



# PLANNING AGENDA

**Tuesday, 16 March 2021**

This meeting will be held remotely 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](mailto:democraticservices@northampton.gov.uk) or 01604 837722



# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 5:00pm on 14<sup>th</sup> April, 12<sup>th</sup> May, 19<sup>th</sup> May, 9<sup>th</sup> June, 7<sup>th</sup> July, 28<sup>th</sup> July, 1<sup>st</sup> September, 29<sup>th</sup> September, 27<sup>th</sup> October, 24<sup>th</sup> November, 22<sup>nd</sup> December 2020, and 21<sup>st</sup> January, 16<sup>th</sup> February and 16<sup>th</sup> 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 application 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](mailto: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](mailto: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:  
Remotely at <https://www.youtube.com/user/northamptonbcTV>  
on Tuesday, 16 March 2021  
at 5:00 pm.

**AGENDA**

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6. **LIST OF CURRENT APPEALS AND INQUIRIES (PAGE 5)**  
Report of Director of Planning and Sustainability (copy herewith)
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  - (A) **N/2020/1482 - NEW FLOODLIGHTS (10M IN HEIGHT) TO EXISTING BASKETBALL COURT. THE RACECOURSE, KETTERING ROAD (PAGE 13)**
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10. **ITEMS FOR DETERMINATION**

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- (B) N/2020/1409 - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF UP TO 40NO RESIDENTIAL DWELLINGS (USE CLASS C3) WITH RETAIL UNIT AT GROUND FLOOR LEVEL. SOFA KING TIVOLI HOUSE, TOWCESTER ROAD (PAGE 39)
- (C) N/2020/1451 - ERECTION OF 12NO INDUSTRIAL UNITS FOR FLEXIBLE USE WITHIN USE CLASSES E(G); B2 AND B8, WITH ASSOCIATED MEZZANINE LEVELS, ACCESS WORKS AND PARKING. SUITE G6-6A MOULTON PARK BUSINESS CENTRE. REDHOUSE ROAD (PAGE 55)
- (D) N/2020/1551 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO A 5-BEDROOM (FOR 5 OCCUPANTS) HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4). 11 MOORE ST (PAGE 63)
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- (B) N/2020/1287 - INSTALLATION OF 3 STREET LIGHTS IN TOM COURT (RETROSPECTIVE). DEVELOPMENT LAND, TOMS CLOSE (PAGE 105)
- (C) N/2020/1553 - CHANGE OF USE OF NEWTON BUILDING FROM EDUCATIONAL (USE CLASS F1) TO OFFICES AND LEARNING AND NON-RESIDENTIAL INSTITUTIONS (SUI GENERIS). NEWTON BUILDING, ST GEORGES AVENUE (PAGE 111)

**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.”

**SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972**

**Para No:-**

## **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.

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## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 16 February 2021

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

**OFFICERS:** Peter Baguley (Director of Planning and Sustainability), Nicky Scaife (Interim Development Manager), Hannah Weston (Principal Planning Officer), Theresa Boyd (Planning Solicitor), Ed Bostock (Democratic Services Officer)

#### 1. APOLOGIES

Apologies for absence were received from Councillors Bottwood, King, M Markham and Lane.

#### 2. MINUTES

The minutes of the meeting held on 21<sup>st</sup> January 2021 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

None.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

None.

#### 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 Interim Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. 4 decisions had been reached by the Inspector which were all refused by officers through delegated powers. Regarding 39 Cottingham Drive, the Inspector noted that, notwithstanding neighbour objections, there were no parking restrictions in the area and allowed the appeal. With regard to appeals relating to 46 Adams Avenue, 5 Essex Street and 22 Watkin Terrace, the Inspector agreed with officer reasons for refusal and dismissed the appeals.

In response to questions, the Committee heard that the conversion of 46 Adams Avenue had taken place, however it had not been occupied; no further action had been taken.

**RESOLVED:**

That the report be noted.

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

**(A) N/2020/1556**

**CHANGE OF USE TO SECURE THE FOLLOWING USE CLASSES:**

**E(A) DISPLAY OR RETAIL SALE OF GOODS, OTHER THAN HOT FOOD**

**E(C)(III) OTHER APPROPRIATE SERVICES IN A COMMERCIAL,  
BUSINESS OR SERVICE LOCALITY**

**E(G)(I) OFFICES TO CARRY OUT ANY OPERATIONAL OR  
ADMINISTRATIVE FUNCTIONS**

**E(G)(II) RESEARCH AND DEVELOPMENT OF PRODUCTS OR  
PROCESSES**

**F1(B) DISPLAY OF WORKS OF ART (OTHERWISE THAN FOR SALE OR  
HIRE)**

**F1(C) MUSEUMS**

**F1(D) PUBLIC LIBRARIES OR PUBLIC READING ROOMS**

**F1(E) PUBLIC HALLS OR EXHIBITION HALLS**

**24 GUILDHALL ROAD**

**NBC OWNED BUILDING AND ARE THE APPLICANT**

The Interim Development Manager submitted a report to the Committee. The application sought approval for a change of use to secure various Use Classes; these uses were considered appropriate for a building situated within the Northampton Cultural Quarter. The building itself is not Listed and ownership transferred to Northampton Borough Council in 2017. There were no external alterations proposed and only minimal internal alterations. No parking would be provided as part of the development; however, the location was considered sustainable and there had been no objections received from the Local Highway Authority.

It was explained that planning permission would not be necessary for the internal alterations.

Members discussed the report.

**RESOLVED:**

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

**10. ITEMS FOR DETERMINATION**

**(A) N/2020/1063  
ERECTION OF BUILDINGS FOR USE FOR LIGHT INDUSTRIAL, GENERAL  
INDUSTRIAL AND STORAGE/DISTRIBUTION USES WITH ANCILLARY  
OFFICES, TOGETHER WITH MEANS OF ACCESS, SERVICING, CAR  
PARKING, LANDSCAPING AND ASSOCIATED WORKS  
FORMER OPUS CAR PARK, DEER PARK ROAD  
MAJOR APPLICATION REQUIRING S106 AGREEMENT**

The Principal Planning Officer submitted a report to the Committee. The application sought approval for the erection of 12 units with a flexible use of light industrial, general industrial and storage/distribution uses with ancillary offices. Access to the development would be from Deer Park Road and it would be exited from Summerhouse Road. The units were proposed to be mainly single floor with a small mezzanine in each. The Local Highway Authority had raised no objection to the application, providing that there were restrictions on the level of general and light industrial floorspace on the site, alongside a condition on servicing. These are included and conditions 4 and 5. It was recommended that the application be approved in principle subject to the completion of a S106 requiring construction training.

In response to a question from Committee Members, it was advised that conditions relating to the provision of EV charging points and cycle storage were included.

Members discussed the report.

**RESOLVED:**

That the application be **APPROVED IN PRINCIPLE** subject to the completion of a S106 and the conditions and reasons as set out in the report.

**11. ITEMS FOR CONSULTATION**

None.

**12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS**

None.

The meeting concluded at 5:25 pm

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Planning Service

Director of Planning and Sustainability: Peter Baguley



## List of Appeals and Determinations – 16th March 2021

### Written Reps Procedure

Application No.	DEL/PC	Description	Decision
<b>N/2019/1174</b> APP/V2825/W/20/3258793	DEL	Variation of Conditions 2 and 7 and removal of Condition 3 of Planning Permission N/2017/1442 (Conversion of part of building to 2no dwellings) to amend location of parking areas for the new dwellings, retain accesses as existing and replace proposed boundary walls with fencing at Billing Arbours House	<b>ALLOWED</b>
<b>N/2019/1335</b> APP/V2825/W/20/3257246	DEL	2no new dwellings with off road parking at Billing Arbours House	<b>DISMISSED</b>
<b>N/2019/1374</b> APP/V2825/W/20/3259799	DEL	New detached two storey dwelling, double garage and associated hard landscaping at 74 Barley Lane	<b>AWAITED</b>
<b>N/2020/0099</b> APP/V2825/W/20/3254573	DEL	Garden room extension at 1 Frosts Court, High Street, Wootton	<b>AWAITED</b>
<b>N/2020/0100</b> APP/V2825/Y/20/3254574	DEL	Listed Building Consent Application for garden room extension for 1 Frosts Court, High Street, Wootton	<b>AWAITED</b>
<b>N/2020/0245</b> APP/V2825/W/20/3260275	DEL	Change of Use of Dwelling (Use Class C3) to Mixed Use Dwelling and Tea Room (Sui Generis) at 67 High Street, Wootton	<b>AWAITED</b>
<b>N/2020/0371</b> APP/V2825/W/21/3266645	DEL	Outline planning application for a proposed bungalow with all matters reserved except access, siting and scale on Land Rear of The Hollies, Weedon Road	<b>AWAITED</b>
<b>N/2020/0405</b> APP/V2825/D/20/3263468	DEL	Loft conversion with dormer to rear (Retrospective) (Amendment to planning application N/2019/0472) at 4 Harold Street	<b>ALLOWED</b>
<b>N/2020/0445</b> APP/V2825/W/20/3263925	DEL	Construction of 2no semi-detached dwellings at King David Public House, Newnham Road	<b>AWAITED</b>
<b>N/2020/0731</b> APP/V2825/D/20/3263364	DEL	Conversion of front garden to driveway and vehicular crossover off Booth Lane South at 111 Booth Lane South	<b>AWAITED</b>
<b>N/2020/0794</b> APP/V2825/W/20/3261949	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants at 25 Beaconsfield Terrace	<b>AWAITED</b>
<b>N/2020/0829</b> APP/V2825/D/20/3262857	DEL	Loft conversion with rear dormer and front rooflights at 22 Manor Road	<b>AWAITED</b>
<b>N/2020/0956</b> APP/V2825/D/20/3265651	DEL	Two storey side extension, single storey rear extension and conservatory at 24 Greenfinch Drive	<b>AWAITED</b>
<b>N/2020/1052</b> APP/V2825/W/20/3264338	DEL	Conversion of existing undercover area and conservatory/storage area to side and rear of office building to 2 bedroom 2 person annexe to existing Care Home (Use class C2) to provide independent living, including windows and access to front elevation of office at 32A Millway	<b>AWAITED</b>
<b>N/2020/1077</b> APP/V2825/D/20/3263376	DEL	Two storey rear extension with alterations to front to convert garage to living accommodation at 21 Mapperley Drive	<b>AWAITED</b>
<b>N/2020/1299</b> APP/V2825/W/21/3266231	DEL	Change of Use from Dwellinghouse (Use Class C3) to Parenting Assessment Service (Use Class C2) at 2 Knot Tiers Drive	<b>AWAITED</b>
<b>N/2020/1320</b> APP/V2825/W/21/3267053	DEL	Conversion of terrace house into 1no studio and 1no two bed apartment at 24 Clare Street	<b>AWAITED</b>

### 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:

Nicky Scaife, Development Manager (Interim)

Telephone 01604 837692

Planning Service

The Guildhall, St Giles Square,

Northampton, NN1 1DE



**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2021/0068

**LOCATION:** 14A Abington Park Crescent

**DESCRIPTION:** Lawful Development Certificate for proposed loft conversion, including installation of rear and side dormer windows, rooflight and chimney

**WARD:** Park Ward

**APPLICANT:** Mr Tony Ansell  
**AGENT:** LMR Designs

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Applicant is a member

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1 RECOMMENDATION**

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

The proposed development detailed within drawing number 020-012-003 Revision B submitted on 24<sup>th</sup> February 2021 would be lawful complying with the provisions of Classes B and G of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **2 THE PROPOSAL**

2.1 The application relates to a Lawful Development Certificate for a proposed development (CLOPUD) in respect of the enlargement of the dwelling house by the installation of three dormer window roof extensions and a chimney projecting from the existing roof.

### **3 SITE DESCRIPTION**

3.1 The application site relates to a bungalow constructed on the site of the Old Parsonage set behind dwellinghouses fronting the southern side of Abington Park Crescent and accessed via a private way between Nos. 13 and 14 Abington Park Crescent. Within its curtilage No. 14a has a detached garage that sits to the side of the western elevation.

- 3.2 Two of the proposed dormers would be installed to the front of the application property which faces due north north-west facing the rear gardens and elevations of Nos. 14 and 15 Abington Park Crescent. The rear elevation faces the rear gardens and elevations of Nos. 28 and 30 Meshaw Crescent.
- 3.3 The western side elevation overlooks the grounds of the neighbouring St Christopher's (Church of England War Memorial Home).
- 3.4 The eastern side elevation, which it is proposed will house one dormer window, faces the bottom of the rear gardens of the dwellings fronting Abington Park Crescent.
- 3.5 The site lies adjacent to Abington Park Conservation Area.

#### **4 PLANNING HISTORY**

- 4.1 The existing dwellinghouse was constructed in the early 20<sup>th</sup> century on the site of the Old Parsonage and has existed long before those properties now fronting Abington Park Crescent. There is no recorded planning history that would restrict or prevent this application for a Proposed Lawful Development (CLOPUD) being affirmed as lawful. Permitted development rights are intact.

#### **5 PLANNING POLICY & STATUTORY DUTY**

- 5.1 Planning policy is not relevant as the assessment is whether the development is lawful within the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.2 There is no requirement for notification of the application to other owners or for publicising it, as the matters determined are solely on evidence and law. Northampton Borough Council as the Local Planning Authority (LPA) does not have the power to modify the description of the use or development when granting a CLOPUD. However, it can request for further details in any application or it may refuse to grant the certificate.
- 5.3 The Onus of proof for a CLOPUD is on the applicant, and it is determined on a balance of probability rather than beyond reasonable doubt.

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

- 6.1 No consultations were dispatched by Northampton Borough Council in relation to this application for a CLOPUD.

#### **7 APPRAISAL**

- 7.1 Class B, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the enlargement of a dwellinghouse consisting of an addition or alteration to the roof as permitted development subject to certain criteria as set out in the legislation.
- 7.2 The proposed development in respect of the proposed dormer windows has been assessed under the requirements of Paragraph B.1 of Schedule 2 of the GPDO which stipulates development is not permitted by Class B if:

(Note: Officer assessment is in bold type below)

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).



**The dwellinghouse was not permitted under these classes. Therefore this criterion is passed.**

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

**The proposed roof enlargements do not exceed the highest part of existing roof.**

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

**None of the existing roof slopes proposed enlarged front a highway.**

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—  
(i) 40 cubic metres in the case of a terrace house, or  
(ii) 50 cubic metres in any other case;

**The proposed enlargement totals 12.86 Cubic metres as detailed on drawing number; 020-012-003 Revision B submitted on 24<sup>th</sup> February 2021.**

- (e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or  
**There is no verandah, balcony or raised platform proposed.**

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

**The proposed chimney measuring 0.72 cubic metres is not permitted under class B, however, is permitted by Class G, as referenced later in this report.**

- (f) the dwellinghouse is on article 2(3) land.

**The dwellinghouse is not located on article 2(3) land which within Northampton would refer only to a designated Conservation Area.**

- 7.3 Under Class B, in respect of the dormers proposed, alterations are permitted subject to the above requirements and subject to conditions requiring materials used to be similar in appearance to the existing dwellinghouse; maintaining the eaves of the original roof and the edge of the enlargement not being situated within less than 0.2m of the eaves; no part of the enlargement extending beyond the outside face of any external wall of the original dwellinghouse; and any side facing window being obscure glazed and non-opening up to 1.7m above the floor of the room in which the window is installed.
- 7.4 The plans have been amended to obscure glaze the proposed side facing bedroom window and ensure it is non-opening up to 1.7m above the floor of the room in which the window is installed to comply with the above requirements.
- 7.5 The proposed chimney is assessed under Class G, Schedule 2 of the GPDO which permits alterations to a dwellinghouse by the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- 7.6 Under Paragraph G.1 development is not permitted by Class G if—  
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

**The dwellinghouse was not permitted under these classes. Therefore this criterion is passed.**

- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

**The proposed chimney is would not exceed the highest part of the highest part of the roof by 1 metre of more.**

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—  
(i) fronts a highway, and  
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

**The dwellinghouse is not located on article 2(3) land which within Northampton would refer only to a designated Conservation Area.**

- 7.7 Alterations under Class G are permitted without specific conditions.

## **8 CONCLUSION**

- 8.1 In assessing the proposed development for the installation of dormer windows and a chimney as proposed against the provisions of Classes B and G of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended), the proposed development is considered lawful, subject to the conditions contained with Class B of Schedule 2 of that Order.

## **9 BACKGROUND PAPERS**

- 9.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## **10 LEGAL IMPLICATIONS**

- 10.1 The development is not 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: **14A Abington Park Crescent**

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Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1482

**LOCATION:** The Racecourse, Kettering Road

**DESCRIPTION:** New floodlights (10M in height) to existing basketball court

**WARD:** Trinity Ward

**APPLICANT:** Northampton Borough Council  
**AGENT:** Archi-tec Architectural Design

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

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1 RECOMMENDATION**

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

The proposal would enhance and support existing sports facilities at The Racecourse and would not result in undue harm to surrounding residential amenity or heritage assets. The proposal thereby complies with the National Planning Policy Framework; Policies RC2, BN1, BN5, BN9 and S10 of the West Northamptonshire Joint Core Strategy and saved Policies E20 and E26 of the Northampton Local Plan.

### **2 THE PROPOSAL**

2.1 The proposal is for the erection of 10no floodlights some 10m in height at the basketball court within the area of public open space known as The Racecourse.

### **3 SITE DESCRIPTION**

3.1 The site comprises an existing surfaced basketball court in the southern area of The Racecourse and within Kingsley Conservation Area. The site is close to an existing car park, tennis courts and a play area within The Racecourse and to the west of the Grade II listed Racecourse Pavilion. There is path running south of the basketball courts and beyond this the boundary to rear gardens of residential properties on Colwyn Road. To the north is a large area of open space.

## **4 PLANNING HISTORY**

4.1 None relevant.

## **5 PLANNING POLICY**

### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

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:

Paragraph 11 – Sustainable Development  
Section 8 – Healthy and Safe Communities  
Section 9 – Sustainable Transport  
Section 12 – Well-Designed Places  
Section 15 – Natural 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 S10 – Sustainable Development Principles  
Policy RC2 – Community Needs  
Policy BN1 – Green infrastructure  
Policy BN5 – The Historic Environment and Landscape  
Policy 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:

Policy E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight

Policy E26 – Conservation Areas

### **6.4 Supplementary Planning Documents**

## 7 CONSULTATIONS/ REPRESENTATIONS

7.1 Comments received are summarised as follows:

7.2 **NBC Environmental Health** – No objections subject to planning conditions requiring that the lighting scheme should be undertaken in accordance with the approved details; all lighting should be connected to a timer device and switched off by 22:30.

7.3 **NBC Conservation** – No objection on conservation grounds. The proposed floodlight columns will not harm the setting of the nearby grade II listed Pavilion or the character or appearance of Kingsley Conservation Area. Suggest that the lighting columns be painted rather than have a galvanised finish, as indicated in the submission; dark green or black to match the lampposts on footpaths would be likely to reduce their intrusion in views across The Racecourse.

7.4 **Northamptonshire Police** – No objection to what is proposed but requested more information about the management of when the court will be operational in the hours of darkness. Following additional information submitted by the applicant, confirmation that the controls for this installation are to be located within the changing rooms. There is far less likelihood of it being abused and overridden in that location.

7.5 6 third party objections (from 4 addresses) have been received on the following grounds:

- Increase in antisocial behaviour will arise.
- Previous focus group undertaken for NBC has not reported back feedback or recommendations.
- Is there not sufficient daylight during the year.
- Why not invest in the tennis court area instead?
- Increased usage at night will result in increased litter.
- No public toilets.
- No prior engagement with residents to discuss the proposition.
- Increase in noise – ball and music.
- Disturbance to residential properties.
- Objects to the existing basketball court location and requests its relocation away from homes.
- Burglaries in gardens.
- Damage to garden walls.
- Why encourage people to play during the dark hours.

## 8 APPRAISAL

8.1 The site is an established basketball court within an area of public open space. The addition of floodlighting would benefit the local community by improving existing facilities in accordance with Policy RC2 of the JCS. The principle of the addition of floodlighting is therefore acceptable within such designated areas of open space, subject to an acceptable impact on neighbouring amenity and heritage assets.

8.2 Policy BN5 of the JCS requires that designated heritage assets & their setting will be conserved and enhanced. Whilst the proposed floodlighting is clearly a modern addition to The Racecourse and this part of the Conservation Area, the proposed floodlights would be viewed in the context of existing sports facilities. NBC Conservation has assessed the proposal and conclude that the proposed floodlight columns will not harm the setting of the nearby grade II listed Pavilion or the character or appearance of Kingsley Conservation Area. A condition is proposed for the lampposts to be painted black to accord with appearance of existing lampposts within the park and reduce the visual impact on the Conservation Area. As such it is not considered that there would be an unacceptable impact on the setting of heritage assets.

