

PLANNING COMMITTEE: 4th September 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1653

LOCATION: The Tanners PH, 32 Farmfield Court

DESCRIPTION: Demolition of existing buildings within the site boundary (Tanners Public House, Takeaway Units & Post Office) and proposed development of 17no. new dwellings to include 11no. individual residential units and 6no. proposed flats with 400 sqm of retail unit and retail unit/takeaway on ground floor and provision of parking. Demolition of 12no. existing garages and car parking spaces to be replaced with 10no. new garages and new car parking spaces for existing residents' use only.

WARD: Talavera Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

REFERRED BY: Head of Planning
REASON: Major application requiring S106 legal agreement and Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure:

- 1.1.1 i) 35% on-site affordable housing;
ii) Pre-School and Primary School Education payment.

1.1.2 The conditions as set out below and for the following reason:

The proposed development represents an acceptable land use and would not have a significant adverse impact upon the character and appearance, neighbour amenity, flood risk and the highway system. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S1, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at 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 Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The applicant seeks planning permission to redevelop the site in order to construct 11 houses and 6 flats. The flats would be located in a single three storey building that would also contain 2 commercial units. One of these would be used for retailing (falling within Use Class A1) and the second would be made available for use either as a retail unit or as a takeaway (Use Class A5). A separate community room has also been included as part of the development.
- 2.2 The development also includes a total of 63 car parking spaces, including 14 garages (of which 6 would be made available for existing residents) and 4 car parking spaces that would be used by staff working in the commercial units.

3 SITE DESCRIPTION

- 3.1 The application site originally consisted of a public house, which has since been demolished. Adjacent to this site is a small local centre, which contains an element of convenience retailing, in addition to some takeaway uses. The surrounding area is generally characterised through the presence of residential accommodation, which is a combination of flats and houses. The majority of buildings in the vicinity were constructed during the middle portion of the twentieth century and have a style of architecture not untypical of the time. Buildings within the vicinity are generally of either two or three storeys.
- 3.2 In regards to the topography of the surrounding area, the site does generally slope in a west to east direction, although there are a number of variations in the vicinity. The site is surrounded by Billing Brook Road (to the east) and Farm Field Court to the west. The dwellings on the western side of Farm Field Court are located on higher land than the application site.

4 PLANNING HISTORY

- 4.1 None relevant.

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) and Northampton Local Plan (1997) saved policies.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport (Officer Note: see comments for 10a relating to highway safety).

Section 12 - Achieving well-designed places.

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 S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN9 - Planning for Pollution Control

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 – New development

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

6 **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Anglian Water** – Request a condition regarding surface water management.

6.2 **Development Management (NCC)** – Request Section 106 obligations for the provision of pre-school and primary education and the library service.

6.3 **Ecology Advisor (NCC)** – No objections.

6.4 **Environmental Health (NBC)** – Request conditions regarding noise, delivery times and possible land contamination. Controls should be established regarding cooking odours. A condition is also recommended regarding the submission of a Construction Environment Management Plan.

6.5 **Highway Authority (NCC)** – No objections.

6.6 **Lead Local Flood Authority (NCC)** – No objections, but request conditions regarding to the finalisation of a drainage strategy.

6.7 **Northamptonshire Police Crime Prevention Design Advisor** – The scheme has been amended to remove previously unacceptable overhang and to provide a security gate to the delivery vehicle area. Recommendations are made regarding the necessity to have a lockable gates to the private access gates for the houses and advice is made regarding lock and glazing specifications.

6.8 One representation outlining the need for a retail unit to be provided within the development, owing to the location of the development.

7 **APPRAISAL**

Principle of the development

- 7.1 The application site is adjacent to predominantly residential properties and the provision of residential accommodation is considered to be compatible with this prevailing characteristic. The Council cannot currently demonstrate a five year housing land supply, this development would make a contribution to addressing this need in the existing built area of the town. Furthermore, the development would ensure that 35% of the permitted dwellings are occupied on affordable tenures. Therefore, the proposal would contribute to ensuring that a variety of house types are provided. In addition, the development would also provide a mixture of houses and flats, which would aid in the general delivery of needed new housing.
- 7.2 In order to secure a satisfactory standard of development, and in line with the advice of the Council's Environmental Health section, conditions are recommended regarding suitable investigations into the possibility of land contamination and, if necessary, for this to be suitably remediated.
- 7.3 The proposal has also been assessed by the Lead Local Flood Authority, and amended where required. It is considered that the development would not have a significant adverse impact upon flood risk, either on the site or elsewhere in the wider area.
- 7.4 The proposed development would replace an existing collection of buildings that are predominantly in commercial uses and a now demolished public house. Given this context, it is considered that the redevelopment of the site would not result in any greater adverse impact in respect of air quality.

