



PLANNING AGENDA

Tuesday, 27 October 2020

This meeting will be held remotely at 5:00 pm at
<https://www.youtube.com/user/northamptonbcTV>
At 5:00 pm

Members of the Committee

Councillor: Brian Oldham (Chair), Jamie Lane (Deputy Chair)

Councillors: Alan Bottwood, Mary Markham, Matthew Golby, Anna King, Samuel Kilby-Shaw, Catherine Russell, Jane Birch, Muna Cali, Naz Choudary, Arthur McCutcheon and Brian Markham.

Chief Executive

George Candler

If you have any enquiries about this agenda please contact
democraticservices@northampton.gov.uk or 01604 837722



PLANNING COMMITTEE

AGENDA

Meetings of the Planning Committee will take place at 5:00pm on 14th April, 12th May, 19th May, 9th June, 7th July, 28th July, 1st September, 29th September, 27th October, 24th November, 22nd December 2020, and 21st January, 16th February and 16th March 2021.

The Council permits public speaking at the Planning Committee as outlined below:

Who can speak at Planning Committee meetings?

- Up to 2 people who wish to object and up to 2 people who wish to support an individual planning applications or any other matter on the public agenda.
- Any Ward Councillors who are not members of the Planning Committee. If both Ward Councillors sit on the Planning Committee, they may nominate a substitute Councillor to speak on their behalf.
- A representative of a Parish Council.

How do I arrange to speak?

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE REMOTELY – SEE BELOW FOR DETAILS OF PUBLIC SPEAKER REGISTRATION/HOW TO VIEW THE MEETING

- Anyone wishing to speak (not including Ward Councillors who must let the Chair know before the start of the meeting) must have registered with the Council's Democratic Services section not later than midday on the day of the Committee.
NB: the Council operate a 'first come, first serve' policy and people not registered to speak will not be heard. If someone who has registered to speak does not attend the meeting their place may be relocated at the discretion of the Chair.

Methods of Registration:

- By telephone: 01604 837722
 - In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton, NN1 1DE, Democratic Services (Planning Committee)
- by email to: democraticservices@northampton.gov.uk
- Once registered to speak, an invitation will be sent to join the Zoom video conferencing webinar for this meeting.

When do I speak at the meeting?

- A Planning Officer may update the written committee report then those registered to speak will be invited to speak.
- Please note that the planning officer can summarise issues after all the speakers have been heard and before the matter is debated by the Planning Committee Members and a vote taken.

How long can I speak for?

- All speakers are allowed to speak for a maximum of three minutes.

Other important notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered

- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

*****Remote Meeting Access for Participants*****

- Members of the public should register to speak by email (democraticservices@northampton.gov.uk) or telephone (01604 837722) by 12pm on the day of the meeting.
- An invitation will be sent to Members and registered Public Speakers for the meeting via Zoom Video Conferencing Webinar.

*****Remote Public Access*****

- The meeting will be available to view here: <https://www.youtube.com/user/northamptonbctv>

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:

in This meeting will be held remotely at 5:00 pm at
<https://www.youtube.com/user/northamptonbcTV>

on Tuesday, 27 October 2020

at 5:00 pm.

AGENDA

1. **APOLOGIES**
2. **MINUTES (p.1)**
3. **DEPUTATIONS / PUBLIC ADDRESSES**
4. **DECLARATIONS OF INTEREST/PREDETERMINATION**
5. **MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
6. **LIST OF CURRENT APPEALS AND INQUIRIES (p.11)**
Report of Head of Planning (copy herewith)
7. **OTHER REPORTS**
 - (A) **N/2020/1106**
VARIATION TO S106 AGREEMENT TO VARY THE MORTGAGEE EXCLUSION AND REINVESTMENT CLAUSES
FORMER PARKLANDS MIDDLE SCHOOL, DEVON WAY (p.13)
 - (B) **DELEGATED AUTHORITY FOR DIRECTOR OF PLANNING AND SUSTAINABILITY TO AGREE VARIATIONS TO SECTION 106 AGREEMENTS TO AMEND MORTGAGEE EXCLUSION CLAUSES (p.19)**

8. **NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

9. **NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

10. **ITEMS FOR DETERMINATION**

(A) N/2016/0810

HYBRID APPLICATION FOR UP TO 170 NEW DWELLINGS IN TOTAL INCLUDING OUTLINE APPLICATION FOR THE DEMOLITION AND CONVERSION OF EXISTING UNIVERSITY BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE RESIDENTIAL ACCOMMODATION (USE CLASS C3) OF UP TO 112 UNITS AND ASSOCIATED CAR PARKING (INCLUDING RECONFIGURATION OF NEWTON BUILDING CAR PARK), LANDSCAPING AND OPEN SPACE (ALL MATTERS RESERVED EXCEPT ACCESS) AND FULL APPLICATION FOR THE PART DEMOLITION, CONVERSION AND EXTENSION OF THE MAIDWELL BUILDING TO PROVIDE 58 NEW DWELLINGS TOGETHER WITH ACCESS AND PARKING UNIVERSITY OF NORTHAMPTON AVENUE CAMPUS, ST GEORGES AVENUE (page 23)

(B) N/2019/1055

**PROPOSED CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT, COMPRISING 22NO. SELF-CONTAINED APARTMENTS, WITH ASSOCIATED STORAGE, REFUSE STORE, CYCLE STORE AND EXTERNAL AMENITY.
14 - 18 ST MICHAELS ROAD (page 53)**

(C) N/2019/1063

**APPLICATION FOR VARIATION OF CONDITIONS 2, 8, AND 13 OF PLANNING PERMISSION N/2017/0127 (DEMOLITION OF EXISTING BUILDING. ERECTION OF 40NO DWELLINGS (USE CLASS C3) WITH ASSOCIATED CAR PARKING AND ANCILLARY SPACE AND 130.10M2 OF RETAIL SPACE (USE CLASS A1)) TO ALTER THE DESIGN OF THE APPROVED BUILDING, TO AMEND THE FLOOD RISK ASSESSMENT AND TO REDUCE THE LEVEL OF PARKING BY 1 SPACE
SOFA KING TIVOLI HOUSE, TOWCESTER ROAD (page 69)**

(D) N/2020/0777

**CHANGE OF USE FROM RETAIL SHOP (USE CLASS E) TO RESTAURANT/TAKEAWAY (SUI-GENERIS) INCLUDING INSTALLATION OF EXTRACTION DUCTING SYSTEM
103 ST LEONARDS ROAD (page 81)**

(E) N/2020/0805

**SELF-CONTAINED ANNEXE ON FOOTPRINT OF APPROVED DOUBLE GARAGE
24 PENFOLD DRIVE (page 89)**

(F) N/2020/0866
VARIATION OF CONDITION 5 OF PLANNING PERMISSION N/2018/0011
(CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO
HOUSE IN MULTIPLE OCCUPATION FOR 4 OCCUPANTS (USE CLASS
C4) INCLUDING SINGLE STOREY EXTENSIONS TO THE REAR, A LOFT
CONVERSION WITH REAR DORMER WINDOW & INTERNAL
ALTERATIONS) TO ALLOW THE PROPERTY TO BE OCCUPIED BY A
MAXIMUM OF 5 OCCUPANTS
70 VICTORIA ROAD (page 95)

(G) N/2020/1094
PRIOR NOTIFICATION OF CHANGE OF USE FROM OFFICES (USE
CLASS E) TO 25NO RESIDENTIAL UNITS (USE CLASS C3)
PHOENIX COMPUTERS LIMITED DAISY GROUP HUNSBURY HILL
AVENUE (page 103)

(H) N/2020/1109
CONVERSION OF SINGLE DWELLING INTO 2NO APARTMENTS WITH
NEW WINDOW TO BASEMENT AND ALTERATION TO WINDOW
OPENING
64 CHARLES STREET (page 111)

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2020/0952
SINGLE STOREY SIDE EXTENSION AND NEW FRONT PORCH
TOGETHER WITH INTERNAL ALTERATIONS AND VEHICULAR
CROSSOVER
42 AYNHO CRESCENT (page 119)

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

Anyone may record meetings of the Council, the Cabinet, any Committee or Sub-Committee of the Council through any audio, visual or written method to include taking photographs of meetings, filming meetings or making audio recordings of meetings. The Chair of the meeting shall have the discretion to revoke the permission in the event that the exercise of the permission is disturbing the conduct of the meeting in any way or when it is otherwise necessary due to the nature of the business being transacted at the meeting. Permission may only be exercised where the public have the right to attend the meeting; and if a meeting passes a motion to exclude the press and public, then in conjunction with this, all rights to record the meetings are removed.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 29 September 2020

PRESENT: Councillor Oldham (Chair); Councillor Lane (Deputy Chair);
Councillors Birch, Bottwood, Golby, Kilby-Shaw, King, B Markham,
McCutcheon and Russell

OFFICERS: Peter Baguley (Director of Planning and Sustainability), Rita Bovey
(Development Manager), Nicky Scaife (Development Management
Team Leader), Hannah Weston (Principal Planning Officer), Theresa
Boyd (Planning Solicitor), Ed Bostock (Democratic Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Cali and M Markham. It was noted that Councillor Lane would be arriving late and that due to other obligations, Councillors King and Russell would be leaving the meeting early.

2. MINUTES

The minutes of the meeting held on 1st September 2020 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

That under the following items, the members of the public and Ward Councillors listed below were granted leave to address the Committee:

N/2020/0353

Indy Shokar

N/2020/0585

Andrew Gray
Councillor Hadland

N/2020/0780

Thandi Zulu
Nicola Johnston

N/2020/0781

Elodie Le Mineur
Councillor Marriott

N/2020/0824

Wayne Hughes
Councillor Birch

N/2020/0972

Councillor Davenport
Councillor Roberts
Thandi Zulu
Mark Easie

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Bottwood declared a disclosable and pecuniary interest in respect of items 12a and 12b as a board member of Northampton Partnership Homes (NPH) and stated that he would leave the meeting for these items.

Councillor Birch declared a predetermination in respect of item 10f and stated that she would speak on the item and then leave the meeting, not taking part in the discussion.

Councillor Russell declared a predetermination in respect of item 10f and stated that she would leave the meeting whilst the application was determined.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. It was advised that 3 appeals had been dismissed and 2 allowed by the Inspector. The initial decisions were all made through delegated powers. Of the 3 appeals dismissed, one was currently subject to enforcement.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

(A) N/2020/0790 - REQUEST FOR VARIATIONS TO S106 AGREEMENT TO AMEND MORTGAGEE EXCLUSION CLAUSE AND REMOVAL OF OBLIGATIONS RELATING TO HIGHWAYS AND SECONDARY EDUCATION, THAT ARE NOW COVERED BY THE COMMUNITY INFRASTRUCTURE LEVY.

LAND SOUTH OF ROWTREE ROAD AND WEST OF WINDINGBROOK LANE

The Development Management Team Leader submitted a report to the Committee which sought to vary the S106 Agreement to amend the mortgagee exclusion clause and to remove obligations relating to highways and secondary education, which were now covered by the Community Infrastructure Levy. In response to questions, the

Committee were informed that the type and/or amount of affordable housing to be provided was not affected by the variation.

Members discussed the report.

RESOLVED:

That the application to vary the Section 106 Legal Agreement be **AGREED** as per the officer recommendation

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

None.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

None.

10. ITEMS FOR DETERMINATION

(A) N/2020/0353 A MIXED-USE DEVELOPMENT, INVOLVING A REAR SIDE ROOFTOP EXTENSION FOR 2 NEW OFFICES (USE CLASS B1) AND 5 SELF-CONTAINED RESIDENTIAL FLATS (USE CLASS C3) B AND C, 102A ABINGTON STREET

The Development Management Team Leader submitted a report to the Committee. Members' attention as drawn to the addendum which contained comments from Environmental Health and a revised Condition 5. It was explained that a previous application for the site was approved but development could not be implemented due to survey inaccuracies. The proposed extension would "step in" from the 2nd floor to comply with the 45-degree rule in relation to the neighbouring flats. Noise mitigation was requested by Environmental Health and secured by Condition 7. The Local Highway Authority had objected to the application due to use of a commercial access for residential traffic however the site was in a sustainable location and the parking provision on site would remain as existing.

Indy Shokar, the agent on behalf of the applicant, spoke in favour of the application and stated that the development was an appropriate mixed-use scheme which satisfied all the Council's policies.

In response to questions, the Committee was informed that the provision of fire escapes fell within the remit of Building Control. The Committee further heard that cycle spaces were requested in lieu of car parking spaces, that they had been provided as part of the application however their location was not ideal. In response to Members' concerns regarding increased residential use of the commercial access, the Committee was informed that the parking provision on site would not alter from that currently provided.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report and the addendum.

**(B) N/2020/0585 - SINGLE STOREY FRONT EXTENSION AND PART TWO STOREY / PART SINGLE STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS
10 REEDHAM CLOSE**

The Development Manager submitted a report to the Committee which sought approval for a single storey front extension and part two storey/part single storey rear extension with internal alterations. Due to a mix up with the speaking process, a neighbour was allocated a speaking slot but was not present at the meeting, so her submitted statement was summarised and reported to the Committee by the Development Manager. The Committee was informed that two neighbouring properties at nos.16 and 24 had front extensions. The scheme had been amended during the application process and the rear single storey extension reduced from 6m to 5m in projection. The front extension has a projection of 2m. Whilst there was a slight impingement upon the adjacent property at no.8 when considering the 45-degree rule, officers did not consider this significant enough to warrant refusal of the application.

Andrew Gray, on behalf of residents of a neighbouring property, spoke against the application and commented that any impingement of the 45-degree rule warranted a Right of Light Assessment. He stated that the case officer was not taking the height of the building into account and that his clients reserved the right to seek compensation should the application be approved without the applicant undertaking an Assessment. In response to a question Mr Gray advised that the 45-degree rule was also broken when measured from the front extension.

Councillor Hadland, in his capacity as the Ward Councillor, spoke against the application and stated that the proposed development was not in-keeping with the neighbouring properties and noted that other similar developments were all smaller.

In response to questions, the Committee were informed that the applicants could extend up to 3m under permitted development. Deferment was not considered an option because the scheme had already been amended in response to neighbour concerns and the applicant had the right to have their application considered within the proper time frame. It was noted that the side window losing light at no.8 was a landing window.

Councillor McCutcheon left the meeting at this juncture.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillor King left the meeting at this juncture.

**(C) N/2020/0764 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4NO. OF OCCUPANTS
110 LUTTERWORTH ROAD**

The Development Manager submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HMO for 4 occupants. The Committee were informed that should the application be approved, the concentration of HMO properties in a 50m radius would be 5.2% which complied with the Council's latest Supplementary Planning Document. No parking beat survey was undertaken by the applicant; however, the property fell within a sustainable location near local amenities and public transport links. Conditions were included to ensure the number of occupants and use of the basement as storage.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillor B Markham left the meeting at this juncture.

**(D) N/2020/0780 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE UP TO 3NO CHILDREN AGED 8 TO 18 YEARS OLD
5 DITCHFORD CLOSE**

The Principal Planning Officer submitted a report to the Committee. It was explained that there were no exterior alterations proposed and internally the only alteration would be the use of one bedroom for staff. No staff would live on-site but at least one would always be present to provide care for children. The proposal was not considered to have a significant negative impact of neighbour amenity or the highway network and there had been no statutory objections to the application.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application and advised that an Ofsted-registered carer would always be on-site. She noted neighbour concerns and stated that the property would be run similarly to a family home. In response to a question, Ms Zulu explained that a manager would always be on call if not on-site and lives in Northampton, and responsible adults would also be on call.

Nicola Johnston, proposed manager for the property, spoke in favour of the application and commented that the number of children in care are increasing and the property was considered ideal in its design and location. Risk Assessments would be carried out on each child to ensure suitability and that the company could meet the child's needs. All staff would be subject to a Safer Recruitment process and DBS checks and Ofsted process. Staff Management Plans would outline how staff support users whilst out in the community. In response to a question, Ms Johnston

advised that this property would be the companies first, and that there would be enough staff for all 3 properties being heard at tonight's committee if approved.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

**(E) N/2020/0781 - PRIOR NOTIFICATION OF INSTALLATION OF 1 NO. 20M TELECOMMUNICATIONS STREETWORKS POLE, 1 NO. EQUIPMENT CABINET, 1 NO. METER CABINET AND ASSOCIATED ANCILLARY DEVELOPMENT
TELECOMS BASE STATION, ARUNDEL STREET**

The Development Management Team Leader submitted a report to the Committee. Discussions were had with the applicant regarding reducing pole height, but it would affect the service to nearby flats. Alternative sites were considered but discounted due to poor coverage or a negative visual impact; the proposed location was considered least intrusive.

Elodie Le Mineur, a local resident, spoke against the application and voiced concerns around the proximity of the tower to nearby properties. She noted that a nearby school had requested a 5G supply for the provision of VR technology and questioned why the proposal was so far from the school.

Councillor Marriott, in his capacity as the Ward Councillor, spoke against the application and stated that the memorial garden had not been given any consideration during the application and was deeply concerned about the sensitive location.

The Development Management Team Leader advised that the applicant submitted a relevant health certificate as required, which was assessed by Environmental Health who raised no object to the application.

Members discussed the report.

A motion was proposed and seconded to refuse the application on the grounds of siting

Upon a vote, the motion was carried.

RESOLVED:

That the application be **REFUSED** against the officer recommendation on reason in relation to siting and the adverse impact on the Memorial Gardens with the precise wording of the refusal to be agreed in consultation with the Chair and Director of Planning and Sustainability.

Councillor Russell left the meeting at this juncture.

**(F) N/2020/0824 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS
14 STANHOPE ROAD**

The Development Manager submitted a report to the Committee. The application sought approval for a change of use from dwellinghouse to HMO for 4 occupants. The bathroom on the first floor would be converted to a third bedroom and an additional bathroom created in the attic. Should the application be approved, the concentration of HMO properties in a 50m radius would be 6.66% and no comments had been received from the Local Highway Authority and it was noted that the property sat in a sustainable location.

Councillor Birch, in her capacity as the Ward Councillor, spoke against the application and voiced concern around highway safety and questioned why the applicant had not undertaken a parking beat survey. She commented that the layout of the house did not lend itself to shared housing.

Councillor Birch left the meeting.

Wayne Hughes, a local resident, spoke against the application and stated that increased HMOs in the area were having a negative effect, including antisocial behaviour, refuse issues and issues relating to parking and highway safety. Mr Hughes suggested that there may be unlicensed HMOs in the area that the Council were not aware of.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillor Birch re-joined the meeting.

**(G) N/2020/0972 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD
121 PENRHYN ROAD**

The Principal Planning Officer submitted a report to the Committee and advised that there were no exterior alterations proposed to the property and internally the only change would be one bedroom changed to a staff room. No staff would live on-site but at least one would always be present to provide care for children and there had been no statutory objections to the application. The use was considered similar to that of a family home and not considered to have a negative impact on neighbouring properties. Conditions were included to restrict the amount and ages of children using the service and number of staff.

Councillor Davenport, in her capacity as the Ward Councillor spoke against the application and voiced concern around the loss of family homes and the problems associated with HMOs. She stated that residents no longer felt a sense of community in the area.

Councillor Roberts, in her capacity as the Ward Councillor, spoke against the application and echoed comments made by Councillor Davenport and stated that it was a business and should be treated as such. Concern was raised that there were no planning policies restricting this type of use.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application and advised that an Ofsted-registered carer would always be on-site. Car use was expected to be similar to that of a family home.

Mark Easie, proposed Responsible Individual for the property, spoke in favour of the application and commented that the property was considered ideal in its design and location. Impact Risk Assessments would be carried out on each child to ensure suitability and that the company could meet the child's needs. All staff would be subject to a Safer Recruitment process and DBS checks. Staff Management Plans would outline how staff support users whilst out in the community. It was advised that it is aimed to bring the children into the community. In response to a question, Mr Easie explained that the screening process was vital to ensure that the potential service users were a good match for the company home and wider area. It was advised that the managers and his contact details would be provided to neighbours to contact with any issues and the home would be risk assessed.

Members discussed the report.

Councillor Lane left the meeting at this juncture.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillors Lane and B Markham re-joined the meeting.

**(H) N/2020/0973 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CHILDREN'S HOME (USE CLASS C2) TO ACCOMMODATE A MAXIMUM OF 2NO CHILDREN AGED 8 TO 18 YEARS OLD
62 PENRHYN ROAD**

The Principal Planning Officer submitted a report to the Committee. No alterations were proposed to the exterior of the property. Internally one bedroom would be used as a carer's room. No staff would live on-site but at least one would always be present to provide care for children and there had been no statutory objections to the application. The use was considered similar to that of a family home and not considered to have a negative impact on neighbouring properties. Conditions were included to restrict the amount and ages of children using the service and number of staff.

Councillor Davenport, in her capacity as the Ward Councillor, spoke against the application advising of the same concerns as within the previous application heard at Planning Committee.

Councillor Roberts, in her capacity as the Ward Councillor, spoke against the application and reiterated the points she made on the previous application and stated that the proposed development would face the same issues as those surrounding HMO properties. Concern was raised that all the houses in the street could be changed and that there was no planning policy to assess the problems of this.

Thandi Zulu, agent on behalf of the applicant, spoke in favour of the application advising that the proposal would provide a home for children and should be encouraged. It was advised that they want to work harmoniously with neighbours. In response to a question, she advised the Committee that the property would be renovated and maintained to meet Ofsted requirements and standards and would be subject to routine inspections.

Mark Easie, proposed Responsible Individual for the property, spoke in favour of the application and explained that he had over 10 years' experience supporting vulnerable children; he noted that the property would be registered with Ofsted and advised of numbers of staff on-site. In response to a question, Mr Easie advised that the company had no plans to purchase any more properties on this street at this time.

Members discussed the report.

Councillor Lane left the meeting at this juncture.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

Councillor Bottwood left the meeting at this juncture and Councillor Lane re-joined the meeting.

11. ITEMS FOR CONSULTATION

None.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) N/2020/0684 - REMOVAL OF CONDITION 6 OF PLANNING PERMISSION N/2017/1029 (DEMOLITION OF NOS. 1-6 AND 14-17 TOMS CLOSE AND DEVELOPMENT OF 21NO NEW BUILD AFFORDABLE DWELLINGS AND ASSOCIATED LANDSCAPING) AS BUS SHELTER IS NO LONGER REQUIRED TOMS CLOSE**

The Development Management Team Leader submitted a report to the Committee. It was explained that the Local Highway Authority had informed the Council that the

bus shelter was no longer required at the location due to a reduced bus service in the area.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

**(B) N/2020/0796 - SINGLE STOREY REAR AND SIDE EXTENSION,
TOGETHER WITH INTERNAL ALTERATIONS
20 HARDY DRIVE**

The Principal Planning Officer submitted a report to the Committee. It was advised that it was considered that the proposed extension would not impact upon neighbouring properties and would be of an acceptable design.

Members discussed the report.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report.

The meeting concluded at 8:10 pm

Planning Service

Director of Planning and Sustainability: Peter Baguley



List of Appeals and Determinations – 27th October 2020

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2019/0803 APP/V2825/W/20/3249179	DEL	Demolition of existing property and erection of 13no new flats and associated 15no car parking spaces at 104 Semilong Road	AWAITED
N/2019/1259 APP/V2825/D/20/3248407	DEL	Single storey rear extension (Retrospective) at 123 Southampton Road	ALLOWED
N/2019/1524 APP/V2825/W/20/3248396	DEL	Erection of detached single storey dwelling at 47 Beech Avenue	AWAITED
N/2019/1550 APP/V2825/W/20/3247195	DEL	Extensions and alterations to create 6no apartments at 33 Harlestone Road	DISMISSED
N/2020/0034 APP/V2825/D/20/3253305	DEL	New outbuilding attached to side of dwelling together with new boundary treatment to side (Part Retrospective) at 26 Villa Way	DISMISSED
N/2020/0099 APP/V2825/W/20/3254573	DEL	Garden room extension at 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0100 APP/V2825/Y/20/3254574	DEL	Listed Building Consent Application for garden room extension for 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0101 APP/V2825/D/20/3256391	DEL	Loft conversion with front and rear rooflights at 102 Ashby Wood Drive	AWAITED
N/2020/0113 APP/V2825/W/20/3254880	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants at 69 Moore Street	DISMISSED
N/2020/0227 APP/V2825/W/20/3254653	DEL	Change of use of existing dwelling (Use Class C3) to part dwellinghouse with hairdressing studio (Sui Generis) at 110A Harlestone Road	AWAITED
N/2020/0243 APP/V2825/D/20/3254512	DEL	Single storey front extension and two storey side extension at 64 Javelin Close	DISMISSED
N/2020/0251 APP/V2825/W/20/3253575	DEL	Outline Planning Permission for erection of 4no dwellings with all matters reserved except access at Land and Lock Up Garages, Barry Road	DISMISSED
N/2020/0389 APP/V2825/W/20/3256183	DEL	Conversion of ground and basement from 1no flat into 2no flats and installation of windows at 22 Watkin Terrace	AWAITED
N/2020/0431 APP/V2825/D/20/3258219	DEL	Two storey front extension at 32 Belfry Lane	AWAITED
N/2020/0622 APP/V2825/D/20/3257431	DEL	Replace an existing hedge with a brick wall with piers to allow for a rise in the ground level within the site at 4 Wrekin Close	AWAITED

Public Inquiry

None

Hearings

None

Enforcement Appeals

None

Tree Preservation Order (TPO) Appeals

None

The Address for Planning Appeals is:

Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at - <https://acp.planninginspectorate.gov.uk>

Local Government (Access to Information) Act 1985
Background Papers
The Appeal Papers for the appeals listed

Author and Contact Officer:

Mrs Rita Bovey, Development Manager
Telephone 01604 837237
Planning Service
The Guildhall, St Giles Square,
Northampton, NN1 1DE



PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1106

LOCATION: Parklands Middle School, Devon Way

DESCRIPTION: Variation to S106 Agreement to vary the mortgagee exclusion and reinvestment clauses

WARD: Parklands Ward

APPLICANT: Sage Housing
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** that the Director of Planning and Sustainability be given delegated authority to agree the variation of the Section 106 Agreement dated 18 March 2019 in order to amend the wording of the mortgagee exclusion and reinvestment clauses and relevant definitions together with any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 The application requests variations to the S106 agreement dated 18 March 2019 (relating to the development of land at former Parklands Middle School) to amend the mortgagee exclusion and reinvestment clause relating to the affordable housing obligation.

3 SITE DESCRIPTION

- 3.1 The application site comprises the former site of Parklands Middle School, which has been demolished. It is located to the north of the Parklands residential area and is accessed off Devon Way. It is bounded to the southern side by residential gardens serving bungalows on Devon Way, Druids Way and Stoke Walk. The site is neighboured by open space to the north, east and west. Parklands Park is located to the east of the site and includes a community centre, playing pitches and children's play facilities accessed off Devon Way. Moulton Park industrial estate is located

some 25 metres to the north of the site, beyond a strip of park land that includes a shared pedestrian/cycle way.

4 PLANNING HISTORY

- 4.1 N/2018/0904: Outline application with all matters reserved except access for up to 132no dwellings. Permitted.
- 4.2 N/2019/0591: Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904 (Outline application with all matters reserved except access for up to 132no dwellings) for the development of 132no dwellings, public open space and associated development. Permitted.
- 4.3 N/2020/0070: Non Material Amendment to Planning Permission N/2019/0591 (Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904) to add a conservatory to Plot 7 Cambridge. Approved.
- 4.4 N/2020/0158: Non Material Amendment to Planning Permission N/2019/0591 (Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904) to update 'Marlow' house type. Approved.
- 4.5 N/2020/0860: Non Material Amendment to Planning Permission N/2019/0591 (Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904) to apply a curve to the boundary screen walls on the corner plots and alterations to a private drive. Approved.
- 4.6 N/2020/0922: Non Material Amendment to Planning Permission N/2019/0591 (Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904 (Outline application with all matters reserved except access for up to 132no dwellings) for the development of 132no dwellings, public open space and associated development) to update Amberley, Cambridge, Oxford, Shaftesbury and Sunningdale house types. Approved.
- 4.7 N/2020/1100: Non Material Amendment to Planning Permission N/2019/0591 (Reserved Matters Application pursuant to Outline Planning Permission N/2018/0904 (Outline application with all matters reserved except access for up to 132no dwellings) for the development of 132no dwellings, public open space and associated development) to add a conservatory to plot 6. Pending consideration at time of drafting report.