- 8.3 Saved Policy E20 of the Local Plan and the guidance in the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. The nature of flood lighting is such that it has the potential to be intrusive upon residential properties. The closest residential properties are those on Colwyn Road which have large rear gardens in excess of 24m bordering The Racecourse and the application site. There are also mature trees running in line with the boundary of The Racecourse adjacent to the existing basketball court. Whilst there are views between properties and the existing court, the applicant has submitted a lighting report which details horizontal illuminance levels reaching up to the boundary with rear gardens on Colwyn Road. As such, it is not considered the light from the proposed 10m high floodlights would be unduly intrusive upon residential properties to the south. In addition, Environmental Health has assessed the scheme and raise no objection subject to conditions ensuring the scheme is undertaken in accordance with the submitted details and that the lighting is switched off no later than 22:30 each day.
- 8.4 The applicant proposes 21:00 as a cut off time, with the lighting set up to automatically turn off at this time. It is noted that comments regarding noise pollution from use of the basketball court have been raised and as such it is reasonable to assume that the use of floodlighting will increase usage of the courts in the evenings particularly in the winter months. Taking into account comments to this effect from both Northamptonshire Police and local residents, it is considered 9pm would be a suitable time for the floodlights to turn off to ensure residential amenity is safeguarded whilst still providing a benefit to local residents utilising the sports facilities.
- 8.5 The proposal is some distance from the road and has no parking or highway safety implications.
- 8.6 Northamptonshire Police have assessed the proposal and, subject to the location of the timeclock within the secure changing facilities as discussed with the applicant; has raised no safety objections. To ensure that the timer is not overridden, a condition to this effect is proposed to ensure the lighting is installed in accordance with the submitted information and proposed timings.

## **9 CONCLUSION**

- 9.1 To conclude, the proposal would support and enhance the ongoing use of an existing sports facility and would not result in unacceptable harm to residential amenity or the setting of heritage assets. As such, as part of a balanced assessment, it is considered that the application is acceptable, and it is recommended that planning permission be granted subject to conditions as below.

## **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 Location Plan 1:1250, Block Plan 1:500, A160/E-01, Sabre documentation October 2019, Typical Column, Horizontal Illuminance Plan 20-15399-1A.

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

3. The floodlights hereby permitted shall only be in use between the hours of 08:00 to 21:00 and at no other time.

Reason: In the interests of the protection of residential amenity in accordance with Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the submitted plans, the lighting columns hereby approved shall be painted in black prior to the installation hereby approved coming into use and retained in that form thereafter.



Reason: In the interests of visual amenity and the preservation of the setting of heritage assets in accordance with the requirements of Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy.

5. The development hereby permitted shall be carried out in accordance with the following documents: Outdoor lighting report - September 2020, Proposed Floodlighting Report Issue 2 15/02/2021, Floodlighting Installation Specification 23/11/2020.

Reason: In the interests of the protection of residential amenity in accordance with Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

## **11 BACKGROUND PAPERS**

- 11.1 N/2020/1482

## **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: **The Racecourse, Kettering Road**

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Date: 05-03-2021

Scale: 1:1,250

Drawn by: -----



**PLANNING COMMITTEE:** 16 March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1598

**LOCATION:** Alleyway adjacent to 87 St Michaels Road

**DESCRIPTION:** Installation of gate at St Michael's Road end of the alleyway and fixed panel at Dunster Street end.

**WARD:** Castle Ward

**APPLICANT:** Northampton Borough Council  
**AGENT:** Northampton Borough Council

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** NBC owns the land and is the Applicant

**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 not have a significant adverse impact upon the character and appearance of the surrounding area or the amenity of local residents and businesses. Whilst there would be some harm to the historic environment, this would be less than substantial and would be outweighed by the public benefits of the scheme. As a consequence, the proposal is in conformity with the requirements of the National Planning Policy Framework, Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy and Policy E26 of the Northampton Local Plan.

### 2. THE PROPOSAL

- 2.1 The planning application proposes the installation of gates at either end of an alleyway which leads from Dunster Street to St Michaels Road and is adjacent to 87 St Michaels Road.
- 2.2 The installation of the gates is proposed in order to restrict access and address persistent anti-social behaviour issues in and around the alleyway following concerns raised by local residents.
- 2.3 The opening located at the Dunster Street end of the alleyway is proposed to be an infill panel comprising vertical black metal bars with horizontal support which would have no pedestrian access and would be fitted flush with the highway.

- 2.4 The opening located at the St Michaels Road end of the alleyway would be of similar appearance but with an inward opening 1.2m wide gate for pedestrian access with side infill panel. The installation would be flush with the highway with a letterbox attached to the inside of the gate for use by 87 St Michaels Road. The gate would be fitted with a thumb turn lock allowing egress to St Michaels Road with no. 87 being supplied with keys as their front entrance is located within the alleyway.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises of an alleyway, located adjacent to 87 St Michaels Road which runs between St Michaels Road and Dunster Street.
- 3.2 The site is located on the boundary of the Central Area as defined by the Central Area Action Plan and lies within the Boot and Shoe Quarter Conservation Area. The surrounding area is mixed residential and commercial uses with the nearest listed building approximately 50m to the west.

### **4. PLANNING HISTORY**

- 4.1 There is no relevant planning history

### **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.

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.

#### **5.2 National Planning Policy Framework**

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

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 193 states that great weight should be given to heritage assets conservation.

Chapter 12: Conserving and enhancing the historic environment – advises on the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social benefits that the conservation of the historic environment can bring and the positive contribution that conservation of the heritage asset can make to sustainable communities.

#### **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  
Policy BN5: The Historic Environment and Landscape

#### 5.4 **Northampton Local Plan (1997)**

Saved Policy E26: New development to preserve or enhance character and appearance of Conservation Areas

#### 5.5 **Other Material Considerations**

Boot and Shoe Area Quarter Conservation Area Appraisal and Management Plan

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

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – The gating of the alley will prevent general use; however, the open design of the gates will enable visibility along the route so its former use and association with the boot and shoe industry and the contribution it makes to the historic street pattern can be appreciated. The proposal will result in a level of harm to significance which is considered less than substantial.
- 6.2 **Northamptonshire Police** – Northants Police has no objection to the application to gate the alleyway stating that the Community Safety Team have worked closely with Northants Police and Fire colleagues and the application represents the outcome of that co-operative working.
- 6.3 **Town Centre Conservation Area Advisory Committee** – the committee noted that the alleyway gives character to the Conservation Area and is significant for illustrating the historical movement patterns from home to factory in the Boot and Shoe Quarter. However, members accept that anti-social behaviour could have a negative impact on the character of the Conservation Area and therefore do not object to the gating of the alleyway but recommend a more decorative gating be incorporated, appropriate to the traditional character and the age of the buildings of the Conservation Area.
- 6.4 **NCC Highways** – No objections to the proposal.
- 6.5 Support for the proposal received from a local business stating that the alleyway has been a problem for many years and closing it off will enhance the condition of the area.

### 7 **APPRAISAL**

#### **Principle and Crime and Anti-Social Behaviour Issues**

- 7.1 The principle of installing the gates to restrict public access to the alleyway linking Dunster Street and St Michael's Road by a Public Spaces Protection Order was agreed by Cabinet on 20<sup>th</sup> January 2021 following a public consultation that was carried out in 2020 where 83% of the general public agreed that it was a good idea on the grounds of public safety.
- 7.2 The closure requires the installation of one gate and one single infill panel, fixed at either end of the alley. The gate will provide pedestrian access to the front entrance of 87 St Michaels Road and egress for residents with rear gates leading onto the alley.

- 7.3 The principle of removing the general access through the alleyway is considered acceptable as there are alternative routes to link Dunster Street to St Michaels Road while allowing a more secure environment to serve the local residents.

### **Impact on Heritage Assets and Design**

- 7.4 The alley is a historic pedestrian route, dating to before 1900, which linked the boot and shoe factories with the surrounding residential properties, and thus is of some significance. The alley is one of a number within the Conservation Area which assist in understanding the rapid and comprehensive development of the area as a result of the boot and shoe industry with houses and industrial buildings in close proximity.
- 7.5 Whilst views along the alleyway would be somewhat restricted due to the installation, the open design of the proposal will ensure visibility along the route ensuring its association with the boot and shoe industry and contribution to the historic street pattern can still be appreciated.

### **Amenity**

- 7.6 The main entrance of no. 87 St Michaels Road is located within the Alleyway. A house number sign, secure post box and portable wireless doorbell would be provided attached to the gateway leading onto St Michaels Road. Only no. 87 St Michaels Road will be provided with keys to the gate as they will require daily access in and out of the alleyway. As such, it is considered that the harm to the occupiers of no. 87 has been mitigated and would therefore, not be significant.
- 7.7 All residents with rear entrances into the alleyway will have egress to St Michaels Road via the gate using a thumb turn lock but do not require keys for access.
- 7.8 It is considered that the amenity of local residents and nearby businesses will be improved by preventing general access to the alleyway, with any impact outweighed by the benefits of the proposal.

## **8. CONCLUSION**

- 8.1 The proposed works would result in harm to the character and appearance of the Conservation Area however, the harm is considered to be less than substantial and is outweighed by the public benefits of the proposal in seeking to address anti-social behaviour issues in the area. Therefore, the proposal is considered acceptable and the proposal is recommended for approval subject to the conditions below.

## **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: Proposed Alleyway Gating, DS/001 and DS/002

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

## **10. BACKGROUND PAPERS**

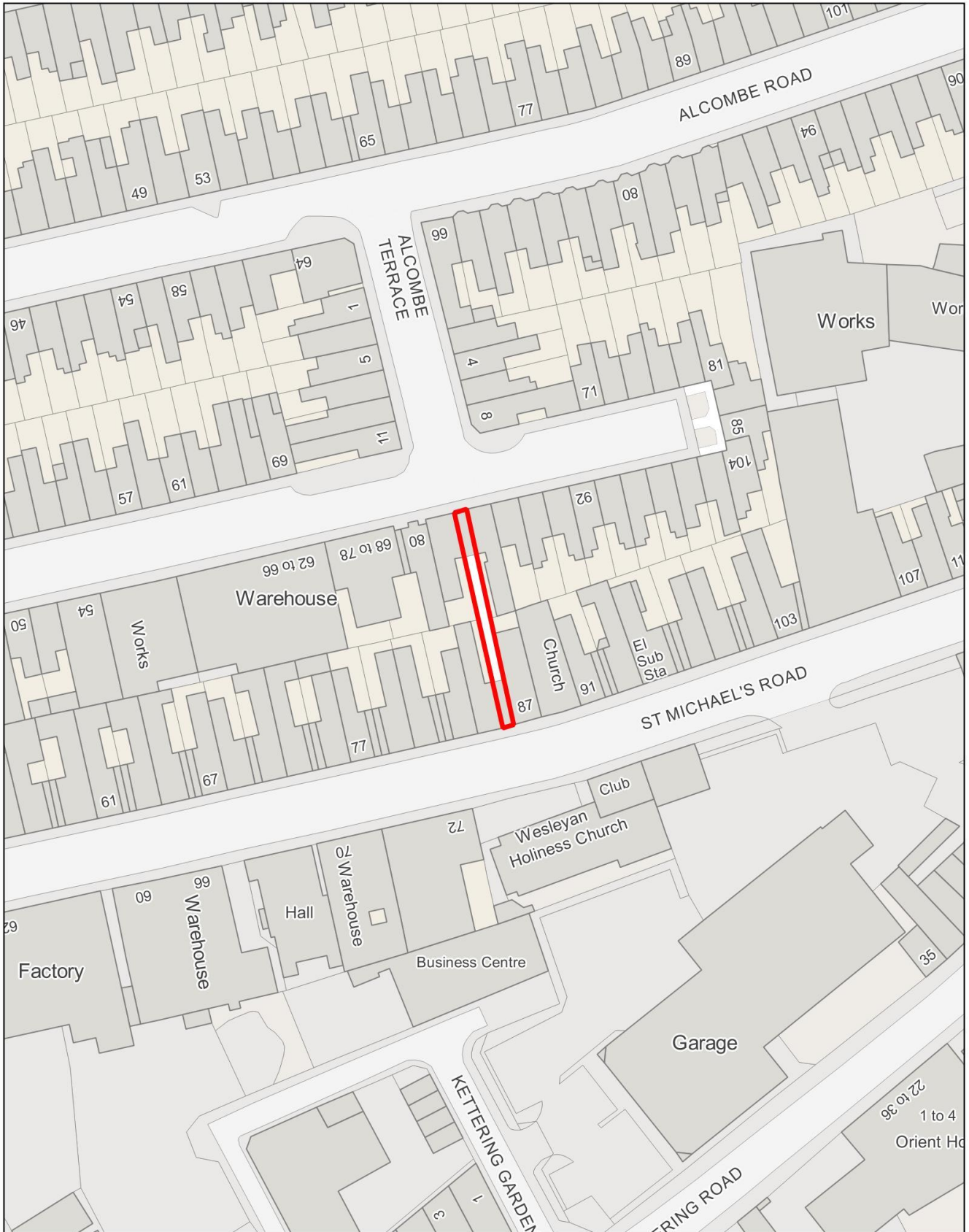
- 10.1 N/2020/1598

## **11. LEGAL IMPLICATIONS**

11.1 None.

**12. SUMMARY AND LINKS TO CORPORATE PLAN**

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Alleyway adj 87 St Michaels Road**

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Date: 05-03-2021

Scale: 1:800

Drawn by: -----





**PLANNING COMMITTEE:** 16<sup>TH</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1212

**LOCATION:** Howdens Joinery  
Liliput Road

**DESCRIPTION:** Outline Application (with access details) for the demolition of existing building and structures and redevelopment to provide new warehouse and distribution floorspace (Use Class B8) with ancillary office accommodation, access from Liliput Road, with service yards, parking, landscaping and other associated infrastructure

**WARD:** Nene Valley Ward

**APPLICANT:** Newlands Development Limited  
**AGENT:** Oxalis Planning Ltd

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

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to a Section 106 legal agreement to secure:

- Contribution to construction training.

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

The proposal would contribute to the provision of employment within the Borough and would not have an undue detrimental impact on the appearance and character of the wider area, nor result in any undue harm to residential amenity, parking, flood risk and highway safety. The proposal therefore accords with the National Planning Policy Framework; Policies E1, S7, S8, S10, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy; and Policies B5, B14 and E20 of the Northampton Local Plan.

### 2 THE PROPOSAL

- 2.1 The application is for outline consent for the demolition of the existing buildings on site and the redevelopment to provide new warehouses and distribution floorspace with ancillary offices (use class B8). The only matter under consideration within this outline application is the access to the site, with appearance, landscaping, layout and scale reserved matters.

### **3 SITE DESCRIPTION**

- 3.1 The application site is located on the western and northern sides of Liliput Road, near the A428, within the Brackmills Industrial Estate. The site comprises a large warehouse building with associated parking and currently has four existing vehicle access points from Liliput Road. The current occupiers of the building are moving elsewhere leaving the building vacant.

### **4 RELEVANT PLANNING HISTORY**

- 4.1 N/2020/0137 - Request for Environmental Impact Assessment (EIA) Screening Opinion for proposed redevelopment of land (new employment development) at Liliput Road, Brackmills Industrial Estate – EIA not required.

### **5 PLANNING POLICY**

#### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

#### **5.2 National Policies**

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

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

Section 6 – Building a strong and competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Design

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

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy E1 Existing employment areas

Policy S7 Provision of Jobs

Policy S8 Distribution of Jobs

Policy S10 Sustainable Development Principles

Policy S11 Carbon emissions

Policy BN2 Biodiversity

Policy BN7 - Flood Risk

Policy BN9 – Pollution Control

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

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

Policy E20 – New Development (Design)  
Policy B5 – Development at Brackmills  
Policy B14 – Use in Business areas  
Policy T12 – Servicing

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

Northampton Parking SPD (2019)  
Northamptonshire Parking Standards (2016)  
Planning out Crime in Northamptonshire SPG 2004

### 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Northampton Borough Council Public Protection** – No objection subject to conditions on contamination, noise, and air quality.
- 6.2 **Northampton Borough Council Arboricultural Officer** – No objection. Conditions requiring tree method statement and protection plan required.
- 6.3 **Northamptonshire County Council Highways and Access** – Request conditions that development is laid out in accordance with submitted plans and that a CEMP and travel plan are required.
- 6.4 **Northamptonshire County Council Ecology** – No objection. Recommend condition on soft landscaping
- 6.5 **Northamptonshire County Council Planning** – recommend the use of fire hydrants and sprinklers, alongside broadband provision.
- 6.6 **Northamptonshire Police** – No objection. Recommend crime safety measures through fencing, layout, and lorry parking.
- 6.7 **Lead Local Flood Authority** – No objection subject to conditions on surface water drainage, compliance with FRA, maintenance of surface water system, and verification report.
- 6.8 **Environment Agency** – No objection subject to conditions on contamination and drainage. No objection to the conditions being worded to allow the demolition of the building prior to the submission of details.
- 6.9 **Anglian Water** – Request informatives on assets and used water network.
- 6.10 **Natural England** – No objection.
- 6.11 **Construction Futures** – Request contribution towards construction training.
- 6.12 **Health and Safety Executive** – No objection subject to condition preventing occupation until the hazardous classification has been revoked.
- 6.13 **Highways England** – No objection.
- 6.14 **Ramblers Association** – No comment to make on application.

6.15 **Great Houghton Parish Council** – No comment to make on application.

6.16 No neighbour representations received.

## **7 APPRAISAL**

### **Principle of development**

- 7.1 The application site is located within Brackmills business area. Policy B14 of the Local Plan outlines that within existing business areas, planning permission will not be granted for development outside of the business use classes unless such development would be of significant benefit to the local community, and would lead to substantial employment opportunities.
- 7.2 Policy E1: 'Existing Employment Areas' of the West Northamptonshire Joint Core Strategy (JCS) seeks to ensure that such sites are retained for employment uses within Use Classes B1, B2 and B8 or appropriate non-B employment generating uses. Policy S7 of the JCS sets out the requirement for a minimum net increase of 28,500 jobs in the plan period between 2008-2029, and Policy S8 allows for the provision of new job growth through the renewal and regeneration of existing employment sites.
- 7.3 The application proposes to demolish the existing B8 warehouse and re-development of the site to provide new warehouses and distribution floorspace (class B8). This is due to the age of the current warehouse, the size being larger than is marketable and the need for smaller units. Proposed conditions as detailed in Section 10 of this report have been worded to allow for early demolition of the buildings on site.
- 7.4 The existing building on site is approximately 90,249m<sup>2</sup> in floorspace with a height of 10 metres. The application proposes outline consent for the development, with indicative drawings of a maximum of 83,612m<sup>2</sup> of new floorspace, although it must be noted that these are indicative drawings only at this stage.
- 7.5 The proposed use of the site for new distribution units (Use Class B8) would regenerate and retain the site in employment use contributing towards the provision of jobs within the Borough and therefore accord with the aims of the above JCS policies and the aims of the National Planning Policy Framework which seeks to promote economic growth.
- 7.6 The application site is located within an existing employment area and is brownfield land. The proposal is to replace an existing B8 warehouse with new B8 floorspace. As such the principle of the development is accepted.

### **Access**

- 7.7 The application is for outline planning permission with all matters reserved other than access. As such the focus of this report will be on whether the proposed access is acceptable.
- 7.8 As existing, the site has four entrance points, three on the southern side of the site, and one on the eastern side. The application proposes to retain the use of three of these existing access points, and to close one of the entrance points on the southern side. No new access points are proposed into the site.
- 7.9 NCC Highways and Highways England have been consulted on the proposal and raise no objections.
- 7.10 NCC Highways request conditions in respect of a travel plan, a Construction and Environmental Management Plan (CEMP) and that the access is provided in accordance with the submitted plans. These are considered reasonable conditions to attach.

- 7.11 With no objection having been received to the proposed access, and with these being existing access points, it is considered that the proposed access is acceptable.
- 7.12 It is the case that EV charging points would be required for any new development and a condition requiring this is recommended. The detailed parking layout and provision for the site would be a matter for consideration at reserved matters stage.

### **Neighbouring amenity**

- 7.13 The application site is positioned away from any neighbouring residential properties and, as such, there would be no impact upon neighbouring amenity as a result of this proposal.

### **Flood risk**

- 7.14 The Lead Local Flood Authority, Environment Agency and Anglian Water have been consulted on this application. No objections are raised to the scheme subject to conditions on drainage and contamination. These are considered reasonable conditions to attach.

### **Hazard**

- 7.15 The north-eastern section of the site is located within an historic hazard area. Whilst it is the case that this hazard has been removed, an application to formally remove the hazard classification has not been made to the Health and Safety Executive and the hazard does, therefore, formally remain. The Health and Safety Executive have been consulted on this application and advise that there is no objection subject to a condition requiring the removal of the hazardous classification prior to any occupation. This is considered reasonable to require through condition.

### **Section 106 Obligations**

- 7.16 Construction Futures request a contribution towards construction training as part of any development of this site. Due to the size of the development it is considered reasonable to require a contribution for this purpose and the applicants have agreed to the payment of this. This would be secured through a Section 106 legal agreement.

