

**PLANNING COMMITTEE:** 13<sup>th</sup> February 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0069

**LOCATION:** 33 Little Cross Street

**DESCRIPTION:** Variation of Condition 7 of Planning Permission N/2017/0949 (Variation of Condition 2 of Planning Permission N/2016/0772 - Demolish existing flats and erect three storey building with nine flats on the ground floor and nine maisonettes on upper floors - to amend roof design to the three storey element, replacing capping with a parapet wall) to revise the Construction Management Plan

**WARD:** Castle Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** rg+p Ltd

**REFERRED BY:** Head of Planning  
**REASON:** NBC owns the land

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed alterations to the Construction Environmental Management Plan (CEMP) would have no significant additional impact on the amenities of adjoining and nearby residential occupiers than would have resulted from the previously agreed CEMP. The proposed development would therefore comply with Policies S2, S3, S9, S10, H1 and H2 of the West Northamptonshire Joint Core Strategy, Policies 1 and 24 of the Central Area Action Plan, Policies OP1, OP2, OP5 and AB2 of the Spring Boroughs Neighbourhood Plan and the National Planning Policy Framework.

### **2. THE PROPOSAL**

2.1 The proposal relates to the variation of a condition attached to the extant planning permission to redevelop this site for 18 flats, which was approved by Committee in December 2017.

2.2 The condition relates to the construction environmental management plan (CEMP) and the variations would allow for changes to deliveries to the site, as explained below.

- 2.3 The application had previously also included the removal of a further condition, related to tree protection measures on the site, to allow for the removal of all trees from the site. This is no longer proposed, as clarified in the report below.

### **3. SITE DESCRIPTION**

- 3.1 The site comprises the site of a former block of flats, now demolished and cleared. The construction of a replacement block of flats as approved is now underway.

### **4. PLANNING HISTORY**

- 4.1 **N/2016/0411** – Demolition of existing 2 storey building and associated structures (Prior notification of demolition application) – Approved 28/04/2016.
- 4.2 **N/2016/0772** – Demolish existing flats and erect three storey building with nine flats on ground floor and nine maisonettes on upper floors – Approved 31/10/2016.
- 4.3 **N/2017/0949** – Variation of Condition 2 of Planning Permission N/2016/0772 (Demolish Existing Flats and Erect Three Storey Building with Nine Flats on Ground Floor and Nine Maisonettes on Upper Floors) to amend roof design to the three storey element, replacing capping with a parapet wall – Approved 22/11/2017

### **5. PLANNING POLICY**

#### **5.1 Statutory Duty**

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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013), and Spring Boroughs Neighbourhood Plan.

#### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 17 - objectives for the planning system

Paragraph 47 - significantly boosting the supply of housing; objectively assessed housing needs; delivery of 5 years' worth of housing; identifying specific sites; housing trajectory

Paragraph 49 - presumption in favour of sustainable development for housing applications

Paragraph 56 – requiring good design

#### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

Policy S1: The Distribution of Development

Policy S3: Scale and Distribution of Housing Development

Policy S10: Sustainable Development Principles  
Policy H1: Housing Density and Mix and Type of Dwellings  
Policy H2: Affordable Housing

#### 5.4 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

Policy 1 – Promoting Design Excellence  
Policy 24 – Spring Boroughs

#### 5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

#### 5.6 **Other Material Considerations**

##### Spring Boroughs Neighbourhood Plan

The Spring Boroughs Neighbourhood Plan was made in April 2016, and now forms part of the development plan for Northampton.

The following policies are relevant to the determination of this proposal:

Policy OP1 – Sustainable Development Principles  
Policy OP2 – Family Housing  
Policy OP5 – Streets, Movement and Parking  
Policy AB2 – Central Spring Boroughs

### **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follow:

- 6.1 **Conservation (NBC)** - No objection on heritage conservation grounds; the removal of the trees and the revision to the construction management plan for the site will not have an adverse impact on the setting of nearby designated heritage assets.
- 6.2 **Public Protection (NBC)** - have reviewed the revised Construction Environmental Management Plan (CEMP) pertinent to vary condition No 7. It is deemed the revised document is deemed satisfactory.
- 6.3 **Arboricultural Officer (NBC)** - Discussions indicate the Scots Pine (T1) should be retained and will therefore still need protection (*this comment relates to the previously proposed removal of condition 5, now no longer part of the proposal*).
- 6.4 Three representations received from two nearby residents making the following points in summary:
- Since work started at this site, none of the conditions have been complied with.
  - Changing the CEMP will have no effect on the prevailing bad practice of this building construction company.