5 PLANNING POLICY

- 5.1 None

6 CONSULTATIONS / REPRESENTATIONS

- 6.1 **Housing Strategy:** No objections.

7 APPRAISAL

- 7.1 On the 18 March 2019, a S106 agreement was entered into in connection with application N/2018/0904 for outline permission with all matters reserved except access for up to 132no dwellings at land relating to the former site of Parklands Middle School. The application was determined by the Planning Committee and planning permission was granted. The completed S106 agreement includes various obligations and the current application seeks to amend the mortgage exclusion and reinvestment clauses relating to the affordable housing obligation.

Mortgage Exclusion Clause

- 7.2 Mortgagee exclusion clauses (also known as mortgagee in possession clauses or mortgagee protection clauses) are standard in Section 106 Agreements which provide for the provision of affordable housing. These clauses provide for circumstances where a Registered Provider defaults

on loan payments and the mortgagee takes control of the Registered Provider's interest in the affordable housing units as assets against which their loan is secured.

- 7.3 Such clauses allow for another Registered Provider or the Council to purchase the affordable housing units within a specified timeframe under a prescribed procedure. Where the affordable housing units are not purchased within this period, they are released from affordable housing tenure, enabling the mortgagee to dispose of the units to regain some, or all, of the loan that they have provided.
- 7.4 The wording of a mortgagee exclusion clause affects the level of funding that a Registered Provider is able to secure against the affordable housing units to fund the provision of additional affordable housing as part of their delivery programme.
- 7.5 Where a mortgagee exclusion clause does not provide sufficient protection for the funder and they would be bound by the affordable housing restrictions in the Section 106 Agreement, the funding value would be limited to Existing Use Value for Social Housing. The best possible funding value is Market Value Subject to Tenancies, where the funder would be able to sell on the open market, to either a Registered Provider or a non-regulated purchaser, and neither the lender nor successors in title would be bound by the affordable housing restrictions in the Section 106 Agreement.
- 7.6 In this instance, the wording of the mortgagee exclusion clauses in the Section 106 Agreement are such that the value of the affordable housing units is limited to Existing Use Value – Social Housing. Accordingly, it is proposed that these are amended to enable the affordable housing to be valued at Market Value Subject to Tenancies. This will enable Registered Providers to obtain maximum value and reinvest in further affordable housing schemes. The amendment will not affect the level of provision of the affordable housing required to be provided.

Reinvestment Clause

- 7.7 The existing reinvestment clause in the Section 106 Agreement requires the Registered Provider, in the event that a tenant on the site exercises the right to buy or acquires 100% of a shared ownership property, to use the proceeds to fund the provision of further affordable housing and to use reasonable endeavours to make such provisions within the Borough.
- 7.8 However, the Registered Provider has advised that limiting the reinvestment to one Borough greatly limits the amount of viable reinvestment opportunities and instead proposes a cascade mechanism. Such a cascade mechanism would seek to reinvest proceeds to fund affordable housing in the following areas (in the priority order listed):
 - a) The Northampton Related Development Area (Northampton and the adjoining Sustainable Urban Extensions);
 - b) Daventry and South Northants (which will essentially be West Northants);
 - c) The remainder of Northamptonshire – Kettering, Corby, East Northants and Wellingborough (which will essentially be North Northants).
- 7.9 The Council's Housing Strategy team have advised that the cascading approach is reasonable.

8 CONCLUSION

- 8.1 The proposed amendment to the mortgage exclusion clause is in line with recent practices and allows a Registered Provider to seek funding which will enable investment in further developments and is considered to be an acceptable request.
- 8.2 The change of the existing reinvestment clause to a cascade mechanism will still result, should a tenant on the site exercises the right to buy or acquires 100% of a shared ownership property, in the Borough being the priority area for reinvestment of proceeds in affordable housing providing that viable opportunities are available. Therefore, the proposed amendment is considered to be an acceptable request.

9 BACKGROUND PAPERS

9.1 N/2018/0904.

10 LEGAL IMPLICATIONS

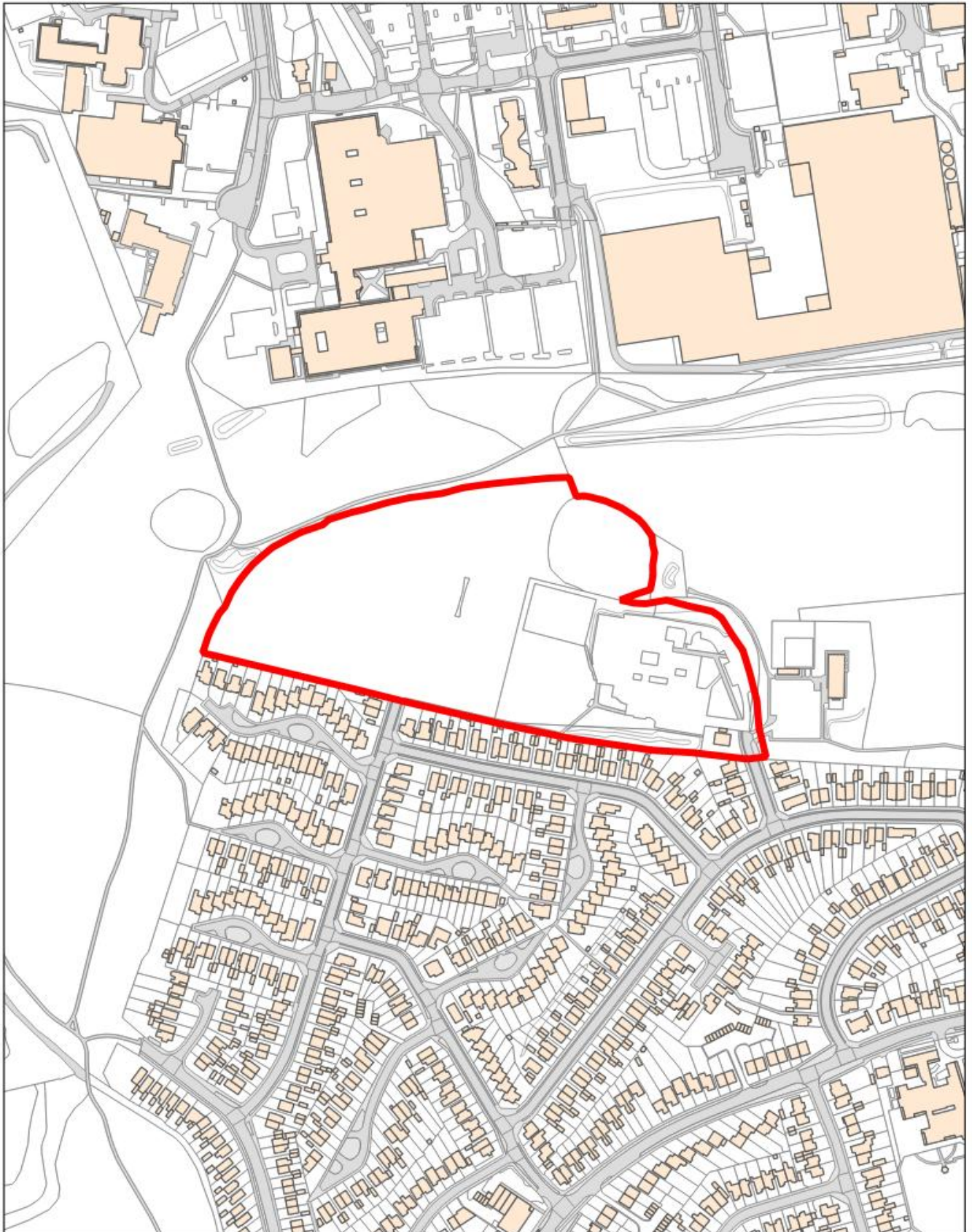
10.1 Planning obligations in completed Section 106 Agreements may be varied by agreement at any time and this is reiterated in the Planning Practice Guidance.

10.2 The Social Housing Regulator monitors the financial viability of Registered Providers and can intervene in the management of a Registered Provider in financial difficulty. There are few examples of Registered Providers falling into financial difficulties and where this has been the case, Registered Providers have to date been taken over by another Registered Provider. There are no known cases of mortgagee exclusion clauses being triggered in relation to assets owned by Registered Providers.

10.3 Taking these issues into account, it is considered that any risk associated with a Registered Provider defaulting on a loan and the affordable housing units not being secured by the Council or another Registered Provider is limited and is outweighed by the factors referred to above.

11 SUMMARY AND LINKS TO CORPORATE PLAN

11.1 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: **Devon Way**

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Date: 16-10-2020

Scale: 1:3,500

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/A

LOCATION: Borough Wide

DESCRIPTION: Delegated authority for Director of Planning and Sustainability to agree variations to Section 106 Agreements to amend mortgagee exclusion clauses

WARD: Borough Wide

APPLICANT: N/A
AGENT: N/A

REFERRED BY: Director of Planning and Sustainability
REASON: Variation to S106 Agreements

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 That the Committee **AGREE** that the Director of Planning and Sustainability be given delegated authority to agree variations of completed Section 106 Agreements in order to amend the wording of the mortgagee exclusion clauses and relevant definitions in completed Section 106 Agreements and any consequential amendments as are considered necessary.

2 THE PROPOSAL

2.1 Recently several requests have been received from developers seeking to vary Section 106 Agreements in order to amend the mortgagee exclusion clause in completed Section 106 Agreements associated with previously approved planning applications.

2.2 Currently the delegated powers of the Director of Planning and Sustainability, do not allow for variations to Section 106 Agreements and accordingly such requests are considered by Planning Committee.

2.3 Given the number of such requests that are now being received, this report seeks delegated authority to enable the Director of Planning and Sustainability to agree requests for the variation of mortgagee exclusion clauses.

3 PLANNING POLICY

3.1 None.

4 CONSULTATIONS/ REPRESENTATIONS

4.1 None.

5 APPRAISAL

5.1 Mortgagee exclusion clauses (also known as mortgagee in possession clauses or mortgagee protection clauses) are standard in Section 106 Agreements which provide for the provision of affordable housing. These clauses provide for circumstances where a Registered Provider defaults on loan payments and the mortgagee takes control of the Registered Provider's interest in the affordable housing units as assets against which their loan is secured.

5.2 Such clauses allow for another Registered Provider or the Council to purchase the affordable housing units within a specified timeframe under a prescribed procedure. Where the affordable housing units are not purchased within this period, they are released from affordable housing tenure, enabling the mortgagee to dispose of the units to regain some, or all, of the loan that they have provided.

5.3 The wording of a mortgagee exclusion clause affects the level of funding that a Registered Provider is able to secure against the affordable housing units to fund the provision of additional affordable housing as part of their delivery programme.

5.4 Where a mortgagee exclusion clause does not provide sufficient protection for the funder and they would be bound by the affordable housing restrictions in the Section 106 Agreement, the funding value would be limited to Existing Use Value for Social Housing. The best possible funding value is Market Value Subject to Tenancies, where the funder would be able to sell on the open market, to either a Registered Provider or a non-regulated purchaser, and neither the lender nor successors in title would be bound by the affordable housing restrictions in the Section 106 Agreement.

5.5 The wording of the mortgagee exclusion clauses in the Council's Section 106 Agreements are such that the value of the affordable housing units is limited to Existing Use Value – Social Housing. Accordingly, it is proposed that these are amended to enable the affordable housing to be valued at Market Value Subject to Tenancies. This will enable Registered Providers to obtain maximum value and reinvest in further affordable housing schemes. The amendment will not affect the level of provision of the affordable housing required to be provided.

6 CONCLUSION

6.1 The recommended delegation will enable the Director of Planning and Sustainability to respond and deal promptly with requests for variations to mortgagee exclusion clauses in existing Section 106 Agreements.

7 BACKGROUND PAPERS

7.1 No specific reference.

8 LEGAL IMPLICATIONS

8.1 Planning obligations in completed Section 106 Agreements may be varied by agreement at any time and this is reiterated in the Planning Practice Guidance.

8.2 The Social Housing Regulator monitors the financial viability of Registered Providers and can intervene in the management of a Registered Provider in financial difficulty. There are few examples of Registered Providers falling into financial difficulties and where this has been the

case, Registered Providers have to date been taken over by another Registered Provider. There are no known cases of mortgagee exclusion clauses being triggered in relation to assets owned by Registered Providers.

- 8.3 Taking these issues into account, it is considered that any risk associated with a Registered Provider defaulting on a loan and the affordable housing units not being secured by the Council or another Registered Provider is limited and is outweighed by the factors referred to above.

9 SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 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.

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Addendum to Agenda Items Tuesday 27TH October 2020

7. OTHER REPORTS

Item 7a

N/2020/1106

**Variation to S106 Agreement to vary the mortgagee exclusion clause
Former Parklands Middle School, Devon Way**

No updates.

Item 7b

**Delegated authority for Director of Planning and Sustainability to agree variations to
Section 106 Agreements to amend mortgagee exclusion clauses**

No updates.

10. ITEMS FOR DETERMINATION

Item 10a

N/2016/0810

**Hybrid application for up to 170 new dwellings in total including outline application for the demolition and conversion of existing University buildings and the erection of new buildings to provide residential accommodation (Use Class C3) of up to 112 units and associated car parking (including reconfiguration of Newton Building car park), landscaping and open space (all matters reserved except access) and full application for the part demolition, conversion and extension of the Maidwell Building to provide 58 new dwellings together with access and parking
University of Northampton Avenue Campus, St Georges Avenue**

Additional Condition 35:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the Order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Item 10b

N/2019/1055

**Proposed construction of a residential development, comprising 22no. self-contained apartments, with associated storage, refuse store, cycle store and external amenity
14 - 18 St Michaels Road**

Additional Condition 17:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the Order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Item 10c**N/2019/1063**

**Application for Variation of Conditions 2, 8, and 13 of planning permission N/2017/0127 (Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m2 of retail space (Use Class A1)) to alter the design of the approved building, to amend the flood risk assessment and to reduce the level of parking by 1 space
Sofa King Tivoli House, Towcester Road**

Comments have been received from **Councillor G Walker**. The comments can be summarised as follows:

- Understand need housing but building is an eyesore.
- Concern with flood risk in area.

Additional Condition 24:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Item 10d**N/2020/0777**

**Change of Use from Retail Shop (Use Class E) to Restaurant/Takeaway (sui-generis) including installation of extraction ducting system
103 St Leonards Road**

No updates.

Item 10e**N/2020/0805**

**Self-contained annexe on footprint of approved double garage
24 Penfold Drive**

No updates.

Item 10f**N/2020/0866**

Variation of Condition 5 of Planning Permission N/2018/0011 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 4 occupants (Use Class C4) including single storey extensions to the rear, a loft conversion with rear dormer window & internal alterations) to allow the property to be occupied by a maximum of 5 occupants

70 Victoria Road

No updates.

Item 10g**N/2020/1094**

Prior Notification of Change of Use from Offices (Use Class E) to 25no Residential Units (Use Class C3)

Phoenix Computers Limited Daisy Group Hunsbury Hill AvenueApplication **WITHDRAWN**.**Item 10h****N/2020/1109**

Conversion of single dwelling into 2no apartments with new window to basement and alteration to window opening

64 Charles Street

Additional representation received from one local resident, making the following points in summary:

- Charles street and its surrounding areas are littered with both illegal and legal HIMOs.
- It encourages nothing but issues to the old and families.
- The scenes witnessed have been traumatic and horrific.
- Issues caused by over redevelopment and HIMOs are ASB, drug dealers, pop up brothels, noise pollution both houses and cars, threats, vandalising, fly tipping (everyday), rats, wardens being assaulted.
- We have had non-stop issues.
- Houses are being constantly redesigned and redeveloped, can't enjoy having our time as a family in our own garden.
- We are totally against the planning of 64 Charles street. Converting the property into two different living spaces under one roof.
- It's not in the best interest of the street, neighbours or the environment.

Officer response – The issues raised deal mainly with anti-social behaviour, it cannot be assumed that those living in flats would be more likely to engage in such behaviour than those in houses. Where such issues do occur, this would be a matter for the Police, or Environmental Health. Reference is made to the number of HIMOS, whereas this is an application for two flats, the number of HIMOS in the area is not a consideration. Noise and disturbance during construction is also not a material planning consideration, only the impact of the development once completed can be considered.

Additional Condition 4:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order revoking and re-enacting the provisions of the order, the dwellings hereby permitted shall be used only for purposes within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification and shall not be used as a House in Multiple Occupation.

Reason: In the interests of amenity and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Additional Condition 5:

The basement study room as shown on the approved plans shall at no time be used as a bedroom.

Reason: In the interests of amenity and the impact on parking provision in the area in accordance with the requirements of Policy H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

Item 12a

N/2020/0952

Single storey side extension and new front porch together with internal alterations and vehicular crossover

42 Aynho Crescent

No updates.



PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/0810

LOCATION: University of Northampton Avenue Campus, St Georges Avenue

DESCRIPTION: Hybrid application for up to 170 new dwellings in total including outline application for the demolition and conversion of existing University buildings and the erection of new buildings to provide residential accommodation (Use Class C3) of up to 112 units and associated car parking (including reconfiguration of Newton Building car park), landscaping and open space (all matters reserved except access) and full application for the part demolition, conversion and extension of the Maidwell Building to provide 58 new dwellings together with access and parking

WARD: Trinity Ward

APPLICANT: University of Northampton
AGENT: Catherine Mason

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

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) A payment towards primary school education;
ii) A payment towards healthcare facilities;
iii) A payment towards highway signal improvements at the A508 Barrack Rd / A428 Grafton Street / Campbell Street junction and A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthews Parade / A5123 East Park Parade junction;
iv) The provision of on-site open space and for this space to be continually maintained and made available for public access; and;
v) The Council's monitoring fee, subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The proposed development would contribute to the Council's five-year housing land supply and, as part of a balanced assessment, is considered acceptable subject to conditions and a Section 106 Legal Agreement. Therefore, no objections are raised to the proposal with regards to the National Planning Policy Framework; Policies SA, S1, S3, S10, C1, C2, RC2, E6, H1, H2, BN1, BN2, BN3, BN5, BN7a, BN7, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20, E26, H14 and L2 of the Northampton Local Plan.

- 1.1.3 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 Planning and Sustainability 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.
- 1.1.4 Furthermore, due to the nature and complexity of the Application, it is recommended that delegated authority be given to the Director of Planning and Sustainability in consultation with the Chair of Planning Committee to amend, omit or add planning conditions as appropriate.

2 THE PROPOSAL

- 2.1 The proposal is a hybrid application for the redevelopment of the Northampton University Avenue Campus site for up to 170 dwellings. However, and for the avoidance of doubt, the Newton Building does not form part of the application and is to be retained unaltered and in education use.
- 2.2 The outline part of the application predominantly relates to the rear of the site and comprises the demolition and conversion of existing University buildings and the erection of new buildings to provide residential accommodation (Use Class C3) of up to 112 units and associated car parking (including reconfiguration of Newton Building car park), landscaping and open space, with all matters reserved except access.
- 2.3 The full/detailed part of the application comprises the part demolition, conversion and extension of the Maidwell Building to provide 58 new dwellings in two separate buildings together with car parking to serve these units and also includes full details of the vehicular accesses to the site.
- 2.4 The proposed works to the Maidwell Building comprise the demolition of the northern (front) and southern (rear) wings of the building, the retention and conversion of the east and west (side) wings/pavilions to residential, new infill residential terraces to the front and a rear extension to the retained western pavilion. The retained and converted Maidwell wings/pavilions would contain 26 residential apartments (5 x 1 beds, 16 x 2 beds, and 5 x 3 beds) over four storeys. The new infill terraces would provide 32 residential units (12 x 1 beds, 12 x 2 beds, and 8 x 4 beds) over 5 storeys. The parking for these 58 dwellings, comprising a total of 129 spaces, would be located in parking courts to the rear of the pavilions and served off a new vehicular entrance from St Georges Avenue that would run between the new terraces to the southern frontage of the site.
- 2.5 The application includes full details of two vehicular accesses onto St Georges Avenue with footways. The existing vehicular access to the east of the Maidwell Building would be widened to allow two-way traffic with a footway to one side and a shared cycleway and footway to the other side. In addition, a new vehicular access with footways to both sides would be formed to the centre of the site running through the demolition parts of the Maidwell Building and adjacent to the new infill terraces, as detailed above. The existing western vehicular access is indicatively shown as a footpath and cycleway on the submitted details.
- 2.6 The remaining 112 dwellings located to the rear of the site and alterations to the Newton Building car park are proposed in outline only; the details of appearance, landscaping, layout and scale of this part of the development would be submitted as a reserved matters application(s) in the event that the current application is approved. The current application, however, has been accompanied

by indicative parameter plans and an illustrative masterplan to seek to demonstrate that the proposed units could be accommodated within the site. These details indicate that the new dwellings would form a mix of houses and apartments of between 2 and 4 storeys in height. The new dwellings would be located to the northern and western parts of the site, predominantly on previously developed land, with the existing areas of open green space retained and a new surface water attenuation pond and play facility to the west of the site. A main east to west internal link road is envisaged to run across the centre of the site with pedestrian links onto Trinity Avenue and Freehold Street.

- 2.7 It should be noted that the application has been amended since its original submission to seek address the comments of consultees and officers including a reduction in the maximum number of dwellings from 200 to 170.

3 BACKGROUND AND SITE DESCRIPTION

- 3.1 The application site, Avenue Campus, forms part of the University of Northampton. The University of Northampton historically operated from two campuses: Avenue Campus (the application site) and Park Campus on Boughton Green Road. Avenue Campus comprised the University's centre for art, design, technology, architecture and the performing arts and also contains some student accommodation. Park Campus contained the University's management and administration facilities, lecture theatres, library, restaurant, a sports hall, shops, bars and a nightclub. However, in 2014 outline planning permission was granted for the development of a new Waterside Campus (under reference N/2013/0912) to relocate the University and this new campus opened in September 2018. An application was also submitted in 2014 to redevelop Park Campus for residential purposes (under reference N/2014/0475) and this was subsequently approved, but the current application for Avenue Campus (submitted in 2016) has been delayed in determination due to issues raised by statutory consultees.
- 3.2 The application site is located approximately one mile to the north of Northampton's town centre and immediately to the north of the Racecourse, accessed off St Georges Avenue. It contains five buildings in educational use (Newton, Maidwell, Isham, Walgrave and Heyford) together with a halls of residence (Bassett Lowke), an innovation centre, some seven car parks served by two accesses, areas of open space (including a treed area to the west) and its frontage falls in land levels down to the centre of the site. The scale of the existing buildings on the site vary from single storey to four storeys in height.
- 3.3 The Newton Building and Maidwell Building front onto St Georges Avenue and fall within the Kingsley Conservation Area. The Newtown Building is Grade II listed and is to be retained, falling outside the application red edge boundary. The Maidwell Building is locally listed and occupies the frontage of the application site. It is three storeys in scale with a basement to the front elevation and is laid out in a courtyard arrangement including 1930s pavilion wings but with a modern 1960s infill to the front.
- 3.4 The locality of the application site is predominantly residential along St Georges Avenue, although Bosworth Independent School is located to the west of the site. The site backs onto the Malcolm Arnold Academy, including a number of sport pitches, and beyond these playing fields to the north west lies an existing employment area and housing.

4 PLANNING HISTORY

- 4.1 The site has a long and complex planning history relating to the educational use of the site together with associated student accommodation (Bassett Lowke building), however the following application is most relevant to the current application:

N/2015/0426

Request for a screening opinion as to the need to undertake an Environmental Impact Assessment for the redevelopment of the site comprising a residential development of up to 250 dwellings. Environmental Impact Assessment is not required.

- 4.2 In addition, the following outline application for a new campus for the University of Northampton at Waterside is also a material consideration of the current application:

N/2013/0912

Outline planning permission for redevelopment of the site as a new campus for the University of Northampton, including site clearance and enabling works comprising remediation and re-levelling of the site, demolition of all buildings on the site (except the Grade II listed structures). The proposal includes up to 40,000m² university floorspace (all floorspace is GEA); up to 15,000m² university expansion floorspace; up to 35,000m² commercial (B1) floorspace; up to 3,550m² of retail floorspace (up to 1800m² of A1, up to 150m² of A2, and up to 1600m² A3/A4); up to 1,500 beds of student accommodation; up to 760 car parking spaces for University use; up to 1,100 car parking spaces for commercial / leisure use; a hotel of up to 7,000m² (up to 150 bedrooms); floodlit sports facilities; reuse of listed locomotive shed (520m²) and curtilage listed office building; an energy centre of up to 600m²; a new road bridge and junction on to Bedford Road including reconfiguration of Midsummer Meadow car park; a new pedestrian foot bridge connecting the site to Becket's Park; a new secondary substation (adjacent to existing substation); and retention of the existing access via Nunn Mills Road.

Approved with a number of subsequent reserved matters applications approved and implemented for the construction of the new university facilities.

- 4.3 The outline application at Park Campus, Boughton Green Road is also noteworthy in the consideration of the current application:

N/2014/0475

Outline application (with all matters reserved except access) for the demolition of existing University facilities and erection of new buildings comprising residential accommodation (use class C3) up to 800 units associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road.

Approved, with subsequent variation of condition and reserved matters applications also approved and works have commenced on the construction of the residential development.

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, and Northampton Central Area Action Plan (2013).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

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.

Section 5 - Housing Supply

Section 7 - Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change and flooding
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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:

SA - Presumption in Favour of Sustainable Development
S1 - The Distribution of Development
S3 - Scale and Distribution of Housing Development
S10 - Sustainable Development Principles
C1 - Changing Behaviour and Achieving Modal Shift
C2 - New Developments
RC2 - Community Needs
E6 - Education, Skills and Training
H1 - Housing Density and Mix and Type of Dwellings
H2 - Affordable Housing
BN1 - Green Infrastructure Connections
BN2 - Biodiversity
BN3 - Woodland Enhancement and Creation
BN5 - The Historic Environment and Landscape
BN7A - Water Supply, Quality and Wastewater Infrastructure
BN7 - Flood Risk
BN9 - Planning for Pollution Control
INF1 - Approach to Infrastructure Delivery
INF2 - Contributions to Infrastructure Requirements

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 policies are material to this application:

E20 - New Development (design)
E26 - Conservation Areas
H14 - Residential Development, Open Space and Children's Play Facilities
L2 - School and College Sites

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Planning Obligations Strategy SPD 2013
Affordable Housing Interim Statement 2013
Northamptonshire County Parking Standards 2016
Biodiversity SPD for Northamptonshire 2017
Northampton Parking Standards 2019

5.6 **Other Material Considerations**

Kingsley Conservation Area Appraisal and Management Plan 2009

The Northampton Local Plan Part 2 – The Northampton Local Plan Part 2 has recently been subject to a second round of consultation (Regulation 19) and the policies in this emerging plan will attract more weight as the plan progresses. Policies 13 and 38 of the Northampton Local Plan Part 2 Proposed Submission are of particular relevance to this proposal as they seek to allocate the application site for 200 dwellings. In addition, Appendix C to the Part 2 Plan details that improvements to the Barrack Road / St. Georges Road, and Kingsthorpe Road / Balfour Road junctions will be required to support the redevelopment of Avenue Campus.

6 CONSULTATIONS / REPRESENTATIONS

Comments received are summarised as follows:

6.1 Anglian Water:

- Assets – There are Anglian Water assets that may affect the layout of the development and an informative should be imposed to draw this matter to the attention of the developer.
- Wastewater Services – There is capacity available for the foul drainage and sewerage arising from the development.
- Surface water disposal – A condition should be imposed to require a surface water management strategy.