Design and appearance

- 7.5 It is considered that the design of the proposed dwellings is compatible with the prevailing vernacular and, as such, would not represent incongruous features in the locality. In order to secure a satisfactory standard of development, a condition is recommended that would ensure that the Council approves the building materials prior to commencing works taking place.
- 7.6 In terms of the design and layout, the houses would face towards both Farm Field Court and Billing Brook Road. This would ensure a greater level of natural surveillance of these roads. This is of particular importance owing to the presence of on street car parking in Farm Field Court.
- 7.7 In respect of the layout of the houses, there would be suitable separation distance between the opposing sets of rear wall that would ensure that the occupiers of the each new dwelling would have a satisfactory level of light, outlook and privacy, including to the rear gardens. However, it is noted that the creation of future extensions may erode this characteristic and, as a consequence, it is recommended that that the application be approved subject to a condition removing permitted development rights for the erection of future extensions.
- 7.8 On account of the proposed dwellings maintaining the general linear form of development that is prevalent within the vicinity and particularly to the north, it is considered that there would be no substantial detrimental impact upon the amenities of surrounding properties in terms of considerations such as light, outlook and privacy.
- 7.9 The proposed scheme has been amended during the course of the planning application in order to reduce the lengths of the private pedestrian accesses and to ensure that each dwelling has a private lockable gate. A further condition would enable the Council to approve details of the final boundary treatments in order to create a secure and attractive form of development.
- 7.10 In terms of the second building, it is compatible in terms of general design cues to others within the vicinity and as such, it is considered that the proposal would not represent an incongruous feature. The design of the proposed development would also not result in any significant loss of privacy of surrounding occupiers. It is noted that the three storey element would be adjacent to two storey houses on the southern side. However, there is an offset of the proposed development and

therefore it is considered that the proposal would not create an overbearing effect on the occupiers of neighbouring properties. Furthermore, it is noted that the design of the existing houses feature a diminished level of fenestration on the northern elevation (i.e. the elevation closest to the application site) and for these reasons, it is considered that the proposal would not result in significant harm to the amenities of existing residents.

- 7.11 The remaining element on the southern boundary of the site would be single storey, which is unlikely to lead to a significant decline in the amenities of existing residents.
- 7.12 The element of the proposal has also been amended over the course of the application in order to remove recessed walkways, which would not be desirable from a crime prevention perspective. Moreover, access to the flats would be via the eastern elevation only. This ensures that residents of the development would not come into conflict with delivery traffic to the commercial and community uses on the ground floor. In addition, the scheme now incorporates a sliding gate to the delivery area in order to create a more secure form of development that would not impede vehicular traffic within Farm Field Court.

Highways

- 7.13 The proposed development contains sufficient car parking to meet the likely needs of the development and no objections have been received from the Highway Authority. However, a condition is recommended that would ensure that the parking spaces are provided prior to the permitted development first coming into use or occupied. In addition, it is noted that the flats include suitable cycle storage and that the site is also in close proximity to a bus stop on Billing Brook Road that is served by buses travelling to the Weston Favell Centre and the town centre.
- 7.14 The proposed garages are of a conventional and functional design, which is considered appropriate. They would also benefit from a good level of natural surveillance, which would aid the security of this element of the proposal. Furthermore, the houses to the west of these erections are sited on higher land and, as a consequence, there would be no significant loss of light and outlook to surrounding residents.

Commercial and community uses

- 7.15 The scheme includes the provision of two commercial units – one to be used for retail purposes, and the second to be either a retail unit or takeaway. Given that the proposal would result in the loss of existing facilities, it is considered that this element of the proposal would support the undertaking of economic activity within the area. Furthermore, the operation of such facilities would assist in the creation of a more sustainable form of development, given that they would perform a convenience retailing function. It is also noted that one of the units could be used as a takeaway, which is considered to be an appropriate use, if required, owing to the proximity of the site to a residential area and the fact that it would replace existing facilities and would widen the array of uses that could occupy the building, which reduces the likelihood of a vacant unit being created in the future.
- 7.16 In order to secure a good standard of development, a condition is recommended that would ensure that the details of any extraction equipment are approved by the Council. This is required in order to ensure that any cooking odours are properly attenuated and that the installation of such equipment does not adversely affect visual amenity. Such information cannot be submitted at this stage in the proceedings as the relevant unit may come forward for retailing purposes.
- 7.17 In line with the advice of the Council's Environmental Health section, a condition is recommended that would require details of any plant and equipment in order to ensure that their operation does not generate excessive noise and disturbance that would be detrimental to the amenities of the occupiers of the proposed and existing dwellings.