### **Other matters**

- 7.17 Public Protection request conditions on contamination, noise and air quality. It is considered reasonable to attach such conditions to ensure appropriate mitigation.
- 7.18 The Council's Arboricultural Officer requests a condition requiring a tree method statement and protection plan. This is considered reasonable to attach.
- 7.19 NCC Ecology request a condition on soft landscaping. Landscaping is a reserved matter and as such details of this would be covered within the reserved matters application. As such it is not considered reasonable to attach a condition on this at the outline application stage.
- 7.20 NCC Planning request conditions on fire hydrants and broadband provision. NBC Planning does not have planning policies to support the required provision of these, and as such it is not considered reasonable to request these through condition.
- 7.21 Northamptonshire Police recommend crime safety measures for the site such as through fencing, layout and lorry parking. The layout and parking provision on site would be a matter for consideration within the reserved matters application. The provision of details on boundary treatments is considered reasonable to require through condition.

## **8 CONCLUSION**

- 8.1 To conclude it is considered that the proposal would not have an undue detrimental impact on the appearance and character of the wider area, nor result in any undue harm to residential amenity, parking, and highway safety and would maintain the site in employment use. The proposal therefore accords with the National Planning Policy Framework; Policies E1, S7, S8, S10, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy; and Policies B5, B14 and E20 of the Northampton Local Plan and it is recommended that planning permission is granted subject to conditions and the completion of a S106 as set out above.

## **9 BACKGROUND PAPERS**

- 9.1 N/2020/1212

## **10 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 (with the exception of site clearance and demolition as outlined in section 2.1 of the Demolition and Reclamation Specification by Hydrock dated 23rd October 2020, reference 15188-HYD-XX-XX-RP-GE-1002 and sections 4, 5 and 6 of the Remediation Statement and Verification Plan by Hydrock dated 15th January 2021, reference 15188-HYD-XX-XX-RP-GE-3001-S2-P01).

Reason: 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 following approved plans: 4461 001 Rev P1, 4461 004 Rev P4.

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

5. Prior to the commencement of the development hereby permitted (excluding above ground site clearance and demolition works as outlined in section 2.1 of the Demolition and Reclamation Specification by Hydrock dated 23rd October 2020, reference 15188-HYD-XX-XX-RP-GE-1002 and sections 4, 5 and 6 of the Remediation Statement and Verification Plan by Hydrock dated 15th January 2021, reference 15188-HYD-XX-XX-RP-GE-3001-S2-P01), an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site which shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority for approval in writing. The report of the findings must include a survey of the extent, scale and nature of contamination, an assessment of the potential risks, and an appraisal of remedial options and proposal of the preferred option(s).

Reason: Pre commencement condition 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.

6. Prior to the commencement of any below ground development works hereby permitted (excluding above ground demolition and site clearance works as outlined in section 2.1 of the Demolition and Reclamation Specification by Hydrock dated 23rd October 2020, reference 15188-HYD-XX-XX-RP-GE-1002 and sections 4, 5 and 6 of the Remediation Statement and Verification Plan by Hydrock dated 15th January 2021, reference 15188-HYD-XX-XX-RP-GE-3001-S2-P01), 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, must be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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: Pre commencement condition to ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. The approved remediation scheme must be carried out in accordance with its terms 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6 above, which shall be subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with Condition 7.

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.

9. Notwithstanding the details submitted, full details of a sound barrier to be installed on the site shall be submitted to, and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. 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 amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10. Prior to the use commencing, the applicant shall undertake a noise assessment in accordance with BS4142:2014+A1 2019 of any newly proposed plant, structures or buildings capable of emitting noise, that have not already been the subject of assessment in the Vanguardia report Reference VC-103295-EN-RP-0001 submitted with the application. The report assessment and conclusions, together with any mitigation required to deliver a "Low Impact" as set out in BS4142:2014 at the nearest noise sensitive property, shall be submitted to and approved in writing by the Local

Planning Authority prior to first occupation of the development. Any agreed mitigation required shall be implemented at the application site prior to its first use, and retained thereafter.

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

11. Prior to the commencement of each phase of the development, 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. The CEMP shall include, though not necessarily be restricted to the following details:
- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
  - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
  - iii) Details of the siting of all vehicles of site operatives and visitors.
  - iv) The unloading and loading arrangements for heavy plant and machinery.
  - v) The location, extent and duration of any temporary stockpiling areas.
  - vi) Measures to prevent mud being deposited on the surrounding highway.
  - vii) Hours in which development will take place.
  - viii) Non-road mobile machinery (NRMM) controls.
  - ix) Details of temporary site storage, welfare facilities and contractor parking.
  - x) Tree protection measures during the demolition and construction processes.
- The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. This condition is required pre commencement to ensure the agreement of such details in a timely manner.

12. Full details of a scheme for the provision of electric car charging points (including a timetable for implementation) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The scheme shall provide 10% of all parking spaces as EV charging spaces, including 1 charging unit per 10 disabled spaces. Where more than 50 spaces are provided, 1 rapid charging unit per 50 spaces shall be provided. Development shall be carried out in accordance with the approved details, and 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 and the Northampton Parking Supplementary Planning Document.

13. Notwithstanding the details submitted, and within three months from the first occupation of each phase of the development, a full Travel Plan for 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 retained thereafter.

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

14. Prior to occupation of each unit, each occupier shall produce and provide a fleet emission reduction strategy, including low emission fuels and technologies, including ultra-low emission service vehicles to be submitted to and approved in writing by the Local Planning Authority prior to first use of the respective unit(s). The approved fleet emissions reduction strategy shall be undertaken in compliance with the approved details thereafter.

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



15. Prior to the commencement of each phase of the development hereby approved (with the exception of site preparation, demolition and any remediation works), an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include details of tree protection measures for the duration of development, and where construction activity would encroach upon root protection areas of retained trees, steps to be taken to prevent harm to the soil and any roots. The development shall be undertaken in full accordance with the details approved.

Reason: To ensure appropriate protection of retained trees and in the interests of amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

16. Notwithstanding the details submitted, prior to the first occupation of each phase, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the relevant phase and retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

17. Prior to any above ground works commencing (excluding site clearance and demolition works), a surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy, report ref. no. ADC2133-RP-B, ver. 3 and Addendum, report ref. no. ADC2133-RPD, ver. 2, dated 20th November 2020, prepared by ADC Infrastructure Limited for each phase, shall be submitted to the Local Planning Authority for approval in writing. 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 structures
- b) Details of the drainage system are to be accompanied by full and appropriately cross-references supporting calculations.
- c) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices
- d) proposed discharge to Anglian Water surface water sewers supported by Anglian Water approval.

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

18. All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment and Drainage Strategy, report ref. no. ADC2133-RP-B, ver. 3 and Addendum, report ref. no. ADC2133-RPD, ver. 2, dated 20th November 2020, prepared by ADC Infrastructure Limited and shall be accompanied by updated drainage details with cross referenced supporting calculations and a compliance statement with the original approved scheme. Where a reserved matters details do not comply with the original Flood Risk Assessment and Drainage Strategy, a revised and updated Flood Risk Assessment with full drainage details shall be submitted indicating whether any further mitigation works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site, in accordance with the requirements of the NPPF.

19. Prior to the occupation of any part of the approved development a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.
- The scheme shall include:
- a) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
  - b) a site plan including access points, maintenance access easements and outfalls.
  - c) maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
  - d) details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory maintenance of drainage systems in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

20. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Strategy, report ref. no. ADC2133-RP-B, ver. 3 and Addendum, report ref. no. ADC2133-RPD, ver. 2, dated 20<sup>th</sup> November 2020, prepared by ADC Infrastructure Limited has been submitted in writing by a suitably qualified drainage engineer and approved 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 surface water drainage system is free from defects, damage and foreign objects
  - f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place

Reason: To reduce the risk of flooding both on and off site by ensuring the installed surface water drainage system is satisfactory in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

21. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with the requirements of paragraph 170 of the National Planning Policy Framework.

22. No part of the development shall be occupied until all Hazardous Substances Consents for MFI Furniture Centre have been revoked in their entirety under the provisions of the Planning (Hazardous Substances) Act 1990 and written confirmation of the necessary revocations have been issued by the Hazardous Substances Authority.

Reason: To ensure the safety of the development in accordance with the requirements of the NPPF.

23. The development shall achieve a minimum rating of at least BREEAM 'very good' standard (or equivalent) or any future national equivalent zero carbon standard.

Reason: to assist in reduction in carbon emissions and adapt to climate change in accordance with policy S11 of the West Northamptonshire Joint Core Strategy.

24. Prior to the commencement of development (excluding site preparation, demolition and any remediation works), a phasing plan for the implementation of 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.

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.

25. Prior to the commencement of construction works on site (excluding site preparation, demolition and any remediation works), 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 visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is required pre-commencement to ensure details are agreed in a timely manner.

26. Prior to the construction of each building hereby approved above ground floor slab level 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 S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree such details in a timely manner.

27. Full details of cycle storage (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

28. Prior to the first occupation of the development hereby approved, the existing access to be removed, as shown within plan 4461 004 Rv P4, shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further points of access shall be created thereafter.

Reason: To confine access to the permitted point in order to ensure that the development does not prejudice the free flow of traffic or conditions of highway safety along the neighbouring highway in accordance with the requirements of the National Planning Policy Framework.

Informatives:

Anglian Water advise:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Used Water Network:

1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **11 BACKGROUND PAPERS**

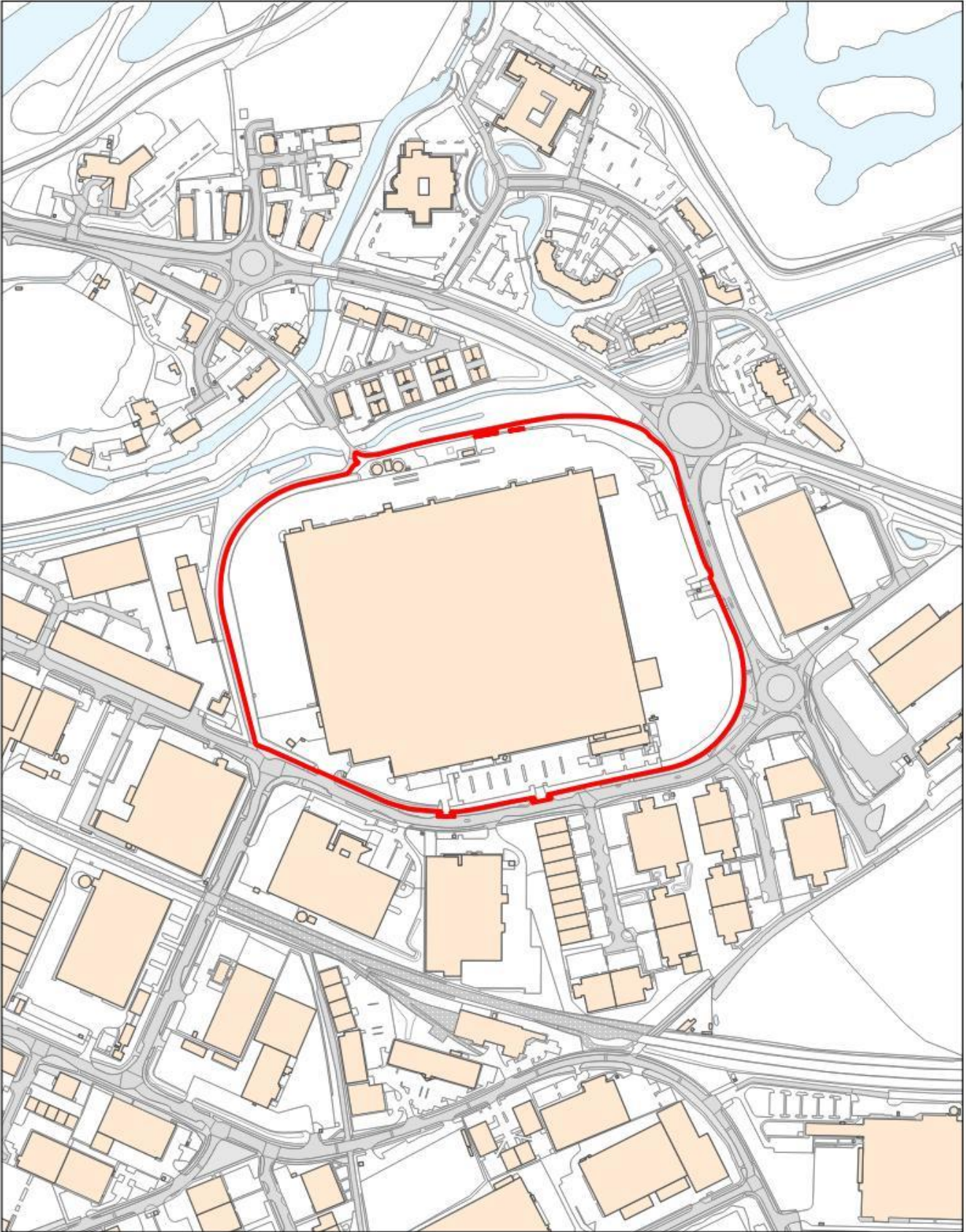
11.1 N/2020/1212

## **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: **Liliput Road**

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Date: 13-01-2021

Scale: 1:5,000

Drawn by: -----

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1409

**LOCATION:** Sofa King Tivoli House  
Towcester Road

**DESCRIPTION:** Demolition of existing building and construction of 40no residential dwellings (Use Class C3) with Retail Unit at ground floor level

**WARD:** Delapre & Briar Ward

**APPLICANT:** Roses Drapery Stores Ltd  
**AGENT:** Aitchison Raffety

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Major application requiring a Section 106

**DEPARTURE:** No

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## 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 is a full planning application which follows a previous full planning approval, N/2017/0127, granted in January 2018 and a subsequent 'approved in principle' Section 73 variation of condition application, N/2019/1063. The scheme now under consideration is for the same development as that approved in principle under reference N/2019/1063. The only difference is that the new application is a full planning application and has been submitted due to the expiry of the original 2017 application consent.
- 2.2 The application is for the demolition of the existing building and the construction of 40 residential units with a retail unit at ground floor level.

## **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 130.10m<sup>2</sup> 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.
- 4.3 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 130.10m<sup>2</sup> 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 – Approved in Principle 27<sup>th</sup> October 2020 subject to legal agreement.



## **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 – No objection subject to condition requiring updated ecological surveys in the event development does not commence within or is suspended for more than 12 months.**

- 6.3 **NCC Archaeology** – No objection subject to condition for an archaeological programme of works.
- 6.4 **NBC Public Protection** – No objection subject to conditions on noise, CEMP (including details on controlling dust and working hours), retail opening hours, retail delivery times, waste strategy, air quality, EV charging, contamination, and lighting, and an informative on boilers.
- 6.5 **Northamptonshire Police** – No objection to the application.
- 6.6 **Environment Agency** – No objection subject to condition that the development shall be undertaken in accordance with the submitted FRA.
- 6.7 **Local Lead Flood Authority** – No objection subject to conditions on surface water drainage.
- 6.8 **Anglian Water** – FRA is unacceptable as it needs information on surface water drainage strategy for the development. Request a condition requiring this if permission is granted. Request informatives advising of asset ownership and on the used water network. (*Officer Comment: Additional surface water drainage information was received after these comments*).
- 6.9 **Town Centre Conservation Area Advisory Committee** – Object – existing building a loved and important part of the local history. Replacement is bland and unimaginative design. Increase in residents would put pressure on traffic and local services. Sewers would not be able to cope. Flooding concerns. If approved request condition architectural and archaeological assessment of the building and grounds prior to demolition and archaeological exploration before rebuilding.
- 6.10 **NCC Planning** – request contribution towards education and libraries, a condition on fire hydrants, and an informative on broadband.
- 6.11 **Fusion 21** – Contribution towards apprentice training requested.
- 6.12 **Councillor Graham Walker** objects to the application on the following grounds:
- Flooding – Victorian sewers in the area. Need new sewer system before any more building in area.
  - Parking problems in area, 40 spaces is not enough.
- 6.13 **Councillor Emma Roberts** calls the application to Committee and raises the following concerns in summary:
- Real concerns about preservation of building underneath yellow cladding and what checks have been done and attempts to preserve anything.
  - Building has promised housing, but not been forthcoming and now have extended time period for development to take place being requested.
  - Previous concerns of residents ignored. Insufficient parking attached to building. Has consideration been given to underground parking in an area subject to flooding? If cars and properties cannot be insured, more problems for current and future occupants.
  - Developer seeks more time to develop, but question whether owner intends to sell on?
  - Land has not been well looked after in current state, subject to fly tipping and overgrown.
  - Owner/developer offers nothing back to community.
  - Conditions to ensure safety and cleanliness are a must.
- 6.14 2 neighbour letters have been received, 1 raising an objection and the other raising comments, both of which are summarised as follows:
- Loss of light to flats in St Leonards Road;
  - Height will dwarf all surrounding properties;
  - Lack of parking spaces for flats – there is an existing parking issue in the area and insufficient parking will increase the strain on the current parking issues;

- Impact of increased vehicles on traffic on St Leonards Road during rush hour;
- Bins should be in an enclosed building and not placed on street;
- Noise impact during construction;
- Developer should be aware of the asbestos in the roof;
- Double glazing would be advisable for residents due to traffic noise;
- Great idea to build on brown field sites.

## **7 APPRAISAL**

- 7.1 This application follows previous approval N/2017/0127 which granted planning permission for 40 flats and 1 retail unit, and application N/2019/1063 which was approved in principle on the 27<sup>th</sup> October 2020 for a variation to application N/2017/0127 to amend the design of the scheme. With application N/2019/1063 being a variation of condition application, the time limit for the application was for development to commence within three years of the decision notice for application N/2017/0127, the original approval. This expired on the 12<sup>th</sup> January 2021 and development had not commenced on site. With the expiry of N/2017/0127, the developers can no longer continue with application N/2019/1063 to vary the original consent which has subsequently lapsed.
- 7.2 The new application, the subject of this report, is for the same development and an exact replica of the scheme approved in principle by Planning Committee on the 27<sup>th</sup> October 2020, however the type of application is now a full planning application for the reasons outlined above. Given that application N/2019/1063 was only 'approved in principle' on the 27<sup>th</sup> October 2020, a short time ago, this approval and the original consent are considered to be a material consideration of some considerable weight in respect of this current application to develop the site.

### **Principle of development**

- 7.3 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. The provision of a retail unit at ground floor level is similarly appropriate for this location.
- 7.4 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**

- 7.5 The application proposes a five storey building matching exactly in appearance the scheme 'approved in principle' by Committee Members under application N/2019/1063 on the 27<sup>th</sup> October 2020.
- 7.6 The proposed building incorporates a number of gable end projections along the elevations of the site to assist in breaking up the bulk of the building and to provide interest to the street scene. This includes a set of three gables on the corner of the site facing a roundabout, which assist in providing an attractive corner to the development from this highly visible point. This draws on characteristics seen on an existing block of flats located opposite the site over Towcester Road.
- 7.7 With the design matching that recently 'approved in principle' and with the design providing an attractive development which would contribute to the character and appearance of the street scene, and redeveloping a long vacant unit, it is considered that the proposal would be acceptable in design terms.

## **Amenity**

- 7.8 As discussed the proposal matches that granted 'approval in principle' under application N/2019/1063 on the 27th October 2020, and consequently the impact upon neighbouring amenity would be the same as that accepted under that particular application.
- 7.9 It remains considered that the proposal would not have an unacceptable impact upon neighbouring amenity, with the site being separated from neighbouring residential properties, which ensures that the site would not result in unacceptable loss of light, privacy or appear unacceptably overbearing to neighbouring properties.
- 7.10 With regards to the living conditions for future occupants, the proposal provides 14 x 1 bedroom flats, and 26 x 2 bedroom flats of a matching size to that 'approved in principle' under application N/2019/1063.
- 7.11 Under the Nationally Described Space Standards a 1 bedroom flat should have a size of between 39m<sup>2</sup> (1 occupant) and 50m<sup>2</sup> (2 occupants), and a 2 bedroom flat a size of between 61m<sup>2</sup> (3 occupants) and 70m<sup>2</sup> (4 occupants). The figures vary depending on the number of occupants within the house, such that double bedrooms are calculated as being occupied by 2 people, and single bedrooms by 1. For example, a flat with two double bedrooms is presumed to have a capacity for 4 occupants and the size required is then for 4 occupants. However, it is noted that generally it is unusual to have 2 double bedrooms within 1 flat occupied by 2 people each and the Council cannot know by how many people the flats would be occupied. A flat could be occupied by the lowest presumed number of occupants.
- 7.12 All of the bedrooms within this development are double bedrooms. All of the 1 bedroom flats proposed fall above the minimum size limit for a 1 bedroom flat should it be occupied by 1 person. 24 of the 26x 2 bedroom flats fall above the size limit required for a two bedroom flat should the occupancy level be 3 persons as opposed to 4. The 2 units that fall below the standards are 2.61m<sup>2</sup> below the required size.
- 7.13 It is the case that this application is matching in flat sizes to that granted 'approval in principle' under application N/2019/1063. It is the case that the Council has only more recently been requiring development to meet the minimum space standards as required by Policy 4 within the emerging Local Plan Part 2 following submission to the Secretary of State for examination due to the policy being considered to have gained some weight. Whilst application N/2019/1063 and its associated application N/2017/0127 have now expired and cannot be implemented on site, these remain a material consideration in the assessment of this development.
- 7.14 Furthermore, 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.
- 7.15 With the minimum space standards not being required when a matching scheme was approved in principle in 2020, with planning permission having already been granted for 40 units, and with the need for more housing within Northampton to meet the 5 year housing land supply, it is considered that in this case the minor shortfall in flat sizes can be justified.
- 7.16 Therefore, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers of the site.