- Having had countless meetings with planning officers about non-compliance with conditions and their refusal to enforce the conditions, see no reason to grant the change.
- Demand that the removed trees are reinstated.

## **7. APPRAISAL**

- 7.1 The issues to consider are the impact of the proposed changes on the acceptability of the development and on the amenities of adjoining and nearby residential occupiers.
- 7.2 The revisions to the CEMP relate to deliveries to the site. As originally approved, access to the site would have been from Lower Bath Street only. This was the access preferred by the applicants at the time rather than something which was a requirement under planning.
- 7.3 The proposal is now to provide for a second access to the site at the Fitzroy Place edge of the site. This would be used only for large deliveries which cannot be handled by the Lower Bath Street entrance, it is anticipated that this would only need to be used on very limited occasions, for the delivery of tracked machines and a crane for the erection of the steel frame, which can only enter from this side of the site.
- 7.4 Whilst this would place the access closer to residents in Fitzroy Place, for these limited deliveries, the Lower Bath Street entrance as previously approved is also close to residents. Unfortunately, the fact of the matter is that due to the constrained nature of the site, surrounded by existing residential properties, it is not possible to have an access which would not have an adverse impact on some residents. However, it is necessary to gain access in order for the work to be carried out, therefore some impact is inevitable.
- 7.5 It can be also noted that the proposed CEMP as previously approved was designed on behalf of the contractors taking into account their requirements, which have now changed. Had the main access been specified in the original document as Fitzroy Place, it is probable that this would have been approved initially, for the reasons as set out above.
- 7.6 The revised CEMP has been examined by Environmental Health who have no concerns regarding this.
- 7.7 It is considered, based on the plan submitted and the absence of any adverse comments from Public Protection officers, that the current proposal is acceptable and would have no more of a negative impact overall than the previous iteration of the management plan.
- 7.8 As referred to above, the application had previously also included the removal of a further condition, related to tree protection measures, to allow for the removal of all trees on the site. Following concerns being raised in this respect and a discrepancy between the application form and the submitted plans, it has been confirmed that no further trees are intended to be removed, beyond those for which removal has been agreed. This condition is, therefore, no longer proposed for removal.

## **8. CONCLUSION**

- 8.1 The revised CEMP would have no greater overall adverse impact than that previously approved, given the constrained nature of the site which makes it impossible to prevent any adverse impact.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans 40577/005D, 40577/001B, 40577/007B, 40577/008B, 40577/005D, 40577/007, C161095/C/001, 50126/001, 50126/005, 40577/031, 40577/011A (as amended by 40577/031).

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

2. The scheme shall be implemented and completed fully in accordance with the approved surface water management strategy and the approved implementation programme as set out in the Hydrock Technical Note dated 10/11/16 and maintained thereafter.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

3. The development shall take place in accordance with the programme of archaeological work as set out in CFA Archaeology LTD Draft Written Scheme of Investigation dated 13/09/16. Following completion of archaeological fieldwork a report will be produced and submitted to the Local Planning Authority in accordance with the approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

4. 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 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

5. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained in accordance with Barton Hyett Associates Arboricultural Survey, Impact Assessment and Protection Plan Reference F.1794 as amended by drawing 50126/005 dated 23/01/17. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

6. 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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. Development shall be carried out in full accordance with the details of the revised Willmott Partnership Homes – Little Cross Street Construction Environmental Management Plan submitted 17/01/2018.