6.2 Arboricultural Officer: No objection on tree-related grounds. The submitted arboricultural survey and report are thorough and the analysis is thoughtful, considered and well-balanced with adequate justification for the proposed tree removals, essentially the second tier of planting in front of the Maidwell Building. At the front of the property an arboricultural method statement and tree protection plan will be required. An up-to-date tree survey of the area behind the Maidwell Building will be required for any future reserved matters application; the submitted arboricultural report dates from 2016 and the survey itself was completed in 2014, and this should inform an arboricultural method statement and tree protection plan.

6.3 Conservation Officer: No objection to the revised proposal, which will not impact on the character or appearance of the Kingsley Conservation Area.

6.4 Construction Futures: A financial contribution should be made to secure a construction training programme.

6.5 Environment Agency: The previous use of the proposed development site presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. Therefore, to ensure the development does not propose an unacceptable risk to the environment, conditions should be imposed to address the following:

- Land contamination
- Infiltration of surface water drainage.

6.6 Environmental Protection:

- Construction Works – A Construction and Environmental Management Plan condition should be imposed to address the impacts of construction works.
- Land contamination – This matter can be addressed by conditions.
- Noise Assessment / Mitigation – The submitted Noise Report includes baseline noise measurements and identifies the need for onsite mitigation to protect future residents from noise disturbance. A condition should therefore be imposed to secure a detailed noise control scheme prior to the construction of each property; the scheme will likely include measures such as windows with improved noise attenuation and ventilation/heat control systems that allow windows in habitable rooms to be kept closed in warm weather and also provisions to protect outdoor amenity spaces.
- Air quality - The Council's Low Emissions Strategy requires electric vehicle charging points and specifies minimum standards for gas boilers.

6.7 Highways England: No comments.

- 6.8 **Historic England:** No comments regarding the amended details.
- 6.9 **NCC Archaeology:** Initially objected in the absence of intrusive on site works to provide an appropriate level of archaeological assessment. However, four trenches were subsequently excavated on the site and an Archaeological Evaluation Report submitted which indicates that the site does not retain evidence for the former Kingsthorpe Brickworks that is known to have been present on the site. The trial trenching found evidence for modern disturbance and for quarrying which appeared to have been backfilled relatively recently. There is therefore no requirement for further work on below ground archaeology. However, a building recording condition for the Maidwell Building is recommended, to cover those parts of the building to be converted as well as those demolished, if consent is forthcoming.
- 6.10 **NCC Development Management:**
- Primary Education – There will not be sufficient capacity within existing provision to be able to accommodate the likely numbers of pupils generated from this development. Therefore, a financial contribution is required to ensure that the children generated by this development can be accommodated within a local school.
 - Secondary Education – The majority of the secondary schools serving the proposed development are operating at 99% capacity or above. Secondary education in Northampton have previously been secured through developer contributions under the Community Infrastructure Levy, however changes to legislation in 2019 allow section 106 contributions to be sought and therefore such a contribution is sought from this development.
 - Fire hydrants and sprinklers – A condition is sought regarding fire hydrants and sprinklers.
 - Libraries – A financial contribution is sought for libraries
 - Broadband – Guidance should be provided to the developer regarding broadband.
- 6.11 **NCC Ecology:** Initially raised concerns regarding the potential impacts on protected species but, following the submission of further ecological assessments, raises no objections subject to conditions to address the following:
- A Construction Environmental Management Plan to address impacts on protected species.
 - A Landscape and Ecological Management Plan to cover the management of soft landscaping.
 - The removal of Japanese Knotweed from the site.
- 6.12 **NCC Highways:** Initially raised concerns regarding highway impacts. However, following a reduction in the number of units from 200 to 170 and the submission of revised and further details the following observations have been provided:
- Layout - A condition should be imposed to ensure that the Maidwell part of the development is laid out in accordance with the detailed site plan.
 - Construction works – A Construction Traffic Management Plan condition should be imposed.
 - Private streets – A condition should be imposed to address any streets that may not be adopted as public highway.
 - Travel Plan – A Travel Plan should be secured by condition
 - Transport impacts - The applicant has agreed to seek to mitigate the traffic impacts of the development via signal timing changes at affected junctions: A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthew's Parade / A5123 East Park Parade and A508 Barrack Rd / A428 Grafton Street / Campbell Street. These works should be secured prior to the occupation of the 60th dwelling.
- 6.13 **NCC Lead Local Flood Authority:** Initially objected due to insufficient information supporting the application regarding surface water drainage, however following the submission of further details no objections are raised to the proposal subject to the imposition of conditions to secure a surface water drainage scheme.
- 6.14 **Nene Clinical Commissioning Group & NHS England:** There will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed development. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new

patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore, the Clinical Commissioning Group and NHS England are seeking a financial contribution towards infrastructure to ensure the new population has access to good quality primary health care services.

6.15 Northants Police Crime Prevention Design Advisor:

Outline application

- There are references in the supporting submissions to Secured by Design and the principles of designing out crime. The general layout with back to back gardens and on plot parking shows an adherence to these principles as both reduce opportunities for crime. However, there are examples on the illustrative master plan where parking is behind the rear garden and where the rear garden perimeter is exposed by the introduction of a road and both of these should be avoided on the final layout.
- Pleased to note the play space to the rear of garden has been removed. The play space indicatively shown to the west of the site is acceptable as it benefits from overlooking and is separated from the nearest housing by a road which reduces the impact of the nuisance and noise which can often accompany a play space.
- The purpose of the green space behind the houses on the north east side of the plan is unclear; the green space serves to expose the rear garden boundary of the houses backing onto it and will create a hidden space for children to play in. A similar situation exists on the north west side.

Maidwell Pavilions and Terrace

- Access controls should be incorporated.
- Postal deliveries should be made to external letter boxes.
- The cycle storage is set away from the buildings and will need to be very secure to encourage persons to store bikes in the public domain; a brick built lockable building is recommended with security rated internal anchor points.
- The residential amenity for those persons living on the bottom floor of Maidwell Terrace facing into the car park can be enhanced by the inclusion of some secure amenity space to provide a buffer for ground floor residents. The lower gardens may prove attractive for burglars as they would appear to be screened from overlooking from St Georges Avenue and there does not seem to be much to stop persons accessing the space. Any glazing in any basement level or ground floor level window should be laminate and meet the requirements of P1A.
- All new external doors and windows at accessible levels plus all internal flat entrance doors should meet the requirements of BS PAS24:2012
- Lighting to the communal car park should meet the requirements of BS 5489 and provide a uniform level of light of between 0.2 and 0.4UO.
- The extensive area of parking would lend itself to being designed in line with guidance from the Safer Parking Scheme

6.16 Sport England: Initially objected due to the proximity of residential uses to existing sports facilities at Malcolm Arnold School (particularly a flood lit artificial grass pitch and court facilities), which are used by the school and community (including at weekends and in the evenings) meaning that the new dwellings may impact on the continual use of the sports facilities. However, having assessed the noise assessment submitted in response to these concerns, the objections were withdrawn subject to conditions to secure an acoustic barrier and attenuated ventilation to buildings affected by noise from the neighbouring sports facilities. In addition, the detailed design of any reserved matter applications should seek to ensure that there would be no private or shared gardens bordering the sports pitches and the design of the buildings seeking to avoid noise sensitive rooms on elevations facing the sports pitches.

6.17 Councillor Jane Birch:

- Pleased to note the reduction of housing units to 170; this reduction (from 200) will have a less adverse impact on the traffic along St George's Avenue which has concerned local residents since the original proposals came forward.
- Note that there is no plan to widen St. George's Avenue with the loss of established trees.

- The Traffic Plan is also far more comprehensive and again this is seen as an improvement on the previous plan.
- Note that the cycle path leading onto Freehold Street has been repositioned to the edge of the Wildlife Area reducing the disruption to the local wildlife. This area of wild woodland to the rear of properties on St George's Avenue now remains relatively undisturbed; it is regarded as highly important to the character of the neighbourhood.
- Concerns have been expressed about security of the site and the adjoining residential properties.
- Details of boundary treatments as the application develops are important.
- Residents need to be assured that the digging of deep foundations will not impact on the stability of nearby properties.
- As far as this application looks at a detailed planning application for Maidwell, the front elevation facing the Racecourse presents a cohesive facade in line with the perception of this being a significant building in the area.
- Pleased to see the alterations to the original proposals, many reflect the objections raised at the time by local residents.

6.18 **Five neighbour objections** to the application have been received. These objection letters include the following points:

- The provision and quality of the flats to the St George Avenue frontage is not comparable to the quality and social mix of existing properties along St Georges Avenue; houses should be provided to the frontage.
- The proposal would exacerbate existing traffic issues on Trinity Avenue.
- Concerned regarding the impacts of the development to wildlife including protect species in the western portion of the site; this area is known locally as a wildlife area and recognised as a wildlife conservation area by the University who, together with the St Georges Community and Wildlife Group, secured lottery funding to enhance the site 20 years ago. The large balancing pond and pedestrian routeway will destroy an important hedgerow and trees used by nesting birds. There are existing ponds and another pond is not needed. Lighting of the routeway will be detrimental to wildlife. The land was also historically recognised as a greenspace in the 1990s under the draft Local Plan, but this was changed to an education designation in the final plan.
- Tree preservation orders should be extended in the western area of the site.
- The new bicycle path exit at Trinity Avenue would necessitate the loss of a hedge that has been nominated for the Local Heritage List.
- There are potential archaeological remains in the western area of the site of historic importance; it comprises the longest occupied and most extensive brick working area in Northampton (operating from at least 1755). The submitted desk based archaeological report is below acceptable quality and has incorrect conclusions. An archaeological trial trench evaluation should take place in accordance with a brief agreed with the County Archaeologist to inform the need for any future work.
- Proposed pedestrian only route from the frontage of the site is welcomed.
- East west link is questionable in purpose, utility and practicality; it will have highway impacts (e.g. emerging cyclists would have to penetrate a stream of pedestrians on Trinity Avenue including those en route to school), conflict with the residential setting, it is unclear how the level differences will be addressed and will result in the loss of a historic hedge together with tree removal and street-lamp displacement.
- The proposed cycle track along the eastern frontage access also only leads to a busy pedestrian footpath.
- The provision of paths with no surveillance creates security issues and requires unnecessary lighting.
- Site boundaries should be preserved for security.
- A new access should be provided to the school from the new estate.
- Concerned regarding impacts of construction works including noise, dust and vibration; neighbouring residents should be temporarily relocated during demolition.
- Proposal has potential to impact on mains drainage.
- Application proposals misunderstand local feedback.

- 6.19 **One neighbour representation in support** of the proposed development has also been received, which include the following points:
- The additional housing provided by the scheme is welcomed; particularly now the scheme has been reduced in number.
 - The local area and Malcolm Arnold School should directly benefit from financial contributions arising from the development.
 - Welcome the retention of trees along St Georges Avenue
 - Cycle path location is appropriate.
- 6.20 In addition, **four neighbour representations providing comments** on the scheme have been received, which include the following points:
- Proposal would open up and alter a significant part of an existing wildlife site.
 - The play areas should be re-sited away from the wildlife site and proposed drainage pond to ensure children are not encouraged to venture too near these features.
 - The security of the rear of existing dwellings along St Georges Avenue needs careful consideration under future reserved matters application together with the possibility for anti-social behaviour and fly tipping.
 - Additional traffic generated by proposal needs careful consideration and review, including the ability to cross St Georges Avenue.
 - Four storey buildings would likely involve pile driving construction which would potentially damage neighbouring properties as would the demolition of the halls of residence.
 - Four storey housing would also lead to overcrowding and could be imposing.
 - The proposal has implications for rights of way.

7 APPRAISAL

Principle of the development

- 7.1 The application site is located within the urban area of Northampton and therefore residential development of the site is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 The site is however allocated for education purposes under Saved Policy L2 of the Local Plan. Although, the proposed redevelopment of the site is linked to the relocation of the University of Northampton's facilities to the new Waterside Campus at Nunn Mills Road, which was permitted under application N/2013/0912 and occupied in 2018. Furthermore, it is understood that the University, a not for profit organisation, is committed to reinvesting any capital receipts from the application site into the costs of relocating the University and the provision of higher education. As such, a strong case can be made that the retention of this site for education purposes is no longer necessary and the site can be released for other uses, particularly in the case of residential accommodation, which would assist in addressing an identified need within Northampton.
- 7.3 In addition, Policy E6 of the Joint Core Strategy sets out a requirement to support the role of the University. Furthermore, the supporting text in the Joint Core Strategy (paragraph 5.57) refers to the proposed relocation of the University to Waterside helping to create a better relationship to the town centre and Enterprise Zone and replacement housing provision being made on the existing campuses.
- 7.4 The emerging Local Plan Part 2 is also a material consideration in the assessment of the current application and, having recently completed a second Regulation 19 consultation, it is considered that some weight can be attributed to the proposed allocation of the application site under Policies 13 and 38 for residential purposes for up to 200 dwellings.
- 7.5 In light of the above, it is considered that objections could not be sustained to the redevelopment of this education facility to housing under Saved Policy L2 of the Local Plan.
- 7.6 It should also be noted that the NPPF sets out in Paragraph 117 that planning should make an effective use of land in meeting the needs for housing and seek to use as much as possible of previously developed or "brownfield" land to meet housing need. In addition, Paragraph 118 of the

NPPF details that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other needs. The illustrative plans accompanying the application indicate that the new housing would be concentrated on the previously developed parts of the site and it is understood that the majority of the buildings at Avenue Campus have been vacant since the relocation to the Waterside Campus in 2018. Therefore, it is considered that the proposal would support the objectives for brownfield land in the NPPF

- 7.7 Notwithstanding the above, the Council cannot presently demonstrate a five years housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs heavily in favour of the proposal. In addition, weight can be attributed to the benefits arising from the redevelopment of brownfield land. The application would also support the relocation of the University to the Waterside Campus, with the capital receipts from the sales of Avenue Campus contributing to relocation costs, and thus would indirectly assist with the regeneration of Northampton Town Centre and the Enterprise Zone and contribute to the aims and objectives of the Central Area Action Plan.

Heritage Assets – Conservation Area and historic buildings

- 7.8 The frontage of the application site is located in the Kingsley Conservation Area and contains the Maidwell Building which is a locally listed building and thus comprises a non-designated heritage asset. In addition, the site neighbours the Grade II listed Newton Building. As such, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area and to preserving the setting of the listed building, with great weight given the conservation of the heritage asset. Furthermore, the effect of the application on the significance of a non-designated heritage asset should also be considered, with a balanced judgement required having regard to the scale of any harm or loss and the significance of this heritage asset.
- 7.9 The Kingsley Conservation Area was designated in 1991 and the Conservation Area Appraisal details that its character is defined by high-quality late 19th century grand terrace houses which are the result of speculative development undertaken by house builders during the Victorian period. Furthermore, the Conservation Area Appraisal details that the Racecourse provides the focal point of the Kingsley area, and it is this large green open space which has defined the development of houses around it. However, the application site did not originally form part of the Conservation Area and was only included when the Kingsley Conservation Area boundary was extended in 2009 to cover the entire extent of the Racecourse and also buildings surrounding it that have been deliberately designed to take advantage of this amenity. The Newton and Maidwell Buildings are both identified in the Conservation Area Appraisal as making a positive contribution to the extended Conservation Area.
- 7.10 In terms of the Maidwell Building, the Kingsley Conservation Area Appraisal details that the building was originally constructed in 1932 and is of idiosyncratic construction set around three sides in a horseshoe construction with an open courtyard in the centre. Furthermore, it details that the St Georges Avenue facades of the original building consist of two wings each with a central doorway with stone surround flanked by two stone pillars, with the west wing having "Technology" inscribed above the doorway, and the east wing having "Art" inscribed above the doorway. The central area of the frontage was filled in with a modern block design with flat roof and a large expanse of windows in the 1960s.
- 7.11 The supporting submissions set out that the applicant originally proposed the demolition of the Maidwell Building and a higher quantum of development on the site (c. 250 dwellings). However, in response to pre-application engagement, the proposal was altered to retain and replace parts of the Maidwell Building and full details of the works to this locally listed building form part of the consideration of this hybrid application. Indeed, the application proposes the retention of the front

parts of the 1930 east and west wings (referred to as the Maidwell Pavilions by the applicant) incorporating alterations to side facades (due to the removal of internal side projections) together with the construction of a new rear extension to the western wing and stairwell to the rear elevation of the eastern wing; the demolition of the 1930s rear wing; and two new terraces to the frontage (referred to as the Maidwell Terraces by the applicant) in place of the 1960s infill. In addition, there would be a new access road running between the resulting two buildings with a parking courtyard to the rear.

- 7.12 A Heritage Impact Assessment accompanies the application, and this details that the proposal partial demolition of the Maidwell Building would result in a moderate degree of harm to the heritage value of this locally listed building as a result of its partial demolition and negligible impact on the character and appearance of the Kingsley Conservation Area.
- 7.13 It is considered that the findings in the applicant's Heritage Impact Assessment regarding the impact of the works to the locally listed Maidwell Building are reasonable and well considered. Indeed, the Heritage Impact Assessment notes that the building derives significance from not only its aesthetic value but also its historic and communal role as an education establishment, including its training role linked to the locally important boot and shoe industry. Furthermore, the Heritage Impact Assessment details that the moderate degree of harm derives from the impact in both fabric and aesthetic terms from the demolition of the 1930s northern and 1960s southern ranges. However, the Heritage Impact Assessment details that the elements to be lost do not make a defining contribution to the architectural and historic interest of the building, although acknowledges that they do contribute to its overall integrity and interest in its form and historic significance. In addition, the Heritage Impact Assessment notes that the most significant elements of the locally listed building, the entrances to the eastern and western ranges and parts of the ranges themselves, are being retained, and key features such as the critical windows can be protected by condition. Furthermore, the Heritage Impact Assessment sets out that the new infill southern range echoes the form and materiality of the existing pavilions in a contemporary form and are of appropriate scale, thereby retaining the sense of primacy of the pavilions in the streetscene. It is considered that the design of the basement parts of the front elevation are relatively weak, with limited fenestration details that do not tie in particularly well with the upper floors, but this element of the scheme would largely be screened by retaining walls. The division of the southern infill by a new site entrance is noted as a minor heritage impact on the value of the Maidwell Building but mitigated to a degree by design detailing.
- 7.14 The rear extension to the west pavilion of the Maidwell Building is not specifically addressed in the Heritage Impact Assessment nor is the appearance of the courtyard facing inner facades of the retained buildings. The proposed rear extension would replicate part of the form of the existing building which would help to some extent to limit the harm from the loss of this part of the building and would also have a sympathetic roof form and subordinate scale to the retained pavilion. However, the west facing windows in the rear projection would contrast poorly with the retained pavilion and are only considered acceptable due to their similarity with the fenestration details in the more successfully designed front terraces. The facades facing onto the parking court would effectively all be new (predominantly due to the removal of existing courtyard projections) and would have a contemporary design with an informal relationship of windows which would not reflect the historic appearance of the building. However, the existing courtyard elevations are much plainer than the exterior elevations and of limited aesthetic value. Furthermore, as a similar approach is reflected on all 4 elevations it creates a sense of cohesion between the existing and new parts of the building. In addition, the design of the courtyard facing facades together with the layout of the altered Maidwell Building, which wraps around the front corners of the parking area, retains a sense of the historic courtyard form. The shared landscape setting to the frontage of the building would also largely be retained, with the existing frontage basement area replicated in the infill terrace designs in the form of small outdoor amenity areas for the duplex apartments.
- 7.15 Overall, it is considered that the harm to the locally listed Maidwell Building is moderate and that this equates to less than substantial harm in the terms of the NPPF.

- 7.16 In respect of the impact of the proposal of the Kingsley Conservation Area, whilst the findings of the submitted Heritage Impact are noted, it is considered that the proposal would result in some minor harm to the character and appearance of the Conservation Area. Indeed, the Maidwell Building is specifically identified in the Conservation Area Appraisal as making a positive contribution to the Conservation Area and it is considered that this is derived from a combination of the high quality of the frontages of the 1930s pavilions and also the continuous frontage formed by the pavilions and central range. Therefore, the provision of an access road though the centre of the Maidwell Building and division of the building into two would clearly disrupt the frontage within the Conservation Area and also result in the loss of the historic form of this building. However, the retention of the grand 1930s Pavilions, which includes the most significant architectural details identified in the Conservation Area Appraisal, together with the sense of enclosure to St Georges Avenue created by the new terraces would help to limit this harm. As such, it is considered that the harm to the Conservation Area is only minor and less than substantial as defined in the NPPF.
- 7.17 It is also necessary to consider the impact of the proposal on the neighbouring Grade II listed Newton Building. The Newton Building dates from 1915 and was originally built as the Northampton Grammar School for Girls and is to be retained in education use by the University. It is a grand Renaissance style building with red brick in English bond and ashlar dressing and occupies an imposing position on the corner of St Georges Avenue and Trinity Avenue. To the west of the Newton Building is an existing vehicular access onto the wider University site. Given the retention of the eastern front corner of the Maidwell Building and the presence of a landscaped strip to the eastern side of the enlarged access drive, it is considered that the works the subject of the full application would not have an adverse impact on the setting of this listed building.
- 7.18 Turning to the outline part of the application, it is considered that there are no overriding objections to the principle of the proposed works with regards to the implications for the Conservation Area and historic buildings on the frontage of the site. Indeed, the indicative details show the retention and conversion of the Quinton Building, which has a sympathetic design to the Maidwell and Newton Buildings; although, detailed proposals for the Quinton Building would form part of a reserved matters application. In addition, whilst acceptable in principle, an assessment of the impacts of the alterations to the car park to the rear of the Newton Building on the setting of this listed building will need to be undertaken at the reserved matters stage. Furthermore, any development to the rear of the site will also need to be sympathetic to the character of the retained historic buildings on the Avenue Campus site and the wider Kingsley Conservation Area.
- 7.19 Overall, it is considered that the proposed works to the Maidwell Building would result in moderate harm to a non-designated heritage asset and some limited harm to the character and appearance of the Conservation Area. This harm would be less than substantial as defined in the NPPF. However, it is considered that this harm is mitigated to some extent by the retention of the 1930s pavilions to the frontage of the building and the new terraces. Furthermore, as part of a balanced assessment, it is considered that the harm would be outweighed by the benefits arising from the scheme securing a viable use for the retained part of the Maidwell Building, the contribution of 170 dwellings to the Council's housing land supply facilitated by the proposed scheme, and support the scheme provides to the relocation of the University to the Waterside Campus together with associated benefits as detailed above. However, it is recommended that a building recording condition is imposed together with conditions relating to materials, boundary treatments and landscaping to seek to preserve historic features and the character of the area.

Heritage Assets - Archaeology

- 7.20 Heritage assets also include sites of archaeological interest. Paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.21 In this instance, the site includes former historic brickworks to its western side and thus has the potential to include heritage assets with archaeological surveillance. The application was initially accompanied by a desk based archaeological report to seek to assess the impact of the proposal

on archaeological heritage assets, however the submitted document was weak and the County Archaeologist together with a third party with archaeological interests advised that on site intrusive investigations would be required to understand the potential impact on the assets' significance. As a consequence, on site investigations were subsequently undertaken with an evaluation report submitted which indicates that the site does not retain evidence for the former brickworks due to modern disturbance and quarrying. As such, the County Archaeologist has advised that there is no requirement for further work or conditions relating to below ground archaeology and it is considered that the proposal would not result in an adverse impact on heritage assets with archaeological interest.

Design and layout

- 7.22 Policies S10 and H1 of the Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan seek high quality design and this approach is supported by the NPPF.
- 7.23 The application site presently has a high quality and cohesive frontage to St Georges Avenue, as detailed in the Heritage section above. However, to the centre and the rear of the site it has a more sprawling form with a mixture of building designs and scales, large areas of parking and a somewhat contrived internal road layout that has evolved over time. In addition, the edges of the site benefit from treed areas which are subject to ecological constraints, including a wildlife area to the western side of the site, as addressed in more detail in the Green Infrastructure, Ecology and Trees section below.
- 7.24 The design consideration of the alterations to the Maidwell Building, which form the detailed part of this application, have largely been addressed in the Heritage section above and, overall, would result in a strong frontage to St Georges Avenue with a mix of traditional and more contemporary architecture tied together with elevation treatments.
- 7.25 Turning to the outline parts of the scheme, the application has been accompanied by a range of indicative plans include parameter plans relating to land use, building heights and access and movement together with an indicative masterplan and landscaping scheme to provide an indication of how the site could potentially be developed.
- 7.26 The illustrative details show the parking court to the rear of the altered Maidwell Building enlarged and including two additional residential buildings to reflect the square courtyard layout of the current Maidwell Building. To the rear of this parking area is an east to west link road running from an altered car park for the Newton Building to the east and surface water drainage pond to the west of the site. The link road is shown connecting into the two new vehicular accesses from the St Georges Avenue frontage to the south. A cycle way is detailed to the northern side of the link road and this is shown as connecting into the highway network on Trinity Avenue and Freehold Street to improve the permeability of the site. The concerns of third parties regarding the loss of part of a boundary hedge to Trinity Avenue and the potential for crime associated with pedestrian links are noted. However, only a small section of hedge would need to be removed, the Police Crime Design Advisor does not raise concerns regarding the indicative movement network and clearly a balance needs to be struck with the permeability benefits and promotion of sustainable forms of travel that such new connections would facilitate. In any event, the details of any such pedestrian and internal vehicular movement routes would be considered at the reserved matters stage.
- 7.27 Housing and flats are shown to the northern centre/rear part of the site with landscaped buffers to the boundaries and also to the western part of the site, with a large portion of the treed wildlife area to the western side of the site retained as open space and incorporating a play facility and surface water drainage facility to its northern edge. The residential dwellings are generally laid out in perimeter block arrangements and the parameter plans suggest that they would likely be developed as predominantly two to three storey units. However, given the presence of the existing four storey Bassett Lowke building on the site, there is clearly scope for sensitively sited and designed taller buildings to come forward in parts of the site at the reserved matters stage.

- 7.28 The indicatively shown areas of green space across the site would result in a developable area of around 3.7 hectares and therefore a density of approximately 46 dwellings per hectare. The locality is characterised by terraced dwellings and is approximately a mile from the town centre, and thus it is considered that the density is acceptable in this sustainable urban location.
- 7.29 It must be acknowledged that the indicative layout does include some shortcomings, such as the relationship of the open space to some of the proposed dwellings as identified by the Police CPDA. In addition, the design and siting of parking will also be important to ensure the Parking Standard are met without the development being overly dominated by parking, but an amended layout could be secured at the reserved matters stage.
- 7.30 Overall, having regard to the indicative details, it is considered that the proposed number of residential units in the outline part of the site could be accommodated as part of a sensitively designed reserved matters application without an adverse impact on the character of the area.

Sports Facilities

- 7.31 Sport England initially submitted a holding objection regarding the application due to the potential for the proposed development, once occupied, to impact on the ability to use the sport pitches to the north and west of the site (particularly a floodlit Artificial Grass Pitch [AGP] and court facilities which are used by the Malcolm Arnold Academy and community in the evenings and during weekends).
- 7.32 To address Sport England's concern, the applicant commissioned a specific noise assessment for the AGP. This assessment finds that reasonable and practicable forms of noise mitigation can be used to protect new dwellings from noise from the existing AGPs, such as a 1.8 metres high noise barrier along the boundary with the sport pitches, double glazing and passive acoustic ventilators. The conclusions of this noise assessment have been accepted by Sport England, with their holding objection withdrawn subject to conditions to secure the noise mitigation measures detailed in the report and the provision of guidance regarding layout that should be taken into account in any subsequent reserved matters applications to minimise conflict between the existing sports facilities and future occupiers of the new dwellings.
- 7.33 It should also be acknowledged that existing flood lights also have the potential to cause conflict between existing sports facilities and new residential occupiers. However, in this instance, the floodlights on the adjacent sport pitch are subject to a condition (under planning permission N/2006/1109) preventing their use between the hours of 21:00 and 9:00 and it is considered that this would help protect future occupiers from unacceptable amenity impacts from the flood lights. However, it will also be necessary for any future reserved matters application to be sensitively designed to address this matter
- 7.34 Overall, subject to conditions requiring the reserved matters application for the dwellings to the north of the site being accompanied by details of noise mitigation measures and noting that such a reserved matters application will need to be carefully designed to minimise conflict, it is considered that the proposal would not have an unacceptable impact on neighbouring sports facilities.