## **Parking and highway safety**

- 7.17 Application N/2019/1063 provided car parking at ground floor level, with 39 parking spaces and cycle storage facilities. The current proposal matches this previous scheme. 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.

- 7.18 With 39 parking spaces having been previously considered acceptable for a development matching that now proposed on this site, and with the site being within a sustainable location, it is considered that the level of car parking provided on the site is acceptable. Northamptonshire County Council have raised no objection to this proposal.
- 7.19 The proposal identifies that the parking spaces will be allocated to apartments as needed, and as such the requirement for EV charging is the provision of 1 electric vehicle charging point per 10 spaces of unallocated parking. This would equate to 4 spaces. Under application N/2019/1063, 4 EV charging spaces were secured through condition. It is the case that within the current application, the developers have agreed to the provision of 20 EV charging points, an increase of 16 spaces above that previously secured. This is considered an improvement to the previously approved scheme on this site.

### **Flood risk**

- 7.20 The Environment Agency and Lead Local Flood Authority have been consulted on the flood risk of the amended development. No objections have been received subject to conditions, which are considered reasonable to attach.

### **Planning Obligations**

- 7.21 Application N/2017/0127 was granted with a S106 Agreement which secured contributions towards affordable housing, open space, and construction training. Under application N/2019/0703, Planning Committee approved on the 24<sup>th</sup> September 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. Application N/2019/1063 was 'approved in principle' subject to the requirement for a S106 agreement matching the requirements of N/2017/0127 as amended by application N/2019/0703.
- 7.22 NCC Planning request a contribution towards secondary school education. It is the case that this is covered by CIL and as such the Council cannot request S106 contributions towards this. NCC Planning further request a contribution towards libraries. Northampton Borough Council Planning Department has no policy basis to require contributions towards libraries and as such this cannot be required.
- 7.23 Construction Futures request a contribution towards apprentice training. This is considered reasonable to request.
- 7.24 In line with application N/2017/0127, it is considered that a contribution towards open space and construction training should be required through a S106 agreement.
- 7.25 Due to the recent 'approval in principle' of application N/2019/0703, which provided evidence to justify the non-provision of affordable housing on this site, and remains a material planning consideration in the assessment of this application, it is not considered that affordable housing can be required on this development.

## **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 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: 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. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:

- (i) identification of all previous uses and contaminants associated with those uses;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings
  - adjoining land,
  - groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. Prior to the commencement of the development hereby permitted, 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 and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The approved remediation scheme must be carried out in accordance with its terms 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 that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to approval in writing by the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7 above, 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 approval in writing by the Local Planning Authority in accordance with Condition 8.

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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. 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.

11. Notwithstanding the details submitted, full details of secure 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.

12. Prior to first occupation of the development hereby approved, a waste management plan providing full details on the storage and collection of waste for both the residential and retail units (including full details of secure bin storage, a workable and reasonable route for occupiers to carry their waste to the bin store, a management plan for collection of refuse from the bin store and arrangements for moving the bins in and out before and after collection and a management plan for cleaning and maintaining the bin store) associated with the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan and secure bin store shall be fully implemented as agreed within these details prior to the first occupation of any part of the development hereby permitted and retained thereafter.

Reason: In the interests of creating a sustainable form of development, in accordance with the requirements of the National Planning Policy Framework and Policy H1 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the details submitted, full details of CCTV 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 creating a secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

14. 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. 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 advance with the Local Planning Authority);
  - iii) Completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local 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 advance with 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.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Farrow Walsh Consulting Ltd reference FW1914\_FRA\_001 v3 dated 28 February 2020 and the following mitigation measures:
- Retail unit will have a minimum finished floor level of 59.30m AOD and flood resilient/resistant construction.
  - 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.



16. Prior to any above ground works on site, full details of a surface water drainage scheme for the site, based on Technical note relating to Drainage Strategy for Planning Ref: 2020/1409 dated 1st February 2021, FW1914\_TN\_001, prepared by Farrow Walsh Consulting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The 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 structures;
  - b) Details of the drainage system are to be accompanied by full and appropriately cross-reference supporting calculations;
  - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required to agree such details in a timely manner.

17. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. These details shall include details of which organisation or body will be the main maintaining body with evidence that the organisation/body has agreed to such adoption, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used, a site plan including access points, maintenance access easements and outfalls, identification of maintenance operational areas to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site, and details of expected design life of all assets with a schedule of when replacement assets may be required.

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.

18. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved drainage strategy has been submitted in writing by a suitably qualified drainage engineer and approved 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 surface water drainage system is free from defects, damage and foreign objects
  - f) Confirmation of adoption or maintenance agreement for all surface water drainage elements

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

19. 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.

20. 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.

21. 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 and Policy S10 of the West Northamptonshire Joint Core Strategy.

22. 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.

23. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, further ecological surveys shall be commissioned to:

- i) establish if there have been any changes in the presence and/or abundance of bats and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the re-commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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.

24. 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.

25. 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.

26. 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.

27. Full details of a minimum of 20 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.

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

28. Prior to the commencement of development, a full noise survey and assessment with mitigation measures for road traffic noise, undertaken by a competent noise consultant, must be submitted to and approved in writing by the Local Planning Authority. Any mitigation must ensure that the internal noise climate for each habitable room is in compliance with BS8233:2014. The approved mitigation measures shall be provided in full on site prior to first occupation of the development 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.

29. Prior to the commencement of development an air quality assessment shall be undertaken to assess the impact of the development on local air quality and the community against the National Air Quality Standards and Objectives. The assessment shall identify the impact of the existing and proposed development and any exceedance of the air quality objectives, including any proposed mitigation and shall be submitted to the Local Planning Authority for approval. Once approved the development shall be undertaken according to this approval and the agreed mitigation measures shall be implemented prior to first occupation. No changes shall be made to the development without the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity and to protect public health.

30. Prior to installation details of any external lighting proposed for the site shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed in accordance with the approved details prior to occupation of the development.

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

## **10. BACKGROUND PAPERS**

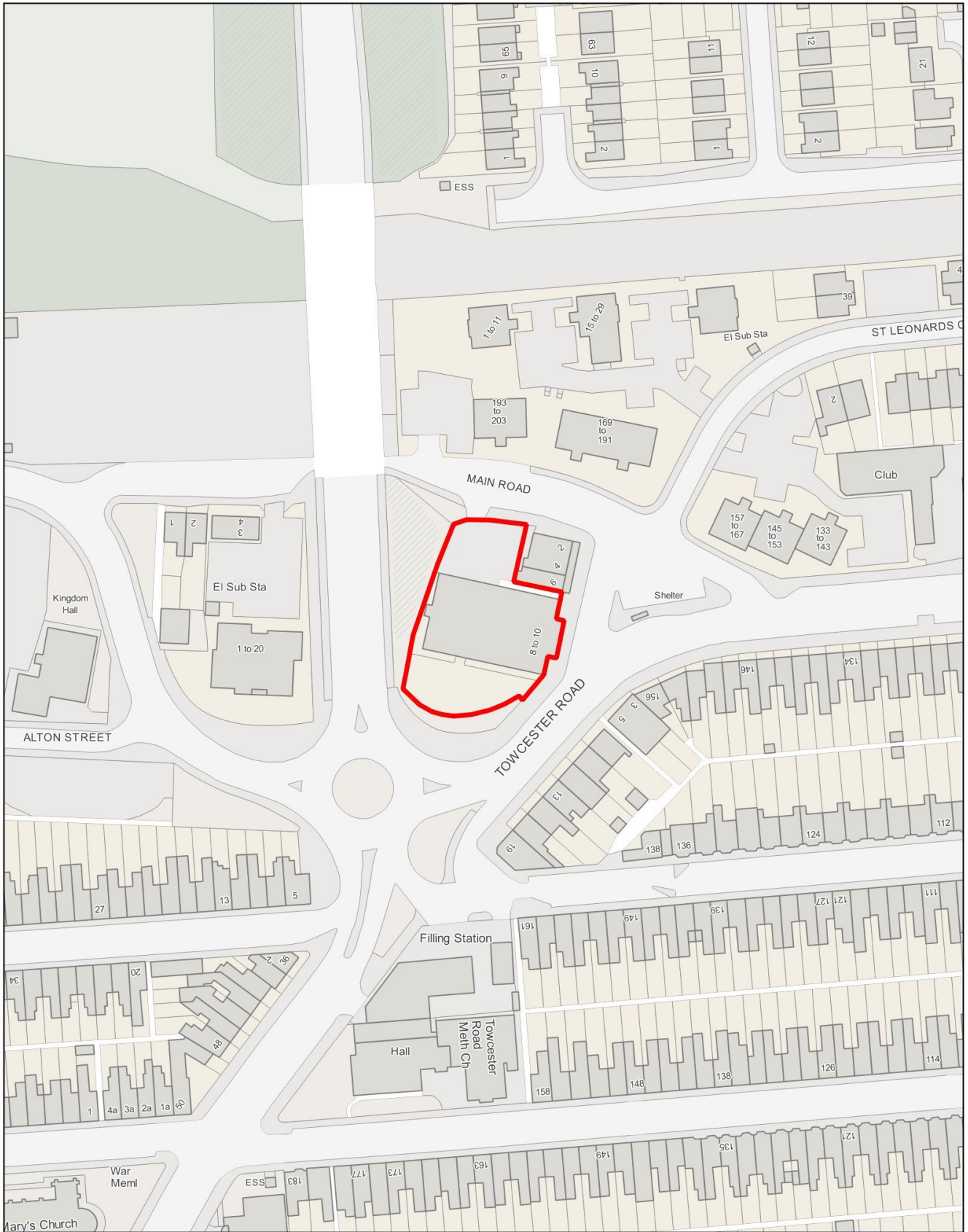
- 10.1 N/2020/1409

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is CIL liable.

## **12 SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **Tivoli House, Towcester Road**

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Date: 05-03-2021

Scale: 1:1,250

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1451

**LOCATION:** Suite G6-6A Moulton Park Business Centre  
Redhouse Road

**DESCRIPTION:** Erection of 12no Industrial Units for flexible use within Use Classes E(g); B2 and B8, with associated mezzanine levels, access works and parking

**WARD:** Parklands Ward

**APPLICANT:** Willowhawk Ltd  
**AGENT:** CODA Planning Limited

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Major application requiring a Section 106

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to Section 106 legal agreement to secure:

- A financial contribution to provide construction training.

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

The proposal would make a positive contribution to the provision of employment within the Borough and would not have an undue detrimental impact on the appearance and character of the wider area, nor result in any undue harm to residential amenity, parking, flood risk and highway safety. The proposal therefore accords with the National Planning Policy Framework; Policies S7, S8, S10 and BN7 of the West Northamptonshire Joint Core Strategy; and Policies B14 and E20 of the Northampton Local Plan.

### 2 THE PROPOSAL

2.1 The proposal entails the construction of 12 industrial units comprising one block of 8 units and one block of 4 units, both with smaller mezzanine areas at first floor level. The units would be for

flexible uses within Use Classes B2 (General Industrial), B8 (Storage and Distribution) and E(g i) (Office), E(g ii) (Research and Development) and E(g iii) (Light Industrial).

### **3 SITE DESCRIPTION**

- 3.1 The site comprises an area of previously developed land currently used for car parking in association with the neighbouring unit and located within an existing business area in Moulton Park as defined by the Northampton Local Plan (1997). Access is from Red House Road.
- 3.2 The surrounding area consists principally of single storey warehouse / commercial buildings. Immediately adjacent to the site is a three store office building. Also accessed from the same car park are small scale car repair/ MOT businesses.
- 3.3 The site is towards the edge of Moulton Park and there are residential properties at a distance of around 170m from the site to the north east.

### **4 PLANNING HISTORY**

- 4.1 N/2017/1649 - Erection of four flexible commercial (Classes A1 shop/A3 cafe/A5 hot food takeaway) units, four food (Classes A3/A5) units, two office (Classes B1 offices/A2 financial and professional services) units and gym (Class D2 Leisure) unit in two blocks with associated parking and landscaping – Approved 22/08/2019.

### **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.

Section 6 – building a strong and competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 11 – making effective use of land

Section 12 - design

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

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

E1 Existing employment areas

S7 Provision of Jobs

S8 Distribution of Jobs

S10 Sustainable Development Principles



S11 Carbon emissions  
BN7 Flood Risk  
BN9 Planning for Pollution Control

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

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

E20 New Development (Design)  
B14 – Use in Business areas  
T12 Development requiring servicing

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

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

### 6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environment Agency** – Do not wish to make any comments.

6.2 **Environmental Health** – No objections but require conditions for noise control, site investigation, to secure provision of electric vehicle charging points and an informative to control hours of construction.

6.3 **Police Crime Prevention Design Adviser** – The buildings have no defensible space and are vulnerable to attack. A security strategy document should be required by condition.

6.4 **Local Highway Authority** - The proposed development is less intensive than the previously permitted one as part of application N/2017/1649. The trip rates outlined in the Transport Assessment are accepted and considered robust. It demonstrates that the proposed development will have significantly less impact on the local network. As a result of this, it is accepted that the highway mitigation works agreed as part of the aforementioned application will not be required as part of this application.

6.5 **Arboricultural Officer** – Confirms that a condition requiring the arboricultural method statement to be adhered to will be required.

6.6 **Waste Planning Authority** - As a location where waste management uses are acceptable, the applicant should demonstrate how the proposal meets Policy 30 (Preventing land use conflict) of the MWLP. *The applicants subsequently provided further information which was confirmed to be acceptable by the Waste Planning Authority.*

6.7 **Anglian Water** – A surface water management strategy should be required by condition.

6.8 **Construction Futures** – 18 weeks of training will be required together with a financial contribution to cover training costs.

6.9 **Northampton County Council Development Management** – Request conditions on fire hydrants, sprinklers and broadband.

6.10 No comments have been received from neighbouring properties.

### 7 **APPRAISAL**

## **Main issues**

- 7.1 The main issues to consider are the principle of development, impact on the appearance and character of the area, highway safety, parking, the effect on neighbouring amenity, noise, impact on trees/ landscaping, drainage/ flood risk, ecology, security and the impact on the economy in terms of job creation

### **Principle of development.**

- 7.2 The application site is located within an "Existing Business Area" as identified in the Northampton Local Plan where use classes B1, B2 and B8 are considered acceptable in principle. The site is located within an allocated employment site with other industrial and commercial uses in close proximity. The development of the site as proposed complies with Policy E1 of the Joint Core Strategy and the Northampton Local Plan which seeks to support a vibrant, successful and developing local economy across West Northamptonshire and would make a positive contribution towards the provision of employment within the Borough.

### **Impact on the appearance and character of the street scene and wider area**

- 7.3 The proposal entails the construction of two blocks of warehouse units. These would be flat roofed and would be 6.5m high. The appearance of these would be very similar to the retail units previously approved for this site, with the exception that these would have a slightly larger footprint but would be lower in height. Within the context of the area these would be visually very similar and it is considered in any event that these would be appropriate to the area and would not detract from the general street scene of what is a commercial area.

### **Parking and Highways**

- 7.4 The proposed units would be built on what is currently a parking area, used by the adjacent units and as such there would be a loss of 125 parking spaces. This will leave 276 spaces, 65 for the proposed new development and the remainder for the existing uses. This matter is covered in the submitted transport assessment, in which it is stated that an analysis has shown that this is sufficient for the peak demand as identified. The Local Highway Authority have raised no objections and confirm acceptance of the transport assessment.

### **Drainage and Flood Risk**

- 7.5 The site lies within a low risk Flood Zone (Flood Zone 1). The Environment Agency raise no objection and Anglian Water suggest a standard surface water drainage condition. It is considered that this would adequately address this issue.

### **Security and Crime Prevention**

- 7.6 The proposal does not specify security measures and concerns were raised by the Police Crime Prevention Adviser. A condition was, however, suggested requiring details of security measures and that these should be in place before the occupation of the development. The police have confirmed that this is sufficient to address concerns.

### **Impact on amenity of neighbouring occupiers/ noise**

- 7.7 The adjacent properties are characterised primarily by other commercial uses including Class B1 offices and industry. The closest residential occupiers are approximately 170 metres to the north east of the site on Coppice Drive. Due to the nature of sound travel it is possible that these residents could be affected by plant and equipment and a condition requiring details of sound mitigation measures is proposed, with these to be in place prior to occupation. Given the relative limited nature of the development it is not considered necessary to control hours of construction, this could be controlled under other legislation should a nuisance arise.

## **Air Quality**

- 7.8 The applicant has proposed electric vehicle charging points to comply with the Northampton Low Emissions Strategy Document. The Council's Environmental Health Officers recommend that a condition is imposed to ensure that the proposed charging points are provided.

## **Land Contamination**

- 7.9 Given the site is previously developed land, the Council's Environmental Health Officers recommend a standard planning condition for contamination in accordance with Policy BN9 of the Joint Core Strategy.

## **Section 106 Obligations**

- 7.10 Construction Futures request a contribution towards construction training as part of any development of this site. Due to the size of the development it is considered reasonable to require a contribution for this purpose and the applicants have agreed to the payment of this. This would be secured through a S106 legal agreement.

## **Other Matters**

- 7.11 NCC Development Management request conditions on sprinklers, fire hydrants and broadband provision. There is no policy basis within Northampton Borough Council for the requirement of these and as such it is not considered reasonable to attach conditions. The development would be subject to Building Regulation approval which would ensure appropriate fire safety measures are in place.

## **8 CONCLUSION**

- 8.1 The principle of development is considered acceptable in what is an established employment area in the development plan. The proposal would provide employment benefits which can be afforded significant weight in decision making. The proposal is compliant with national and local planning policy and subject to the following conditions, is recommended for approval.

## **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: 2615-PL-0101-A - Site Location Plan, 2615-PL-0501-E - Proposed Site Plan, 2615-PL-0601-D - Proposed Overall Layouts, 2615-PL-0602-D - Proposed North Block Plans, 2615-PL-0603-B - Proposed South Block Plans, 2615-PL-0604-A - Proposed Roof Plan, 2615-PL-0701-E - Proposed Elevations - Sheet 01, 2615-PL-0702-E - Proposed Elevations - Sheet 02, ARB/4234/Y/300 - Tree Retention/Removal.

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

3. Details of all proposed external facing materials including fenestration 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 S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

4. No development shall take place until full details of the surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policies BN7 and BN7a of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site. Pre-commencement condition to ensure details are agreed in a timely manner.

5. Prior to the occupation of development fully details of security measures to include external lighting and security to windows and doors shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details.

Reason: In the interests of crime prevention to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. Prior to the occupation of each unit hereby permitted a scheme shall be agreed with the Local Planning Authority that specifies the external sources of noise on the site in respect of that unit and the provisions to be made for its control. The development shall be carried out in accordance with the approved scheme prior to occupation of the relevant unit and retained thereafter.

Reason: In the interests of surrounding amenity and in accordance with the requirements of Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

7. 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. Pre-commencement condition to ensure details are delivered in a timely manner.

8. Full details of a scheme for the provision of electric car charging points (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details.

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 and the Northampton Parking SPD.

9. The parking spaces as shown on the approved plan number 2615-PL-0501-E shall be laid out in accordance with the approved details prior to occupation of the development hereby permitted and retained for the sole purpose of parking associated with the approved and existing uses as identified on the approved plan throughout the lifetime of the approved development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the aims and objectives of the National Planning Policy Framework.

10. Tree protection measures shall be implemented in accordance with the Recommendations and Tree Protection Strategy set down in the ACS consulting Arboricultural Report, Dated September 2020 prior to the commencement of development and retained throughout the full duration of the construction period.

