29 and 30.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework

29. Unless otherwise agreed in writing, no phase of development shall take place until full engineering, drainage and constructional details of the highway works summarised below, (including any subsequent variations or iterations identified through the Transport Assessment process secured under condition 28 and agreed with the Local Planning Authority), where relevant to that phase of development, have been submitted to, and approved in writing by, the Local Planning Authority:

- a. Site access arrangements;
- b. Capacity improvements at the junction of Tweed Road / Weedon Road (as identified indicatively on plan ref. SK01 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- c. Capacity and pedestrian / cycle connectivity improvements at the junction of Gambrel Road / Weedon Road (as identified indicatively on plan ref. SK02 – appended to the applicants Dec 14 Capacity Assessment Report);
- d. Capacity and pedestrian / cycle connectivity improvements at junction of Upton Way / Telford Road / Edgar Mobbs Way (as identified indicatively on plan ref. SK03 – appended to the applicants Dec 14 Capacity Assessment Report);
- e. Capacity improvements at the Upton Way / Weedon Road junction;
- f. Capacity improvements to the internal roundabout junctions on Walter Tull Way (if found to be required following the TA process);
- g. Sustainable transport measures as broadly identified on the sketch plan provided as Appendix D of the applicant’s Capacity Assessment report dated December 2014; and
- h. Works to Walter Tull Way between Weedon Road and the first internal site roundabout to accord with Northamptonshire County Council’s adoption standards.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework.

30. Unless otherwise agreed in writing, prior to occupation of any part of the development, that the applicant shall deliver the highway improvement works identified below (in accordance with the detailed designs agreed with the planning authority as per condition 29) where relevant to that phase of development:

- a. Site access arrangements;
- b. Capacity improvements at the junction of Tweed Road / Weedon Road (as identified indicatively on plan ref. SK01 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- c. Capacity and pedestrian / cycle connectivity improvements at the junction of Gambrel Road / Weedon Road (as identified indicatively on plan ref. SK02 – appended to the applicant’s Dec 14 Capacity Assessment Report);
- d. Capacity and pedestrian / cycle connectivity improvements at junction of Upton Way / Telford Road / Edgar Mobbs Way (as identified indicatively on plan ref. SK03 – appended to the applicants Dec 14 Capacity Assessment Report);
- e. Capacity improvements at the Upton Way / Weedon Road junction;
- f. Capacity improvements to the internal roundabout junctions on Walter Tull Way (if found to be required following the TA process);
- g. Sustainable transport measures as broadly identified on the sketch plan provided as Appendix D of the applicants Capacity Assessment report dated December 2014; and
- h. Works to Walter Tull Way between Weedon Road and the first internal site roundabout to accord with Northamptonshire County Council’s adoption standards.

Reason: To ensure an acceptable impact on the road network in accordance with the requirements of the National Planning Policy Framework.

- 31.** In the event of the street layout associated with the residential element of the proposed development not being proposed for adoption as public highway, that:
- a. Details of a site management company and associated management and maintenance methodology to operate in perpetuity will be submitted to the planning authority and agreed in writing prior to 1st occupation;
 - b. The streets will in any event be required to be laid out to adoptable standards to ensure a safe and practical operation;
 - c. That, prior to 1st occupation, an undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and
 - d. That the street will be identified as private through the use of appropriate street name plates.

Reason: To ensure the provision of an adequate road layout in the interests of road safety in accordance with the requirements of the NPPF.

10B

N/2014/1027

**Demolition of existing dwelling and erection of replacement two storey dwelling
41 Church Way, Weston Favell**

Planning Policy Update:

Policy H6 of the Northampton Local Plan has now been superseded and replaced by Policy H1 of the Joint Core Strategy.

Policy BN5 of the JCS is also relevant to the application and this states that designated and non-designated heritage assets and their settings will be conserved and enhanced.

10C

N/2014/1069

**Demolition of existing building and construction of new 15025m² industrial building (Use Class B2) and associated works
35 Summerhouse Road**

and

N/2014/1076

**Demolition of warehouse and change of use of site to car park (including cycle storage facilities) to serve new manufacturing plant at 35 Summerhouse Road
11 Pondwood Close**

Planning Policy update:

Policies B2 and B14 of the Local Plan have been replaced by Joint Core Strategy (JCS) Policy E1, which requires that existing employment sites are retained for purposes falling within Use Classes B1, B2 and B8. The same policy also requires that any non-business use should only be permitted in instances where there would be significant benefits to the local area.

Policy E11 has been replaced by JCS Policy BN3, which requires that existing woodlands are supported and managed.

Policy E19 has been superseded by JCS Policy INF2, which states that development should only take place when there is reliable mechanism for the delivery of necessary on and off site infrastructure and mitigation.

Policy E40 has been replaced by JCS Policy S10, which requires that the design incorporates safety and security considerations to create a strong sense of place.

Additional Consultation Response:

Comments from the Council's **Arboricultural Officer** have been received in respect of **N/2014/1069**. These can be summarised as:

The trees adjacent to Red House Road are a relatively important feature within the landscape and will provide some screening of the proposed development. It would appear that the proposed development will have limited impact on the tree belt and therefore there are no arboricultural reasons why this application should be refused. A tree protection condition is recommended.