Residential Amenity

- 7.35 Policy H1 of the Joint Core Strategy, Saved Policy E20 of the Local Plan and the guidance in the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.36 In terms of the amenity of neighbouring properties, the proposed works to the Maidwell building and vehicular access alterations would have no implications for the residential amenities of neighbouring properties nor would any subsequent reserved matters application to revise the parking layout for the Newton Building.

- 7.37 In respect of the remainder of the outline part of the proposal, the indicative details show the retention of green open space to the rear of and acting as a buffer to properties on St Georges Avenue. It is noted that representations have been received regarding the security of the rear boundaries of properties on St Georges Avenue, however this green open space comprises an existing feature of the site and the proposal also offers the potential to introduce surveillance to this area of land. In addition, it is noted that the indicative plans show a play facility located on the edge of this open space in relatively close proximity to the rear garden of one existing property on St Georges Avenue. However, this garden area does not form part of the original curtilage of the property and is over 60 metres in depth such that it is considered that the play space would not have an unacceptable impact on the amenity of this neighbouring property. In any event, the above matters would be considered in detail at the reserved matters stage. Furthermore, it is considered that the indicative plans show that acceptable separation distances could be achieved on the site between existing and new dwellings and that development could come forward under a reserved matters application that would not give rise to unacceptable noise, disturbance or loss of daylight to neighbouring properties. However, to safeguard the amenities of neighbours during the construction phase of the development, a Construction Environmental Management Plan (CEMP) condition is recommended.
- 7.38 Turning to the amenity of future occupiers of the application site, it is considered that the application site is of sufficient size such that adequately sized amenity spaces, separation distances, privacy and daylighting for future occupiers could be secured at the reserved matters stage for the outline part of the proposal.
- 7.39 In respect of the detailed part of the application, the proposed apartments to be created in the altered Maidwell Building would comprise a mix of 1, 2, 3 and 4 bed units. All the units would accord with the national space standards, with a number of the units having generous floor areas that significantly exceed the national space standards to the benefit of the amenity of future occupiers. Furthermore, all habitable rooms would be served by windows and whilst there would be some basement bedrooms to the frontage of the development, these properties would look out onto small garden courtyards and also comprise duplex apartments. An apartment in the western rear extension would also have constrained outlook from its bedrooms, but the living space for the unit would be served by windows affording good outlook and daylight and it is not considered that objections could be sustained on the grounds of the amenity of this unit only. The only communal open space in the detailed part of the application is the shared frontage area, but the Racecourse Recreation Ground opposite the site offers a range of recreational opportunities.
- 7.40 It is noted that the application has been accompanied by noise reports and these identify that the site is presently affected by noise arising from vehicles to the south of the site on St Georges Avenue; existing plant on the Newton Building to the east of the site; and the playing pitches to the north of the site. These noise reports have been assessed by Environmental Protection (and Sport England as detailed above) and, subject to conditions to secure appropriate mitigation measures (e.g. window glazing, acoustic ventilation and boundary treatments) and a sensitively designed layout coming forward as part of a reserved matters application, it is considered that the development is not objectionable on noise grounds.
- 7.41 Taking into account the above, it is considered that an acceptable standard of amenity could be secured for both existing and future occupiers at the reserved matters stage for the quantum of development proposed. Therefore, no objections are raised to the proposal on residential amenity grounds.

Green infrastructure, ecology and trees

- 7.42 Policies BN1, BN2 and BN3 seek to enhance existing green infrastructure, woodland areas and biodiversity as well as safeguard protected species.
- 7.43 St Georges Avenue is tree lined along the boundary with the Racecourse and the frontage of the application site also benefits from trees running along the frontage of the site that contribute positively to the amenity of the area. The proposal would result in the loss of some of the trees on

the frontage of the application site, predominantly the second tier of planting. However, a cohesive group of trees would remain, and the Council's Arboricultural Officer advises that the approach is reasonable and raises no objections subject to conditions to secure tree protection measures during the construction phase. Furthermore, it is recommended that a condition is imposed to secure landscaping to the frontage of the site and within the car park of the altered Maidwell Building on amenity grounds and to the benefit of ecology.

- 7.44 The interior of the application site covered by the outline part of the application contains a wooded area to the western side with a spring fed pond and several trees the subject of Tree Preservation Orders, which it is understood has been managed as a wildlife conservation area by the University and a local wildlife group for a number of years. In addition, the western and eastern edges of the rear part of the site contain treed areas with ecological constraints. These existing areas are indicatively shown to be largely retained on the illustrative details. However, a new surface water drainage pond and footway is shown running through the northern edge of the western wooded area.
- 7.45 To address the potential impacts of the outline part of the scheme on protected species, including bats, badgers and great crested newts and also in response to concerns raised by local residents and the County Ecologist, a number of ecological assessments and surveys have been submitted during the course of the application. In addition, the submitted Arboricultural Assessment also covers the interior of the site. Having regard to the findings of these reports, the County Ecologist and the Council's Arboricultural Officer raise no objections to the principle of the outline part of the application subject to conditions to secure a Construction Environmental Management Plan, Landscape and Ecological Management Plan, remediation of Japanese knotweed and a future reserved matters application being accompanied by an updated arboricultural assessment. In addition, it is recommended that the retention of the main part of the wooded area to the west of the site is secured as part of the Section 106 Legal Agreement. Furthermore, it is highlighted that any future reserved matters application will need to be sensitively laid out to in response to and to safeguard the ecological constraints identified in the submitted assessment and a future landscaping scheme should clearly secure biodiversity enhancements and strengthen green corridors.
- 7.46 It should be noted that the County Ecologist also initially raised concerns regarding the potential for the demolition of parts of the Maidwell Building to impact on roosting bats. However, further assessments for bats were undertaken in 2019 and 2020 and no evidence was found of bats utilising any of the buildings on site. As such, the County Ecologist raises no objections to the implications of the proposed demolition works for bats subject to a Construction Environmental Management Plan.
- 7.47 Overall, subject to conditions and planning obligations, no objections are raised to the proposal with respect to green infrastructure, ecology and trees.

Parking and highways

- 7.48 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Detailed and complementary guidance on parking requirements are set out in the Northamptonshire Parking Standards and Northampton Parking Standards.
- 7.49 The application includes full details of the vehicular access arrangements to the site, comprising alterations to the existing access between the Maidwell Building and the Newton Building and a new access running through the centre of the remodelled Maidwell Building. The existing access to the west of the Maidwell is shown on the indicative plans to be closed and converted to a footway and cycleway and the indicative plans also show a new pedestrian and cycle route running east to west across the site from Trinity Avenue to Freehold Street. The Highway Authority has advised that the proposed vehicular accesses are acceptable and recommends the imposition of a

condition to require their provision prior to the occupation of the development. The submitted plans also show the relocation of an existing pedestrian crossing to the frontage of the site and it is also recommended that this is secured by condition.

- 7.50 In terms of the impact of the proposal on the highway network, the application has been amended from 200 units to 170 units on the request of County Highways to mitigate its impact and has also been accompanied by Transport Assessment, the scope of which has been agreed by County Highways. The Transport Assessment evaluates the impact on the proposal on the highway network until 2031 and details that the proposal would result in an overall reduction in trips on the highway network between the existing generation from Avenue Campus and the proposed 170 dwellings. Indeed, the assessment calculates that there would be 17 fewer trips overall in the morning peak and 36 fewer trips in the evening peak. However, and whilst not disputing that the proposal would result in an overall reduction in vehicular movements and also improvements to queues to several arms of a number of junctions in the local highway network, County Highways initially raised concerns that the proposal would result in additional traffic to arms of the following junctions: A508 Barrack Rd / A428 Grafton Street / Campbell Street and A5095 Kingsley Rd / A5095 Abington Grove / A5123 St. Matthews Parade / A5123 East Park Parade. Although, following negotiations, County Highways have agreed that the development will not have an adverse impact on the highway network subject to changes to the signal timing on these junctions and a Travel Plan. Therefore, subject to the signal timing works being secured by a Section 106 Legal Agreement and a Travel Plan condition, it is considered that the development would not have a severe impact on the highway network.
- 7.51 In addition, County Highways also advise that a Construction Environmental Management Plan condition is required in order that the route of construction traffic, site compounds and construction matters are controlled to mitigate impacts on the highway network.
- 7.52 Turning to parking, the detailed part of the application has been amended to include the parking area to serve the 58 new apartments (17 x 1 beds, 28 x 2 beds, 5 x 3 beds, and 8 x 4 beds) within the converted and extended Maidwell Pavilions. The Parking Standards seek one parking space per 1 bed dwelling, two parking spaces for 2 and 3 bed dwellings and 3 parking spaces for 4 bed dwellings plus visitor and cycle parking, which equates to 107 car parking spaces plus visitor and cycle parking for this detailed part of the application. The proposed parking area contains 128 car parking spaces and thus there would be sufficient parking for each dwelling plus 21 visitor spaces which would be acceptable for this sustainable location. This parking can be secured by condition and it is also recommended that details of car park lighting are also secured by condition. It is noted that the indicative plans show the car park serving the two resulting Maidwell buildings to potentially be enlarged and shared with two further blocks of flats and, whilst such an approach would appear to integrate acceptably with the detailed parking proposals and be beneficial from a design perspective, this would form part of a future reserved matters application.
- 7.53 In respect of cycle parking, the submitted plans indicate 30 cycle parking spaces within the proposed car park and also 'cage' storage areas in the basement of the Maidwell Pavilions that could be used for cycle storage. The details are however somewhat limited, but this matter can be addressed by condition to ensure that the detailed part of the application would be served by adequate and secure cycle parking.
- 7.54 In regard to parking for the outline part of the application, the supporting documents (including the Transport Assessment) detail that the Northamptonshire Parking Standards will be met as part of any reserved matters application. The indicative masterplan is, however, a little ambiguous in this respect and does not clearly show two hard surfaced parking spaces for all two and three bed properties as required under the Parking Standards. Although, this matter would be addressed under a reserved matters application and it is considered that there is scope for an improved layout with adequate parking that meets the Standards but does not overly dominate the streetscene to be secured on site under such an application.
- 7.55 A revised parking area for the retained Newton Building would also form part of a reserved matters application.

7.56 Overall, given that the County Highway Authority raise no objections, and subject to conditions and a planning obligation, it is considered that the proposal would be acceptable on parking and highway safety grounds.

Planning obligations and affordable housing

7.57 By reason of the scale and type of the development, a Section 106 Legal Agreement will need to be entered into. The Community Infrastructure Levy (CIL) Regulations 2010 and Paragraph 56 of the NPPF 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.

7.58 In addition, the NPPF details that major housing developments should be expected to provide at least 10% affordable Housing, with Policy H2 of the JCS seeking the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need.

7.59 In terms of viability, the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances. Furthermore, the Planning Practice Guidance supporting the NPPF provides detailed standards for viability appraisals and indicates that an assumption of 15-20% profit is a suitable developer return.

7.60 The application has been supported by a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions. The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and details that, whilst there is some scope to adjust some of the costs and fees, the provision of affordable housing on this site would not be viable in any scenario and would result in the development being undeliverable. As such, it is considered that it would not be reasonable to require any affordable housing on the site on viability grounds.

7.61 However, the Independent Viability Consultant's findings differ from the applicant's assessment with regards to the availability of some money for Section 106 financial contributions. Indeed, the Independent Viability Consultant advises that there is scope for some limited Section 106 financial contributions and initially suggested the inclusion of a clawback mechanism to address uncertainty regarding demolition costs. However, such a mechanism has the potential to significantly impact on land values, which has implications for funding of the Waterside Campus development, and there is also no guarantee that additional Section 106 monies would be forthcoming. As a potential way forward, the applicant has offered additional Section 106 financial contributions on a without prejudice basis, and these would cover a significant proportion (i.e. approximately three fifths) of the highway, primary education and health infrastructure costs arising from the impacts of the proposed development. The Independent Viability Consultant advises that the applicant's offer would, on balance, comprise a fair risk adjusted compromise to all parties.

7.62 It is noted that the County Council are seeking contributions for not only primary education but also secondary education. However, secondary education is addressed by CIL contributions and therefore, and given the reduced contributions available from this development on viability ground (as detailed above), it is considered that it is not reasonable to require such additional contributions for secondary education under the Section 106 Legal Agreement.

7.63 The County Council are also seeking financial contributions for libraries but, in the absence of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within a Legal Agreement.

- 7.64 A further infrastructure requirement is for the provision of construction training and the Council would also normally seek contributions relating to off-site open space to mitigate the impacts of the development. These requests would satisfy the tests for planning obligations and the payments would be secured through a Section 106 Legal Agreement. However, these Section 106 financial contributions are also subject to viability assessment as discussed above. Furthermore, given the conclusions of the viability assessment, the requirement for any contributions in respect of these matters would result in the development being unviable and this is a material consideration in determining the planning application. In addition, it is noted that the proposed development would include a generous provision of onsite open space, including play facilities, and these could be secured in perpetuity under the Section 106 Legal Agreement to ensure open space benefits are obtained as part of the proposal.
- 7.65 Overall, it has been demonstrated through viability assessments that the scheme cannot afford to deliver any affordable housing and only with reduced Section 106 financial contributions will the development be deliverable. It is recommended that these contributions prioritise primary education, health infrastructure and transport impacts, mindful that money will be collected under CIL for secondary education and on-site open space would be secured by the Section 106 Legal Agreement. However, it must be acknowledged that there is harm arising from the inability of the development to fully mitigate its impacts on education and health and also harm emanating from the lack of contributions to offsite open space and construction training. Although, as part of a balanced assessment, it is considered that this harm is outweighed by the significant benefits arising from the proposed development, which include the delivery of 170 residential units to contribute to the Council's five year housing supply, the redevelopment of vacant brownfield land, and the support the scheme affords to the University's relocation to the Waterside Campus together with its associated benefits to Northampton Town Centre and the Enterprise Zone as detailed above.

Other considerations

- 7.66 Whilst the application site is not located in Flood Zones 2 or 3, it proposes a major development and therefore has been accompanied by a Flood Risk Assessment and details of sustainable drainage, with the indicative plans showing a surface water drainage pond to the west of the site. The submitted details have been reviewed by the Lead Local Flood Authority, the Environment Agency, and Anglian Water and, subject to conditions, no objections are raised with respect to flood risk.
- 7.67 Environmental Health and the Environment Agency recommend conditions relating to ground contamination and, given the historic use of the site as a brickworks with associated quarrying and the sensitivity of the underlying aquifer, it is considered that such conditions would be reasonable.
- 7.68 The comments of Environment Health regarding air quality mitigation measures are noted, and whilst details of electric charging points can be secured by conditions, matters relating to the efficiency of boilers are addressed under the Building Regulations such that it would not be reasonable or necessary to impose conditions to attempt to control boiler efficiency.
- 7.69 The County Council are seeking a condition relating to fire hydrants and sprinklers; however such matters are also addressed under the Building Regulations.
- 7.70 The comments of the Police Crime Prevention Design Advisor (CPDA) are noted and also referred to in the Design and Layout section above. The issues raised by the CPDA predominantly have implications for future reserved matters applications should planning permission be forthcoming. However, it is considered that details of the security measures for the Maidwell apartment and car park together with details of external lighting for this detailed part of the application should be secured by conditions under the current application.
- 7.71 It is noted that third parties have raised concerns regarding construction impacts, and it is considered that the matters controllable under planning can be addressed by a Construction and

Environmental Management Plan. Although, and for the avoidance of doubt, it is not unusual for construction sites to operate alongside existing residential properties and thus it would not be reasonable for a future developer to be required to temporarily relocate neighbours as suggested in one representation. Furthermore, any potential damage to neighbouring properties from the construction works would be a civil and not a planning matter.

8 CONCLUSION

- 8.1 To conclude, whilst no objections are raised to the principle of the proposed development under the development plan, the Council cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development in accordance with the guidance in the NPPF.
- 8.2 The application site is sustainably located, and the proposal would reuse a largely vacant brownfield site and secure a viable use for the retained parts of the locally listed Maidwell Building and the retention of the treed wildlife area to the west of the site. Furthermore, it would make a significant contribution to the Council's five-year housing land supply through the provision of up to 170 dwellings with associated social and economic benefits. In addition, the application site would support the relocation of the University to the Waterside Campus, with the capital receipts from the sales of Avenue Campus contributing to relocation costs, and thus would indirectly assist with the regeneration of Northampton Town Centre and the Enterprise Zone and contribute to the aims and objectives of the Central Area Action Plan.
- 8.3 The proposed development however proposes the demolition of a large proportion of the locally listed Maidwell Building resulting in moderate harm to a non-designated heritage asset and some limited harm to the character and appearance of the Kingsley Conservation Area. This harm equates to less than substantial harm in the terms of the NPPF and needs to be weighed against the benefits of the scheme.
- 8.4 In addition, it is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the requisite S106 contributions for open space and construction training are sought, and can only afford to deliver contributions towards highway impacts together with reduced contributions for education facilities and health infrastructure. However, these considerations also need to be weighed against the benefits of the scheme
- 8.5 Overall, and as part of a balanced assessment, it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. The development is therefore considered to be in accordance with the requirements of the National Planning Policy Framework, Policies SA, S1, S3, S10, C1, C2, RC2, E6, H1, H2, BN1, BN2, BN3, BN5, BN7a, BN7, INF1 and INF2 of the West Northamptonshire Joint Core Strategy, and Saved Policies E20, E26, H14 and L2 of the Northampton Local Plan.

9 CONDITIONS

1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of the part of the site for which outline permission is hereby granted.

Reason: This is a hybrid application and part of this permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

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

5. The outline development hereby permitted shall be for a maximum of 112 dwellings.

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

6. Any subsequent reserved matters applications shall include a noise assessment, including acoustic and ventilation mitigation measures as appropriate, of the exposure of habitable rooms and outdoor amenity spaces of the proposed dwellings based on the final building and estate layout due to noise arising from the adjacent playing pitches and plant on buildings neighbouring the site.

Reason: To secure a satisfactory standard of development and in the interests of residential amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. Any subsequent reserved matters applications shall include an arboricultural impact assessment incorporating an arboricultural method statement and tree protection plan.

Reason: In the interests of securing a good standard of development and ecology in accordance with Policies BN1, BN2, BN3, H1 and S10 of the West Northamptonshire Joint Core Strategy.

8. No development shall take place until a phasing plan detailing the programme of works for the demolition and for the development of the site has been submitted to and approved in writing by the Local Planning Authority. Development and demolishing works on site shall be carried out in accordance with the approved phasing plan.

Reason: To secure a satisfactory standard of development and to ensure that demolition and development works on site would not prejudice the character and setting of the heritage assets in accordance with Policies H1, BN5 and S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure that all works on site are carried out in a timely manner.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for recording the Maidwell Building, covering those parts to be converted as well as those demolished, in accordance with a written scheme of investigation that has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork unless otherwise agreed in writing by the Planning Authority);

(iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined, recorded and publicly available in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework. Pre-commencement condition to ensure that archaeological works are undertaken before development commences.

10. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP which shall include:
- i. Traffic management and signage during construction (including details of construction access, gates, tracking and routing to and from the site)
 - ii. Parking for site operatives and visitors.
 - iii. Storage areas for plant and materials.
 - iv. The erection and maintenance of security fencing/hoardings and lighting.
 - v. Welfare and other site facilities.
 - vi. Working hours and delivery times.
 - vii. Measures to control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - viii. Measures to prevent mud and other debris being deposited on the surrounding highway including details of wheel washing and road sweeping
 - ix. A method statement for the demolition of the buildings on site including details of any measures to ensure the protection of the retained parts of the Maidwell Building.
 - x. Ecological mitigation measures in accordance with BS42020:2013:

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

11. Notwithstanding the submitted details, no development shall take place until an updated Arboricultural Report including tree protection measures for all the trees shown to be retained as part of the full planning permission and a method statement for all works within the root protection areas of these retained trees shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the locality and Conservation Area in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

12. No development shall take place until a full scheme of works for the relocation of the existing pedestrian crossing to the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and fully implemented prior to the first occupation of any dwelling on site.

Reason: In the interests of promoting sustainable transport methods and to ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

13. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

14. Prior to the occupation of the development hereby permitted, a contamination verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and following completion of measures identified in the approved remediation strategy 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, including the prevention of water pollution, in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

16. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policies BN7a and BN9 of the West Northamptonshire Joint Core Strategy.

17. No development shall take place until a surface water drainage phasing plan for the application site has been submitted for approval in writing by the Local Planning Authority. No development

shall take place in each surface water drainage phase as identified by the approved phasing plan until full details of the surface water drainage scheme for that phase, based on the approved Flood Risk Assessment and Outline Drainage Strategy document no. 203299-RPT-058 rev 04 dated September 2020 prepared by Jacobs, has been submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in accordance with the approved details relevant to that phase and 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 WinDES modelling or similar with the details on proposed discharge rates, simulating storms through the whole drainage system, with results of critical storms, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 200 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.
- iii) Cross sections of control chambers and manufacturers hydraulic curves for all flow controls

Reason: To reduce the risk of flooding both on and off site and ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policies BN7, BN7A and BN9 of the Core Strategy for West Northamptonshire. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

18. Prior to occupation of any dwelling within an approved surface water drainage phase, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed within the relevant surface water drainage phase shall be 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 which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- i) A maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- ii) A site plan including access points, maintenance access easements and outfalls.
- iii) Plans identifying maintenance operational areas to ensure there is room to gain access to the asset, maintain it with appropriate plant, and then handle any arisings generated from the site.
- iv) Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development in accordance with Policies BN7, BN7A and BN9 of the Core Strategy for West Northamptonshire.

19. Prior to occupation of any dwelling within an approved surface water drainage phase, a Verification Report for the installed surface water drainage system within the phase shall be submitted to and approved in writing by the Local Planning Authority. The report 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 / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory in accordance with Policies BN7, BN7a and BN9 of the Core Strategy for West Northamptonshire.

20. Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing by the Local Planning Authority. The LEMP should include:
- a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures including details of the long-term management of the retained and new habitats within the site.

The development shall be implemented and maintained in accordance with the approved details thereafter.

Reason: In the interest of biodiversity and to secure a satisfactory standard of development in accordance with the requirements of Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy.

21. Prior to the occupation of the development hereby permitted, a method statement including a timetable for the removal and disposal of Japanese Knotweed from the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard protected species and biodiversity in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

22. Prior to the occupation of the development hereby permitted, the new and altered vehicle accesses shall be construction in accordance with drawing MW-MW-DR-A-00002 P5.

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

23. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified in the Travel Plan shall thereafter be carried out in accordance with a timetable to be included in the Travel Plan.

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

24. In the event of any of the streets associated with the residential element of the development hereby permitted not being proposed for adoption as public highway, the following applies:

- a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the planning authority and agreed in writing prior to the commencement of development;
- b) The streets will, in any event, be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;
- c) That prior to first occupation of any dwelling a legal 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 streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).

e) Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers.

Reason: For the avoidance of doubt and in the interests of safety to accord with the National Planning Policy Framework.

25. Prior to the commencement of development within each approved phase, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients within that phase 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: To secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

26. Prior to occupation of any dwelling within each approved phase of the development, a scheme for the installation of electric vehicle charging points within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling that they would serve.

Reason: In the interests of reducing carbon emissions and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards.

27. Prior to the occupation of any dwelling forming part of the full planning permission, car parking shall be constructed and laid out in accordance with the details shown on drawing number MW-MW-DR-A-00002 P5 and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

28. Prior to the commencement of any works to the Maidwell Building hereby permitted, full details of all proposed external facing materials for the retained and extended parts of the Maidwell Building including windows, doors, elevation treatments, roof and retaining wall details 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 the historic integrity of the Maidwell Building and to ensure that the materials are appropriate to the appearance of the Conservation Area and setting of the listed building in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

29. 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 gates, fences, walls or any means of enclosure or similar structures other than approved pursuant to Condition 28 above shall be erected or constructed forward of the southern front elevations of the retained and extended parts of the Maidwell Building hereby permitted.

Reason: To ensure that the historic character of the open frontage of the site is maintained in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy.

30. Notwithstanding the submitted details and prior to the occupation of any dwelling forming part of the full planning permission, a detailed scheme of hard and soft landscaping for the full planning application site shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained, and a tree planting method statement. 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 first occupation of the dwellings and shall be maintained thereafter 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 the character and appearance of the locality and Conservation Area and the setting of the listed building in accordance with Policies H1, BN1, BN2, and BN5 of the West Northamptonshire Joint Core Strategy.

31. Notwithstanding the submitted details and prior to the occupation of any dwelling forming part of the full planning permission, full details of facilities for the secure and covered parking of bicycles to serve occupiers of this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

32. The bin stores to serve the dwellings forming part of the full planning permission hereby permitted shall be provided in accordance with the approved plans and fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

33. Prior to the occupation of any dwelling forming part of the full planning permission, full details of all external lighting within the full application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: In the interests of amenity, heritage, crime prevention and biodiversity in accordance with Policies H1, S10, BN1, BN2 and BN5 of the West Northamptonshire Joint Core Strategy.

34. Prior to the occupation of any dwelling forming part of the full planning permission, full details of security measures including access control, the security performance of doors and windows, and details of post boxes to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure the provision of a safe and secure development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

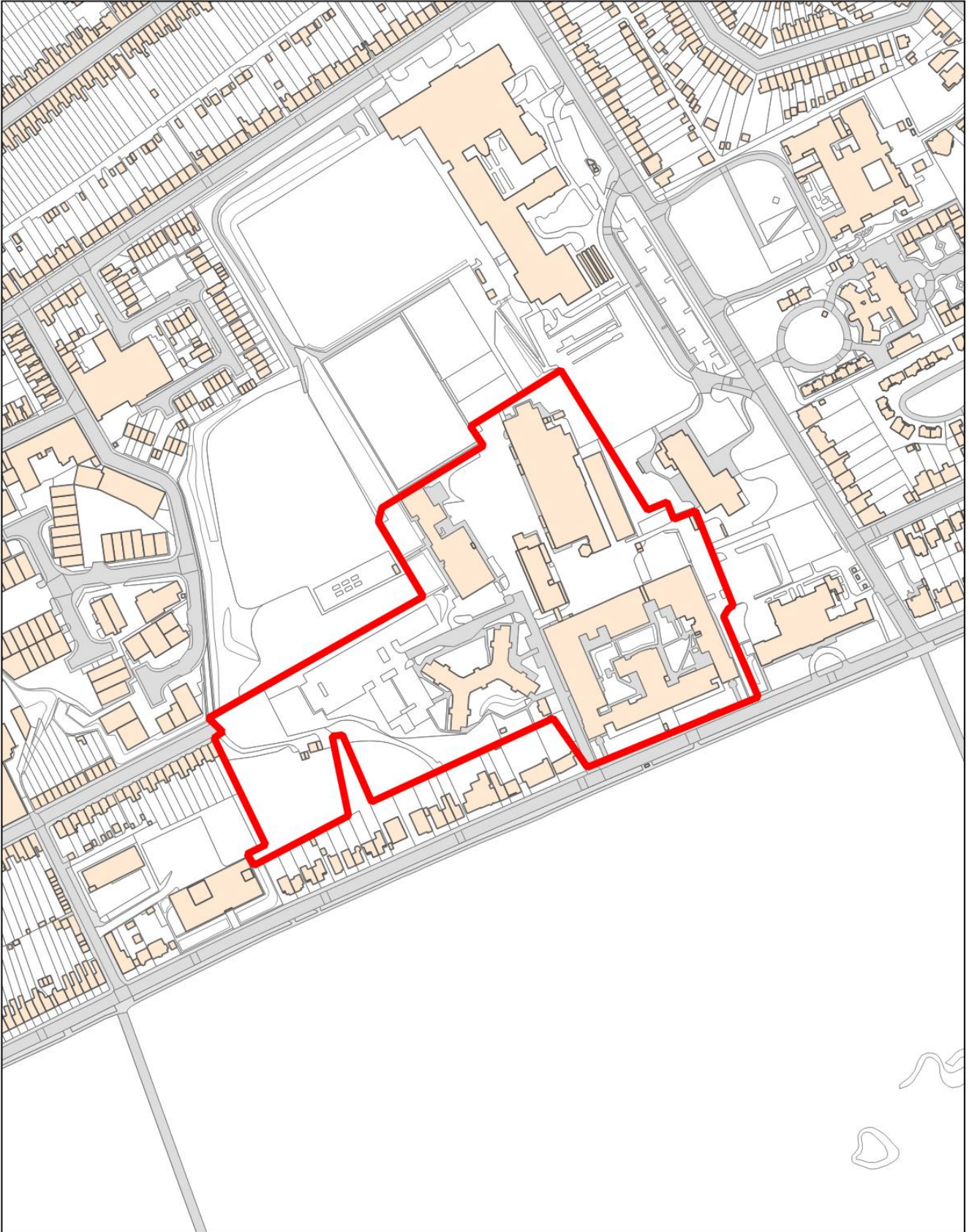
- 10.1 N/2016/0810, N/2015/0426, N/2013/0912 and N/2014/0475.