Reason: In the interests of sound arboricultural practice to accord with Policy BN3 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

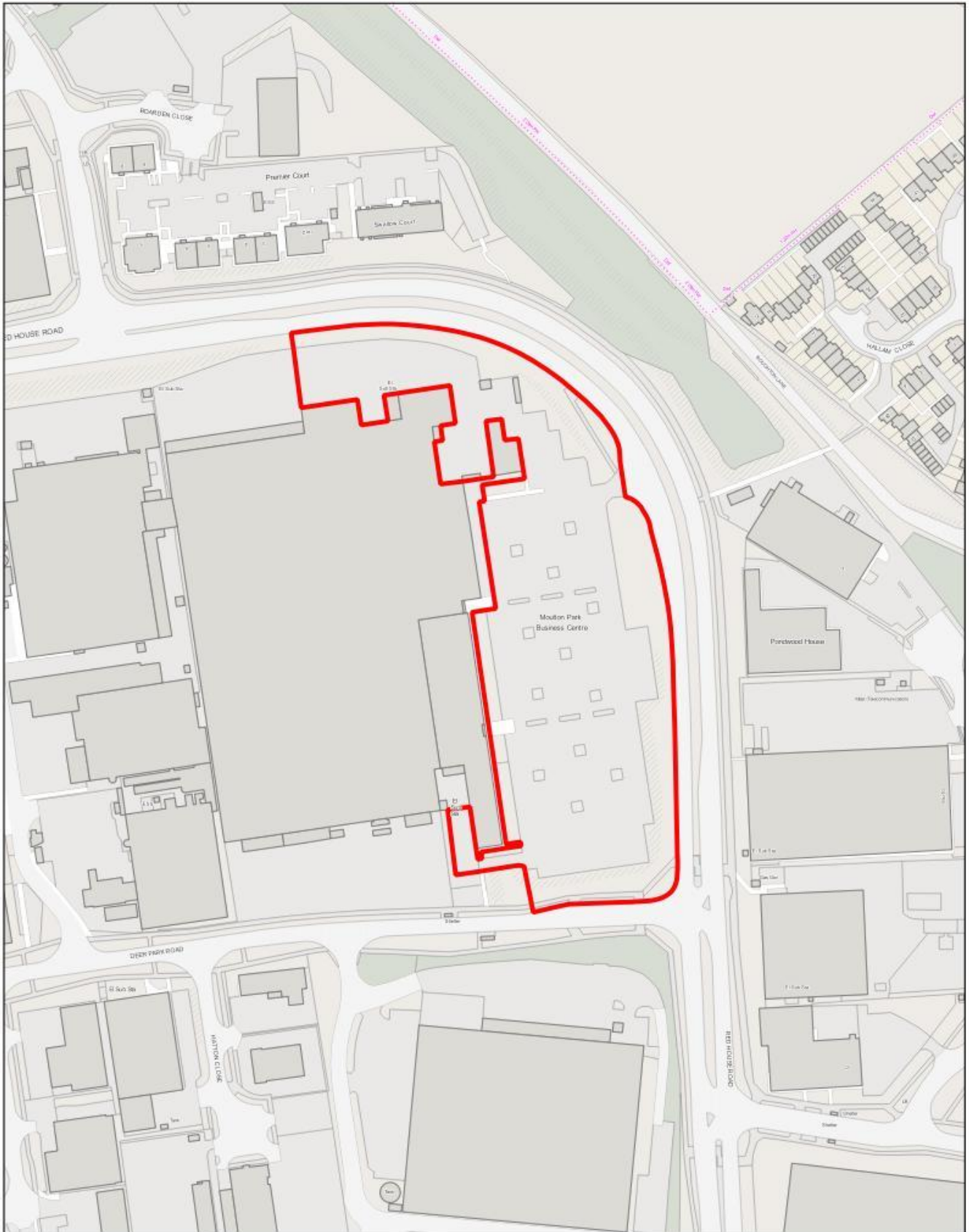
- 10.1 N/2020/1451

## **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.



Title: **Redhouse Road, Moulton Park**

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Date: 05-03-2021

Scale: 1:2,250

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1551

**LOCATION:** 11 Moore Street

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to a 5-bedroom (for 5 occupants) House in Multiple Occupation (Use Class C4)

**WARD:** Kingsley Ward

**APPLICANT:** Jaxartes Ltd  
**AGENT:** Fox Architectural Design Ltd

**REFERRED BY:** Councillor Russell  
**REASON:** Amenity and Parking Issues

**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 in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019) and the aims and objectives of the National Planning Policy Framework.

### 2. THE PROPOSAL

2.1 The proposal is for the change of use of an existing three bedroom dwelling to a house in multiple occupation for five residents. This would be achieved by internal partitions within the lounge / diner and one of the existing bedrooms and alterations to windows and doors to the rear of the property. Parking would be on-street, cycle storage is proposed to be provided.

### 3. SITE DESCRIPTION

3.1 The application premises consists of an existing three bedroom mid-terraced house. It has two ground floor reception rooms (knocked through into one), a kitchen, utility room and a toilet. There is also a garage/store to the side of the property. At first floor there are three bedrooms and a bathroom.

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

4.1 **N/2017/0994** - Change Of Use From Dwellinghouse (Use Class C3) To House In Multiple Occupation (Use Class C4) For 5 Occupants – Approved 18/10/17 (This remains an extant permission due to Covid extension to time limit).

#### **5. PLANNING POLICY**

##### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

##### **5.2 National Policies**

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

Paragraph 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

##### **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 H1 - Housing Density & Mix & Type of Dwellings  
Policy H5 - Managing the Existing Housing Stock  
Policy S10 - Sustainable Development Principles  
Policy BN7 - Flood Risk

##### **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 H30 – Multi occupation with a single dwelling.

## 5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004

Northamptonshire County Parking Standards 2016

Northampton Parking Standards 2019

### Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019)

- Principle 1 – To create a balanced, mixed and inclusive community and to protect the streetscene character. Should not result in a concentration of similar uses, should not result in a material change or adverse impact on the character and amenity of the area. Should not result in more than 10% concentration of HIMOs within a 50 metre radius.
- Principle 2 – To secure the provision of adequate facilities and amenities. Must comply with “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)”. Measured space must be useable space. All occupants must have direct access to waste and recycling facilities. Protect the amenities of neighbouring and local occupiers as well as future residents.
- Principle 3 – To minimise flood risk. Basement and ground floor sleeping will not be appropriate in a flood hazard area or flood zone 2 or 3, unless the finished floor level is set to minimise the risk. Applications within flood zone 2 or 3 must be accompanied by a Flood Risk Assessment.
- Principle 4 – To secure the provision of adequate parking. Must demonstrate through a parking beat survey that there is sufficient capacity for on street parking in the area. If there is insufficient parking the site must be located within 400m of a bus stop providing at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays and be within 400m of a facilities and services in the town centre, a district centre, local centre or neighbourhood parade.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – The property is suitable for 5 people in 5 households as requested.
- 6.2 **Local Highway Authority** – Due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand on-street immediate to the site, especially after 6pm in an already congested area, I would advise that the applicant undertakes an on-street car parking beat survey. Due to the ongoing coronavirus situation however, we cannot accept transport data for the time being. As a result, the LHA cannot make informed comments regarding the highway impact of this application. It is known that the area is heavily parked due to its proximity to the town centre and being a Victorian terraced street. Therefore, you may wish to consider residential amenity.
- 6.3 Councillor Russell calls the application to Committee raising the following concerns:
- Overcrowding
  - Difficulty in getting additional recycling and also 5 bicycles from the back of the property to the street.
  - Parking issues
  - Proliferation of HIMOs
  - Increase noise and anti-social behaviour
- 6.4 Six representations received from neighbouring occupiers, making the following points in summary:

- Moore St is a quiet street of mostly family homes.
- Very few houses have off road parking, already difficult to park
- Do not have wheelie bins, therefore regular build-up of rubbish.
- Were told previously parking would not be affected as residents would use bikes or buses, does that apply this time?
- Parking survey done during lockdown so of little value. Does not reflect how difficult it is to find a space.
- Noise pollution will increase – slamming of doors etc.
- Another house in multiple occupancy is not in keeping with the community.
- Building work will result in noise.
- The more homes which are lost the less likely the Government is to provide affordable homes.

## **7. APPRAISAL**

### **Principle of the development**

- 7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### **Area concentration**

- 7.2 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states: “The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.
- 7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council.
- 7.4 Council records evidence that there is only one recorded HIMO within a 50m radius of the application site. The use of the application premises as a HIMO also would equate to a 4% concentration in the area. This would fall within the 10% maximum threshold.

### **Size of property and facilities for future occupiers.**

- 7.5 The plans indicate to scale all rooms proposed. All bedrooms and the kitchen area are of sufficient size in compliance with the standards in the “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)” and an appropriate level of facilities for the number of occupants proposed would be provided. Private Sector Housing raise no objection.
- 7.6 Refuse storage is indicated within the rear garden area although full details of this are not provided and a condition requiring such details is therefore recommended.

### **Flood risk**

- 7.7 In respect of flood risk, the application site is outside of the areas of the town identified as being at risk from flooding.

### **Parking / use of public transport**

- 7.8 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that

there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.

- 7.9 In this instance a document titled Parking Beat Survey was included with the application, however this does not specify the area surveyed and so is of little value. In any event, the Local Highway Authority are not accepting parking beat surveys during the current pandemic as the data would be inaccurate.
- 7.10 Therefore reference must be made to the sustainability of the location, as set out in the SPD. In this respect, the application property is located in close proximity to the nearest bus stops on Kettering Road which are approximately 200m from the premises. There are four bus routes served by these stops, with frequencies of between 20 minutes and one hour for different services. The property is also within easy walking distance of the nearest local centre on Kettering Road, which provides a wide range of shops and other facilities.
- 7.11 Reference must also be made to the Northamptonshire Parking Standards which state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 5 parking spaces, which is an increase of 2 compared to the requirements for the current 3 bedroom dwellinghouse use.
- 7.12 Comments from the Local Highway Authority state that the LPA must be satisfied that any additional demand for parking would not affect the amenities of existing residents.
- 7.13 However, it can also be noted that the proposal complies with the SPD as set out above and also that the current use as a five bedroom dwelling could potentially result in four car driving adults being resident, meaning there would only a minimal increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.14 Additionally, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area
- 7.15 In accordance with the SPD a condition is proposed requiring full details of the provision of secure cycle storage, as shown in outline form on the submitted plan.

### **Other Matters**

- 7.16 There is no evidence to suggest that the occupation of the property as an HIMO for the number of occupants proposed would result in any significant noise increase to the current use as a family dwelling, or that the proposal would result in increased anti-social behaviour, such that the proposal should be refused on this basis.

## **8. CONCLUSION**

- 8.1 The proposed development would not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policy 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.

- 8.3 It can be noted also, in this case, that there is a fall-back position as the previous permission for the same use, albeit that the detailed layout differs, is still extant and could be implemented even if this current application is refused, subject to the discharge of 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: 20-25-P01, 20-29-P05 A, 20-29-P06A.

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

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

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

4. Prior to the bringing into use of the building for the approved use, 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 development being first brought into use and thereafter retained.

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. Prior to the bringing into use of the building for the approved use, provision shall be made for the secure and covered parking of bicycles. Full 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 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

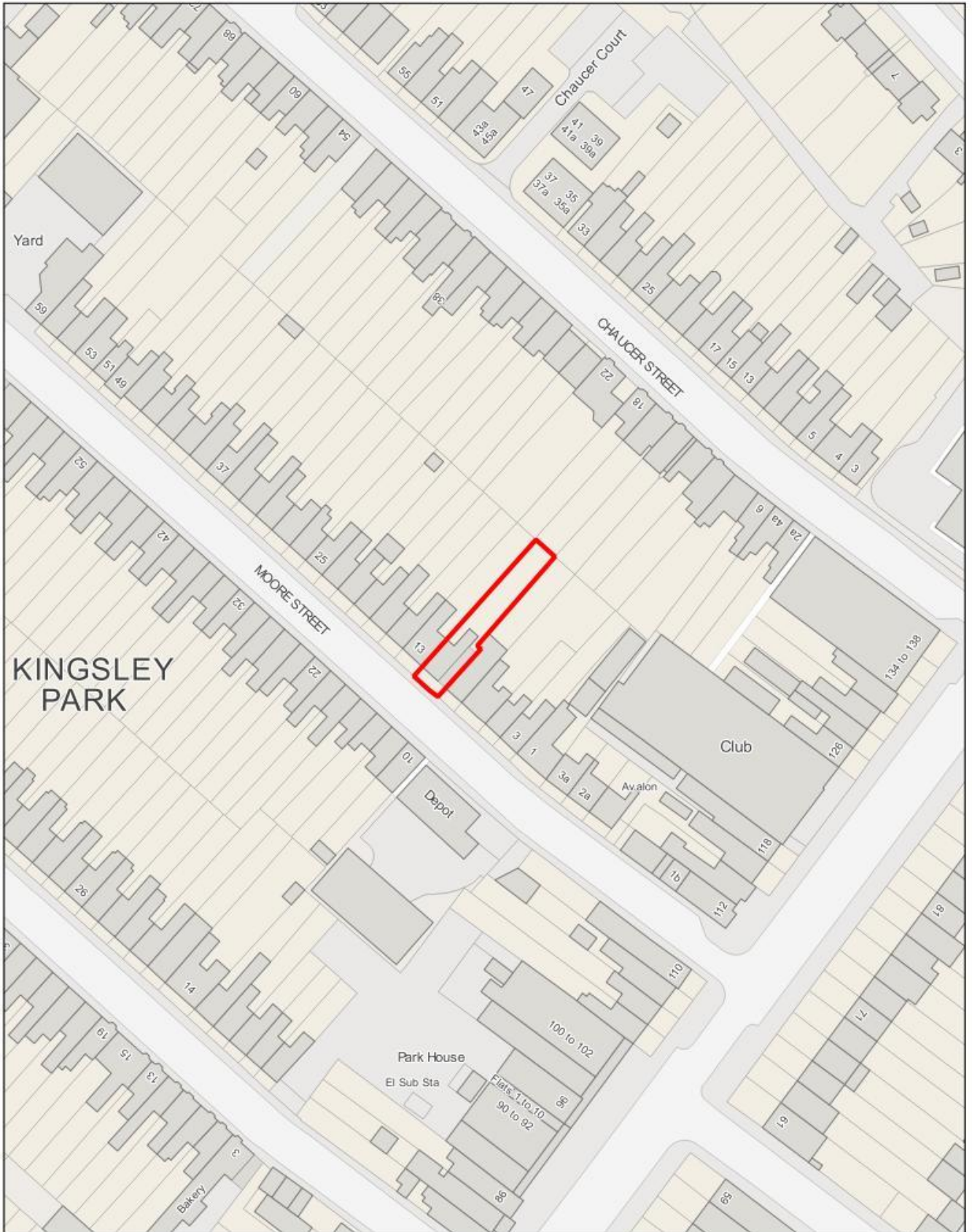
- 10.1 N/2020/1551

## **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.



Title: **11 Moore Street**

Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1568

**LOCATION:** 20 Whernside Way, Northampton

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 5 Occupants (Use Class C4)

**WARD:** Old Duston Ward

**APPLICANT:** Mr Billy Gill  
**AGENT:** Architectural Services

**REFERRED BY:** Councillor Hadland  
**REASON:** Impact on Amenity and Parking

**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 in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019) and the aims and objectives of the National Planning Policy Framework.

### **2 THE PROPOSAL**

2.1 The proposal is for the change of use of the five bedroom dwelling into a five person house in multiple occupation.

### **3 SITE DESCRIPTION**

- 3.1 The site comprises a five bedroom three storey terraced house of 1960s design, within an area of similar properties.

#### **4 PLANNING HISTORY**

- 4.1 Residential development of the area, including the application premises, was approved in 1966 / 67. The use of this property for childminding was approved in 1972.

#### **5 PLANNING POLICY**

##### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

##### **5.2 National Policies**

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

Paragraph 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

##### **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 H1 - Housing Density & Mix & Type of Dwellings  
Policy H5 - Managing the Existing Housing Stock  
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 H30 – Multi occupation with a single dwelling.

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



Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019)

- Principle 1 – To create a balanced, mixed and inclusive community and to protect the streetscene character. Should not result in a concentration of similar uses, should not result in a material change or adverse impact on the character and amenity of the area. Should not result in more than 10% concentration of HIMOs within a 50 metre radius.
- Principle 2 – To secure the provision of adequate facilities and amenities. Must comply with “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)”. Measured space must be useable space. All occupants must have direct access to waste and recycling facilities. Protect the amenities of neighbouring and local occupiers as well as future residents.
- Principle 3 – To minimise flood risk. Basement and ground floor sleeping will not be appropriate in a flood hazard area or flood zone 2 or 3, unless the finished floor level is set to minimise the risk. Applications within flood zone 2 or 3 must be accompanied by a Flood Risk Assessment.
- Principle 4 – To secure the provision of adequate parking. Must demonstrate through a parking beat survey that there is sufficient capacity for on street parking in the area. If there is insufficient parking the site must be located within 400m of a bus stop providing at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays and be within 400m of a facilities and services in the town centre, a district centre, local centre or neighbourhood parade.

## 5.6 Other Material Considerations

### Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton.

The plan has no specific Himo policy, but reference is made to the 2014 IPPS (now superseded by the Houses in Multiple Occupation SPD) and states that the following principles should be considered, in application or change of use from dwellings to Himos –

- To create, support and maintain a balanced, mixed and inclusive community and to protect the neighbourhood and street scene character;
- To secure the provision of adequate facilities, minimising flood risk;
- To promote the use of public transport, cycling and walking and to secure provision of adequate parking;
- To ensure adequate refuse provision and storage.

## 6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Local Highway Authority** - Normally the LHA would advise that the applicant undertakes an on-street car parking beat survey. However, due to the ongoing COVID 19 embargo on traffic data collection, the LHA cannot request that such data be collected. Therefore, the LHA cannot provide informed comment regarding the highway impact of this development proposal. It is likely I would suggest, that this proposal, if consented would generate an increase in vehicles requiring parking space in close proximity to the property, which may adversely impact on the existing residents in the area, therefore, you may wish to consider the residential amenity of the area with regard to the development proposal.

6.2 **Duston Parish Council** – object to this planning application and share the neighbouring residents and ward councillor concerns.

- Parking is a particular concern. There is only one parking space outside this property but if 5 adults move in each with cars then parking will be a particular problem. It would inevitably lead to more parking on Newton Road where buses already struggle to weave through their way through the parked cars.
- The quality of wall between these properties is understood to be of poor quality. Excessive noise coming from this HMO would be of real nuisance to the neighbouring properties. Loud music, shouting and televisions can be heard from one property to the next. It is not up to a modern standard.
- These building are, in part, of a wooden construction which means fire could spread more easily. So we are concerned with the Health and Safety aspect of this HMO application.
- Understand that these properties have a covenant in them which states “Not to Use the property for the purpose of any trade or business or otherwise than as a private dwellinghouse nor to do anything on the property which may be or become a nuisance injury or annoyance to the owners tenants or occupiers of any adjoining or neighbouring properties.” Is this compatible with a HMO?
- HMO would not be keeping with the area. The neighbouring properties, which are close to a primary school, are largely family dwellings.

6.3 **Councillor Tim Hadland** – calls the application to Committee on the grounds of the detrimental effect on the amenity of adjoining residents, and the substandard provision of parking if Officers are minded to recommend approval. The case against granting permission is well made by the objections from local residents. It is well known that sound insulation in properties of this age is not up to a modern acceptable standard, and the intensification of the use of this terraced house will be detrimental to the occupiers of adjoining properties. It is clear that the parking court is already congested, and experience elsewhere shows that this change of use would exacerbate the situation. The ‘Transport Assessment’ is anonymous and of no value. We urge you to refuse this application.

6.4 **Representations** received from **5** neighbouring occupiers, making the following points in summary:

- Properties were not built with the intention of housing separate households.
- Cooking smells will increase.
- Fire risk will increase – properties are poorly constructed for fire safety.
- Walls are thin – noise already travels through walls and will be increased.
- Soundproofing is inadequate/ Remote learning will be impacted on by increased noise.
- Parking assessment is inadequate / incorrect.
- Bus route will be affected.
- Building regulations have not been followed.
- Area needs to be safe for young children / offenders should not be moved in.
- Parking is already inadequate.
- Application wrongly states work had not commenced.
- WC should not be against neighbouring bedroom wall.
- Cycle store may not be built where shown.
- Does depiction of double bed indicate more occupants could move in?

## 7 APPRAISAL

### Principle of the development

7.1 The conversion of the existing dwelling to a HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities.

Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### **Area concentration**

- 7.2 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states: “The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.
- 7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council.
- 7.4 Records indicate that there are no existing HiMO uses within a 50m radius of the application site, giving a concentration of 3% including the proposed HIMO and therefore the proposal would not result in an over-concentration of such uses. The area is characterised by housing of a similar nature to the application premises.
- 7.5 Given the low existing concentration of such uses in the area and the fact that the number of residents would not necessarily increase above those who could occupy the property as a single dwelling, there being five bedrooms already, it must be concluded that the proposal would not adversely affect the character of the area.
- 7.6 Reference is made by objectors to possible noise and or / increased cooking odours being caused by residents, and it is also implied by some that occupants may be ex-offenders. Given the number of occupants would not necessarily increase, it cannot be assumed that noise or anti-social behaviour would increase either. The character and status of occupiers cannot be taken into account and is not a planning consideration.