- 7.18 Suitable refuse storage has been included within the development in order to serve the two commercial units, and it has been demonstrated that delivery lorries can enter and leave the site safely without detriment to highway safety.
- 7.19 In addition, the proposal includes a small community room, which represents the creation of a new facility that has hitherto not been provided within the Farm Field Court area. As such, it is considered that the proposal would result in an increase in the array of facilities within the vicinity.

Legal agreement

- 7.20 By reason of the scale of the development, it is necessary to enter into a legal agreement in order to secure at least 35% of the development for occupation on affordable tenures. This would ensure that the development is compliant with the Council's policies on developer obligations and would also contribute to providing a variety of housing that would be available on a variety of tenure types. This assists in the creation of a more sustainable community.
- 7.21 Given that the proposal would provide a quantum of family housing, where children would be reasonably be expected to reside, it is considered necessary and reasonable for an obligation to be included within the Section 106 Agreement to make a contribution towards the provision of education in the vicinity.
- 7.22 Whilst it is noted that the County Council have requested a financial contribution towards the provision of the library service, it is considered that there is insufficient policy justification to request such a contribution and, with reference to the statutory legal tests for securing legal obligation, cannot be supported. Such a conclusion is consistent with previous decisions made by the Council.

8 CONCLUSION

- 8.1 It is considered that the proposed development represents an acceptable form of development and use that would also contribute to addressing the need for new housing within the Borough. Subject to conditions, it is considered that the proposal would not have a significant adverse impacts upon the occupiers of neighbouring properties and any adverse impacts can be mitigated.

9 CONDITIONS

- 9.1 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

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

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

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries and locking mechanisms for gates shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

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

5. Full details of facilities for the secure and covered parking of bicycles to serve the flats 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 fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the National Planning Policy Framework.

6. Full details of the provision for the storage of refuse and materials for recycling to serve the flats and commercial uses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

7. Notwithstanding the details submitted, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the internal and external sources of noise on the commercial uses and the provisions to be made for its control. Development shall be carried out in accordance with the approved details, be fully implemented prior to the commencement of the uses hereby permitted and shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

8. No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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. This condition is required in order to agree such details in a timely manner.

9. 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 in accordance with the requirements of Condition 2 and where remediation is necessary a remediation scheme must be prepared in accordance 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.

10. Prior to the commencement of any part of the development, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Environmental

Management Plan shall include and specify the provision to be made for the following:

- Dust mitigation measures during the construction period;
- Control of noise emanating from the site during the construction period;
- Hours of construction work for the development;
- Arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways;
- Routing agreement for construction traffic
- Details of any temporary site construction access; and
- Loading and unloading arrangements for any large vehicles.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining premises and to minimise the impact on the highway network, in accordance with the National Planning Policy Framework. This condition is required to agree such details in a timely manner.

11. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,

i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).

ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

iii) BRE 365 infiltration test results.

Reason: In the interests of mitigating the impact of flood risk in accordance with the National Planning Policy Framework. This condition is required in order to ensure the agreement of such details in a timely manner.

12. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: In the interests of mitigating the impact of flood risk in accordance with the National Planning Policy Framework. This condition is required in order to ensure the agreement of such details in a timely manner.

13. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved

Flood Risk Assessment document reference number WIE14322-FRA-1-3-1 dated May 2018 and supplemented July 2018 prepared by Waterman Infrastructure & Environment Limited. These shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: In the interests of mitigating the impact of flood risk in accordance with the National Planning Policy Framework.

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

Reason: In the interests of mitigating the impact of flood risk in accordance with the National Planning Policy Framework.

15. Notwithstanding the details submitted, full details of any extraction equipment 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 shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

16. The commercial units hereby approved shall only be open to customers between the hours of 07:30 and 23:00 on any one day.

Reason: In the interests of neighbour amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

17. Deliveries to the commercial units shall not take place before 08:00 or after 20:00 on any day.

Reason: In the interests of neighbour amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

18. The car parking, garages and vehicle manoeuvring areas as shown on drawing (P)03 Rev. B shall be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

19. Notwithstanding the details submitted, full details of the gate to serve the rear access to the commercial units as shown on drawing (P)03 Rev. B 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 and shall be retained thereafter.

Reason: In the interests of creating a safe and secure form of development in accordance with the requirements of the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the dwellings hereby permitted on Plots 1-11 (as shown on drawing (P)03 B).

Reason: To prevent overdevelopment of the site in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

21. 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. This condition is required in order to agree such details in a timely manner.