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: **St Georges Avenue**

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Date: 16-10-2020

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1055

LOCATION: 14 - 18 St Michaels Road

DESCRIPTION: Proposed construction of a residential development, comprising 22no. self-contained apartments, with associated storage, refuse store, cycle store and external amenity

WARD: Castle Ward

APPLICANT: Mr Taylor
AGENT: Mr Jonathan Weekes

REFERRED BY: Director of Planning and Sustainability
REASON: Major application with no S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would bring about the development of a prominent derelict site in the Town Centre and within the Boot and Shoe Quarter Conservation Area. The development of which as proposed would make a positive contribution towards the character and appearance of the area and the setting of adjacent heritage assets and contribute towards the Council's 5-year housing supply. The site is in a sustainable location with good access to the Town Centre and public transport and the proposal, subject to conditions, would provide an appropriate level of amenity for future occupiers and would not lead to any unacceptable impacts in respect of surrounding amenity, highway conditions, or environmental impacts.

It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of Section 106 contributions required is applied and that, on balance, the lack of contributions would be outweighed by the environmental and social benefits of the proposal. As such, the proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies SA, S1, S3, S10, C2, H1, BN7, BN9, INF1, INF2 and N1 of the West Northamptonshire Joint Core Strategy, and Policies 1 and 16 of the Northampton Central Area Action Plan.

2 THE PROPOSAL

- 2.1 The application proposes the residential development of a brownfield site within the Central Area. The proposed development would comprise the erection of a 3-storey building, when viewed from St. Michael's Road, with a 4th floor set within the roof slope. From the rear the building would comprise of 6-storeys with the provision of two additional below ground levels, Garden Level and Lower Ground Level, due to the change in ground levels of the site which steps down at the rear from street level.
- 2.2 The proposed accommodation would comprise of 10 x 1-bed, 12 x 2-bed apartments. Access to the building would be from St. Michael's Road, with a lift providing internal access to all floors. A separate refuse storage area is provided at ground floor level with an external access door from St. Michaels Road and internal access for residents. Cycle storage is proposed at Lower Ground Level with access via the lift. A communal garden area is proposed at the rear of the site with some of the apartments having access to a small private terrace area. No parking provision is proposed.

3 SITE DESCRIPTION

- 3.1 The application site comprises a vacant overgrown brownfield site within the Central Area previously occupied by Victorian industrial buildings.
- 3.2 The site is situated within the Boot and Shoe Quarter Conservation Area and sits alongside Nos. 20-26 St Michael's Road, a Grade II listed 3-storey building to the east, and opposite the Grade II listed former Hawkins factory building on the opposing side of St Michael's Road. To the south of the site beyond the Northampton College car park is the Grade II listed Former Cannon Cinema building on Abington Square.
- 3.3 To the immediate west of the site is a group of 3-storey residential terraces that front onto St. Michael's Road. To the immediate rear of this group of terraces, along the boundary with the application site, is an unusually located detached dwelling. St Michael's multi-storey car park is situated to the south east of the site. The surrounding area is a mix of resident and commercial uses.
- 3.4 The site levels drop by approximately 5-6m from St. Michael's Road to the rear boundary of the application site.

4 PLANNING HISTORY

- 4.1 N/2011/0115 - Lawful Development Certificate for commencement of development for 20 flats (planning permission N/2004/0683). Issued 27/05/11.
- 4.2 N/2004/0683 - Erection of 20 flats. Approved 24.06.04.
- 4.3 N/2002/314 - Demolition of existing buildings and erection of 19no apartments. Approved 11.12.02.
- 4.4 99/0751 - Conversion of building to flats, part demolition and erection of new flats. Approved 25.08.99.

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 the Northampton Central Area Action Plan (2013).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

6.1 **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
Section 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change and flooding
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

6.2 **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 SA - Presumption in Favour of Sustainable Development
Policy S1 - Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S10 - Sustainable Development Principles
Policy H1 - Housing Density and Design
Policy H2 - Affordable Housing
Policy N1 – The Regeneration of Northampton
Policy N2 - Northampton Central Area
Policy C2 - New Developments
Policy BN2 - Biodiversity
Policy BN5 - Heritage Assets
Policy BN7 - Flood Risk
Policy BN9 - Planning for Pollution Control
Policy INF1 - Infrastructure Delivery
Policy INF2 - Infrastructure Requirements

6.3 **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 10 - Parking
Policy 16 - Central Area Living

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019
Planning Obligations SPD 2013

6.5 **Other Material Considerations**

Boot and Shoe Quarter Appraisal and Management Plan (2011)

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **Conservation Officer (NBC)** - no objection to revised plans which show ground floor now at the back of the footway to provide an active frontage to the street (amended to remove previous ground floor recess). Vacant former industrial site alongside grade II listed building (20-26 St Michael's Road) and facing former Hawkins building. Site presently has negative impact on Conservation Area and redevelopment of the site is welcome in principle. Height and design of building is acceptable and reflects previous use of site and industrial character of area and will have an acceptable impact on adjacent and nearby listed buildings. Materials used should be agreed by condition.
- 7.2 **Public Protection (NBC)** - the submitted Noise Assessment demonstrates that traffic noise meets the "Significant Observed Adverse Effect Level". Measures to mitigate and reduce exposure through building design through glazing and ventilation schemes will need to be carefully considered to assist with the reduction of noise exposure and air quality matters. The submitted Air Quality Assessment demonstrates that the annual mean NO₂ concentrations are exceeded at the front of the development site. A ventilation solution is required to reduce exposure on both noise and air quality grounds which can be conditioned if the information is not available at this time. Openable windows will not be acceptable for ventilation on the west facade ground floor to 2nd floor receptors and east ground floor to 2nd floor receptors. Request condition for Construction and Environmental Management Plan and contamination mitigation.
- 7.3 **Highway Authority (NCC)** – no objection but will require cycle provision mentioned to be detailed on scaled drawings to ensure it meets the required cycle parking provision.
- 7.4 **Lead Local Flood Authority (NCC)** – having reviewed the Flood Risk Assessment, content with the drainage strategy however we require that the applicant contacts the water authority as there is no right of discharge using the existing connection. An AW Pre Planning Assessment will confirm the point of connection and maximum discharge rate into the AW surface water system. If the approved discharge rate of 2.5l/s is lower than the AW approved rate the lower rate will be expected. Unable to confirm at this stage that sufficient information has been received in regards the drainage strategy until AW have given approval for the discharge. Permission will be required to discharge to manhole outside the site boundary, but AW indicate they do not own the asset. Applicant will be required to ascertain owner of private sewer and seek permission to discharge. If private sewer discharges to an AW sewer upstream AW should be consulted and permission obtained.
- 7.5 **Environment Agency** – no objection.
- 7.6 **Anglian Water** – there is available capacity for foul drainage. Submitted FRA unacceptable with no evidence to show surface water hierarchy has been followed. Recommend condition for surface water management strategy to be approved and no hard-standing to be constructed until works carried out in accordance with strategy.
- 7.7 **Ecology (NCC)** – aerial and street views indicate the site is vegetated and a large tree is indicated on the topo drawing however, neither an ecological or arboricultural survey has been provided.

Considered there is insufficient information to determine the application. Given amount of scrub habitat and lack of landscaping in the proposal, initial assessment is that development will constitute a net biodiversity loss inconsistent with paragraph 175 of the NPPF. The applicant will need to demonstrate how the proposal delivers a net biodiversity gain.

- 7.8 **Northamptonshire Police Crime Prevention Design Advisor** - no objection in principle, but serious reservations as no reference to security. Development is in challenging part of town and in order to provide any quality of life for the residents, the applicants should be able to demonstrate a layered approach to security of the block incorporating measures to reduce both anti-social behaviour and crime. Ground floor windows will need to comply with requirements of BS PAS24:2016 with one pane of laminated glass to P1A standard to withstand forced entry. Units require compartmentalisation to prevent unauthorised access, e.g. fob control on lift, all stairwell doors, inner lobby door and communal access door at front. Electronic access control for front door with audio visual and no trade buttons. Secure external post boxes. Secure bike storage and flat entrance doors to meet BS PAS24:2016.
- 7.9 **Town Centre Conservation Area Advisory Committee (TCCAC)** – the Committee welcomed the changes to the front elevation at ground floor but reiterated the previous recommendation that the materials need to be carefully considered to enhance the setting of the listed buildings adjacent and opposite. The Committee remains concerned about the impact on traffic and parking, particularly in light of other approved proposals in the area.
- 7.10 **County Archaeologist (NCC)** – no comments to make.
- 7.11 **Development Management (NCC)** – proposal will generate pupil yield of approximately 4 nursery/ pre-school pupils, 2 primary school pupils and 1 Secondary & Sixth Form School pupil. Early Years capacity is currently under review and therefore not possible to determine current capacity. Request contributions towards primary and secondary education, contribution towards improvement, enhancement or expansion of library facilities, provision of a minimum of 1 x fire hydrant and measures to ensure connectivity to full fibre broadband.
- 7.12 **Housing Strategy (NBC)** – would expect a scheme of this size to provide 35% affordable housing. Overwhelming need is for family-sized affordable or social rented accommodation (2 and 3 bed houses, site allowing).
- 7.13 **Construction Futures** – request financial contribution towards construction training provision.
- 7.14 **NHS England** – based on an average household of 2.39 per dwelling, the development for 22 dwellings could result in an increased patient population of 53. Request financial contribution towards healthcare provision.
- 7.15 Two representations have been received; the comments of whom are summarised as follows:
- Land has been vacant for years and attracts rubbish and vermin. Development of site will be very good asset to the area. Support sympathetic development of the site.
 - These flats would be a huge improvement to the surrounding area. There is suitable demand for car-free development as shown by nearby developments with parking, mostly due to proximity town centre and amenities.
 - Regeneration of Boot and Shoe Conservation Area should be encouraged.

8 APPRAISAL

Principle of development

- 8.1 The NPPF supports the provision of sustainable development and a variety of housing in respect of size, type and tenure to meet the varied needs of the community. The application site is in a primarily residential area within the urban area of Northampton and, therefore, development of the

site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy (JCS). In addition, Policy 16 of the Central Area Action Plan (CAAP) promotes town centre living to add the vitality, viability and sustainability of the town allowing for the provision of residential development comprising of 1 or 2 bedroom apartments.

- 8.2 The principle of development of the site for residential use has historically been accepted through the grant of various planning permissions. The site is subject to an extant permission for the erection of 20 flats granted in 2004 the implementation of which was confirmed with the issue of a Lawful Development Certificate in 2011 following confirmation of drainage works carried out on site.
- 8.3 Notwithstanding the above, the Council cannot presently demonstrate a five years housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for as proposed would contribute towards the Council's housing supply, and this therefore weighs in favour of the proposal. In addition, the proposal would benefit the vitality, viability and sustainability of the town centre and contribute to the regeneration of the central area. Furthermore, the NPPF advises that substantial weight should be given to the value of using suitable brownfield land within settlements for new homes.

Design and Heritage Assets

- 8.4 Policy H1 of the JCS and Policy 1 of the CAAP place great importance on the quality of design of new developments and are in conformity with the NPPF, which advises that planning should always seek to secure high quality design.
- 8.5 The NPPF aims to ensure that the significance of heritage assets is sustained and enhanced, and that new development makes a positive contribution to local character and distinctiveness. Any harm identified should be outweighed by the public benefits of the proposal. Policies S10 and BN5 of the JCS and Policy 1 of the CAAP reflect these aims to preserve and enhance heritage assets.
- 8.6 The application site has been derelict for some time and currently detracts from the character and appearance of the Conservation Area and the setting of the surrounding listed buildings. The sympathetic development of the site would therefore make a positive contribution to the character of the area.
- 8.7 The application proposes a more contemporary design approach to the previously approved scheme which was of a more traditional design. The building has been designed to reflect some of the characteristics of the adjacent listed building to the east. The front elevation has a strong vertical and horizontal rhythm with the presence of projecting brick piers and recessed windows and the use of recessed brick details and banding to align with the neighbouring buildings. The 4th floor, when viewed from St Michael's Road, has been set back allowing the bulk of the building to follow the eaves line of the adjacent properties and reflect the adjacent 3-storey height. Whilst the overall ridge height of the building sits slightly higher than the buildings either side, the ridge height is an overall reduction to the previously approved scheme. The scheme has been amended to remove an originally recessed ground floor to the front elevation at street level and maintain the strong building line of existing properties abutting the footway and provide an active frontage to the street. The rear elevation appears as a 6-storey building reflecting the changes in level continuing the strong vertical and horizontal window arrangement but with a staggered building line with two projecting gables. Flat roofed elements step progressively out providing private terraces for some of the units. The footprint of the proposed scheme broadly follows the footprint of the extant consent.
- 8.8 Materials are proposed as a red multi brick, to compliment the surrounding buildings, with stone cills to front and rear elevations and the use of red clay tiles, with composite aluminium windows and doors throughout. Precise material details would be agreed by condition to ensure they are appropriate to the design of the building and sympathetic to the character of the surrounding area.

- 8.9 An external communal amenity space is proposed to the rear of the building with access for all occupiers from the internal core of the building. Details of boundary treatments to the rear of the site would be agreed by condition.
- 8.10 Pedestrian access to the building would be via an entrance from St Michael's Road. A condition to ensure appropriate consideration is given to security measures throughout the building, including access to and within the building, is proposed ensure a secure environment is achieved.
- 8.11 It is considered the proposed development is of a sympathetic design, scale and massing that would complement, enhance and make a positive contribution to the character of the Conservation Area and the setting of adjacent listed buildings.

Residential Amenity

- 8.12 The NPPF at paragraph 124 advises that good design is a key aspect of sustainable development. Paragraph 127 advises on the need to ensure that new development provides a high standard of amenity for existing and future users, which is reflected in Policy H1 of the JCS.
- 8.13 The development comprises a mix of 10 x 1-bedroom apartments (3 of which would be a bedsit arrangement) and 12 x 2-bedroom apartments, with some units laid out as duplex apartments over two floors. All the units would be of a reasonable size, the majority of 1-bed units ranging from approximately 35-50 square metres floor area, with only one bedsit unit at 30 square metres, and the 2-bed units ranging from approximately 55-72 square metres. All units would have a good level of light and outlook.
- 8.14 A communal area of private amenity space would be provided at garden level to the rear of the site with some units provided with an external terrace area. A condition to agree the details of boundary treatments would ensure that an appropriate boundary treatment is secured to maintain the privacy of occupants of the proposed units adjacent to the communal amenity space.
- 8.15 Lift access is proposed to all levels with the lift of sufficient size to accommodate bicycles and allow access to the proposed lower ground floor cycle store. An enclosed refuse storage area is proposed at ground floor level with internal access for occupants of the apartments from within the building and external inward opening doors onto St Michael's Road to allow for refuse collection.
- 8.16 Overall, it is considered that the proposed design and layout would provide a good standard of amenity for future occupiers in accordance with policy requirements.
- 8.17 In respect of existing occupiers, Nos. 20-26 St Michael's Road is situated to the east of the site and comprises a Grade II listed 3-storey building in commercial use. The building has a blank gable end and a 3-storey high wall extending along the boundary with the application site. The footprint of the proposed building adjoining this neighbouring boundary reflects that previously approved with the proposed ridge line set marginally higher. It is not considered the proposal would lead to any adverse impact on this adjoining property. The existing commercial use appears to be light industrial and as such is compatible with residential use.
- 8.18 Nos.12 and 12a St Michael's Road are situated to the immediate west of the site and comprise a 3-storey end terrace with a separate 2-storey building to the rear (no. 12a). Nos. 12 and 12a had consent for conversion from a HiMO to 5 flats in 2000. It would appear that this has been implemented. No. 12 has a blank gable wall facing directly towards the application site and a 3-storey high wall extending from the rear eaves line to the rear of the site along the boundary which drops to a lower wall enclosing a rear courtyard area between the rear of No.12 and the front of No. 12a. No. 12 has rear facing habitable room windows set behind this 3-storey boundary wall. The side gable of no. 12a faces towards the application site with side facing secondary windows at ground floor level that appear to serve a kitchen and living room.

- 8.19 The ground level of Nos. 12 and 12a sits at a higher level than the application site at the rear, such that the part of the proposed building adjoining the boundary would effectively be 5-storey with a gable roof sloping away from this boundary. The footprint of this part of the building extends approximately 0.5m further along this neighbouring boundary than the previously approved scheme. In addition, a 5-storey flat roof element, which would appear as 4-storeys from this neighbouring property, would extend from the proposed rear gable stepping in from the neighbouring boundary by approximately 3.8m and extending outwards by approximately 2.3m further towards the rear boundary of the application site at ground level than the previously approved scheme. In respect of building heights, the overall ridge height would be marginally lower than the approved scheme in relation to Nos. 12 and 12a. No windows are proposed that would directly overlook these neighbouring properties. Whilst it is acknowledged there would be some impact on the amenity of adjacent occupiers, the impact would not differ significantly to that which would occur under the permitted scheme and therefore, the proposal is considered acceptable in this regard.
- 8.20 The Hawkins building is situated directly opposite the site on St Michael's Road and is currently vacant with consent for conversion to residential use. The proposal would not lead to any conflict with the proposed use on this site. The buildings and car park of Northampton College are situated directly behind the site and would not be adversely affected.
- 8.21 It is not considered that the proposal would lead to any unacceptable adverse impact on adjacent residential amenity in accordance with policy requirements.

Drainage and Flood Risk

- 8.22 The NPPF seeks to ensure that in determining development proposals flood risk is not increased elsewhere and that development does not contribute to or is put at risk from unacceptable levels of water pollution. Policy BN7 of the Joint Core Strategy states that all new development should demonstrate that there is no increased risk of flooding to existing properties and should seek to improve existing flood risk management.
- 8.23 The application site is in Flood Zone 1 with a low probability of flooding. The application comprises a major development however and is therefore accompanied by a Flood Risk Assessment. The agent has advised that it is understood that the previous buildings on site drained into the sewer to the rear of the site and this was the intended drainage solution for the extant permission, part of which has been constructed implementing this previous consent as established under the Certificate of Lawful Development. In the event that this drainage solution is no longer feasible, the developer would look to discharge surface water into St Michael's Road using a pumping system due to the change in levels and subject to Anglian Water's approval.
- 8.24 The relevant drainage authorities have been consulted and raise no objection in principle subject to the submission of a detailed surface water drainage strategy which would be agreed by condition.

Highway Matters

- 8.25 The County and Borough Councils' Parking Standards provide guidance on the parking requirements for different use classes. In addition, Policy C2 of the JCS and Section 9 of the NPPF seeks to promote sustainable transport and modal shifts to non-car modes of travel. Furthermore, the guidance in the NPPF requires and safe and suitable access for all developments and details that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 8.26 The proposed development would not include the provision of any on-site parking and, due to the nature of the site and varying levels, it would be difficult to do so. It also noted that the extant permission for 20 flats makes no provision for on-site parking. In the immediate vicinity of the site, there are double yellow lines on both sides of the carriageway which would prohibit parking, with

the lane immediately to the front of the site a designated right hand turn lane for St Michael's Car park located to the west of the site.

- 8.27 Whilst the lack of parking is not ideal, future occupants would be fully aware of the situation. St Michael's car park is in close proximity to the site with the potential to offer parking provision to occupiers and visitors. The site is in a sustainable location in the Town Centre with good access to local facilities and public transport. Furthermore, the Highway Authority raise no objection.
- 8.28 The Northampton Parking Standards (September 2016) seek to secure one cycle space per bedroom. The proposal includes sufficient provision of a cycle storage at Lower Ground level to accommodate 36 cycle spaces with suitable lift access. Specific details of the type of cycle storage would be agreed by condition and retained in perpetuity.
- 8.29 It is not considered the proposal would lead to any unacceptable impact on highway safety or the highway network.

Noise, Air Quality and Contamination

- 8.30 The NPPF seeks to ensure that development is appropriate for its location in respect of pollution and contamination and impacts of noise arising from development are minimised. Policies S10 and BN9 of the JCS seek to ensure new development minimises pollution from noise, air and run off.
- 8.31 The application is supported by a Noise Assessment which identifies that the site is in an area where there is a 'significant observed adverse effect level' due to road traffic noise likely to affect every day living in the proposed residential development. In addition, the application is situated in an Air Quality Management Area and an Air Quality Assessment Report has been submitted which identifies that the NO₂ concentrations at the front of the development site are exceeded.
- 8.32 Public Protection has been consulted and advise that if the site is to be developed a ventilation solution is required to reduce exposure on both noise and air quality grounds. Openable windows will not be accepted on the affected facades. A condition is therefore recommended to agree the details of an appropriate scheme to ensure the required level of mitigation to protect the amenity of future occupiers.
- 8.33 Due to the site's previous industrial use conditions are recommended for further investigation and mitigation as necessary in respect of contamination. A condition requiring the approval of a Construction and Environmental Management Plan is recommended to ensure impacts on surrounding amenity are protected during the course of construction.
- 8.34 Subject to conditions, it is not considered the development would give rise to any unacceptable impacts in respect of pollution and contamination and that an appropriate level of mitigation could be achieved in accordance with policy requirements.

S106, Affordable Housing and Viability

- 8.35 Policies INF1 and INF2 of the Joint Core Strategy seek to secure the provision of infrastructure needed to serve new developments, such as education, healthcare, open space provision and construction training, either directly on site or by a financial contribution secured through a Section 106 planning obligation.
- 8.36 In addition, the NPPF details that major housing developments should be expected to provide at least 10% affordable housing. Policy H2 of the JCS seeking the provision of 35% affordable housing, subject to the assessment of viability, to be provided as an integral part of the development with a tenure to reflect local housing need. In terms of viability, the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence underpinning it, is up to date. Furthermore, the Planning Practice Guidance supporting the NPPF provides

detailed standards for viability appraisals and indicates that an assumption of 15-20% profit is a suitable developer return.

- 8.37 The application has been supported by a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions. The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and concludes that a policy compliant scheme, providing affordable housing and S106 requirements would not be viable.
- 8.38 Based on this assessment, it is considered that would not be reasonable to require any affordable housing provision on the site, or Section 106 contributions, which would make the scheme unviable and therefore undeliverable. It is noted that the County Council are seeking contributions for not only primary education but also secondary education. However, secondary education is addressed by CIL contributions and therefore, and given that it is considered that the scheme would be unviable as detailed above, it is considered that it is not reasonable to require such contributions for secondary education under a Section 106 Agreement. CIL payments are non-negotiable and would be payable notwithstanding the conclusions of the viability report.
- 8.39 The County Council are also seeking financial contributions for libraries but, in the absence of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within a Legal Agreement.
- 8.40 A further requirement is for the provision of construction training, contributions towards healthcare and the Council would also normally seek contributions relating to off-site open space to mitigate the impacts of the development. These requests would satisfy the tests for planning obligations and the payments would be secured through a Section 106 Legal Agreement. However, these Section 106 contributions are also subject to viability assessment as discussed above. Furthermore, given that conclusions of the viability assessment, the requirement for any contributions in these respects would result in the development being unviable and this is a material consideration in determining the planning application.
- 8.41 Overall, it has been demonstrated through viability assessments that the scheme cannot afford to deliver any affordable housing or Section 106 contributions. Whilst this would result in a level of harm, particularly in relation to the inability for the development to fully mitigate its impacts on education and health, overall, and as part of a balanced assessment, it is considered that this harm is outweighed by the significant benefits of the redevelopment of a prominent brownfield site within part of the historic core of Northampton Town Centre and the provision of much need housing.

Other Considerations

- 8.42 The County Ecologist has advised that aerial and street views indicate the site is vegetated and given the amount of scrub habitat the development would constitute a net biodiversity loss. Whilst there is an element of scrub remaining on the site, the agent has advised that the site was cleared in April 2019 and that no evidence of protected species was identified during this clearance works with the vegetation on site now comprising predominantly buddleia bushes and weeds set upon the crushed remnants of the previous building.
- 8.43 Given that there is an extant permission to develop the site and that there is separate legislation in place to protect protected species should any protected species subsequently be discovered on site, it is not considered this should prohibit development. The proposed scheme includes the provision of a small area of communal open space, unlike the extant scheme, and an appropriate landscaping scheme would be agreed to provide some enhancement.

- 8.44 It is acknowledged that the County Council are seeking a condition relating to fire hydrants, however there is no policy basis for such a condition and these matters are addressed under the Building Regulations.

9 CONCLUSION

- 9.1 The proposal would bring about the development and regeneration of a vacant brownfield site within the central area that currently detracts from the appearance and character of the Boot and Shoe Quarter Conservation Area and setting of adjacent listed buildings. The design of the development and residential use would contribute positively to the character and appearance of the area and make a positive contribution towards the Council's 5 years housing supply. The proposal would provide an appropriate level of amenity for future occupiers and would not lead to any unacceptable impacts on surrounding amenity or commercial uses, highway impacts or environmental impacts in accordance with policy requirements.

10 CONDITIONS

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

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

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

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

3. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP which shall include:

- i. Traffic management and signage during construction.
- ii. Parking for site operatives and visitors.
- iii. Storage areas for plant and materials.
- iv. The erection and maintenance of security fencing/hoardings and lighting.
- v. Welfare and other site facilities.
- vi. Working hours and delivery times.
- vii. Measures to control noise, vibration, dust and fumes during construction

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

4. Prior to the commencement of development, 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 H1 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

5. Notwithstanding the submitted details, no drainage works shall commence until a detailed Surface Water Management Strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the drainage works have been carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development and in the interests of flood prevention in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Prior to commencement on site, a scheme of investigation and risk assessment shall be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and a written report of the findings shall be submitted to the Local Planning Authority for approval in writing. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure the effective investigation and remediation of contaminated land sites 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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

7. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the effective investigation and remediation of contaminated land sites 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.

8. The approved remediation scheme must be carried out in accordance with the approved details prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the effective investigation and remediation of contaminated land sites 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. Pre-commencement condition to ensure a satisfactory standard of development.

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 shall be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 in accordance with condition 8.

Reason: To ensure the effective investigation and remediation of contaminated land sites 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. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a health exposure assessment including an acoustic / air quality filtered ventilation scheme to serve the new apartments including non-opening windows on the front façade shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.

Reason: To protect future occupiers of their dwellings and in the interests of residential amenity in accordance with Policies H1, BN9 & S10 of the West Northamptonshire Joint Core Strategy.