### **Size of property and facilities for future occupiers.**

- 7.7 The plans indicate to scale all rooms proposed. All bedrooms and the kitchen area are of sufficient size in compliance with the standards in the “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)” and the proposal includes sufficient provision of facilities.
- 7.8 Refuse storage is indicated within the rear garden area although full details of this are not provided and a condition requiring such details is therefore recommended.

### **Flood Risk**

- 7.9 The site is located outside the areas at risk of flooding.

### **Parking / use of public transport**

- 7.10 No on-site parking is proposed. In this respect reference must be made to Principle 4 of the SPD. This states that a parking beat survey should be produced, and where this shows insufficient parking the site must be located within 400m of a bus stop providing an adequate service, and within 400m of the town centre or local facilities.
- 7.11 In this case no parking survey has been produced, although there is a parking assessment this does not cover the availability of parking. In the current times during the pandemic a parking assessment could not be properly carried out as this would not reflect the normal situation.
- 7.12 Therefore reference must be made to the sustainability of the location, as set out in the SPD. In this respect, the site is within 400m of the bus stops on Cotswold Avenue and Newton Road, where the service provided is at every 15 minutes. The site is also within 400m of the local

shopping centre at Limehurst Square, which includes a range of services. It is considered, therefore, that the proposal complies with this principle.

- 7.13 Reference must also be made to the Northamptonshire Parking Standards which state that HIMO's shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 5 parking spaces, which is an increase of 2 compared to the requirements for the current 5 bedroom dwellinghouse use.
- 7.14 Comments from the Local Highway Authority state that the LPA must be satisfied that any additional demand for parking would not affect the amenities of existing residents.
- 7.15 However, it can also be noted that the proposal complies with the SPD as set out above and also that the current use as a five bedroom dwelling could potentially result in four car driving adults being resident, meaning there would only a minimal increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.16 Additionally, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area
- 7.17 In accordance with the SPD a condition is proposed requiring full details of the provision of secure cycle storage, as shown in outline form on the submitted plan.

## **8 CONCLUSION**

- 8.1 The proposed development would not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policy 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.

## **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: 20/2468/100, 20/2480/02.

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

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

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

4. Full 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 of the building for the use hereby permitted and thereafter retained.

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. Full 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.

## **10 BACKGROUND PAPERS**

- 10.1 N/2020/1568

## **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.



Title: **20 Whernside Way**

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Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----



**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0755

**LOCATION:** Belgrave House , Greyfriars

**DESCRIPTION:** Conversion and addition of two new upper floors incorporating fenestration changes and alterations to external façade to create 122no apartments for affordable housing and alterations to layby and new crossing points and footways to Greyfriars

**WARD:** Castle Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Waterman

**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 proposed development would represent a regeneration opportunity in the town centre and contribute to the Council's five year housing land supply. As part of a balanced assessment, it is considered acceptable and no objections are raised to the proposal with regards to the National Planning Policy Framework, Policies SA, S1, S3, S10, S11, H1, H2, N2, BN2, BN5, BN7, BN9, E1, INF1 and INF2 of the West Northamptonshire Joint Core Strategy; and Policies 1, 10, 15, 16 and 17 of the Northampton Central Area Action Plan.

### 2 THE PROPOSAL

2.1 The application seeks planning permission for the conversion, external alterations and addition of two new upper floors to create 122 apartments for affordable housing including alterations to the existing layby on Greyfriars and new crossing points and footways to the Greyfriars site to connect into the footway on Lady's Lane.

2.2 A more detailed explanation of the development proposals is contained within the previous Planning Committee report, dated 28<sup>th</sup> July 2020, a copy of which is attached to this report.

- 2.3 The application is being brought back to the Planning Committee as, following the Approval in Principle of the scheme by Committee on 28<sup>th</sup> July 2020, a Section 106 Legal Agreement to secure 100% on site affordable housing has not been completed as the Council has acquired the ownership of the application property for affordable housing purposes.
- 2.4 For the avoidance of doubt, the principle of development of the site has previously been accepted by the Planning Committee and the submitted plans and supporting documentation have not altered from those previously considered acceptable and approved in principle. Furthermore, there has been no change in planning policy relevant to the consideration of the application since that time and the proposed conditions remain the same as previously considered acceptable by the Council. Therefore, the matter for consideration is whether the scheme is acceptable without a Section 106 Legal Agreement as a result of the ownership changes to the application property.

### **3 SITE DESCRIPTION**

- 3.1 The application site is in the town centre and comprises a 9 storey office building with an 11 storey lift/stairwell tower to the eastern side that is attached to the Grosvenor Shopping Centre and a multi-storey car park. The office building dates from the 1970s with a T-shaped plan form and has been disused for some time. It has 7 upper floors of office accommodation accessed from a lower ground floor. The lower ground floor has pedestrian access to Greyfriars to the north and the shopping centre to the south. The upper ground floor is in separate use as storage for Sainsburys and does not form part of the application proposals. There is a service yard to the south of Belgrave House which serves Sainsburys and other units within the Grosvenor Shopping Centre.
- 3.2 The application building fronts onto Greyfriars but, due to its large size, is visible from the Market Square to the south and Sheep Street to the west, as well as in wider views of the Northampton townscape. The Market Square and Sheep Street falls within the All Saints Conservation Area which includes a number of listed buildings. There are, however, other large scale buildings in the immediate locality, including the Grosvenor Centre multi-storey car park, which has a similar upper floor height to the application property, and Northampton House to the east of the car park, which is 12 storeys in height.

### **4 PLANNING HISTORY**

- 4.1 N/2019/0722: Change of Use to Residential (Use Class C3) for social housing with the addition of two new upper floors, to create 124no apartments with changes to fenestration, alterations to external façade, and the addition of an external lift on to the existing building. Withdrawn.
- 4.2 N/2017/1145: External alterations to include replacement double glazing and associated column panelling, erection of lift core and new access from lower level and associated works. Approved.
- 4.3 N/2017/1144: Change of Use of Belgrave House from offices (Use Class B1a) to student accommodation (Sui Generis). 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), 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.

## 5.2 National Policies

5.3 **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

## 5.4 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 S11 - Low Carbon and Renewable Energy

Policy H1 - Housing Density and Design

Policy H2 - Affordable Housing

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 E1 - Existing Employment Areas

Policy INF1 - Infrastructure Delivery

Policy INF2 - Infrastructure Requirements

## 5.5 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 15 - Office and Business Uses

Policy 16 - Central Area Living

Policy 17 - Grosvenor Centre Redevelopment

## 5.6 Supplementary Planning Documents

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

## **6 CONSULTATIONS / REPRESENTATIONS**

- 6.1 Consultation responses remain as on the previous committee report dated 28<sup>th</sup> July 2020 attached to this report.

## **7 APPRAISAL**

- 7.1 The application proposals were approved in principle by the Planning Committee on the 28<sup>th</sup> July 2020 subject to conditions and a S106 Legal Agreement to secure 100% on-site affordable housing. The plans, supporting documentation, relevant planning policy and guidance and planning merits of the scheme have not changed since the previous resolution of the Committee nor the recommended conditions. However, the application has been brought back to the Committee as a Section 106 Legal Agreement has not been completed as the Council has acquired ownership of the property and is not legally able to enter into a Section 106 Agreement with itself. Therefore, the only issue to be considered is whether the scheme is acceptable without a Section 106 Legal Agreement.
- 7.2 As the Council has secured ownership of the application property for affordable housing purposes, to be managed on its behalf by Northampton Partnerships Homes, control regarding the tenures of the properties and any potential decision to dispose of the site would ultimately rest with the Council. As a consequence, there is certainty that the site would be delivered in its entirety for affordable housing provision and, therefore, in this particular instance, a Section 106 Legal Agreement in respect of affordable housing is no longer required.
- 7.3 . Therefore, now that the site is owned by the Council, a Section 106 Legal cannot be entered into for affordable housing in connection with this application. However, and as detailed above, it is considered that the ownership situation results in certainty that the scheme would deliver 100% affordable housing such that a Section 106 Legal Agreement is not necessary in this instance.

## **8 CONCLUSION**

- 8.1 To conclude, it is considered that as a result of the Council acquiring the ownership of the property there is certainty that the development would be delivered in its entirety as affordable housing. As such, a Section 106 Legal Agreement is no longer required, and it is considered that the proposals are acceptable subject to the conditions as previously agreed and set out below.

## **9 CONDITIONS**

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

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

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

Reason: For the avoidance of doubt and to 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
- viii. Crane positions

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 the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:

- (i) identification of all previous uses and contaminants associated with those uses;
  - (ii) a survey of the extent, scale and nature of contamination;
  - (iii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings and adjoining land,
    - groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iv) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to the commencement of the development hereby permitted, 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 must be prepared, and shall be subject to approval in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. The remediation scheme approved pursuant to Condition 5 must be carried out in accordance with its terms 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 that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to approval in writing by the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

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 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a Verification Report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

8. Prior to the construction of the roof extension or installation of the new façades hereby permitted, full details of all proposed external facing materials (including details of the curtain wall glazing and Juliette balconies, cladding, vertical feature panels, external lettering and clock features) 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.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

9. Prior to the construction of the roof extension or installation of the new façades hereby permitted, a full scheme of works including a timetable for the provision of the works to alter the layby and install a new pedestrian crossing and footway to the Greyfriars site in accordance with the details shown the submitted Greyfriars Road S278 Works Plan drawing number 001 A01 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport methods and to ensure a safe and satisfactory standard of development in accordance with the requirements of Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, full details of external lighting and CCTV to serve the entrances to the development, altered layby and the new pedestrian crossing and footway 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 prior to the occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

11. Prior to the occupation of the development hereby permitted, a Full Site Management Plan (in conformity with the general principles established within the submitted Management and Operations Overview Plan) shall be submitted to and agreed in writing by the Local Planning Authority. The Full Site Management shall include, but not be limited to, the following:

- i) The process for managing residents moving into, and out of, the development
- ii) On site management/security
- iii) A code of conduct for occupiers of the development
- iv) Access controls, compartmentalisation and security performance of doors
- v) CCTV
- vi) Roof top management
- vii) Refuge strategy
- viii) Cleaning/maintenance strategy for external curtain glazing and vertical feature panels
- ix) Clock feature maintenance strategy

The Management Plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of visual and residential amenity, highway safety and to ensure the provision of a safe and secure development in accordance with Policies H1, S10, BN5 and C2 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National Planning Policy Framework.

12. Prior to occupation of the development hereby permitted, full details of the proposed photovoltaic panels and air source heat pumps to accord with the recommendations of the Air Quality Assessment (report reference WIE13992-100-R-8-1-3-CB) and Energy Statement (report/project reference BSD13145) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in full prior to occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of minimising the environmental impact of the development and air quality and visual amenity in accordance with Policies S10, S11, H1, BN5 and BN9 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

13. The windows to serve the development hereby permitted shall be provided in accordance with the glazing specification detailed in Table 5 of the submitted Noise Report (reference WIE13992-100-R-3.1.4) and retained thereafter.

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.

14. 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 flats 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.

15. Prior to the occupation of the development hereby permitted, full details of all external plant and machinery and a scheme for associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

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.

16. The new bin and cycle stores 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.

17. 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 plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

18. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a scheme for the provision and management of the roof planting boxes and green wall balustrade shall be submitted to and agreed 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: In the interests of amenity and to enhance biodiversity in accordance with Policies H1, S10, BN2 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National

19. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of all roof top enclosures 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.

Reason: In the interests of visual and residential amenity and to secure a satisfactory standard of development in accordance with Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

20. Prior to the occupation of the development hereby permitted, 20 swift boxes shall be installed in accordance with the details shown on drawing number NPH-AHR-02-ZZ-DR-A-20-101 Rev C and retained thereafter.

Reason: In the interests of biodiversity in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

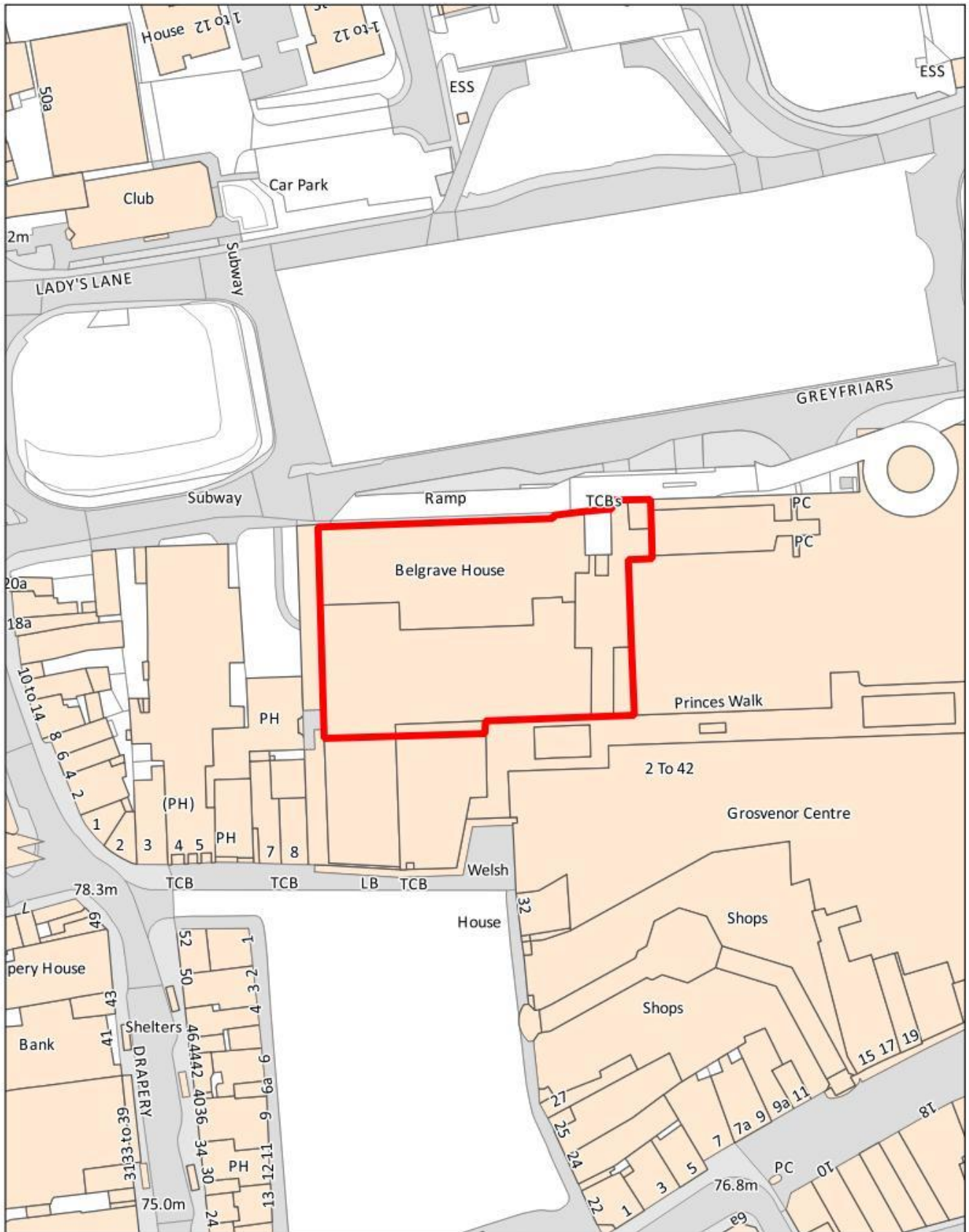
- 10.1 N/2019/0755

## **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: **Belgrave House, Greystriars**

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Date: 04-02-2021

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**PLANNING COMMITTEE:** 28<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0755

**LOCATION:** Belgrave House, Greyfriars

**DESCRIPTION:** Conversion and addition of two new upper floors incorporating fenestration changes and alterations to external façade to create 122no apartments for affordable housing and alterations to layby and new crossing points and footways to Greyfriars

**WARD:** Castle Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Waterman

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

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **RECOMMENDATION**

- 1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure 100% on-site affordable housing together with the Council's monitoring fee and the conditions as set out below and for the following reason:

The proposed development would represent a regeneration opportunity in the town centre and contribute to the Council's five year housing land supply. As part of a balanced assessment, it is considered acceptable and no objections are raised to the proposal with regards to the National Planning Policy Framework, Policies SA, S1, S3, S10, S11, H1, H2, N2, BN2, BN5, BN7, BN9, E1, INF1 and INF2 of the West Northamptonshire Joint Core Strategy; and Policies 1, 10, 15, 16 and 17 of the Northampton Central Area Action Plan.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the 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 seeks planning permission for the conversion, external alterations and addition of two new upper floors to create 122 apartments for affordable housing. The proposed apartments would comprise 70 x 1 bed units and 52 x 2 bed units and the resultant building would be 11 storeys high with a flat roof form.
- 2.2 The proposed external alterations would include the removal of the existing precast concrete panels and glazing that span the building, and the installation of floor to ceiling glazing incorporating Juliette balconies. In addition, stained glass feature panels running the full height of the 9 residential floors would be introduced, with vertical lettering and clock features also added to the extended building. There would also be glass balustrades to roof level, with the flat roofs incorporating planting boxes, condensers, and photovoltaic panels.
- 2.3 The apartments would utilise the existing pedestrian accesses to Belgrave House, comprising an external entrance off Greyfriars and an internal entrance from the Grosvenor Shopping Centre. In addition, a new pedestrian access would be created from the top floor of the Grosvenor Centre multi-storey car park. The applicant has indicated that the top floors of the multi-storey car park could be used by residents of the flats, however this car park is not within the red edge of the application site. The extended building would also benefit from two fire escapes in addition to the previously referenced entrances, one onto the service yard on the roof of the Grosvenor Centre and the other onto Emporium Way.
- 2.4 The proposal also includes alterations to the existing layby on Greyfriars and new crossing points and footways to the Greyfriars site to connect into the footway on Lady's Lane.

## **3 SITE DESCRIPTION**

- 3.1 The application site is in the town centre and comprises a 9 storey office building with an 11 storey lift/stairwell tower to the eastern side that is attached to the Grosvenor Shopping Centre and a multi-storey car park. The office building dates from the 1970s with a T- shaped plan form and has been disused for some time. It has 7 upper floors of office accommodation accessed from a lower ground floor. The lower ground floor has pedestrian access to Greyfriars to the north and the shopping centre to the south. The upper ground floor is in separate use as storage for Sainsburys and does not form part of the application proposals. There is a service yard to the south of Belgrave House which serves Sainsburys and other units within the Grosvenor Shopping Centre.
- 3.2 The application building fronts onto Greyfriars but, due to its large size, is visible from the Market Square to the south and Sheep Street to the west, as well as in wider views of the Northampton townscape. The Market Square and Sheep Street falls within the All Saints Conservation Area which includes a number of listed buildings. There are, however, other large scale buildings in the immediate locality, including the Grosvenor Centre multi-storey car park, which has a similar upper floor height to the application property, and Northampton House to the east of the car park, which is 12 storeys in height.

## **4 PLANNING HISTORY**

- 4.1 N/2019/0722: Change of Use to Residential (Use Class C3) for social housing with the addition of two new upper floors, to create 124no apartments with changes to fenestration, alterations to external façade, and the addition of an external lift on to the existing building. Withdrawn.
- 4.2 N/2017/1145: External alterations to include replacement double glazing and associated column panelling, erection of lift core and new access from lower level and associated works. Approved.
- 4.3 N/2017/1144: Change of Use of Belgrave House from offices (Use Class B1a) to student accommodation (Sui Generis). 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), 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 - 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

### 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 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 S11 - Low Carbon and Renewable Energy

Policy H1 - Housing Density and Design

Policy H2 - Affordable Housing

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 E1 - Existing Employment Areas

Policy INF1 - Infrastructure Delivery

Policy INF2 - Infrastructure Requirements

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

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

Policy 1 - Promoting Design Excellence  
Policy 10 - Parking  
Policy 15 - Office and Business Uses  
Policy 16 - Central Area Living  
Policy 17 - Grosvenor Centre Redevelopment

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

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

### 6 **CONSULTATIONS / REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water:** There is available capacity for the foul drainage and sewerage system also has capacity at present for these flows. There are assets owned by Anglian Water within or close to the site and informative should be imposed to highlight this to the applicant. Details of surface water drainage should be secured by condition.
- 6.2 **Archaeology (NCC):** The scheme in its current form does not require any archaeological investigation as it is a conversion of an existing building with no significant new build.
- 6.3 **Conservation (NBC):** No objection. The conversion and addition of the extra floors and the proposed alterations to the external appearance of the building will not have an adverse impact on views from adjacent Conservation Areas or harm the setting of nearby listed buildings. The alterations to the external access will also have an acceptable impact.
- 6.4 **Construction Futures:** A financial contribution should be made to secure a construction training programme.
- 6.5 **Development Management (NCC):** A development of the proposed size and mix is expected to generate 16 nursery / pre-school places, 7 Primary School Pupils and 4 Secondary and Sixth-form School Pupils. However, there is insufficient education capacity to serve the development and a financial contribution is therefore required. In addition, a financial contribution should be made to libraries and a condition imposed to secure sprinklers and fire hydrants. Also, an advisory note relating to broadband is recommended.
- 6.6 **Ecology (NCC):** There are no ecological constraints to this development and the proposal offers an opportunity for biodiversity enhancements in the form of swift bricks to the northern elevation.
- 6.7 **Environment Agency:** No comments.
- 6.8 **Highway Authority (NCC):** Although the Highway Authority will not be seeking any mitigation as a result of this application other than a Construction and Environmental Management Plan, it should be noted that the proposed development would increase parking demand in the area. Furthermore, as more applications come forward to increase the residential density in the town

centre area, the Highway Authority will consider each on a case by case basis and may ask for some form of mitigation going forward.

