



# Northampton Local Area Planning Committee

A meeting of the Northampton Local Area Planning Committee will be held in the Jeffrey Room, the Guildhall, St Giles Street, Northampton, NN1 1DE on Tuesday 8 February 2022 at 5.00 pm

## Agenda

1.	<b>Apologies for Absence and Appointment of Substitute Members</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	<b>Minutes</b> (Pages 5 - 12) To confirm the Minutes of the Meeting of the Committee held on 11 <sup>th</sup> January 2022.
4.	<b>Chair's Announcements</b> To receive communications from the Chair.
5.	<b>Deputations/Public Addresses</b>
6.	<b>List of Current Appeals/Inquiries</b> (Pages 13 - 14)
7.	<b>Other Reports</b>
a)	<b>WNN/2021/0664</b> <b>Application to stop up part of existing footpath HW5.</b> <b>Land for Car Parking, Duston Mill Lane</b> (Pages 15 - 20)

<b>8.</b>	<b>Council Applications</b>
<b>a)</b>	<b>WNN/2021/0528</b> <b>Change of Use of Open Space to form Lawn Cemetery (Sui Generis) as an extension to existing, including landscaping, new access road, paths and other infrastructure and creation of new surfaced car parking areas, erection of new composting toilet and bin storage area</b> <b>Dallington Cemetery, Harlestone Road - Major (Pages 21 - 30)</b>
<b>9.</b>	<b>Applications for Determination (Pages 31 - 34)</b> <b>(Addendum attached)</b>
<b>a)</b>	<b>N/2020/1097</b> <b>Construction of 7no new dwellings and 6no flats with associated access/parking</b> <b>Development Land , Blackthorn Road - Major (Pages 35 - 54)</b>
<b>b)</b>	<b>N/2021/0342 &amp; N/2021/0343</b> <b>Planning application &amp; Listed Building Consent for Conversion and alterations of factory premises to form 43 no apartments</b> <b>The Hawkins Building , Overstone Road - Major (Pages 55 - 74)</b>
<b>c)</b>	<b>WNN/2021/0029</b> <b>Outline Planning Application (All Matters Reserved except Access) for the development of up to 60no dwellings (Use Class C3), including affordable housing with new vehicular access, open space, children's play area and associated infrastructure</b> <b>Land East of Towcester Road - Major (Pages 75 - 104)</b>
<b>d)</b>	<b>WNN/2021/0400</b> <b>Redevelopment of existing trade dealership site to comprise of demolition of existing showroom and erection of replacement, erection of car deck, retention and refurbishment of existing showroom and erection of building comprising of 5no wash bays, with associated works to include installation of security loops, fencing, gates and resurfacing of car park and display areas</b> <b>Wollaston Motors , Bedford Road - Major (Pages 105 - 120)</b>
<b>e)</b>	<b>WNN/2021/0687</b> <b>Remove existing 12.5m pole and install replacement 20m pole to support 3no. antennas and ancillary equipment thereto including 6no. RRH units and 2no. dishes</b> <b>Clarke Telecom, Wisteria Way -</b> <b>Referred by Assistant Director Place &amp; Economy (Pages 121 - 130)</b>
<b>f)</b>	<b>WNN/2021/0974</b> <b>Construction of indoor training building with artificial sports pitch, entrance lobby and boot changing areas together with associated external works</b> <b>Northampton Saints R F C Franklins Gardens</b> <b>Weedon Road - Major (Pages 131 - 148)</b>

<b>g)</b>	<b>WNN/2021/0993</b> <b>Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including single storey rear extension</b> <b>113 Lutterworth Road - Called in by Councillor Z Smith (Pages 149 - 158)</b>
<b>10.</b>	<b>Urgent Business</b> The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.
<b>11.</b>	<b>Exclusion of Press and Public</b> Should Members decide not to make a decision in public, they are recommended to resolve as follows:  “That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph(s) XXXXX would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Catherine Whitehead  
Proper Officer  
31 January 2022