11. Notwithstanding the submitted detail, prior to any works above ground, details of all proposed external facing materials including window frames, doors, balcony and balustrade details, 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 the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the building and surrounding area.

12. No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site.

All planting, seeding or turfing agreed within the approved scheme 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.

Hard landscaping shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

13. Prior to the construction of the development hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries 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 Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

14. Prior to occupation of the development hereby approved, a crime security measures strategy for crime prevention for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for crime security shall be implemented in full accordance with the approved details prior to first occupation of the residential units hereby approved and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

15. The refuse storage as shown on the plans hereby approved shall be implemented in full prior to the occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

16. Notwithstanding the submitted details, prior to occupation of the development hereby permitted full details for the provision of secure cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

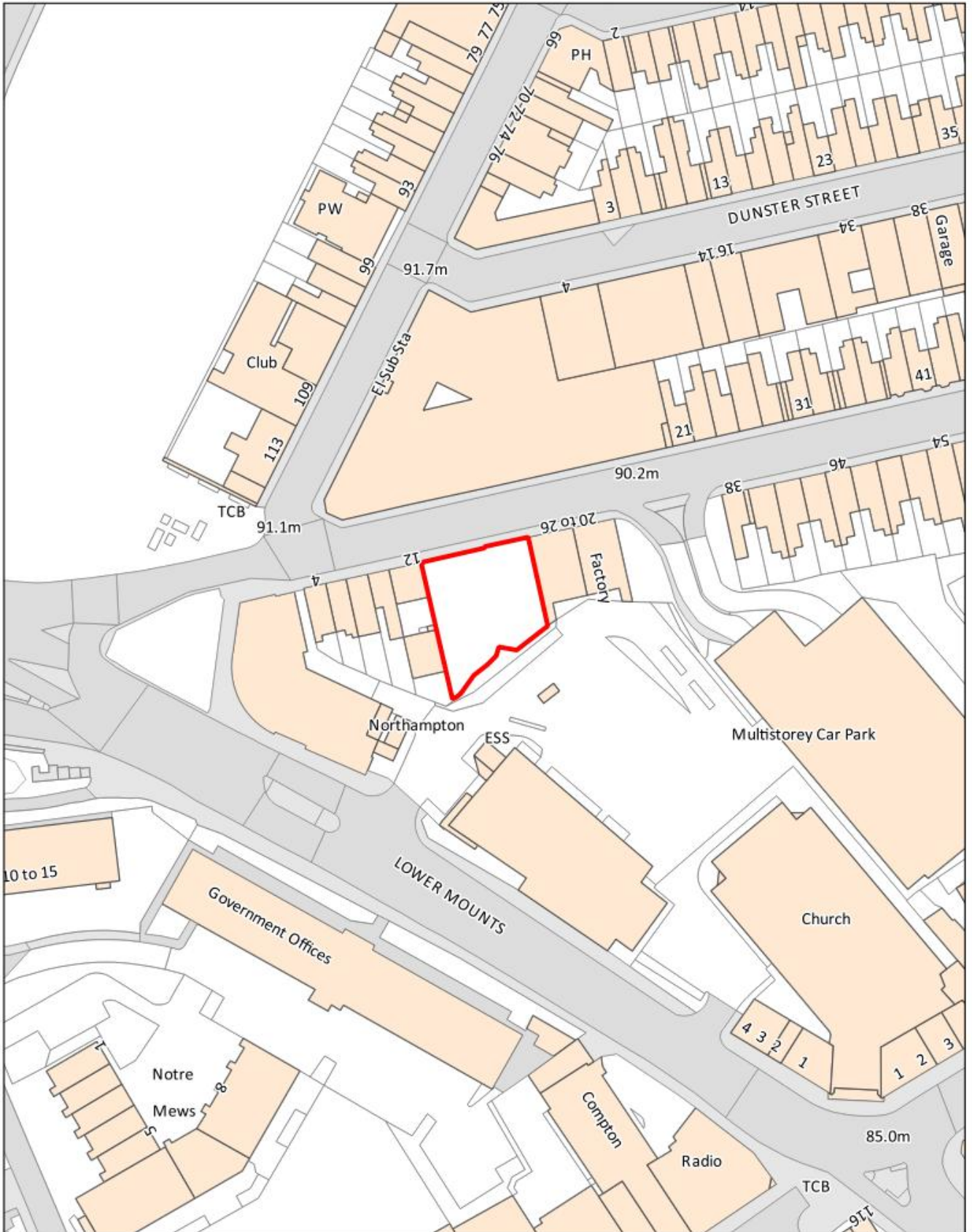
- 11.1 N/2019/1055.

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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: **14 - 18 St Michaels Road**

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1063

LOCATION: Sofa King Tivoli House, Towcester Road

DESCRIPTION: Application for Variation of Conditions 2, 8, and 13 of planning permission N/2017/0127 (Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m² of retail space (Use Class A1)) to alter the design of the approved building, to amend the flood risk assessment and to reduce the level of parking by 1 space

WARD: Delapre & Briar Ward

APPLICANT: Roses Drapery Stores Ltd
AGENT: Mr Nigel Ozier

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 **APPROVAL IN PRINCIPLE** subject to the finalisation of a S106 Legal Agreement to secure:
- i) A payment towards the provision and/or enhancement and/or maintenance of off-site open space;
 - ii) The provision of construction worker training opportunities and a financial contribution in respect of the administration of that scheme; and
 - iii) The Council's monitoring fee, subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity, wildlife, flood risk and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 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 Planning and Sustainability 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 application proposes to vary Conditions 2, 8 and 13 of planning approval N/2017/0127. Planning application N/2017/0127 was granted permission for the demolition of the existing building and the erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m² of retail space (Use Class A1).
- 2.2 Condition 2 is the plans condition, and it is proposed to amend the design of the approved building. This is predominantly through a chamfer to the south-western corner of the building and recessing the south-eastern corner of the building. This is due to the approved building falling partially outside of the legal land ownership controlled by the applicant and the subsequent need to amend the building design to allow delivery of the scheme. The amended design of the proposal also results in the reduction in parking spaces by 1 space.
- 2.3 Condition 8 relates to the delivery of the car parking prior to occupation. It is proposed to amend this condition to take account of the new plan number.
- 2.4 Condition 13 requires the development to be undertaken in accordance with the approved flood risk assessment. A revised flood risk assessment has been submitted with this application and it is proposed to amend the condition to be in accordance with this new flood risk assessment.

3 SITE DESCRIPTION

- 3.1 The application site is located on the periphery of the allocated Far Cotton local centre. St Leonards Road is to the east of the application site, which joins Towcester Road at a roundabout to the south of the application site. Towcester Road is therefore directly adjacent to the western boundary of the site.
- 3.2 The application site contains a building, which was originally constructed as a cinema, but over recent times has been subject to a number of alterations, and has been used as a retail unit. The building is currently vacant.
- 3.3 The surrounding land uses within the immediate vicinity are a variety of commercial and leisure uses, although residential accommodation is prevalent within the wider area. The general trend is that buildings are generally of two storeys in height and constructed in more traditional styles of architecture. Notwithstanding this, the surrounding area has seen more recent developments of larger buildings that have included the erection of flats. This includes a block of flats on the opposite (western) side of Towcester Road.
- 3.4 In addition, the application site is relatively level in nature and is also located within an identified flood zone.

4 PLANNING HISTORY

- 4.1 N/2017/0127 - Demolition of existing building. Erection of 40no dwellings (Use Class C3) with associated car parking and ancillary space and 130.10m² of retail space (Use Class A1) – Approved 12/01/2018.
- 4.2 N/2019/0703 - Variation of S106 agreement following the grant of planning permission N/2017/0127 for the development of 40 no. dwellings with retail. This was to remove the need for

affordable housing provision within this development. Approved in Principle by Committee 24/09/2019.

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 the 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
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 S2 – Hierarchy of Centres
Policy S10 - Sustainable Development Principles
Policy H1 - Housing
Policy BN9 - Planning for Pollution Control
Policy INF2 – Contributions to infrastructure requirements

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:

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)
Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 NCC Highways – No comment to make on application.

- 6.2 **NCC Ecology** – Proposal does not appear to have any impact for biodiversity and no comments to make.
- 6.3 **NCC Archaeology** – No comments to make on application. Archaeology condition should remain.
- 6.4 **NBC Public Protection** – Conditions requested to ensure a reasonable level of residential amenity can be achieved on site with regards to odour, air quality and noise.
- 6.5 **NBC Planning Policy** – No comment to make.
- 6.6 **Northamptonshire Police** – No objection to the application.
- 6.7 **Environment Agency** – No objection. Retail unit is less vulnerable and Northampton Hazard Mapping shows that the majority of the site is unaffected by the 0.5% (1 in 200) plus climate change breach scenario. Suggest amended wording for condition 13.
- 6.8 **Local Lead Flood Authority** – No objection to alterations. Suggest amended wording for condition 13.
- 6.9 **Anglian Water** – No comments.
- 6.10 **Town Centre Conservation Area Advisory Committee** – Object to demolition of Tivoli House which is an important building much valued by local residents, and to the design of the new building. Recognise principle has been established and no specific objections to the amendments proposed. Retention of archaeology condition (12) is important.
- 6.11 **NHS England** – Contributions requested towards primary health care.
- 6.12 **Fusion 21** – Contribution towards apprentice training requested.
- 6.13 1 neighbour letter has been received commenting that no work should occur during the night.

7 APPRAISAL

Principle of development

- 7.1 Application N/2017/0127 granted planning permission for the erection of 40 flats and 1 retail unit. As such the principle of the development has been established. In any case, the application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Design

- 7.3 The application proposes to amend the design of the approved scheme. The changes proposed are largely associated with two alterations – the chamfer of the south-western corner of the building and the recessing of the south-eastern corner of the building.
- 7.4 On the eastern elevation the south-eastern corner of the building would be amended from an approved single gable projection to a re-configured double gable projection with increased window openings.

- 7.5 On the western elevation an approved gable projection to the south-western corner is to be reduced in height and amended to provide a further gable projection which is on the corner of the site.
- 7.6 On the southern elevation the approved gable end projections are amended in size to facilitate the chamfer of the corners.
- 7.7 The amendments proposed to the design of the approved scheme are not significant and do not greatly change the appearance of the building from that approved. The cutting of the corner on the south-western corner assists in helping the building turn a corner on a prominent corner, arguably improving the appearance of the building from that approved. It is considered that in design terms the amendments would be of an acceptable appearance and would not harm the character and appearance of the area.

Amenity

- 7.8 The proposal does not significantly alter the size of the building from that previously approved, slightly reducing the size, and it is not considered that there would be any greater impact upon neighbouring amenity as a result of the proposed changes when compared to that approved.
- 7.9 With regards to the living conditions for future occupants, the reduction in size of the building on the south-eastern and south-western corners results in a slight internal re-arrangement to accommodate this change, however the number of units remains the same – 14 x 1 bedroom flats, and 26 x 2 bedroom flats. All of the proposed flats remain of a good size with good outlook and natural light.

Parking and highway safety

- 7.10 Application N/2017/0127 provided car parking at ground floor level, with 40 car parking spaces and cycle storage facilities. The amended scheme proposed car parking at ground floor level with 39 parking spaces and cycle storage facilities. As such there has been a reduction in parking of 1. It is the case that the site is within an allocated centre and is in close proximity to the town centre as well as public open space. There is a reasonable probability that residents within the development may not necessarily need access to a private car. Therefore the reduction in parking provision by 1 space is considered acceptable in this specific instance. NCC Highways have raised no comment on this reduction in parking.
- 7.11 Following the grant of application N/2017/0127, the Council has adopted a Parking SPD which requires the provision of 1 electric vehicle charging point per 10 spaces of unallocated parking. This will be required through condition.

Flood risk

- 7.12 The Environment Agency and Lead Local Flood Authority have been consulted on the flood risk of the amended development. No objections have been received.
- 7.13 The LLFA and Environment Agency recommend the rewording of condition 13 to be in accordance with the new flood risk assessment as follows:

'The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) farrow walsh FW1914_FRA_001 V3 and the following mitigation measures:

- Retail unit will have a minimum finished floor level of 59.30m AOD.
- No residential dwellings to be located on the ground floor as shown on drawing 40442/001M.
- The ground floor to be flood proofed to a minimum 1000mm above finished floor levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures details above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of the National Planning Policy Framework.'

Planning Obligations

- 7.14 Application N/2017/0127 was granted subject to a S106 Agreement which secured contributions towards affordable housing, open space, construction training. Under application N/2019/0703, Planning Committee approved on the 24/09/2019 the variation of this S106 to remove affordable housing, with a 0% provision agreed. The signing of the amended S106 to remove affordable housing has been put on hold pending the outcome of this application.
- 7.15 The S106 Agreement associated within application N/2017/0127 does not have a clause tying it to any future variation applications and as such a new S106 Agreement is needed to make this application acceptable, subject to the same obligations as those agreed under application N/2017/0127 as amended by application N/2019/0703.

8 CONCLUSION

- 8.1 To conclude, it is considered that, subject to conditions and the developer entering into a Section 106 Legal Agreement, the proposal represents an effective land use and would have a neutral impact upon visual and neighbour amenity, the highway system and flood risk, whilst contributing to the supply of new housing within the Borough and the redevelopment of a vacant site. As a consequence, the development is in conformity with the requirements of national and local planning policies.

9 CONDITIONS

1. The development hereby permitted shall be begun before 13th January 2021.

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 following approved plans: 40442/001M, 40442/002L, 40442/003L, 40442/004L, 40442/005L, 40442/006L, 40442/009G, 40442/011.

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

3. Prior to the construction of the development above ground floor slab level 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. 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 to agree such details in a timely manner.

5. Prior to first occupation of the development hereby permitted, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the

Local Planning Authority, implemented prior to the first occupation of the building 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.

6. 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 to agree such details in a timely manner.

7. 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 both of which are subject to the approval in writing by 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 by the Local Planning Authority prior to first occupation of the development.

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.

8. The car parking as shown on drawing 40442/001M 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.

9. Notwithstanding the details submitted, full details of refuse and cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential units hereby permitted. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the details submitted, full details of refuse storage to serve the retail unit shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the retail unit hereby permitted. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the retail unit hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

11. Notwithstanding the details submitted, full details of CCTV shall be submitted to and approved 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 creating a secure form of development in accordance with the requirements of the National Planning Policy Framework.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with the National Planning Policy Framework. This condition is required to ensure the agreement of such details in a timely manner.

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) farrow walsh FW1914_FRA_001 V3 and the following mitigation measures:

- Retail unit will have a minimum finished floor level of 59.30m AOD.
- No residential dwellings to be located on the ground floor as shown on drawing 40442/001M.
- The ground floor to be flood proofed to a minimum 1000mm above finished floor levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures details above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of the National Planning Policy Framework.

14. No development shall take place until a 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, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1in100 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

- a) 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 basins.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.
- c) A full range of rainfall data for each return period provided by Micro drainage modelling or similar simulating storms through the drainage system, with results of critical storms, demonstrating that there is no surcharging of the system for the 1 in 1 year storm, no flooding of the site for 1 in 30 year storm and that any above ground flooding for 1 in 200 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required to agree such details in a timely manner.

15. No development shall take place until a detailed scheme for the maintenance and upkeep of 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. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework. This condition is required to agree such details in a timely manner.

16. Prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, 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
 - The hours in which deliveries and construction works would take place.

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 and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

17. The retail development hereby approved shall only be open to customers between the hours of 7am and 11pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

18. Deliveries to the retail unit shall only be made between the hours of 7am and 9pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

19. The development hereby permitted shall be carried out in accordance with the recommendations (Section 5) of the submitted ecology assessment (reference 16-2504, Version 2 and dated December 2016).

Reason: In the interests of securing a satisfactory form of development in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

20. Notwithstanding the details submitted, a strategy for the removal and disposal of the on site Cotoneaster Horizontalis shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of securing a satisfactory form of development in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy.

21. Notwithstanding the details submitted, full details of the foundation design, which shall not encroach onto or under the highway 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 highway safety in accordance with the requirements of the National Planning Policy Framework.

22. Notwithstanding the details submitted, full details of the windows, which shall not open over the highway boundary 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 highway safety in accordance with the requirements of the National Planning Policy Framework.

23. Full details of a minimum of 4 electric vehicle charging points for the units hereby approved shall be first 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.

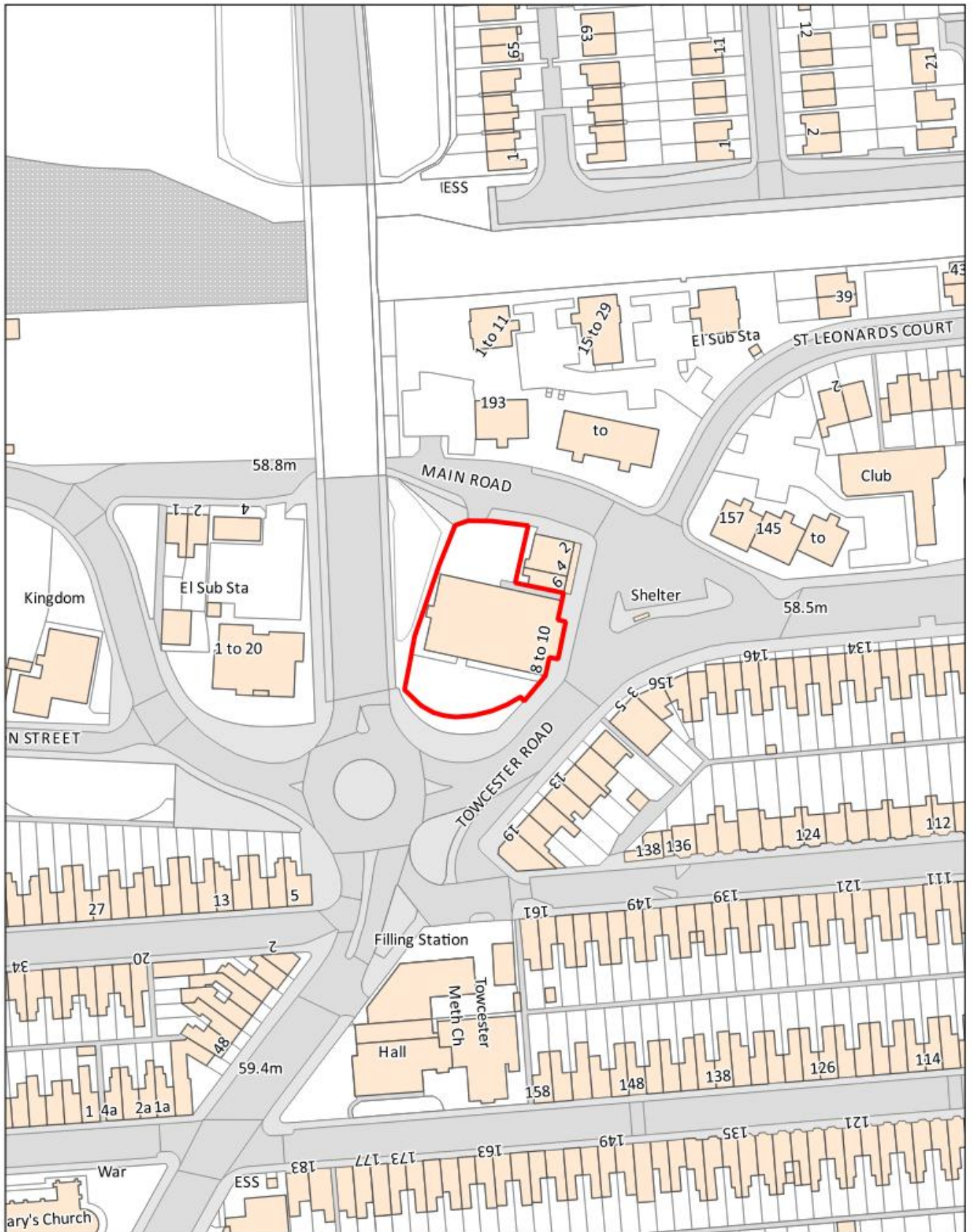
Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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: **Towcester Road**

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0777

LOCATION: 103 St Leonards Road

DESCRIPTION: Change of Use from Retail Shop (Use Class E) to Restaurant/Takeaway (sui-generis) including installation of extraction ducting system

WARD: Delapre & Briar Ward

APPLICANT: Mr S Kumar
AGENT: Anva

REFERRED BY: Councillor G Walker
REASON: Parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development is considered acceptable being complementary to the vitality and viability of the Local Centre and would not have an undue detrimental impact on the appearance and character of the host building, wider area, parking, highway safety, flooding, security and residential amenity of adjoining occupiers in compliant with the aims and objectives of the National Planning Policy Framework, Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy and Policies E20 and R9 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Planning Permission is sought for a change of use of a ground floor vacant retail unit to restaurant and hot food takeaway (sui generis) with the installation of extraction flue attached to the back of the building. There are no other external works proposed. The restaurant would account for approximately 65 per cent of the proposed floor area. The upper floor would be retained as a flat.

3 SITE DESCRIPTION

3.1 The site is a former ground floor coffee shop located along a parade of commercial units on the northern side of St Leonards Road, a Local Centre identified in the Northampton Local Plan and

around 15 minutes walk to the town centre. Parking is available on bays along both sides of the street. There is a private alley running along the rear of the properties acting as access to the back. The site is in a high risk Flood Zone, it is not in a conservation area and the building is unlisted.

4 PLANNING HISTORY

- 4.1 N/2008/1181 Permission for change of use of financial and professional to coffee shop
- N/2013/0294 Permission for variation of condition to extend opening hours
- N/2016/0469 Permission for ground floor rear shop extension and first floor rear extension

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.

6 National Policies

- 6.1 **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 80 Need to support economic growth and productivity
Paragraphs 108 and 109 Safe access for all
Paragraph 127 Design and residential amenity

6.2 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:

S10 Sustainable Development Principles
BN9 Pollution Control

6.3 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 policies are material to this application:

E20 Design of new development
R9 Local Centres

6.4 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Councillor Graham Walker** – Object; significant parking concerns in area and issues for vehicles on St Leonard’s Road.
- 7.2 **NBC Public Protection** - No objection subject to controls on hours of use, deliveries, noise and odours, refuse and grease traps.
- 7.3 **Northamptonshire Highways** - no comments received.
- 7.4 **Environment Agency** - no comments to make.
- 7.5 2 neighbour objections received on following grounds:
 - Too many takeaways already
 - Parking concerns
 - Noise
 - Increase in litter

8 APPRAISAL

Principle of use and effect on Vitality and Viability of the Local Centre

- 8.1 The site is located within a Local Centre where there is a mix of shops, residential uses, takeaways, restaurants and other businesses. A survey of the existing street reveals that if permitted there would be 5 restaurants on this side of St Leonards Road, representing approximately 14% of the total number of commercial units. While it is acknowledged that there is a proliferation of hot food takeaways (10 in total) already resulting in 28% of the total number of commercial units, an additional restaurant with takeaway facility would not result in significant proliferation of the same uses. The lawful use as a coffee shop is a comparable type of business in terms of footfall, modus operandi and number of daytime customers.
- 8.2 It is worth noting that in 2008 under planning application N/2008/1159 for 119 St Leonards Road, a proposed hot food takeaway was refused and dismissed on appeal due to potential over-concentration of such uses amounting to nearly 30% of the total number of commercial uses on the northern side of St Leonard’s Road and resulting in the loss of a retail unit. This current proposal is different in that this is primarily for a restaurant to replace a coffee shop which is in many ways similar in function. The applicant also confirms that the property has been vacant for over two years, although no marketing information was submitted with his application.

Employment benefits

- 8.3 The proposal indicates that it would create a total of 6 jobs, 3 full time and 3 part time contributing to the local economy in accordance with Paragraph 80 of the NPPF which clearly encourages development resulting in job creation.

Impact on appearance and character of host building and wider area

- 8.4 Paragraph 127 of the National Planning Policy Framework states that decisions should ensure the development will function well and add to the overall quality of the area, are visually attractive as a result of good layout and effective landscaping and are sympathetic to the local character and surrounding built form. Policy S10 of the Joint Core Strategy and E20 of the Adopted Local Plan require high standards of design. The proposed extraction flue would be sited at the rear of the premises and not visible from St Leonards Road. For this reason, the visual impact would be limited and similar to that of other food outlets along the same street. The impact on the street scene is therefore considered to be minimal.

Parking and Highway Safety

- 8.5 The site relies on parking bays along both sides of the road where cars can park parallel to the street throughout the day generally on an unrestricted basis. There are also 3 bus stops along the length of St Leonards Road providing public transport provision to the area. Although it is noted that parking can be at a premium at certain times of the day particularly evenings, it is not considered that the impact on highway safety is severe when considered against the NPPF and a refusal of planning permission is not justified. It is also expected that many local residents may walk to the site from nearby properties as the street serves a large residential population in nearby Far Cotton and Delapre. Separate visits to the site at 8am on a Friday morning and again at 11am on a weekend reveal there is spare capacity for parking on street during these times.

Impact on neighbour amenity

- 8.6 While a large proportion of the units along St Leonard's Road are in commercial uses, there are equally a significant number of flats and houses. Environmental Health have no objection subject to controls on hours of use, noise and odour, bin storage. It is considered reasonable that each of these are controlled by condition in accordance with sound Planning Practice and Environmental Health guidance to protect the amenity of the flat above and nearby occupants. The rear extraction flue would not impinge on any outlook or light to any existing residential accommodation. This accords with Policy BN9 of the Joint Core Strategy and E20 of the Northampton Local Plan.

Development and Flood Risk

- 8.7 The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the Joint Core Strategy requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management. The site is located in a high risk flood zone however the Environment Agency raise no objections to the proposal. Drainage will be covered under Part H of the Building Regulations.

Security and Crime Prevention

- 8.8 The Northamptonshire Planning Out Crime SPG (2003) is relevant as is Policy S10 of the Joint Core Strategy and the NPPF. The NPPF states "development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience". There is no evidence to suggest that the use would increase anti-social activity in the immediate area.

Other issues

- 8.9 It is worth noting that under recent new Planning Regulations, shops and restaurants fall in the same use class and can change therefore between uses without needing planning approval. It is the proposed takeaway that triggers the need for planning permission. However this only accounts for a relatively small proportion of the ground floor unit proposed (35%).

9 CONCLUSION

- 9.1 The proposal is considered appropriate for a local shopping centre and would not have an undue detrimental impact on residential amenity, parking, visual amenity, flood risk or security and is compliant with national and local planning policy.

10 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 following approved plans: 037.20/04, 05, 06, 07.

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

- 3) Full details of the provision for the storage of refuse and materials for recycling shall be first 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 unit hereby permitted and thereafter retained.

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.

- 4) The premises shall be open only between the hours of 8am and 11pm Mondays to Fridays and 8am and midnight on Saturdays, 8am to 10pm Sundays and Public Holidays and at no other time.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 5) The extraction system hereby approved shall be implemented in accordance with Odour Assessment Ref 037.20/07 and the submitted Noise Assessment by Powered Ventilation Ltd dated 11 August 2020 prior to the use hereby permitted commencing.

Reason: in the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 6) Prior to the use hereby permitted commencing, details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises shall be submitted to the Local Planning Authority for prior approval. The approved scheme shall be installed prior to the use hereby permitted commencing and shall thereafter be maintained in accordance with the approved details.

Reason; In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 7) The takeaway use hereby approved shall not exceed 35% of the floorspace of the combined restaurant and takeaway uses at any time.

Reason: To ensure a satisfactory form of development to accord with the terms of the application in accordance with the National Planning Policy Framework.

- 8) The approved rear extraction flue shall be colour coated in black paint as per the approved plans prior to its first use and retained thereafter.