- 6.9 **Lead Local Flood Authority (NCC):** No drainage information has been provided.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor:** Pleased that a lot of the crime prevention recommendations made in previous responses to this application have been included in this iteration of the scheme, however the following matters require further clarification by condition:
- The new pedestrian route into the front of the building requires both street lighting and CCTV coverage to ensure the personal safety of pedestrians using it.
  - The description of the site management is very comprehensive but fails to address how the building is managed 'out of hours'.
  - The new flat doors should meet the requirements of BS PAS24:2016.
  - The bin and cycle stores should have access-controlled doors to reduce opportunities for anti-social behaviour.
  - The access to the top floor of the car park should be adequately controlled to ensure only residents can access it.
- 6.11 **NHS England:** The development could result in an increased patient population of 296 and therefore a financial contribution should be made to general medical services facilities.
- 6.12 **Public Protection (NBC):** No objections subject to the following comments/conditions:
- The submitted Preliminary Investigation report recommends intrusive soil testing and radon protection measures be further investigated and this should form the basis of a site investigation condition.
  - The Noise Report details acoustic glazing measure to protect end users from road traffic noise which appear acceptable, however the ventilation solution proposed may not be acceptable on air quality grounds. In addition, further work is required regarding plant noise and these matters could be addressed via noise conditions.
  - Whilst the site is not in an Air Quality Management Area, Greyfriars is heavily trafficked and a modelled health exposure assessment should be provided together with a mitigation strategy including an acoustic / air quality filtered ventilation scheme to allow the windows to remain closed and prevent exposure to elevated levels of Nitrogen Dioxide and traffic noise.
  - Electric Vehicle Charging Points should be included as part of development.
- 6.13 **Town Centre Conservation Area Advisory Committee:** The reuse of the building for key worker housing with good internal space standards is welcomed and the scheme would also improve the Greyfriars frontage. The main concern of the Committee is the impact of the extra two storeys, although it is noted that these would be set back from at the rear section of the building and it is recommended that an impact assessment is undertaken on heritage assets and views. In addition, it is suggested that the stained-glass detailing should have a local theme (e.g. boots and shoes; Northampton's history, etc) and long-term maintenance of the green roof is also important.
- 6.14 There have been **no neighbour / third party representations** regarding this application.

## 7 APPRAISAL

### Principle of development

- 7.1 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 (JCS).
- 7.2 It is acknowledged that Policy E1 of the JCS and Policy 15 of the Central Area Action Plan (CAAP) seek to safeguard existing employment premises and promote the central area as an office and business centre. However, the existing offices have been vacant and marketed for a period in excess of 7 years and the principle of the conversion of Belgrave House to residential student accommodation has previously been accepted under application N/2017/1144. Furthermore, and

in any event, Policy 15 of the CAAP allows for change of use away from business uses where it can be demonstrated that the overarching strategic objectives of the plan may be contributed to and one such objective is to increase opportunities for town centre living. Moreover, Policy 16 of the CAAP promotes town centre living to add to the vitality, viability and sustainability of the town centre. In addition, the NPPF supports the redevelopment of under-utilised buildings and brownfield land to meet the need for new homes and the proposal would also help support the regeneration of the central area. As such, no objections are raised to the principle of the loss of the employment generating use in this instance.

- 7.3 Notwithstanding the above, 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 122 flats would contribute towards the Council's housing supply, and specifically the need for additional affordable units, with associated social and economic benefits 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**

- 7.4 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.
- 7.5 In addition, the site is located close to the All Saints Conservation Area and there are several listed buildings in the vicinity of the application property on the Market Square and Sheep Street. As such, special attention must be paid to preserving or enhancing the character or appearance of the conservation area and the setting of the listed buildings, with great weight given to the conservation of the heritage assets.
- 7.6 The existing building has a somewhat dated appearance with its elevations dominated by large concrete panels that span the width of the building between rows of small windows. It comprises one of a cluster of high-rise and large-scale buildings of varied design that front onto Greyfriars and are visible from the Market Square, the All Saints Conservation Areas and in wider views of the townscape. Indeed, the application property comprises a 9 storey high 1970s office building with an 11 storey lift/stairwell tower; it neighbours a multi storey car park with a similar top floor level to the application property; and Northampton House to the east comprises a 12 storey building that was converted from offices to flats in the late 1990s / early 2000s.
- 7.7 The application proposes the addition of two further storeys of accommodation to Belgrave House and, as such, the scale of the building and its prominence in the streetscene would be increased. However, given the large-scale and varied design of nearby buildings, the extended property would not appear out of scale with its neighbours or overly dominant in wider views of the townscape. Furthermore, the additional storeys would only be introduced to the part of the building fronting Greyfriars and thus would be set well back from and not dominate the historic Market Square, with the separation to the listed former corn exchange to the west also maintained. In addition, the new upper floors would be slightly recessed to help break up the additional mass of the building and create a sense of subservience to the upper floors. The new storeys would also have a lightweight design with floor to ceiling glazing that would help reduce the prominence of the enlarged building. The external façade of the existing building would also be changed to floor to ceiling glazing and this would help to modernize and enhance the appearance of the property, with particular benefit to the Greyfriars elevation. Also, design features would be added to the building to seek to further enhance its appearance, comprising vertical stained-glass panels, clock features, lettering and roof planting boxes with a green wall balustrade, and full details of these together with all the external material for the proposed development can be secured by condition.

- 7.8 It should also be acknowledged that the application has been accompanied by a Townscape Visual Impact Assessment. This document assesses the application proposals from 15 viewpoints, including close-range, mid-range and long distances. It concludes that the proposal would not protrude above the existing skyline and would be a similar size and scale to existing built form in the town centre. Furthermore, it finds that whilst there would be some adverse visual impacts during the construction, the refurbishment of the building has the potential to enhance the appearance of the townscape post construction.
- 7.9 Overall, it is considered that the proposal would enhance the Greyfriars elevation of the property and that it would not have an adverse impact on views from the All Saints Conservation Area or the setting of listed buildings. Furthermore, it is considered that the impact of the development on the wider views of the townscape would also be acceptable and that the proposal would not have a detrimental impact on the character and appearance of the area.

### **Residential amenity**

- 7.10 Policy H1 of the JCS 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.
- 7.11 In terms of the residential amenity of neighbours, the proposal would not introduce windows to any elevation that does not presently already benefit from windows, with the additional storeys replicating the window orientation of the lower floors such that there would not be an unacceptable loss of privacy to any neighbours. Furthermore, the existing separation to neighbouring buildings would also be maintained and the additional storeys would not result in an unacceptable overbearing or overshadowing impact or a detrimental loss of daylight. As such, it is considered that the proposal would not have an unacceptable impact on the amenities of neighbours.
- 7.12 Turning to the amenities of future occupiers of the new dwellings, the proposal would comprise a mixture of one and two bed apartments and all the units would benefit from generous floor areas that exceed the national space standards to the benefit of the amenity of future occupiers. Furthermore, all habitable rooms would be served by windows affording outlook. It is acknowledged that some of the apartments would have relatively deep plan forms or include alcove areas to the open plan kitchen/living rooms. However, kitchens, bathrooms and stores are proposed to the areas that would receive less light and all the apartments would benefit from floor to ceiling glazing to maximise daylight. There would also be some views between the apartments in the rear elevation and those on the rear projection of the property, however this relationship is not unusual in a town centre environment. The proposal includes a roof top garden area on the rear projection for residents with 12 planting boxes for residents to use and a buffer area to the sixth-floor apartments that face directly onto the roof garden. Whilst this roof top garden is only a small facility that would be available to a limited number of residents, its inclusion is welcomed subject to appropriate management which can be secured by condition. Furthermore, it is also acknowledged that there are several parks and other outdoor amenities within walking distance of the development. In addition, the scheme has been assessed by Environmental Health and it is considered that the noise and air quality impacts associated with vehicle traffic and commercial plant can be mitigated subject to conditions. The proposal has been amended to omit refuse chutes and include internal bin stores on each floor and the management arrangements for these can also be secured by condition. Overall, it is considered that the proposal would afford an acceptable standard of amenity for future occupiers.

### **Parking, access and safety**

- 7.13 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.

- 7.14 The Parking Standards indicate that one car parking space should be provided per 30sqm gross floor area for office uses and per bedroom for residential dwellings. As such, the existing offices would require some 330 parking spaces under the Standards, and the proposed conversion and extension to residential should provide 174 parking spaces. The existing property does not however benefit from any on-site parking and as such there is an existing parking shortfall which would be reduced by the proposal. It is acknowledged that the occupiers of the existing offices could utilise the existing Grosvenor Centre multi-storey car park, however there is no mechanism presently in place to secure this in perpetuity. In addition, the proposed layout introduces a direct pedestrian access to the multi-storey car park such that there is also potential for residents to utilise the existing Grosvenor Centre multi-storey car park should an agreement be reached between the applicant and the owners/operator of the car park. However, such car parking proposals do not form part of the current proposal and therefore cannot be controlled under this application. Furthermore, and in any event, the supporting text in the County Parking Standards detail that flatted schemes should be treated on their own merit based on the character of the area. In addition, Policy 10 of the CAAP promotes a reduction in Parking Standards in the town centre. In this instance, the application site occupies a highly sustainable location in the town centre, with a direct link to the Grosvenor Centre, which includes a supermarket and is only a short walking distance to the Northgate bus station from the pedestrian entrance on Greyfriars. In addition, the proposal includes cycle stores on each floor of the development and has been accompanied by travel plan framework to seek to promote sustainable travel. Also, the locality benefits from parking restrictions in the form of double yellow lines such that there are controls to prevent on-street parking in inappropriate locations in the immediate vicinity of the site. As such, and given that Highway Authority raise no objections, it is considered that this particular proposal is acceptable as a zero parking scheme subject to conditions to secure cycle parking, a travel plan, and a management plan for the building to deal with matters including arrangements from residents moving in and out of the building.
- 7.15 The Northampton Parking Standards also seek the provision of electric vehicle charging points for new residential developments. However, as the proposal would not provide any additional parking spaces and thus occupiers would likely need to rely on sustainable form of transport, it is not considered that it would be reasonable or necessary to require the provision of electric vehicle charging points by condition.
- 7.16 The application has been amended since its submission to improve the access arrangements to the property. The application originally proposed the primary access to the development to be located off Emporium Way, however there were practical and accessibility issues with such an approach and the Police Crime Prevention Design Advisor (CPDA) also raised strong concerns from a crime and safety perspective. The amended scheme proposes to utilise the existing entrance to Belgrave House at lower ground floor level off Greyfriars as the primary access to the property served by a new concierge office/reception area and further details of management arrangements to ensure the safety of residents can be secured by condition. To facilitate access to the building from Greyfriars, the proposal also includes a new pedestrian crossing on Greyfriars and a footway around part of the Greyfriars site to connect into the existing footway network. These works and an associated lighting and CCTV scheme can be secured by conditions. The internal access into the Grosvenor centre from Belgrave House would also be retained as part of the proposal, however this would only be available during the opening hours of the shopping centre. The amended scheme also includes a new pedestrian access on the seventh floor to the top deck of the multi-storey car park to improve the accessibility of the scheme. Overall, and given the town centre location of the site and subject to conditions to address external lighting, CCTV, access controls and details of the management of the building as recommended by the Police CPDA, it is considered that the amended access arrangements to the property are acceptable.

### **Section 106 Obligations and Affordable Housing**

- 7.17 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.

- 7.18 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.
- 7.19 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.
- 7.20 In respect of this application, the development proposes the provision of a 100% affordable housing scheme at affordable rent. Whilst this would exceed the requirements of Policy H2 of the JCS and not provide a mix of tenures as sought by Policy H1 of JCS, it would provide a mix of one and two bed units as sought under CAAP Policy 16. Furthermore, it would make a significant contribution towards an identified need for affordable housing in the Borough, which would be a significant benefit arising from the scheme.
- 7.21 Notwithstanding the affordable housing benefits, the development still needs to be assessed in respect of the provision of the necessary infrastructure. In this respect, consultees have indicated a requirement for contributions for education, medical facilities, and construction training and these contributions would be policy compliant, as would a contribution towards off-site open space. In addition, contributions have been suggested towards the provision of fire infrastructure and libraries, but the development is not required to provide such infrastructure under existing planning policies.
- 7.22 The applicant, however, has submitted a viability assessment which details that the development would not turn a profit and that financial contributions for infrastructure would make the scheme unviable. The applicant's viability assessment has been assessed by an independent viability consultant on behalf of the Council and the consultant confirms that the values and underlying assumptions in the appraisal are not unreasonable, and that the development would not be profitable on a 30 year term. Furthermore, the consultant details that the principal reason for the lack of viability is due to the complications of refurbishing the application building. As such, it is accepted that should financial contributions for infrastructure be sought, the proposed scheme would not be viable and the development would be undeliverable, such that it is likely that the application property would remain vacant for a further period of time.
- 7.23 It is therefore necessary to balance the harm arising from the provision of no financial contributions towards education, health and open space infrastructure to mitigate the impacts of the scheme against the benefits arising from the proposal. In this case, the proposal would deliver additional dwellings within Northampton to contribute to the Council's five year housing land supply, and specifically would deliver much needed affordable housing. Furthermore, the proposal would assist in the reuse and regeneration of a prominent site within the town centre. As such, it is considered that the benefits of the scheme are significant. In addition, the applicant has confirmed that, as a 100% affordable housing scheme, occupiers for the development would be drawn from existing Council housing lists such that they would already be resident within the Borough. Therefore, should they have children for example, then the children would already have school places allocated to them and the future occupiers would already be utilising existing health and other facilities in the Borough. Furthermore, it is understood that consideration would also be given to prioritising key workers on the housing list who are employed in the town centre and thus already utilising existing facilities in the town centre.
- 7.24 Overall, and as part of a balanced assessment, it is considered that benefits of delivering the development outweigh the harm that emanates from the lack of financial contributions for infrastructure. Given this conclusion, and being mindful that the building is currently owned by a

third party, it is considered necessary and reasonable to require a Section 106 legal agreement to secure the entire development for occupation as affordable housing.

### **Other considerations**

- 7.25 A preliminary assessment relating to land contamination has been submitted and Environmental Health recommends conditions to require further investigation work in accordance with the recommendations in the report and Policy BN9 of the JCS.
- 7.26 In terms of air quality impacts, sustainability and climate change, Policy BN9 of the JCS requires proposals to improve air quality and Policy S11 of the JCS seeks the provision of low carbon and renewable energy for major developments. The application has been accompanied by an air quality impact assessment which proposes photovoltaic panels and heat pumps on the roof of the application property to seek to mitigate the air quality impacts of the development. Furthermore, this renewable and low carbon technology would also address sustainability matters and further details of this equipment can be secured by condition.
- 7.27 The County Ecologist advises that there are no ecological constraints to the proposal and, subject to a condition to secure biodiversity enhancements in the form of 15-20 swift bricks to the northern elevation of the building, raises no objections to the proposal.
- 7.28 The application property is not in Flood Zone 2 or 3 but comprises a major development and therefore it has been accompanied by a Flood Risk Assessment. Whilst the Environment Agency raise no concerns, it is noted that Anglian Water and the Lead Local Flood Authority are seeking further details relating to surface water drainage. However, as the proposal would not increase the impermeable area within the site, it is considered that it would not be reasonable to condition details of surface water drainage and such matters are also addressed under the Building Regulations. As such, no objections are raised to the proposal with regards to flood risk and surface water drainage.
- 7.29 A Construction Environmental Management Plan is recommended due to constrained nature of the site and its surrounds.
- 7.30 It is acknowledged that the County Council are seeking a condition relating to fire hydrants and sprinklers, however there is no policy basis for such a condition and these matters are addressed under the Building Regulations. Notwithstanding this, it is noted that the documents supporting the application detail that the development would be served by sprinklers and it should also be noted that the amendments to the scheme, including the revised pedestrian access arrangements, are in part a response to informal discussions involving the Fire and Rescue Service.

## **8 CONCLUSION**

- 8.1 To conclude, the conversion and extension of the application property to facilitate town centre living is acceptable in principle under the development plan. Notwithstanding this, the Council cannot presently demonstrate a five year housing land supply and, therefore, it is necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, there would be harm arising from inability of the scheme to mitigate the impact of the development on education, health and open space infrastructure. However, it is considered that this harm is outweighed by the benefits arising from the scheme, including the delivery of a significant number of affordable housing units to contribute to an identified need; the increase in central area living to improve the vitality, viability and sustainability of the town centre; the reuse of a vacant brownfield site; the potential for the scheme to act as catalyst for the regeneration of the central area; and the introduction of renewable energy technology, and biodiversity enhancements.

## **9 CONDITIONS**

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

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

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

Reason: For the avoidance of doubt and to 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
- viii. Crane positions

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 the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination of the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced which must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The report of the findings must include:

- (i) identification of all previous uses and contaminants associated with those uses;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings and adjoining land,
  - groundwaters and surface waters, (including a conceptual model of the site indicated sources, pathways and receptors);
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Pre commencement condition 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 paragraph 170 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to the commencement of the development hereby permitted, 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 must be prepared, and shall be subject to approval in writing by the Local Planning Authority. The scheme

must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

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. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

6. The remediation scheme approved pursuant to Condition 5 must be carried out in accordance with its terms 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 that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to approval in writing by the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

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 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a Verification Report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

8. Prior to the construction of the roof extension or installation of the new façades hereby permitted, full details of all proposed external facing materials (including details of the curtain wall glazing and Juliette balconies, cladding, vertical stained-glass panels, external lettering and clock features) 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.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policies H1 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

9. Prior to the construction of the roof extension or installation of the new façades hereby permitted, a full scheme of works including a timetable for the provision of the works to alter the layby and install a new pedestrian crossing and footway to the Greyfriars site in accordance with the details shown the submitted Greyfriars Road S278 Works Plan drawing number 001 A01 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport methods and to ensure a safe and satisfactory standard of development in accordance with the requirements of Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, full details of external lighting and CCTV to serve the entrances to the development, altered layby and the new pedestrian crossing

and footway 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 prior to the occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of appearance of the locality, residential amenity and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

11. Prior to the occupation of the development hereby permitted, a Full Site Management Plan (in conformity with the general principles established within the submitted Management and Operations Overview Plan) shall be submitted to and agreed in writing by the Local Planning Authority. The Full Site Management shall include, but not be limited to, the following:

- i) The process for managing residents moving into, and out of, the development
- ii) On site management/security
- iii) A code of conduct for occupiers of the development
- iv) Access controls, compartmentalisation and security performance of doors
- v) CCTV
- vi) Roof top management
- vii) Refuge strategy
- viii) Cleaning/maintenance strategy for external curtain glazing and stained-glass feature panels
- ix) Clock feature maintenance strategy

The Management Plan shall be fully implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: In the interests of visual and residential amenity, highway safety and to ensure the provision of a safe and secure development in accordance with Policies H1, S10, BN5 and C2 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National Planning Policy Framework.

12. Prior to occupation of the development hereby permitted, full details of the proposed photovoltaic panels and air source heat pumps to accord with the recommendations of the Air Quality Assessment (report reference WIE13992-100-R-8-1-3-CB) and Energy Statement (report/project reference BSD13145) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in full prior to occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of minimising the environmental impact of the development and air quality and visual amenity in accordance with Policies S10, S11, H1, BN5 and BN9 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

13. The windows to serve the development hereby permitted shall be provided in accordance with the glazing specification detailed in Table 5 of the submitted Noise Report (reference WIE13992-100-R-3.1.4) and retained thereafter.

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.

14. 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 flats 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.

15. Prior to the occupation of the development hereby permitted, full details of all external plant and machinery and a scheme for associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

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.

16. The new bin and cycle stores 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.

17. 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 plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

18. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a scheme for the provision and management of the roof planting boxes and green wall balustrade shall be submitted to and agreed 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: In the interests of amenity and to enhance biodiversity in accordance with Policies H1, S10, BN2 and BN5 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the requirements of the National

19. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of all roof top enclosures 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.

Reason: In the interests of visual and residential amenity and to secure a satisfactory standard of development in accordance with Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan

20. Prior to the occupation of the development hereby permitted, 20 swift boxes shall be installed in accordance with the details shown on drawing number NPH-AHR-02-ZZ-DR-A-20-101 Rev C and retained thereafter.

Reason: In the interests of biodiversity in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the requirements of the National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

- 10.1 N/2019/0722, N/2017/1145 and N/2017/1144.