**Northampton Local Area Planning Committee Members:**

Councillor Jamie Lane (Chair)

Councillor Anna King (Vice-Chair)

Councillor Muna Cali

Councillor Nazim Choudary

Councillor Imran Ahmed Chowdhury BEM

Councillor Paul Clark

Councillor Raymond Connolly

Councillor Paul Dyball

Councillor Dennis Meredith

Councillor Cathrine Russell

Councillor Zoe Smith

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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### **Queries Regarding this Agenda**

If you have any queries about this agenda please contact Ed Bostock, Democratic Services via the following:

Tel: 07775936776

Email: [ed.bostock@westnorthants.gov.uk](mailto:ed.bostock@westnorthants.gov.uk) | [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED



## Northampton Local Area Planning Committee

Minutes of a meeting of the Northampton Local Area Planning Committee held at on Tuesday 11 January 2022 at 5.00 pm.

Present           Councillor Jamie Lane (Chair)  
                      Councillor Anna King (Vice-Chair)  
                      Councillor Nazim Choudary  
                      Councillor Imran Ahmed Chowdhury BEM  
                      Councillor Paul Clark  
                      Councillor Raymond Connolly  
                      Councillor Cathrine Russell  
                      Councillor Zoe Smith

Apologies       Councillor Muna Cali  
for               Councillor Dennis Meredith  
Absence:

Officers:       Nicky Scaife (Interim Development Manager)  
                      Adam Smith (Interim Development Management Team Leader)  
                      Adam Walker (Interim Principal Planning Officer)  
                      Theresa Boyd (Planning Solicitor)  
                      Ed Bostock (Democratic Services Officer)

### 75.     **Declarations of Interest**

Councillor Connolly declared a predetermination in respect of item 7E and advised that he would leave the room whilst the item was discussed.

### 76.     **Minutes**

The minutes of the meeting held on 6<sup>th</sup> December 2021 were agreed and signed by the Chair.

### 77.     **Chair's Announcements**

There were no announcements on this occasion.

### 78.     **Deputations/Public Addresses**

#### **RESOLVED:**

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

**N/2021/0318 & N/2021/0319**

Councillor Stone  
Andy Lord

**N/2021/0474**

Councillor Stone  
Alex Jelley

**WNN/2021/0508**

Councillor Stone  
Yvonne Spence  
Julie Teckman  
Phil Sneddon

**WNN/2021/0748**

Councillor Davenport  
Councillor Roberts  
Vikas Thapa  
Marie Ryan

**WNN/2021/0877**

Councillor Stone  
Alex Putjatins

79. **List of Current Appeals/Inquiries**

An update would be brought to the next meeting.

80. **Planning Applications**

81. **N/2021/0318 & N/2021/0319 - Planning and Listed Building consent applications for - Conversion and alterations of factory premises to form 46no apartments  
The Hawkins Building, Overstone Road**

The Interim Development Manager submitted a report to the Committee which sought approval for the conversion of part of the Hawkins Building to 46 residential units. The proposal related to both planning and listed applications. Members' attention was drawn to the addendum which contained an amendment to the officer recommendation; an independent viability assessment concluded that the development would be unviable if it were to provide affordable housing. The proposal included plans to reduce the number of lanes on St Michaels Road to 2, to allow for on-street parking spaces. Replacement of the windows were an element of concern for a number of heritage bodies and the Conservation Officer, and it was acknowledged that it would impact upon the listed building's significance. However, it was considered that approving suitable replacement windows would assist in ensuring that impacts were less than substantial; the harm was weighed against the public benefits, including securing the optimum viable use of the building and providing much needed housing. While 5 flats fell below National Space Standards, the layout was predominantly as previously approved under the extant consent, with

the exception of 4 additional flats; it was not considered that a refusal of this application could be upheld at appeal.

Councillor Stone, in her capacity as a Ward Councillor for Castle, spoke in favour of the application; she expressed her relief that the application had come forward and looked forward to seeing the building being brought back into use.