Reason; In the interests of visual and residential amenity to comply with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

8 BACKGROUND PAPERS

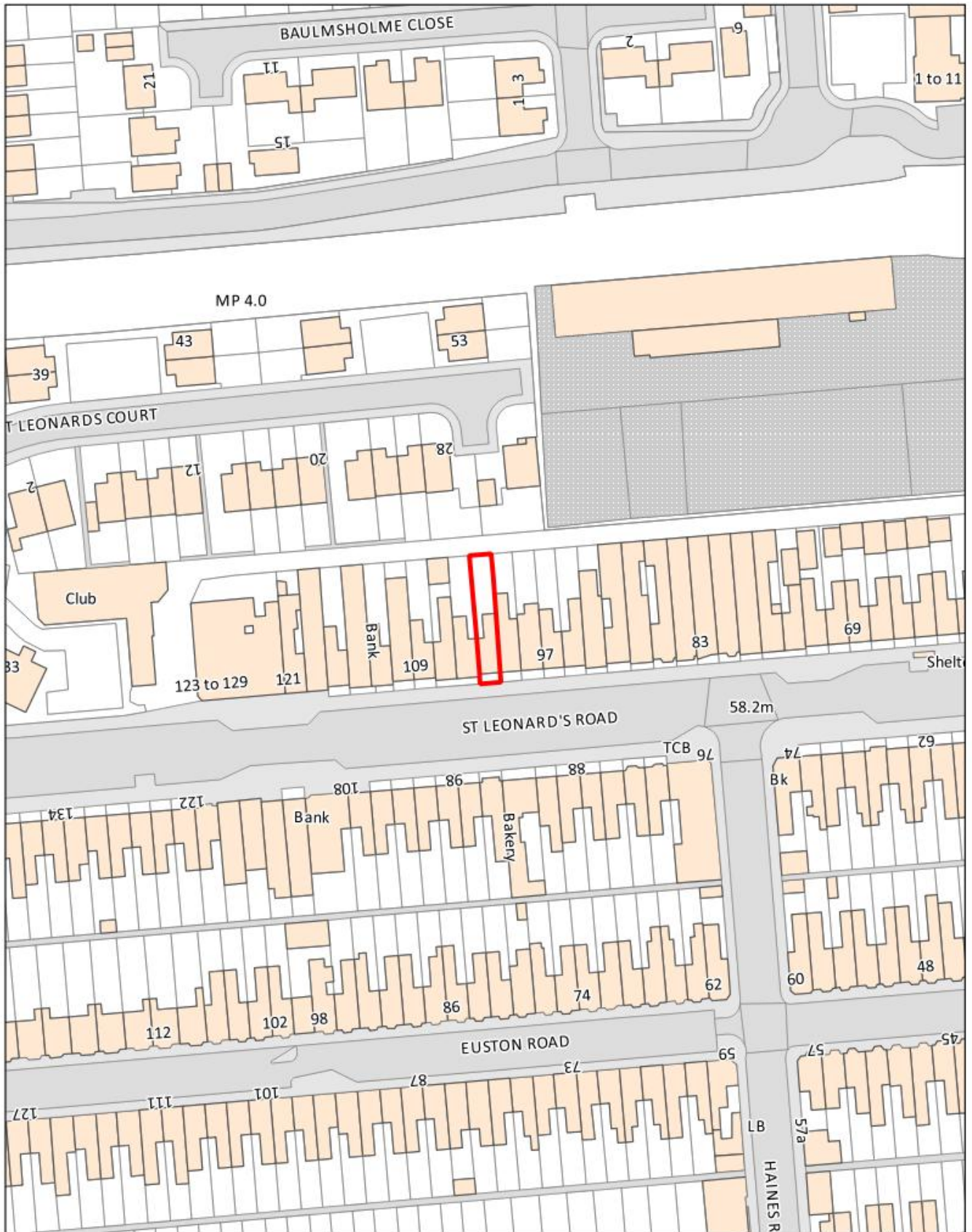
- 8.1 N/2020/0777.

9 LEGAL IMPLICATIONS

- 9.1 The development is not CIL liable.

10 SUMMARY AND LINKS TO CORPORATE PLAN

- 10.1 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: **103 St Leonards Road**

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Date: 16-10-2020

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0805

LOCATION: 24 Penfold Drive

DESCRIPTION: Self-contained annexe on footprint of approved double garage

WARD: Billing Ward

APPLICANT: Mr Richard Wilkins
AGENT: Mr David Suter

REFERRED BY: Councillor A Kilbride
REASON: Overdevelopment and parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area and adjacent residential amenity and parking provision. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H18 of the Northampton Local Plan, and the Council's Residential Extensions and Alterations Design Guide.

2 THE PROPOSAL

2.1 Self-contained annexe on footprint of a previously approved double garage. The proposed annexe would provide a bedroom, lounge/kitchen and a bathroom, and has a footprint of 7.5m x 5.8m with a hipped roof. The height is 2.6m to the eaves and 4.9m to the ridge.

3 SITE DESCRIPTION

3.1 A large detached dwelling within spacious gardens, the property is located on the end of a cul-de-sac and well screened from the road as a result of mature trees on the front and side boundaries. The dwelling is set lengthways on the site, with the side elevation facing the road and has a protected tree on the north boundary of the site.

3.2 The character of the surrounding residential area is varied.

4 PLANNING HISTORY

N/2008/0944 - First Floor extension to side elevation and rear conservatory. Approved
N/2015/0418 - Ground floor extension to side. Approved
N/2020/0252 – New double garage to front of property. Approved

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.

6 National Policies

6.1 **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
Section 12 – achieving well designed places
Paragraph 127 - to ensure a high standard of amenity for existing and future user

6.2 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. Policy of particular relevance is:

Policy S10 – Sustainable Development Principles

6.3 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 policies are material to this application:

Policy E20 – New Development (Design)
Policy H18 – Extensions

6.4 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Councillor A Kilbride** – objects and call the planning application in on grounds of over development for the property and parking issues.
- 7.2 **Environmental Health** – no comments.
- 7.3 **NBC Arboricultural Officer** - no objection in principle: there is an immature monkey puzzle tree at the front of the property that needs to be protected from harm – an arboricultural method statement will be required to show how the tree can be protected from harm.
- 7.4 **Billing Parish Council** – objects on the grounds of present and possible overdevelopment in a residential area. Appreciates the difficulties now that footprint permission has been obtained but feel this as obtained falsely and should not be taken into consideration.
- 7.5 **Third party objection** – will reduce already depleted parking and cause parking issues with parking on pavement and on the road.

8 APPRAISAL

Principle of development

- 8.1 Planning permission for a hipped roof single storey double garage was approved under N/2020/0252 but has not been implemented. The current application seeks to provide a self-contained annex, on the same footprint and size of the previously approved garage. The differences include the garage doors to the east side elevation to be bricked up with matching materials. Internally the annexe will comprise of a lounge and kitchen, with one bedroom and a shower room with WC.
- 8.2 Relevant planning policy is contained in Council's Adopted Supplementary Planning Document on Residential Extensions and Alterations. Paragraph 7.18 of the SPD states that "annexes" can have a similar effect on the amenity of neighbours as other extensions and in general should be sited so as not to affect neighbouring amenity or street scene. Buildings between a house and a road in most cases are likely to appear as overly prominent features and should generally be avoided; and be of an appropriate scale and appear clearly subordinate in relation to the main house.
- 8.3 Although the proposed annexe would be visible from the front, it would be set back from the highway and therefore not considered prominent visually in the street scene. The proposal would be single storey with a hipped roof and be in matching materials and is considered subordinate in relation to the main house.
- 8.4 A separate dwelling in this location, due to potential issues of amenity and parking provision, is unlikely to be acceptable and, therefore, a condition ensuring that the use of the annexe remains ancillary and solely for the use of the occupants of the host dwelling is proposed to ensure that the annexe does not form a separate planning unit.
- 8.5 The use of the building for an ancillary residential use in the form of an annexe in a residential area is therefore acceptable in principle.

Design

- 8.6 Saved Policy E20 of the Local Plan, Policy S10 of the JCS and the NPPF place great importance on the quality of design of new development.
- 8.7 The property is located on the end of a cul-de-sac and is screened from the road as a result of mature trees on the front and side boundaries. The previous application permitted a detached garage which will be located to the south-west of the site directly in front of the conservatory which is currently screened by a Laurel bush which will be removed to accommodate the proposal.

- 8.8 The proposed annexe will be set back into the site and will be screened by the existing mature trees, therefore the impact on the street scene will be minimal.
- 8.9 The surrounding properties on Penfold Drive comprise a range of designs and scales including detached two storey dwellings or bungalows, some with side garages, of various footprints set on a general building line around the cul-de-sac.
- 8.10 The proposed annexe will have a hipped roof and be in matching materials to the host dwelling. It is considered that the proposed annexe would be in keeping with the character of the host dwelling and the local area and would accord with the saved policies in the Northampton Local Plan, Residential Extensions and Alterations Design Guide SPD and advice given within the National Planning Policy Framework.

Residential amenity

- 8.11 The NPPF and saved Policy E20 seek to ensure a good standard of amenity is maintained for existing occupiers when considering proposals for new development.
- 8.12 The footprint of the annexe would be the same as the approved garage, with the garage doors to the north-east side elevation being bricked up. Due to the location of the dwelling on the site the proposed annexe is unlikely to have detrimental impact on the neighbour to the north-east, 22 Penfold Drive. The separation distance ensures a reduced chance of loss of light or outlook, which is also helped by the mature trees and hedging on this boundary.
- 8.13 To the north of the site is Wellingborough Road which is located approximately 15m from the property and is well screened by very tall and mature trees. The proposal is also to the front of the site and will be screened by the host dwelling, it will therefore not be visible from the rear of the site.
- 8.14 To the southwest of the site is a newer development of three large detached properties with detached double garages. These properties are set within large plots and are screened by the existing boundary treatment of a 1.8m boundary fence and mature trees. The proposed development would not result in any undue detriment to the amenity of these neighbours due to the distance and the existing boundary treatment.
- 8.15 The annexe will be set to the front of the host dwelling but it is set back from the highway so it is therefore considered that due to the separation distance to the neighbouring properties to the front of the proposal, it would not affect their amenity in terms of overlooking or loss of privacy.

Parking

- 8.16 The existing parking provision on site comprises a large parking area to the front of the dwelling and this would remain unchanged. The existing dwelling comprises a 4-bedroom property requiring 3 spaces in accordance with the Northamptonshire Parking Standards (2016). The addition of a further bedroom within the annex would not increase this parking requirement. As such, it is not considered the development would lead to any adverse impact on parking.

Trees

- 8.17 There is one immature monkey puzzle tree to the front of the site. In order to protect this tree from the proposed development during construction, the Tree Officer has recommended a condition to be added to the approval.

9 CONCLUSION

- 9.1 It is considered that the design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area and parking provision, and that the scheme would not lead to any undue impact on adjacent residential amenity. The proposed development would be in accordance with the aims and

objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, and saved Policies E20 and H18 of the Northampton Local Plan.

10 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 following approved plans: Proposed elevations and floor plans.

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

3. The external walls and roofs of the development hereby permitted shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policies H18 and E20 of the Northampton Local Plan.

4. The annexe hereby permitted shall be occupied for residential purposes by dependants of and ancillary to 24 Penfold Drive and shall at no time form a separate planning unit.

Reason: For the avoidance of doubt as a separate planning unit would be undesirable in this location in accordance with Policy E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy.

5. Prior to commencement of the development hereby permitted, an arboricultural method statement which details measures to be put in place for the protection of the Monkey Puzzle tree to the front of the site shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 Policies BN3 and S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11 BACKGROUND PAPERS

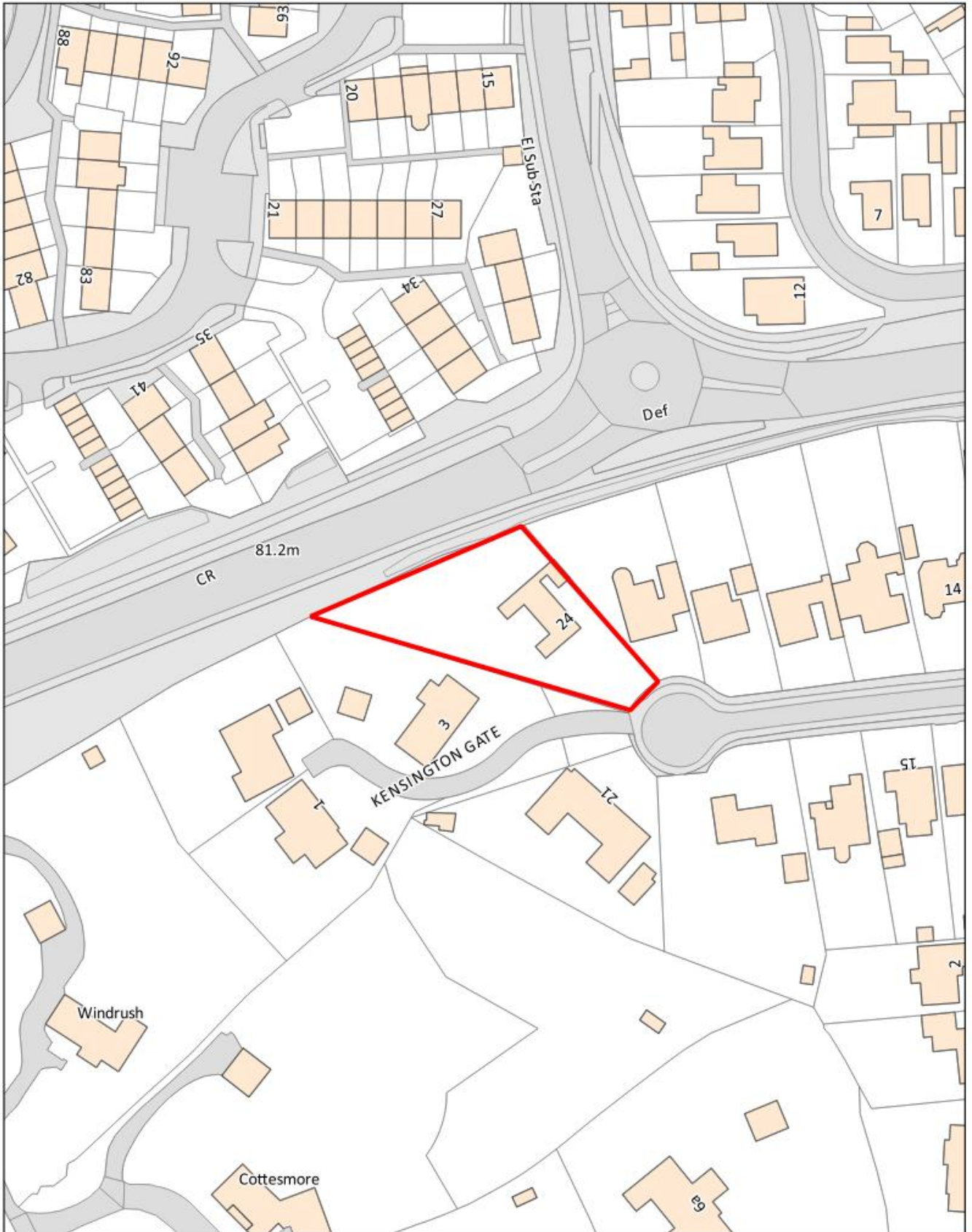
- 11.1 N/2020/0252.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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: **24 Penfold Drive**

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Date: 16-10-2020

Scale: 1:1,000

Drawn by: -----



PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0866

LOCATION: 70 Victoria Road

DESCRIPTION: Variation of Condition 5 of Planning Permission N/2018/0011 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 4 occupants (Use Class C4) including single storey extensions to the rear, a loft conversion with rear dormer window & internal alterations) to allow the property to be occupied by a maximum of 5 occupants

WARD: Castle Ward

APPLICANT: Ms Liang Zong
AGENT: N/A

REFERRED BY: Councillor D Stone
REASON: Overdevelopment and parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development is considered acceptable and would provide adequate facilities for future occupants. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to the town centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage and have an acceptable effect on the conservation area. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation SPD and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

2.1 Permission is sought for a variation of Condition 5 of Planning Permission N/2018/0011 to allow the property to change from a 4-persons to a 5-persons house in multiple occupation (HIMO).

- 2.2 The proposal also includes amendments to the rear extension, which was approved in 2018, that the applicant admits was not represented correctly on the original drawings. This element and the rear dormer are retrospective. The rear dormer is small and was accepted as part of the previous planning permission.

3 SITE DESCRIPTION

- 3.1 The site consists of a terraced property along a street of similar properties and is currently used as a 4 person HIMO as approved under planning permission N/2018/0011. There is a private garden to rear enclosed on 3 sides. Parking is provided on street on Permit Basis. The site is in a low risk flood zone (flood zone 1) and is in a designated conservation area. The property is not listed.

4 PLANNING HISTORY

- 4.1 N/2020/0479 - Planning application refused for a change to 6 person HIMO in July 2020.
- 4.2 N/2018/0011 – Planning permission granted for a 4-persons HIMO with rear dormer and single storey extension to rear in March 2018.

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.

- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **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 61 - housing should be provided for different groups including families, older people, students and disabled
- Paragraph 117 - decisions should promote an effective use of land in meeting the need for new homes
- Paragraph 127 - should provide adequate levels of residential amenity for future occupiers
- Paragraph 192 - Heritage assets

6.2 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 H1 - Housing Density & Mix & Type of Dwellings

Policy H5 - Managing the Existing Housing Stock
Policy BN5 - Heritage
Policy S10 - Sustainable Development Principles
Policy BN7 - Planning and Flood Risk

6.3 **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 policies are material to this application:

Policy E20 - New development
Policy E26 - Development in Conservation areas
Policy H30 - Multi occupation with a single dwelling

6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6.5 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) SPD 2019

Proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 15% of HIMOs within a 50 metre radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling

7 **CONSULTATIONS/ REPRESENTATIONS**

Comment received are summarised as follows:

- 7.1 **NBC Private Sector Housing** - no objection; property suitable for 5 persons, comments on fire safety and protection.
- 7.2 **NCC Highways** - no comments received.
- 7.3 **NBC Conservation** - No objection. On the basis that the principle of the use of the property as a HIMO has been established, then an increase in the number of occupiers from four to five is unlikely to have a negative impact on the character or appearance of the Conservation Area.
- 7.4 **Town Centre Conservation Area Committee** object to over-development; number of HIMOs and increased pressure on services and refuse/ conservation area.
- 7.5 **Councillor D Stone** - objects and called in on grounds of over-development, pressure on services, parking, loss of community and spread of disease/ health concerns.
- 7.6 2 neighbour comments/objections - lack of consultation and strain on area and too many HIMOs.

8 **APPRAISAL**

Principle of the development

- 8.1 The application property is an established HIMO for 4 occupants. The primary consideration, therefore, is whether the intensification in the use of the property from 4 to 5 people would provide a satisfactory standard of accommodation for future occupiers, and whether this increase would harm the amenities of the surrounding properties, the conservation area and the highway system.

Area concentration

- 8.2 As the property is an existing HIMO, the area concentration is no longer a material consideration.

Size of property and amenity for future occupiers

- 8.2 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO SPD. NBC Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans demonstrate that the proposals would meet the requirements for a 5 occupant HIMO. In this case, all bedrooms are over the required 6.51 square metres, and the combined living room, diner and kitchen over the required 18 square metres as set down in the HIMO Policy.

Development and Flood Risk

- 8.3 The application site is located in Flood Zone 1 and with very low risk of flooding to accord with Policy BN7 of the Joint Core Strategy.

Highways/Parking

- 8.4 The HIMO SPD sets out clearly that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within 400m distance of a district centre, local centre or neighbourhood parade. The site must also be accessible by a bus with a frequency of every half an hour which it is within 300m of the site on Billing Road.
- 8.5 The application property is located within easy walking distance to facilities in the town centre. It is considered that the application site is in a sustainable location within easy walking distance of local facilities. Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Cycle storage can be agreed by condition.
- 8.6 In terms of NCC Parking standards, this was adopted in September 2016, after the previous IPPS. The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of 1 parking space per bedroom. The proposed development will produce a demand for 1 additional space than the current approved use as a 4 persons HIMO. In this case, the Highway Authority did not object as the site is served by Permit Parking, but advised that permits will be controlled.
- 8.7 In addition, there is no evidence to support that all the residents would own cars. Given that only one additional occupant is proposed and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal. Furthermore, regard must be paid to recent appeal decisions over the past few months where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.

Refuse storage

- 8.8 No details have been submitted for refuse storage on the current proposal, though there is space at the rear for bins to serve existing occupants. This is to be conditioned on the grant of permission.

Impact on the appearance and character of the conservation area

- 8.9 Given that the proposal is mainly for an increase in the number of occupants, the impact on the conservation area is considered to be neutral. This is a view supported by NBC Conservation. Comments on the single storey rear extension and rear dormer are addressed directly below.

Single Storey rear extension and dormer to rear

- 8.12 The submitted plans show an amended rear extension different from that approved in 2018, projecting off only one of the original rear walls as compared to two on the 2018 plans. The single storey rear extension is 7.1 m deep, given that it would not be conspicuous from the front, the impact on street scene and the conservation area is minimal. The design with sloping roof and matching materials is considered reasonably in keeping with the host building.
- 8.13 In terms of neighbour effects, the extension is set back from the boundary with property no. 72 by 2 metres and therefore the effect is limited in terms of loss of light, outlook and overbearing. In terms of the effect on no. 68, the extension would be on the boundary line but would project less than 3 metres beyond the rear wall of that property, which has what appears to be a non-habitable rear facing room next to the boundary, the impact is considered to be acceptable too. In terms of the rear dormer, again this is retrospective and of minor nature, this was approved as part of the previous planning approval.

Public Health

- 8.14 Public health matters, including the spread of infectious diseases are subject to separate Government guidance and not material planning considerations to this application.

9 CONCLUSION

- 9.1 The proposed increase in the number of occupants from 4 to 5 will not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed. The proposal will provide sufficient residential amenity and is recommended for approval.

10 CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed floor plans and site location plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application. Proposed elevations and floor plans.

2) Notwithstanding the submitted plans and prior to the occupation of the development as a 5 persons House in Multiple Occupation, further details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

4) Notwithstanding the submitted plans and prior to the occupation of development as a 5 persons House in Multiple Occupation, further details of facilities for the secure and covered parking of bicycles 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: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5) The development hereby permitted shall be occupied by a maximum of 5 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

6) The existing cellar shall not be used as a bedroom at any time throughout the lifetime of the development as a House in Multiple Occupation.

Reason: In the interests of residential amenity to comply with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

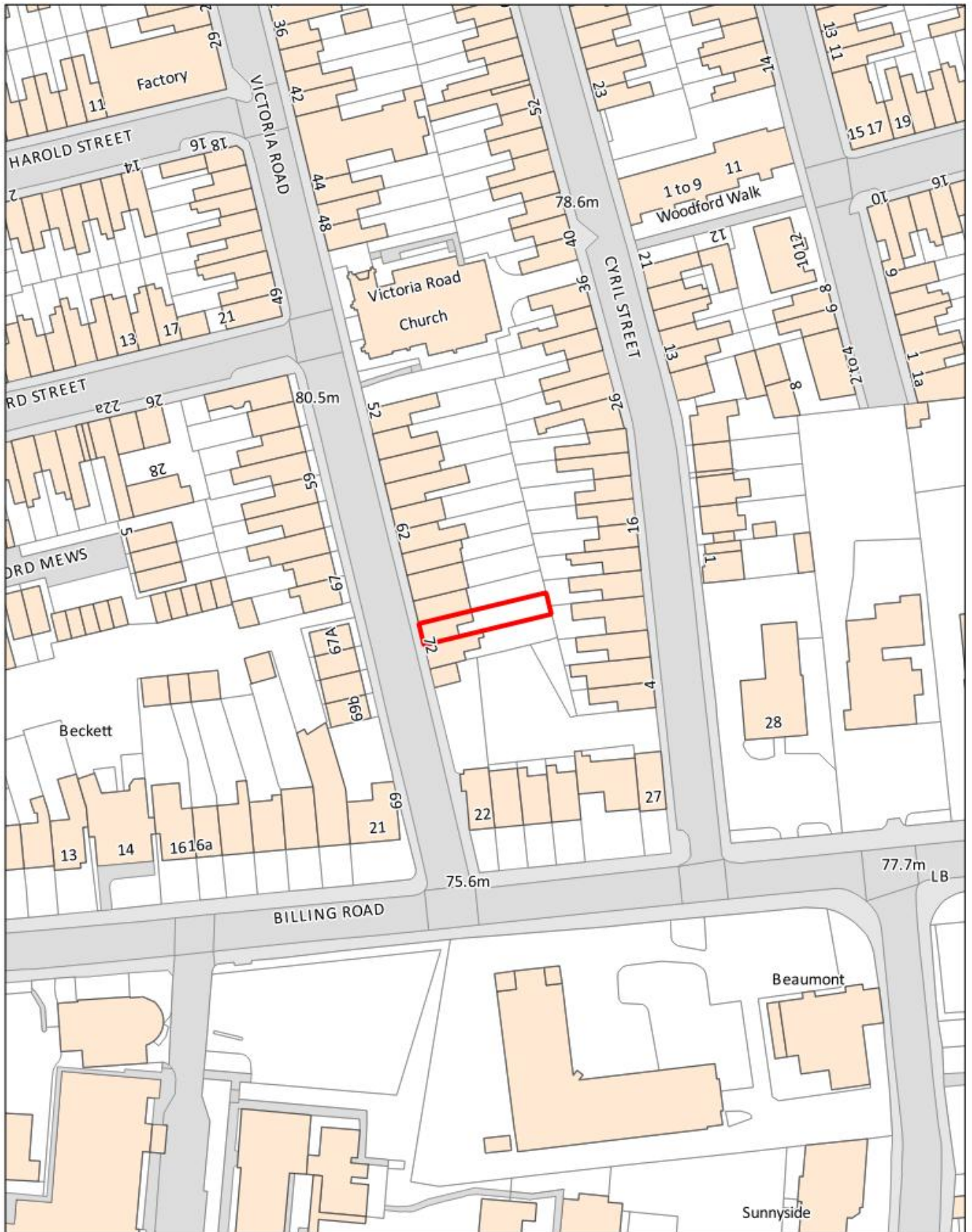
11.1 N/2020/0866.

12 LEGAL IMPLICATIONS

12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

13.1 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: **70 Victoria Road**

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Date: 16-10-2020

Scale: 1:1,000

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1094

LOCATION: Phoenix Computers Limited, Daisy Group, Hunsbury Hill Avenue

DESCRIPTION: Prior Notification of Change of Use from Offices (Use Class E) to 25no Residential Units (Use Class C3)

WARD: Delapre & Briar Ward

APPLICANT: Wellington Estates (Surrey) Limited
AGENT: APC Planning

REFERRED BY: Councillors E Roberts and J Davenport
REASON: Highway safety concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 PRIOR APPROVAL IS GIVEN subject to the conditions set out below and for the following reason:

The proposal is permitted development in accordance with the provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and subject to conditions, would have no undue detrimental impact with regards to transport and highway impacts, contamination risks on the site, flood risk on the site, or the impacts of noise from commercial premises on the intended occupiers of the development and future occupiers would benefit from adequate natural light.

2. THE PROPOSAL

2.1 The application is a prior notification for the change of use of the premises from offices (Use Class E) to residential (Use Class C3) to provide 25 flats, 19 one bed and 6 two bed. No external alterations are proposed.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey office building within an otherwise generally residential location, surrounded by surface car parking on two sides and screened from the highway by established vegetation.

4. PLANNING HISTORY

- 4.1 The construction of the offices was approved in 1978, since then there have been numerous applications related to the office use, none of which are directly relevant to the current proposal.

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 the Northampton Central Area Action Plan (2013).

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 14 – presumption in favour of sustainable development.

Paragraph 32 – Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 – developments that generate significant movement should be located where the need to travel is minimised and the use of sustainable transport modes can be maximised.

Paragraph 103 – when determining applications, Local Planning Authorities should ensure flood risk is not increased elsewhere.

Paragraph 120 – to prevent unacceptable risks from pollution and land instability, planning decisions should ensure development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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 S10: Sustainable Development Principles – development will minimise pollution from noise, air and run-off.