Informatives:

Northamptonshire Police recommend the following:

All external doors to retail units should meet the requirements of LPCB LPS 1175 SR2 or equivalent standard.

All individual flat entrance doors should meet the requirements of PAS24:2016.

Internal bike storage area should be secured with a single leaf door locked with a key to thumb turn and only accessible from the stair well. Individual security rated anchor points per flat are required.

10 BACKGROUND PAPERS

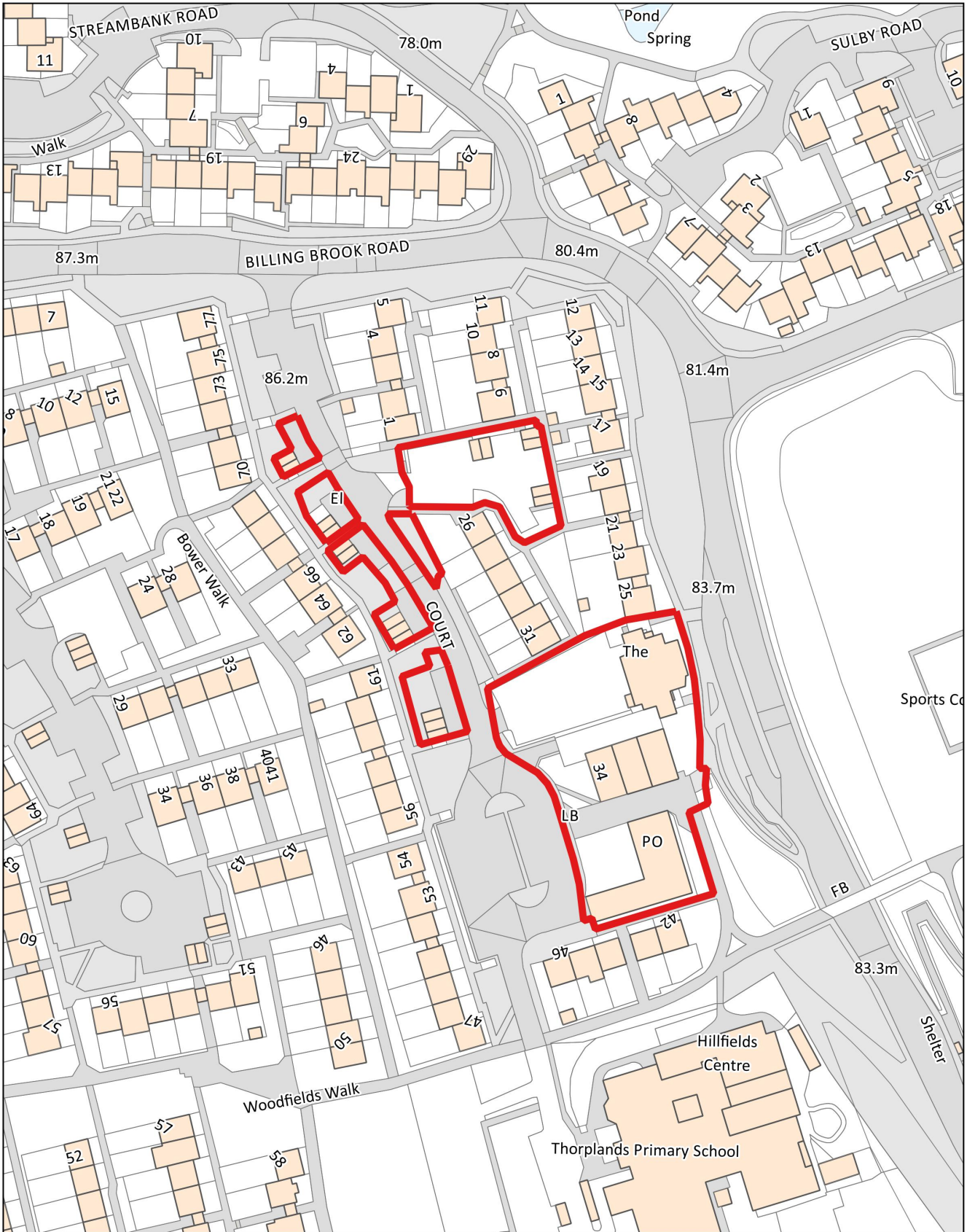
10.1 None.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **The Tanners Ph, 32 Farmfield Court**

© Crown Copyright 2014. Reproduced from Ordnance Survey data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey is a registered trademark. Northampton Borough Council License Number 100019655.

Date: 22-08-2018

Scale: 1:1,250

Drawn by: -----