Andy Lord, the agent on behalf of the applicant, spoke in favour of the application and commented that his client had opted to develop the building in phases in order to ensure its deliverability; this was the second of three phases, the third of which would be coming before the Planning Committee in due course. Mr Lord noted that details of window replacement was approved as part of the first phase.

Members discussed the report.

**RESOLVED:**

That planning application N/2021/0318 and listed building application N/2021/0319 be **APPROVED** subject to the conditions and reasons as set out in the report.

82. **N/2021/0474 - Change of Use from Offices (Use Class E) to Mixed Use - Commercial (Use Class E) to ground floor front and 10no Flats (Use Class C3) to upper floors, including three storey rear extension to existing building. 65 St Giles Street**

The Principal Planning Officer submitted a report to the Committee which sought approval for the conversion of an office building to 10 apartments with commercial usage retained at the front part of the ground floor. A 3-storey rear extension was also proposed as part of the application. Northamptonshire Police had raised concerns with aspects of the scheme; the area to the western side of the development would be readily accessible and surveillance was limited. Additionally, the proposed waste and cycle storage would provide a secluded area which would be attractive to rough sleepers and had the potential to be used as an ambush point on residents accessing the flats. Bicycles would also be vulnerable to theft. Officers considered the overall design was of high quality and no objections were raised in respect of impact on heritage assets. Whilst officers recognised that town centre flats were likely to be constrained by the proximity of nearby buildings, officer opinion was that the standard of amenity for future occupants would be very poor in terms of the outlook from and natural light to the flats to the majority of rooms due to the proximity to the adjacent 3-storey building. Officer recommendation was for refusal.

Councillor Stone, in her capacity as a Ward Councillor for Castle, spoke against the application and questioned why there was such a high number of applications for single-occupancy accommodation when in her experience, family homes were needed more.

Alex Jelley, the agent on behalf of the applicant, spoke in favour of the application and commented that the original planning officer was happy with the proposal; he maintained that the issue of natural light was a matter of opinion and that the outlook from the flats would be appropriate for town centre accommodation.

Members discussed the report and considered that the economic and housing benefits of the proposal and regeneration of the town centre were important considerations.

**RESOLVED:**

That the application be **APPROVED** contrary to officer recommendation and subject to conditions to be agreed in consultation with the Chair and Assistant Director of Place and Economy. The Assistant Director of Economy and Place be given delegated authority to agree the wording of the reasons for approval in consultation with the Chair.

Councillor King joined the meeting at this juncture and advised of no declarations of interest.

83. **WNN/2021/0508 - Change of Use from Retail (Use Class E) to Takeaway (Sui Generis) and extraction flue  
34 - 36 St Giles Street**

The Interim Development Management Team Leader submitted a report to the Committee which sought approval for a change of use from retail unit to hot food takeaway and erection of extraction flue. No other external alterations were proposed. Members' attention was drawn to the addendum which contained an additional letter of objection and an amendment to the recommendation. Waste storage was proposed in the basement and a Waste Management Strategy would be secured by condition. It was highlighted that Conservation, Environmental Health and Highways do not object to the application, and that the proposed opening hours had been reduced to midnight during the course of the application

Councillor Stone, in her capacity as a Ward Councillor for Castle, spoke against the application and commented that a fast-food shop was not appropriate for St Giles Street and that the Council should be encouraging entrepreneurs to bring new niche retail businesses to the street instead. St Giles Street has a distinctive cultural and feel and concerned about impact of a takeaway on this.

Yvonne Spence, a local business owner, spoke against the application and commented that there were a number of fast-food takeaways in the town already, reviews for existing premises owned by the applicant were average at best, raised concerns about opening hours in the evenings, and additional parking for collections and delivery drivers would cause significant problems on the road.

Julie Teckman, a local resident, spoke against the application and voiced concern around highway issues that could be expected with the addition of delivery drivers parked on the street. She also had concerns that the late-night nature of the business may exacerbate antisocial behaviour in the area. In addition, she advised that there is presently a delicate retail balance on St Giles Street, which is the only street recognised in the town centre for independent retail.