BN7: Flood Risk – development proposals will need to demonstrate there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve flood risk management.

BN9: Planning for Pollution Control – proposals for new development which are likely to result in exposure to sources of pollution will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues.

5.4 Northampton Local Plan 1997

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 **Environmental Health** – Noise survey and ventilation arrangements, waste management strategy and air quality mitigation are agreed and should be implemented.
- 6.2 **Environment Agency** – No comments to make.
- 6.3 **Local Highway Authority** - Parking spaces need to be a minimum of 2.5 x 5m with 6m of manoeuvring space. If there is not 6m between the end of a parking space and an obstruction, such as a wall, then the spaces will need to be wider. Cycle storage must be within a secure structure, with a security lock and overlooked from the property. (Amended plans were requested and have been received, which seek to address these concerns. The view of the Local Highway Authority on these plans is awaited at the time of writing this report and will be reported to the Committee by means of the Addendum).
- 6.4 **Northamptonshire County Council Development Management** – Contributions will be required for education and libraries. Fire hydrants, sprinklers and associated infrastructure should be required by condition. Ducting for broadband should be provided.
- 6.5 **Councillor E Roberts** – Calls in the application to Committee on the grounds of traffic and highway impacts and the impact of noise on future occupiers of the development.
- 6.6 **Councillor J Davenport** – Calls in the application to Committee on the grounds of highway impacts.
- 6.7 Representations received from the occupiers of 6 properties in the vicinity, making the following points in summary:
- Would lead to extra vehicles all leaving at rush hour to exit a roundabout which is already a hazard.
 - Office workers are currently inbound while others are outbound but all would be outbound.
 - Potential for ant-social behaviour would increase.
 - Noise from residents will be greater than it was for office workers.
 - Pocket park should be fenced off from the block.
 - Homes will be devalued.
 - Would impact the local wildlife more than the current property and increase pollution.
 - Would impact the availability of local B1 and A2 jobs.
 - No adequate crossings on the dual carriageway - promotes pedestrian access to local utilities, it is a danger and hazard crossing that busy dual carriageway.
 - No increase in local resources GP surgeries, dentists, schools and other public services.

7. **APPRAISAL**

- 7.1 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 (as amended) allows for the change of use from offices (still to be referred to as Use Class B1a in respect of this Order) to a dwellinghouse (Use Class C3), subject to the developer applying to the local planning authority for determination as to whether prior approval is required in relation to:
- (a) transport and highway impacts of the development;
 - (b) contamination risks on the site;
 - (c) flood risks on the site; and
 - (d) impacts of noise from commercial premises on the intended occupiers of the development.
 - (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- 7.2 These are the only matters which can be taken into consideration in the determination of an application of this type and are considered in turn below.

Transport and Highway Impacts

- 7.3 A Transport and Highways Impact Assessment accompanies the application, which concludes that “the change of use would result in a significant reduction in overall journeys throughout the day and a material reduction in vehicle trips during the peak hours and across the day as a whole. The proposed change of use would have no material effect on the capacity of any part of the transport network but the net reduction in journeys would result in an improvement in local highway conditions”. The Local Highway Authority have been consulted on this document and have raised no concerns.
- 7.4 Following on from the raising of concerns by objectors in respect of trips from the flats being outbound at morning rush hour, whereas trips to the office would be inbound at this time, the applicants have provided supplementary information which indicates that whilst the direction of the trips would change, there would nevertheless be a significant reduction in total trips.
- 7.5 Parking standards require one space per dwelling for one bedroom units, and two spaces per dwelling for two bedroom units, as well as one visitor space per unit for both types. This equates to a requirement for 56 spaces for the 19 one bed and 6 two bed units proposed. This is provided for in the proposed layouts and amendments have been made to this layout to provide sufficient width of bays and manoeuvring space, without reducing the level of provision, as requested by The Local Highway Authority, whose comments on these amended plans are awaited.

Contamination

- 7.6 No contamination risks have been identified in relation to the site and Environmental Health has raised no objection in this respect. A waste management strategy has been provided and this has been agreed by Environmental Health also. A condition requiring that this be implemented is recommended.

Flood Risk

- 7.7 The site lies within Flood zone 1. The change of use from office to residential represents a ‘more vulnerable’ use as defined by Planning Practice Guidance but is acceptable within this flood zone classification. The application proposes no external alterations or any increase to the footprint of the existing building and would not lead to any increased impacts on existing surface water conditions or flood risk. The Environment Agency has no comment and the proposal is therefore considered acceptable in this regard.

Noise Impact on Future Occupiers

- 7.8 A noise impact assessment has been provided with the application, which concludes that suitable internal noise levels can be achieved in habitable rooms. Comments from Environmental Health indicated concerns that these could only be achieved with windows closed, however it has now

been clarified that the windows would be unchanged and therefore remain fixed, with mechanical ventilation to be provided. It has been confirmed by Environmental Health officers that these arrangements are acceptable and a condition requiring their installation is proposed.

Provision of Natural Light

- 7.9 The submitted plans indicate that all rooms would make use of existing windows and it is considered, therefore, that adequate natural light would be available to future occupants.

Other matter

- 7.10 Comments received regarding limited consultation was carried out for this application. According to the legislation, Local Planning Authorities shall either erect a site notice or consult local residents for Prior Notification Applications. In this instance, a site notice was erected and the Ward Members were also consulted. The consultation process was therefore carried out in line with current legislation.

8. CONCLUSION

- 8.1 The proposal for a change of use from offices (Use Class E – formerly Class B1a) to residential (Use Class C3) complies with the provisions of Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and subject to conditions, would have no undue detrimental impact with regards to transport and highway impacts, contamination, flood risk or impacts of noise on future occupiers, and the living conditions of future occupiers would be acceptable with regard to natural light. As referenced above, the matters referred to are the only issues which can be taken into account in the determination of the application, this therefore excludes other matters raised by those making representations, as well as the requests made by NCC Development Management.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: GP/03/20 Rev B – Proposed Ground Floor Plan , GP/04/20 – proposed First Floor Plan, GP/05/20 Rev F – Proposed Ground Floor Block Plan / Topography, GP/06/20 – Location Plan, GP/05/20 – Proposed Ground Floor Plan – MHVR, GP/06/20 – Proposed First Floor Plan – MHVR.

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

2. Waste management shall be implemented for the development in accordance with the APC Planning Waste Management Strategy dated September 2020 prior to the occupation of the building for residential use and shall remain in place for so long as the residential use continues.

Reason: To ensure a satisfactory standard of development, to protect the amenities of future occupiers and neighbouring residents, in accordance with the National Planning Policy Framework.

3. Mechanical ventilation for the flats hereby approved shall be provided in accordance with drawings GP/05/20 – Proposed Ground Floor Plan – MHVR and GP/06/20 – Proposed First Floor Plan – MHVR prior to the occupation of the building for residential use and shall remain in place for so long as the residential use continues.

Reason: To ensure a satisfactory standard of development, to protect the amenities of future occupiers, in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

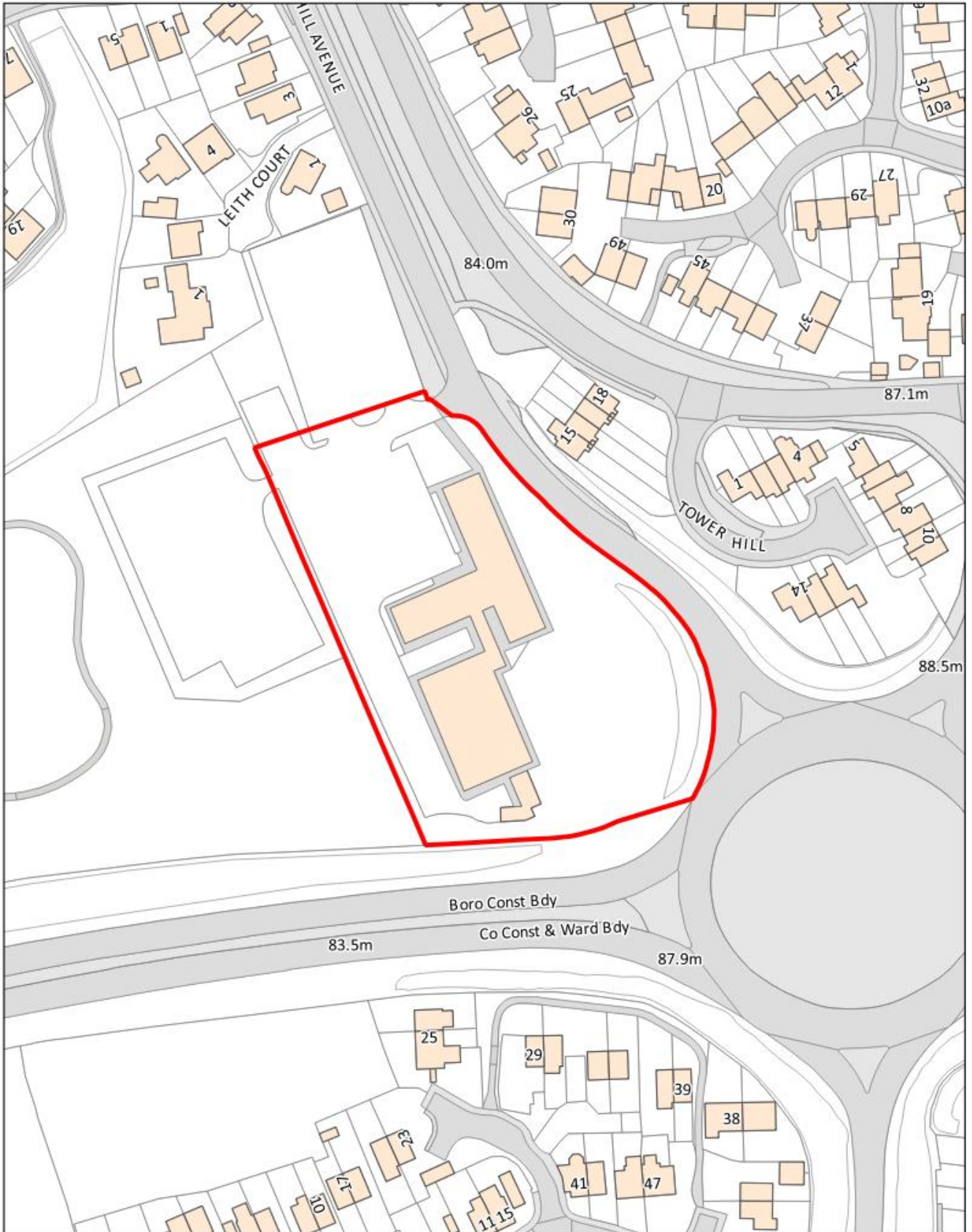
- 10.1 Application file N/2020/1094.

11. LEGAL IMPLICATIONS

11.1 The development is not 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.



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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1109

LOCATION: 64 Charles Street

DESCRIPTION: Conversion of single dwelling into 2no apartments with new window to basement and alteration to window opening

WARD: Castle Ward

APPLICANT: Mr Yueng
AGENT: Plan My Property

REFERRED BY: Councillor D Stone
REASON: Parking and refuse concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development would, subject to conditions, represent an acceptable land use contributing to the Council's 5-year housing land supply. The proposal would not have undue impact upon neighbour and visual amenity and would not adversely impact on the Boot and Shoe Quarter Conservation Area. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies E20, H21 and H23 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The proposal is for the conversion of the existing property from a two-bedroom dwellinghouse to two one-bedroom flats. The proposed external alteration involves a new window to the basement and new door and window opening in the side elevation. Parking will be on-street.

3 SITE DESCRIPTION

3.1 The application premises consist of a two storey building, with a basement, which is in use currently as a dwellinghouse. Historically it can be seen that this would have been a corner shop, the area of the former shopfront being clearly distinguishable. The property has no outdoor space, being connected at the side and rear to the neighbouring property at 37 Cranstoun Street.

4 RELEVANT PLANNING HISTORY

- 4.1 **N/2004/1351** – Change of use from office / warehouse to 2 no. residential dwellings – Approved 10/11/2004 (relates to this property and the neighbouring house at 37 Cranstoun Street).

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **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 61 – Housing should be provided for different groups including families, older people, students, disabled

Paragraph 117 – Decisions should promote an effective use of land in meeting the need for new homes

Paragraph 127 – Relates to good design and residential amenity

6.2 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:

H1 - Housing Mix and design
S10 - Sustainable Development Principles
BN5 - The Historic Environment And Landscape
BN9 - Pollution Control

6.3 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 policies are material to this application:

E20 New Development (Design)
H21 Conversion to flats – Amenity of the area
H23 Conversion to flats – Minimum size

6.4 Supplementary Planning Documents

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Conservation** – No objection to the change of use, which will not harm the character of the Conservation Area provided it does result in an over-concentration of HIMOs in the street. The alterations to the window openings will have an acceptable impact on the appearance of the area
- 7.2 **Environmental Health** – No objections, but require all gas fired boilers to meet low emission standards and for the hours of construction work to be limited.
- 7.3 **Town Centre Conservation Area Advisory Committee** – While it is considered that the proposals would not have an adverse effect on the appearance of the Conservation Area, the loss of an affordable family home in an area with many HIMOS, would affect the character of the Conservation Area.
- 7.4 **Local Highway Authority** – No comments to make.
- 7.5 **Councillor D. Stone** – Calls in the application on the following grounds: This is an already overcrowded area with many social problems, including fly tipping, parking pressures, crime, anti-social behaviour. This application will add to the pressures and make it ever more difficult for the existing residents and families to create community.

8 APPRAISAL

- 8.1 The main issues to consider are the principle of residential development impact on the character of the area, neighbouring amenity and highway safety.

Principle of development

- 8.2 The conversion of the existing dwelling house to 2 new independent residential flats, over the two floors, is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Section 2 of the NPPF advises that housing applications should be considered in the context of a presumption in favour of sustainable development.
- 8.3 Policy H23 of the Local Plan specifies that planning permission will not be granted for the conversion to flats with a combined ground and first floor area of 100 square metres or less and with a frontage of less than 4.7m. The existing dwelling has a combined ground and first floor area of approximately 77.5 square metres. The frontage is 11.7m, as the building has a frontage to two streets, which exceeds the minimum. Whilst the floor area is below the standard specified, it should be noted that this policy is designed to protect the stock of family homes. Given that this property has no outside space it would not make a good family home, therefore it is considered, on balance, that the proposal would be acceptable. It can be noted also that this policy is dated, and can be afforded limited weight.
- 8.4 The application site is in a residential area, in a sustainable location and within the easy access of local facilities, the town centre and public transport. The development of the site for residential use would also contribute, albeit on a small basis, to the Council's 5-year housing land supply.

Design and Impact on the character of the Conservation Area

- 8.5 Policies S10 and H1 of the JCS, and saved policy E20 of the Northampton Local Plan seek to ensure high quality design in new development that is appropriate to the character of the

surrounding area. The site is located within the Boot and Shoe Conservation Area and therefore Policy BN5 is also relevant.

- 8.6 The property has been altered in the past, having originally been a corner shop and has now been infilled with brick in the location of the former shopfront, whilst the rest of the property is rendered. The appearance of this is nevertheless acceptable, and it is considered that in this context a small infill window would have a limited visual impact, and would not affect the character of the dwelling or the Conservation Area. The proposed alteration to a door and window opening would also not affect the character of the dwelling or the Conservation Area

Amenity of future occupiers

- 8.7 In assessing the living conditions of future occupiers, Policy H1 of the JCS seek to ensure high quality design and a good standard of amenity for existing and proposed occupier. The NPPF at paragraph 124 advises that good design is a key aspect of sustainable development. Paragraph 127 advises on the need to ensure that new development provides a high standard of amenity for existing and future users.
- 8.8 Emerging Policy under Policy 4 of the Part 2 Local Plan requires new development to meet at least the minimum internal space standards under the Nationally Described Space Standards (2015) (NDSS). This policy is emerging and therefore is afforded limited weight in determining this application. The government's guidance on internal space standards is contained within the NDSS document. The minimum recommended space for a 1-bedroom dwelling for 1 person is 37 square metres.
- 8.9 Under the current proposals, the ground floor flat would have a floor area of 33 square metres on the ground floor and an additional 15 square metres in the basement study area, making 48 square metres. The first floor flat would have 30.5 square metres of useable floorspace. Whilst this would not meet the NDSS standard, given that this policy is not yet adopted, it is considered that the level of space available in both flats would be acceptable, and is in line with the minimum of 30 square metres which has been accepted in other cases.
- 8.10 Most habitable rooms would be served by natural daylight and outlook from openable windows. The exception to this is part of the ground floor kitchen area, which would have no window, due to there not being a suitable wall for this, however the cooking area which is within the living room would have a window. The ground floor flat would also have a basement study area. Saved policy H24 of the Northampton Local Plan is relevant in this respect, which states that "Planning permission for flats wholly or partly in basement areas will be granted only where adequate self-contained access is provided and there is adequate natural daylight available in the habitable rooms and where The outlook is not unduly obstructed". In this case daylight and outlook would be limited, however given that the room is intended only as a study and adequate space is provided elsewhere in the flat, this is considered to be acceptable.
- 8.11 The property has no outdoor space as existing, therefore this cannot be provided to the occupants, however, the site is an approximately 5 minute walk from the Racecourse, which provides a large area of open space. It is not unusual for first floor flats to have no outdoor space in any event and it is considered that this arrangement is acceptable. At present the property is a two bedroom dwellinghouse, with no outdoor space. This is not a normal or acceptable arrangement and it is considered that the use as flats would be preferable.
- 8.12 Due to the absence of outdoor space, The location of bin storage is proposed to be within the kitchen areas of each flat. This is not an ideal arrangement, however with suitable facilities it is considered that this would be acceptable. Again, it can be noted that the property is currently a house with no outdoor space for bins or any other purpose so this would not be a worsening of the situation. A condition is proposed to secure more detailed plans and information relating to refuse storage.

- 8.13 **Impact on adjoining occupiers**

It is not considered that the proposed use would have any greater impact on the amenities of adjoining residential occupiers than the current use, in terms of noise and disturbance.

Parking and Highway Safety

- 8.14 As an existing two bedroom house, the requirement for parking under adopted standards is for two spaces plus one visitor space, whereas the requirement for the two one-bedroom flats is for two parking spaces plus two visitor spaces. There is no on-site parking available, nor any possibility of providing this, therefore the shortfall would be increased by one space. However, the site is in a sustainable location close to amenities and a relatively short walk to the town centre. It can also be noted that no comment has been made by the Local Highway Authority. In this instance, therefore, it is considered that the proposal would not have unacceptable impact on highway safety or amenity.

Other Matters

- 8.15 Comments from Environmental Health refer to the need for low emission boilers, however there is no policy basis for such a requirement. An informative detailing acceptable hours of construction is also recommended, this would be added to the decision notice rather than enforced by condition.

9 CONCLUSION

- 9.1 The proposed scheme would not have any undue adverse impact on the character of the area, would provide adequate amenity for the occupiers of the proposed flats, and subject to the submission of details as required by condition, would make appropriate provision for refuse and recycling storage. The amenities of neighbouring occupiers would not be adversely affected. The site is located within a residential area in a sustainable location, therefore the absence of parking provision is acceptable. The proposal, albeit on a very small scale, would contribute to the Council's 5 year housing land supply.

10 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 following approved plans:3CS: PA:01/01.

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

3. Prior to the occupation of the development for the use hereby permitted, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the development hereby permitted and thereafter retained.

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.

11 BACKGROUND PAPERS

- 11.1 Application file N/2020/1109.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 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: **64 Charles Street**

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PLANNING COMMITTEE: 27th October 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0952

LOCATION: 42 Aynho Crescent

DESCRIPTION: Single storey side extension and new front porch together with internal alterations and vehicular crossover

WARD: Sunnyside Ward

APPLICANT: Northampton Partnership Homes
AGENT: Sketchhaus Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The design and appearance of the proposed development is acceptable and would not lead to any unacceptable impacts on the character of the existing dwelling, local area or the amenity of the occupants of neighbouring dwellings. The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H18 of the Northampton Local Plan and the Council's Residential Extensions and Alterations Design Guide.

2 THE PROPOSAL

- 2.1 The current application seeks planning permission for a single storey side extension and new front porch together with internal alterations and a vehicular crossover.
- 2.2 The proposed side extension would replace the existing storeroom.

3 SITE DESCRIPTION

- 3.1 The application site consists of a two storey semi-detached house with a side and rear garden.
- 3.2 The local area is predominantly residential with two-storey terraced and semi-detached houses.

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), Northampton Local Plan (1997) saved policies.

National Policies

5.2 **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 section is of particular relevance to this application:

- 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. Policy of particular relevance is:

- Policy S10 – Sustainable Development Principles

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 policies are material to this application:

- Policy E20 – New Development (Design)
- Policy H18 – Household Extensions

5.5 Supplementary Planning Documents

- Residential Extensions and Alterations Design Guide SPD 2011
- Northamptonshire County Parking Standards 2016
- Northampton Parking Standards 2019

6 CONSULTATIONS/ REPRESENTATIONS

6.1 No comments received.

7 APPRAISAL

7.1 The main issues to consider are the impact on the appearance and character of the host dwelling, local area and impact on the residential amenity of neighbours.

Design and appearance

- 7.2 The proposed development would result in a single storey side extension and front porch, which will increase the footprint of the application property. However, owing to the plot size and the fact that the proposed side extension would replace the storeroom, it is not considered that the proposed extension would result in overdevelopment of the site.
- 7.3 The proposed single storey side extension would be set back from the principal elevation, however, owing to the scale of the extension being single storey, it would appear as a subordinate addition to the property. It is considered to be in keeping with the character of the local area, which is defined by attached garages and similar extensions. Whilst the proposed side extension would be visible from the street, a material to match condition would ensure that the extension would merge with the existing house and would not have any adverse impact on the streetscene.
- 7.4 The proposed front porch would be visible in the streetscene, however, owing to the scale of the proposed porch and matching materials, it is not considered to have any adverse impact on the character of the area.
- 7.5 The proposed vehicular crossover and a driveway would be similar to the existing driveways in the wider area and is not considered to have any adverse impact on visual amenity.
- 7.6 It is considered that the proposed development would accord with the advice given within the National Planning Policy Framework and saved policies H18 and E20 in the Northampton Local Plan and Council's Residential Extensions and Alterations Design Guide a Supplementary Planning Document.

Residential Amenity

- 7.7 The proposed single storey side extension would be attached to the south (side) elevation, which sits adjoining to the blank elevation to the neighbouring property at no.40. It is considered that the proposed extension would not result in any adverse impact on the residential amenity of this property.
- 7.8 The proposed single storey side extension would be screened by the original house and would not affect the neighbouring property at no.44.
- 7.9 The proposed porch, due to its scale and siting, is not considered to have any adverse impact on any adjoining properties.

Parking

- 7.10 The application property is a 2-bed house and the proposed extension would result in one additional bedroom. As per the Northamptonshire Parking Standards, the parking requirements for a 2-bed house and a 3-bed house are same. So, the proposal would not generate any additional parking requirements. The local area has no parking restrictions on the streets. Therefore, it is considered that the proposed development would not have adverse impact on the highway safety.
- 7.11 Moreover, the proposed development seeks planning permission for the vehicular crossover and to install a driveway to the front of the property. Aynho Crescent is not a Classified Road so the vehicular crossover would not require planning permission and is considered to be deemed acceptable. It is considered that the proposal would provide a parking space for the application site, which would contribute positively towards highways safety.

8 CONCLUSION

- 8.1 It is considered that the proposed development is of a scale and design appropriate to the main dwelling and surrounding area. There would not be any unacceptable impact on the residential amenity of the neighbouring properties.

- 8.2 It is considered that the proposal would be in accordance with advice given within National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy, saved policies E20 and H18 of the Northampton Local Plan, Residential Extensions and Alterations Design Guide a Supplementary Planning Document.
- 8.3 The proposal is considered acceptable and recommended for approval subject to the following conditions.

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 following approved plans: SK18-02-Proposed, SK18-03-Block and Location Plan.

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

3. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

4. The external walls and roof of the porch shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

10 BACKGROUND PAPERS

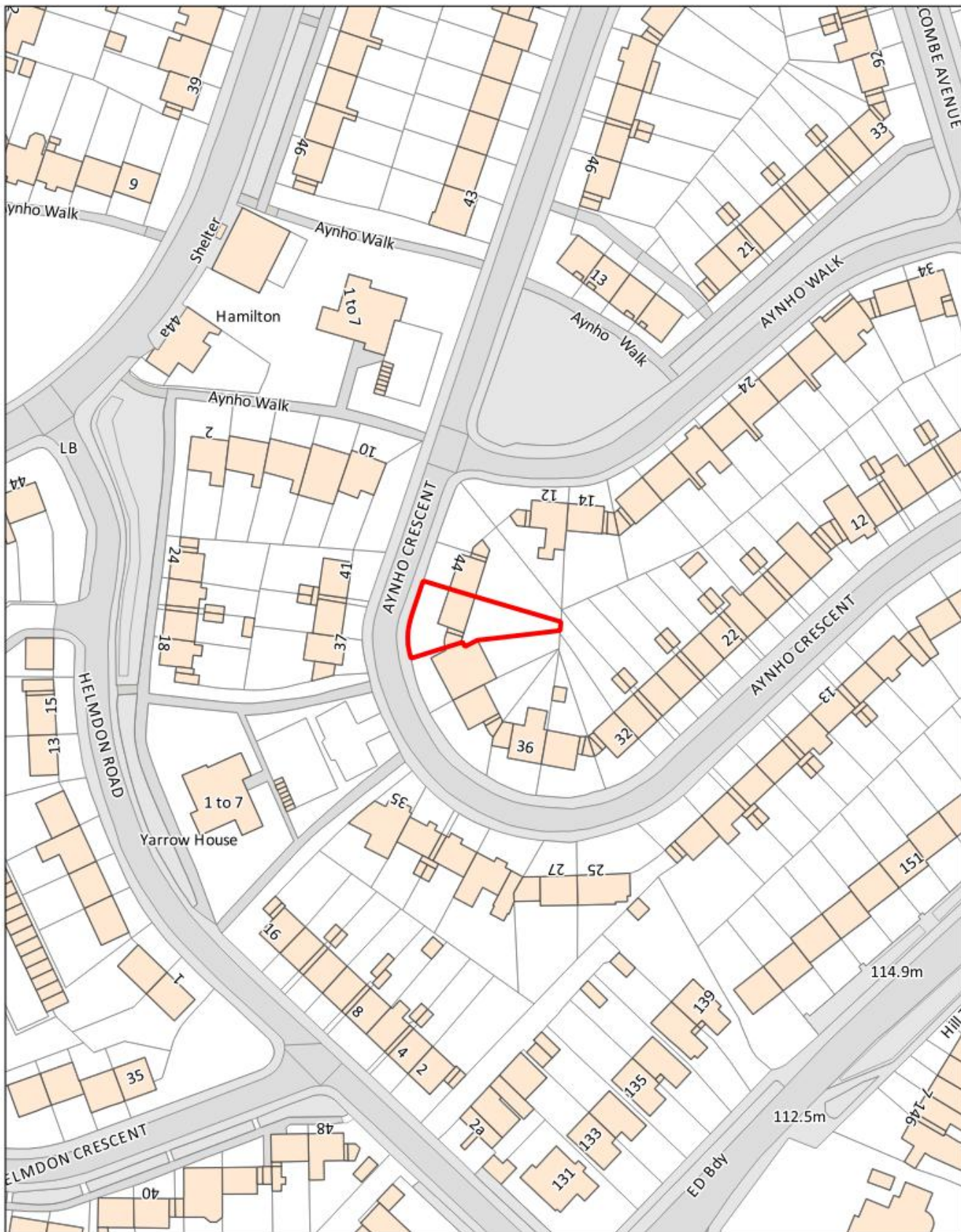
- 10.1 N/2020/0952.

11 LEGAL IMPLICATIONS

- 11.1 The development is not 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.



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