## **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.

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2016  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1287

**LOCATION:** Development land  
Toms Close

**DESCRIPTION:** Installation of 3no street lights in Toms Court (retrospective)

**WARD:** Nene Valley Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Northampton Partnership Homes

**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 retention of the lighting columns as installed will have no adverse impact on the street scene or character of the area, whilst the impact on adjoining and nearby residential occupiers is considered acceptable as a result of the installed mitigation measures. The proposal thereby accords with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

**2 THE PROPOSAL**

2.1 The application seeks retrospective planning permission for the erection of 3 lamp columns within the development, which were not included in the original permission. These columns require permission because they are within a private drive rather than the public highway.

**3 SITE DESCRIPTION**

3.1 The application site comprises a residential development of 21 dwellings as approved by the Planning Committee in November 2017 and now essentially complete.

**4 PLANNING HISTORY**

- 4.1 N/2017/1029 – Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no. new build affordable dwellings and associated landscaping. Approved 22/11/17.
- 4.2 N/2020/0684 - Removal of Condition 7 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. Approved 01/10/20.

## **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  
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 S10 – Sustainable Development Principles  
Policy H1 – Housing  
Policy BN9 – Planning for Pollution Control

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

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

Policy E20 – New Development (Design)

### **5.5 Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

## **6 CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** – Confirm the lux levels are acceptable as shown.

6.2 **Collingtree Parish Council** – The lamppost on entering Tom’s Court is fine, the next lamppost within inches of a house needs moving or a shorter version installed, so the household doesn’t have light beaming directly in. The final light illuminating a neighbour’s house needs to be shortened and a deflector shroud installed so that the garden has satisfactory (non floodlit) privacy.

6.3 **Representation** received from the occupier of one neighbouring property, making the following points in summary:

- Light adjacent to boundary interrupts the only remaining view through garden. It could have been located a few meters from its current site which would not have been so unsightly.
- The majority of the light from the post is wasted as it illuminates garden and not the Toms Court road/pathways. Impacts privacy and social use of recreation space.
- The light reduces security as it provides a simple climbing opportunity being only inches from the boundary fence
- The placement of two lamp posts in Toms Court are poorly considered, 180% of the light is wasted as the posts are too close to boundary walls. Another is so close to one of the new houses in strong winds it bumps the wall.

## 7 APPRAISAL

7.1 The issues to consider are the impact on the character of the area and street scene, and on the amenities of adjoining and nearby occupiers, particularly in respect of light spillage.

### Street Scene Impact

7.2 In respect of their visual appearance, the light columns are of a typical modern design and do not have a detrimental visual impact on the street scene.

### Impact on adjoining occupiers

7.3 One of the columns is situated adjacent to the garden of a neighbouring property, outside the development site, at 31 Watering Lane. The submitted plan shows that there is light spill into this garden and that this would be at up to 2.0 Lux. Comments from Environmental Health confirm that this level of lighting is acceptable. It has also been confirmed that baffles have been fitted to the light and that the shown lux levels are what is achieved with the baffles. The level of light spillage at 2.0 LUX is very low and as this has been confirmed to be acceptable, it is considered that the remaining impact must be viewed as acceptable.

7.4 In respect of direct glare from the light, whilst the light as seen in the distance will appear as a bright spot in what was previously a dark view, this is mitigated by the baffle now installed and is only one feature of the amended outlook, incorporating also the new dwellings. This will be viewed against the new dwellings, which themselves form an illuminated feature and represent a significant alteration to the outlook from no. 31 Watering Lane, which previously looked out over large rear gardens. Given the relatively minor additional impact of this lighting column, and the lack of objection from Environmental Health, it is not considered that this impact in itself is sufficient to justify a refusal of permission.

7.5 Regarding the security of 31 Watering Lane, it has been suggested that the column represents a possible aid to climbing the boundary wall. Whilst this may be a possibility, it should be noted in this context that the area to the side of this property has been significantly changed, with public access now possible right up to the boundary, whereas previously this was a private garden. However, along with this there are occupied dwellings which will mean movements within the area are observed, whilst the lighting in itself will deter would be burglars. It can also be noted that the placing of light columns adjacent to fences is common practice and it is not considered that this issue can be given much weight.

7.6 Turning to the column adjacent to number 7 Tom's Court, it has been noted that this is very close to the side wall, and it has been suggested that this may result in an impact due to the column flexing in the wind. This has been discussed with the applicants, through their agents, and it has

been confirmed by the column manufacturer that any wind movement would be minimal. Prior to this confirmation it had been suggested that a bracket could be used to fix the column to the side of the house, however it is considered that this will not in fact be necessary.

- 7.7 The third column, to the side of 4 Tom's Court, is not considered to result in any adverse impact.
- 7.8 It can also be noted that the lighting provides a significant benefit to the new residents of Tom's Court in the form of enhanced security.

## **8 CONCLUSION**

- 8.1 The impact of the lighting columns as installed is considered to be acceptable in terms of visual impact on the street scene and on the amenities of adjoining and nearby residential occupiers.

## **9 CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 343409, Street Lighting Site Location Plan, TRT Lighting Aspect Mini Specification, 03A-ASM-4-2018 - TRT Aspect MINI 4 Shield Arrangement, 03B-ASM-4-2018 - TRT Fitment of Shields, 6MO1A 28347-1, Aspect Mini Datasheet, Aspect Mini Installation Leaflet, Forde & McHugh Schedule Of Lighting 17/03/20.

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

2. The baffles / shields as installed on Street Light 2B (between Plots 8 and 9) shall be maintained in accordance with drawings 03A-ASM-4-2018 and 03B-ASM-4-2018 (or an exact equivalent in the case of future maintenance / replacement) and shall be retained in a position such that the pull-down shields are deployed to the south-east, south-west and north-east.

Reason: For the avoidance of doubt and to minimise any adverse impact on neighbouring occupiers, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

- 10.1 Application file N/2020/1287.

## **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.



Title: **Development land at Toms Close**

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**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1553

**LOCATION:** Newton Building University Of Northampton Avenue  
 Campus , St Georges Avenue

**DESCRIPTION:** Change of Use of Newton Building from Educational (Use Class F1) to Offices and Learning and Non-Residential Institutions (Sui Generis Use)

**WARD:** Trinity Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** rg+p 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 proposed development, 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, S7, S8, S10, C1, C2, E2, E6, BN5, BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20, E26, and L2 of the Northampton Local Plan.

### 2 THE PROPOSAL

2.1 The application seeks planning permission for the change of use of the Newton Building on the Avenue Campus from educational (Use Class F1) to Offices and Learning and Non-Residential Institutions (Sui Generis Use).

2.2 The application is for a change of use only and does not propose any alterations to the building or changes to the car park or landscaping within the site.

2.3 The supporting submissions detail that the applicant, Northampton Partnership Homes (NPH), intends to continue the legacy of education use within the Newton Building by using it as a base to expand its community learning and resident engagement programme delivered by in-house staff and partnership agencies and utilising a mixture of the Grand Hall for larger events and small rooms for group work and smaller training and engagement programmes. The application documents detail that the learning and engagement programme has a three-fold purpose:

- 1) Training targeted at supporting tenants to sustain their tenancies including:
  - Budgeting skills
  - Problem solving and conflict resolution skills
  - Basic home maintenance
- 2) Training and supporting tenants into work including ICT Training
- 3) Engagement activities to promote health and wellbeing and address isolation

2.4 In respect of the office element of the proposal, the supporting submissions details that this will include:

- Corporate functions (e.g. finance, human resources, communications, performance, facilities management, ICT, governance)
- Customer facing functions (e.g. housing management, housing support, lettings, repairs, asset management, development and rent collections)
- Resident engagement and training.

### **3 SITE DESCRIPTION**

3.1 The application property is a Grade II Listed Building constructed in 1915 as the Northampton Grammar School for Girls and was subsequently occupied by the Kingsley Park Middle School. The building is constructed in red brick with ashlar dressings and a plain tile roof in Renaissance style. The building is two storeys at the front with a basement and two-three storeys at the rear. It has a long front range with entrance in centrepiece, main hall in parallel range behind and two rear wings.

3.2 The application building has been used for university accommodation (offices/administration, lectures, and classrooms) since 2008, forming part of the University of Northampton's Avenue Campus. However, it has been vacated since the University of Northampton relocated to the new Waterside Campus in September 2018.

3.3 The frontage of the site is landscaped including mature trees and there is a large car park to the rear of the site that can accommodate approximately 87 parking spaces (there are some 55 marked out spaces with informal parking areas capable of accommodating at least 33 further parking spaces).

3.4 The site is located in the Kingsley Conservation Area, on the corner of St Georges Avenue and Trinity Avenue and fronts onto The Racecourse. It is neighboured by an access drive to the western side which serves the car park to the rear of the Newton Building and the remainder of the Avenue Campus site. To the west of the access road lies the Maidwell building.

### **4 PLANNING HISTORY**

4.1 The site has a complex planning history relating to its former school uses and more recent use for university accommodation as part of the University of Northampton's Avenue Campus. However, it is considered that the following application is of particular note in marking the transition of the application property from a school to a university use:

**N/2008/0847:** Refurbishment of existing vacant school (Kingsley Park Middle School) for new university accommodation including new conservatory, lift shaft, replacement of flat roof, condenser yard and installation of CCTCV cameras. Approved.



- 4.2 In addition, it is noteworthy that the Planning Committee has recently resolved to 'approve in principle' the following development on the remainder of the adjoining University of Northampton's Avenue Campus site (including allowing for the reconfiguration of the Newton Building car park):

**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. Approved in principle (subject to the completion of a Section 106 Legal Agreement and conditions).

## **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.

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 Policy**

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 6 - Building a strong, competitive economy

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

S7 – Provision of Jobs

S8 – Distribution of Jobs

S10 - Sustainable Development Principles

C1 - Changing Behaviour and Achieving Modal Shift

C2 - New Developments  
E2 – New Office Floorspace  
E6 - Education, Skills and Training  
BN5 - The Historic Environment and Landscape  
BN9 - Planning for Pollution Control

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

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

E20 - New Development (design)  
E26 - Conservation Areas  
L2 - School and College Sites

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

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

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

Kingsley Conservation Area Appraisal and Management Plan 2009

### 6 **CONSULTATIONS / REPRESENTATIONS**

Comments received are summarised as follows

- 6.1 **Conservation Officer:** No objection to the change of use, which will be in keeping with the character and secure a viable use for an important listed building and will not harm the character or appearance of Kingsley Conservation Area.
- 6.2 **Environmental Protection:** No objections subject to conditions to secure the following:
- External mechanical plant condition to contain, mitigate and manage noise emanating from the site.
  - Electric vehicle chargers - Whilst it is accepted that there is no net increase in the number of car parking spaces onsite, it is prudent that in order for this Council's ambition to have a carbon neutral Northampton by 2030 and to provide employees of the applicant with the opportunity of workplace electric vehicle charging infrastructure that a condition imposed to secure onsite chargers
- 6.3 **NCC Archaeology:** As the building is Grade II listed, a building recording condition is recommended to be consistent with the other buildings on the campus.
- 6.4 **NCC Highways:** No comments received.
- 6.5 **One third party letter of support** has been received from a local resident. The letter includes the following points:
- Pleased the legacy of educational use would continue on the site
  - The site is an appropriate base for Northampton Partnership Homes to expand its community learning and resident engagement programme.
  - It is important that the car park is not altered to ensure that there are no impacts on local residents or the neighbouring primary school.

### 7 **APPRAISAL**

#### **Principle of development**

- 7.1 The application site is allocated for education purposes under Saved Policy L2 of the Local Plan. Furthermore, Policy E6 of the Joint Core Strategy, which also relates to education, sets out a requirement to support new educational facilities and the role of the University of Northampton. Moreover, the supporting text in the Joint Core Strategy (paragraph 5.57) refers to the proposed University's relocation to the Waterside Campus to help to create a better relationship to and regenerate the town centre and Enterprise Zone and allows for alternative development proposals to come forward on the University's existing estate.
- 7.2 In addition, Policy E2 of the Joint Core Strategy seeks to direct office developments to within the Central Area of Northampton and the town centre following a sequential approach to support their viability and vitality and this approach is in accordance with the guidance in the NPPF relating to main town centre uses.
- 7.3 In this instance, it is noted that whilst the application property benefits from an educational use, a large proportion of the building was used as offices for the administrative function of the University as well as providing some classrooms and lectures in the main hall. Furthermore, the proposed use is for a mix of offices and training purposes. The proposal is therefore for a sui generis use and would not comprise a wholly office use but rather a mix of uses that would share some similarities to the existing use of the property, and thus would provide a form of educational facility on the site as well as other benefits to the community and employment opportunities.
- 7.4 In addition, it is understood that the application property has been vacant since the relocation of the University to the Waterside Campus in 2018. Furthermore, the application proposal 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. Moreover, it is understood that the University, a not for profit organisation, is committed to reinvesting any capital receipts from the sale of the application site into the costs of relocating the University and the provision of higher education. The proposal would therefore also support the education role of the University and indirectly help the vitality and viability of the Central Area and town centre.
- 7.5 Overall, as part of a balanced assessment, no objections are raised to the principle of the development with regards to Saved Policy L2 of the Local Plan and Policies S1, E2 and E6 of the Joint Core Strategy.

### **Character of the area and heritage assets**

- 7.6 The application property is Grade II listed and located in the Kingsley Conservation Area. As such, special attention must be paid to preserving the listed building and its setting and to the desirability of preserving or enhancing the character or appearance of the conservation area, with great weight given to the conservation of the heritage asset in accordance with the statutory duties and the guidance in the NPPF. In addition, Policy S10 of the Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and the guidance in the NPPF seek high quality design and to create better places to live and work.
- 7.7 The application does not propose any internal or external changes to the application property, with any such works should they be required in the future needing to be subject to a separate application for listed building consent, nor does it propose any works to the existing landscaping on site or the car park. Therefore, the proposal would not harm the heritage assets and it is not considered that a building recording condition as suggested by the County Archaeologist would be necessary or reasonable in the absence of any works being proposed to the application property. Furthermore, and as highlighted by the Conservation team, the application property is currently vacant and the proposal would secure a long-term viable use for this important listed building such that it is considered that it would preserve the listed building and character and appearance of the Kingsley Conservation Area.

### **Residential Amenity**

- 7.8 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.
- 7.9 The application proposes no external alterations to the application property or any changes to parking provision within the site. It is noted that Environmental Protection seek a condition relating to noise from external plant, however no such equipment is proposed as part of this application and should they be required in the future then a separate permission would be required. In addition, it is considered that the proposed use would generate similar on-site activities to the existing lawful use of the property. As such, it is not considered that the proposal would have an adverse impact on the residential amenities of any neighbouring properties.

### **Parking and highways**

- 7.10 Paragraph 109 of the NPPF advises that development 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. Detailed and complementary guidance on parking requirements are set out in the Northamptonshire Parking Standards and Northampton Parking Standards.
- 7.11 The application submissions detail that the existing property has a floor space of some 4,354sqm including the large Grand Hall and entrance hall within the building. The Parking Standards provide guidance on the parking requirements for office uses (1 space per 30sqm) and some educational uses (linked to staff and student numbers), but do not directly address the specific training use proposed by the applicant and also detail that mixed uses (i.e. sui generis uses such as the application proposal) need to be treated on their own merits.
- 7.12 In this instance, the proposal would utilise the existing access arrangements to the site and it is noted that the parking area to the rear of the site can accommodate at least 87 parking spaces. Whilst this falls short of the guidance in the Parking Standards should the entire building (including the Ground Hall and entrance hall) be wholly occupied as offices (i.e. some 146 parking spaces would be required), it must be acknowledged that a large proportion of the existing building was used for office purposes by the University and that the proposal is also for a mixed use with some similarities to the lawful use of the existing property. Furthermore, the site is located in a highly sustainable location close to the Kingsley Local Centre and main routes into the town centre (including the A508 Barrack Road, A5095 Kingsley Road, and A5123 Kettering Road) which are well served by public transportation. In addition, it is noted that no objections have been received to the proposal from County Highways. As such, it is considered that objections could not be sustained to the proposal on parking or highway safety grounds.
- 7.13 The comments of Environmental Protection regarding electric vehicle charging points are noted. However, the application does not propose any changes to the existing parking situation and, therefore, it is not considered that it would be reasonable to require the provision of such facilities in this instance.

## **8 CONCLUSION**

- 8.1 To conclude, the proposal for a mix of office and educational uses and would have some similarities to the existing use of the application property and provide benefits in terms of employment, retaining an educational use on the site, and securing a viable long term use of an important listed building. In addition, the application site would support the relocation of the University to the Waterside Campus, with the capital receipts from the sales of Newton Building contributing to relocation costs, and thus would indirectly assist with the regeneration of Northampton town centre and contribute to the aims and objectives of the Central Area Action Plan. No harm has been identified that would significantly and demonstrably outweigh the benefits and, therefore, it is recommended that planning permission is granted subject to 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:

101-190AR/001, 101-190AR/002, and 101-190AR/002A

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

## **10 BACKGROUND PAPERS**

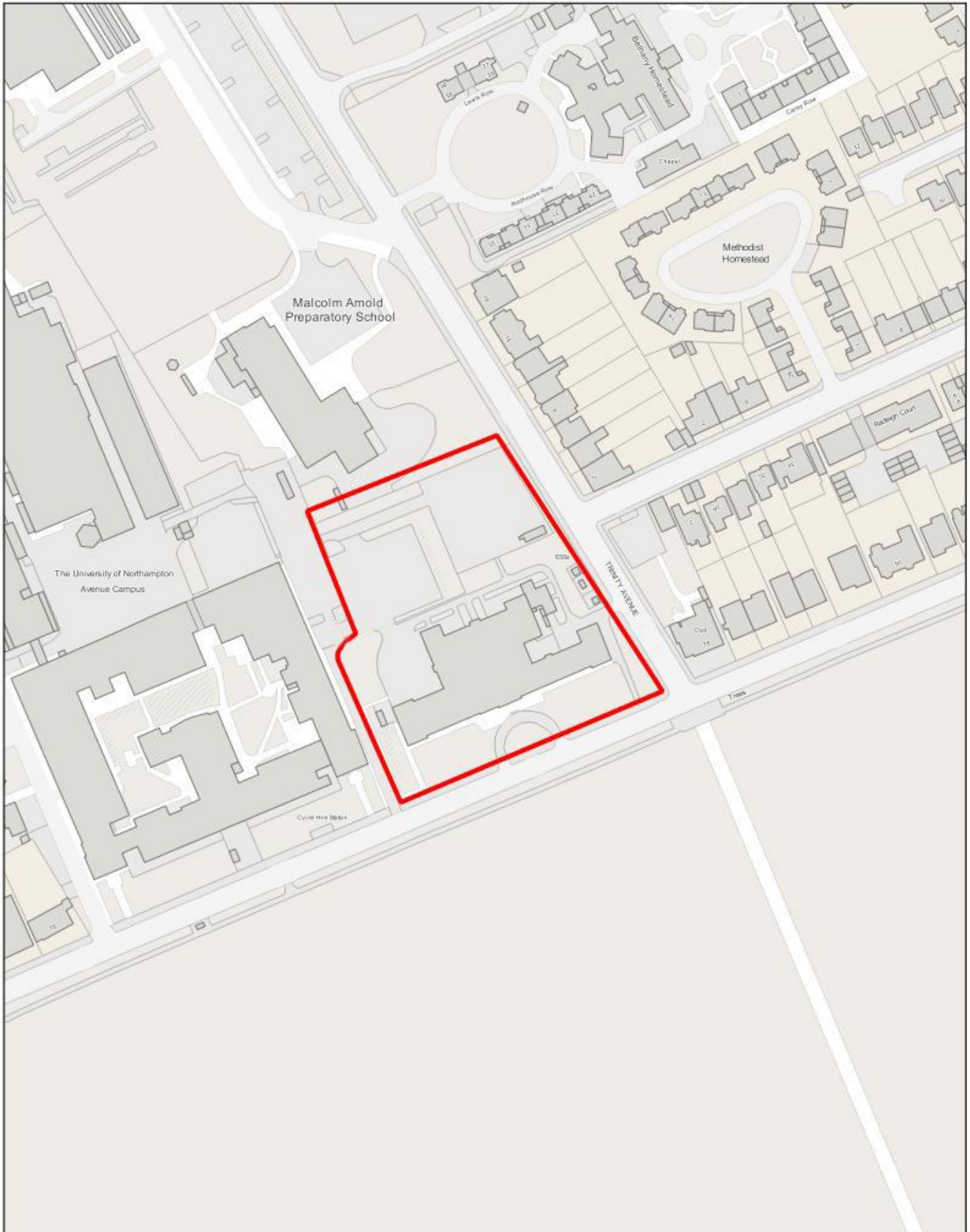
- 10.1 N/2020/1553, N/2016/0810 and N/2008/0847.

## **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.



Title: **St Georges Avenue, Newton Building**

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Date: 05-03-2021

Scale: 1:1,750

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