Additional Condition (14) for N/2014/1069:

Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall specify any trees which are to be removed and any pruning. The Method Statement shall also include a Tree Protection Plan clearly showing the location and specification of the tree protection fencing. Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a neutral impact upon trees of particular note in accordance with the requirements of Local Plan Policy E11.

10D

N/2014/1264

**Single storey rear extension, two storey front extension, new first floor window in side elevation and alterations to first floor rear windows and front porch (part retrospective)
14 Woodland Avenue**

Further letters and photographs received from neighbours at **2, 13, 16, and 21 Woodland Avenue**, objecting to the application. The main objections are already covered in Committee report, additional matters raised are as follows:

- Builder did not stop work when challenged over not building in accordance with approved plans.
- Original approval by the Planning Department can be considered flawed, not only in application but also in procedures followed within the department. The result has been the wanton destruction of a unique architectural building and the desecration of a unique avenue of properties. An irreplaceable part of Northampton's history has now been destroyed.
- Misrepresentation of height of building by owner's agent in application correspondence.
- Breach in planning without disclosure and misrepresentation of plans.
- Front porch is an unnecessary extension wholly out of keeping with the street scene, which destroys the turret feature of the house and reduces the hard standing for parking.
- Party Wall Agreement breached.
- Disagreed with Officer's comments and considerations in the Committee Report.

Officer Response:

The additional points raised by objectors have already been covered in the report. The only point of clarification is that the existing turret to the front would be in-situ but with the addition of a front porch. Previously the turret was to be brought forward by 0.5m. The proposed two storey front extension will be the same as what has previously been approved.



PLANNING COMMITTEE: 16th December 2014

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Section 106 Agreement

N/2013/0338 – Outline planning application for the development of a sustainable urban extension to include up to 1,000 dwellings (Class C3); local centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurant/cafes (Classes A1, A2 and A3); up to 375 sqm net public house (Class A4); 2.09ha of land for a two form entry primary school (Class D1); up to 750 sqm of community uses to include a medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road (as amended by revised plans received 14/03/14 & revised Transport Assessment- January 2014) at Land to the east of Hardingstone north of Newport Pagnell Road, Northampton

1. RECOMMENDATION

- 1.1 That the Committee **AGREE** to delegate authority to the Borough Secretary to negotiate and agree terms for a Section 106 Agreement as part of the appeal process, in consultation with the Director of Regeneration, Enterprise and Planning.

2. BACKGROUND

- 2.1 Planning Committee resolved on 6th May 2014 to refuse Planning Application N/2013/0338 for reasons pertaining to the applicant failing to demonstrate sufficient highway mitigation measures and sufficient mitigation measures for the impact of the development on the landscape, skyline and rural character of the area.

- 2.2 As detailed within the 6th May Committee Report, it was recommended by officers that the Application be approved in principle subject to conditions and the prior completion of a Section 106 Agreement to secure the planning obligations detailed below.
- 2.3 The Applicant has lodged an appeal with the Planning Inspectorate against the Council's decision to refuse the Application requesting that the appeal be dealt with by way of a Public Inquiry.
- 2.4 As part of the appeal process the Council and the Appellant are required to co-operate in agreeing terms for a Section 106 Agreement which will only come into effect should the Appeal be allowed.
- 2.5 Therefore, in light of the Committee's resolution to refuse the Application and not to take forward the officer's associated recommendations with regard to a Section 106 Agreement, it is hereby requested that the Borough Secretary in consultation with the Director of Regeneration, Enterprise and Planning be granted the necessary delegated authority to progress and agree the terms of a Section 106 Agreement.

3. SECTION 106 HEADS OF TERMS

- 3.1 As specified in the 6th Committee Report, the Section 106 Agreement is anticipated to secure:
- a) 24% of the development to be used for affordable housing, 70/30 split between affordable rent/shared ownership;
 - b) Contribution to Northampton Growth Management Strategy (NGMS) (M1/A45 junction improvements);
 - c) Funding of Traffic Regulation Order for Landimore Road – altered speed limit;
 - d) Pedestrians crossings – Newport Pagnell Road;
 - e) Provision of public transport service and infrastructure;
 - f) Travel Plan;
 - g) Primary School provision;
 - h) Secondary Education provision;
 - i) Healthcare provision;
 - j) Provision of local centre and community facility;
 - k) Contribution towards social facilities;
 - l) Open space provision including provision of LEAP, formal sports pitch provision and associated changing facilities and future maintenance arrangements of open space including maintenance of SUDS;

- m) Contribution towards formal indoor sports provision;
- n) Brackmills Wood – provision of future management strategy;
- o) Design contribution;
- p) Construction Training;
- q) Council’s Monitoring Fee.

4. CONCLUSION

- 4.1 Delegating the authority to negotiate the terms of the Section 106 Agreement will enable the Council to comply with the appeal procedures outlined by the Planning Inspectorate, which require the Council to actively engage in progressing and finalising an appropriate Section 106 Agreement.
- 4.2 Members should be aware, that in accordance with the guidance contained within the National Planning Practice Guidance, failure to work in co-operation with other parties would constitute unreasonable behaviour which could result in an award of costs against the Council.
- 4.3 Members are advised that negotiation of the terms of the S106 agreement will in no way prejudice the decision of the appeal.

5. LEGAL IMPLICATIONS

- 5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

- 6.1 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.

7. BACKGROUND PAPERS

- 7.1 Report to Planning Committee 6th May 2014 – N/2013/0338.