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The development shall be implemented and completed in accordance with the details of the approved Surface Water Drainage scheme as set out in Hydrock Technical Note dated 10/11/16 and drawing C161095/C/001 T2 dated 25/02/16.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

## **10. BACKGROUND PAPERS**

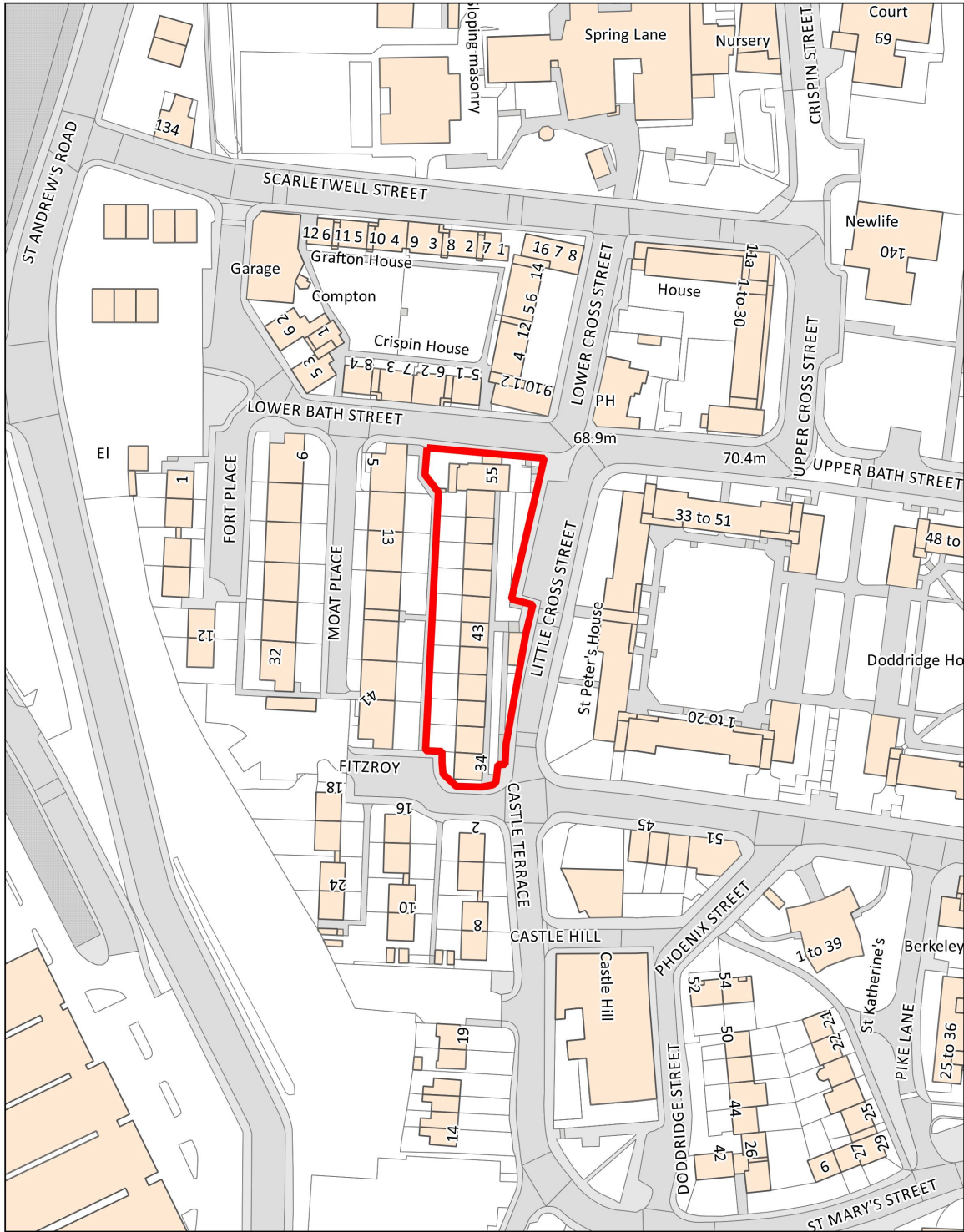
10.1 Application files N/2016/0772, N/2017/0949 and N/2018/0069

## **11. LEGAL IMPLICATIONS**

11.1 The development is CIL liable.

## **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.



Title: **33 Little Cross Street**

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Date: 02-02-2018

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