Phil Sneddon, the agent on behalf of the applicant, spoke in favour of the application and commented that his client had 80 stores nationwide with no complaints relating to delivery drivers or antisocial behaviour. The ovens used in the stores were approved by DEFRA for smokeless areas, with the fan internal and approved by Environmental Health. The immediate area is a mix of commercial and residential with a nearby bar open to 2am and is a cultural location where residents expect to be part of a busy area. The store's waste would be stored internally. A variety of businesses are needed in an area.

In response to questions, the Committee heard that the applicant had chosen this unit for its size and location on the street and hoped to be part of the community, including employing 12 people from the Northampton area and ensuring the exterior of the property was looked after. The proposed business is a franchise and not trading in bankruptcy. Waste would be collected 3-4 times a week by a private company. There was no provision for dining in; take-out only was proposed.

Members discussed the report.

**RESOLVED:**

That the application be **REFUSED** contrary to the officer recommendation for the following reasons: Impact on visual amenity, parking & traffic, noise impact on adjacent residential amenity. The Director of Place and Economy be given delegated authority to agree the wording of the reasons for refusal in consultation with the Chair.

Councillor Connolly left the meeting at this juncture.

84. **WNN/2021/0748 - Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4), including loft conversion and reconfiguration of internal layout  
87 Gloucester Crescent**

The Interim Development Management Team Leader submitted a report to the Committee which sought approval for a change of use from dwellinghouse to HMO for 6 occupants. A loft conversion and single storey rear extension were also proposed as part of the application. Members' attention was drawn to the addendum which contained additional letters of objection, a representation from the applicant and an update to the recommendation. It was highlighted that there were no objections from Private Sector Housing or the Local Highway Authority and, whilst no parking was proposed, the property was within a sustainable location, close to public transport links and shopping facilities. Should the application be approved, the concentration of HMO properties in a 50m radius would be 4%.

Councillor Davenport, in her capacity as a Ward Councillor for Delapre and Rushmere, spoke against the application and voiced concern around parking and waste; issues relating to HMOs were causing misery for existing residents in the area.

Councillor E Roberts, in her capacity as a Ward Councillor for Delapre and Rushmere, spoke against the application and commented that whilst Highways had not objected to the application, Northamptonshire Police had raised objections on highway grounds. She also noted that per the Council's adopted HMO SPD, applications should be refused if no parking beat survey was provided.

Vikas Thapa, a local resident, spoke against the application and voiced concern around issues relating to HMOs including parking, waste and antisocial behaviour.

Marie Ryan, a local resident, spoke against the application and commented that most of the residents near this property were elderly; this development would cause undue stress for them and it would exacerbate existing parking problems in the area.

Members discussed the report.

**RESOLVED:**

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

85. **WNN/2021/0877 - Change of Use from Offices (Use Class E) to 9 person House in Multiple Occupation (Sui Generis) and associated alterations  
6 Cheyne Walk**

The Interim Development Management Team Leader submitted a report to the Committee which sought approval for a change of use from offices to HMO for 9 occupants. Parking for 10 vehicles was located to the rear of the property. An additional roof light was proposed at the front of the property. Members' attention was drawn to the addendum which contained an update to the recommendation. It was also highlighted that the Conservation Officer had raised no objections to the proposal and should the application be approved, the concentration of HMOs in a 50m radius would be 4.7%. In addition, conditions were included to address issues such as waste and cycle storage, drainage and plumbing facilities in the listed building, and maximum occupancy.

Councillor Stone, in her capacity as Ward Councillor for Castle, spoke against the application and commented that she would have preferred to see the building turned into flats and was concerned that the proposal could generate additional vehicles on an already busy and noisy street.

Alex Putjatins, the applicant, spoke in favour of the application and stated that he successfully managed 70 rooms in the town as an accredited landlord. His properties all exceeded minimum space standards and parking would be accessed from Spring Park, not Cheyne Walk. He also advised that 4 flats would not be financial viability in this instance, but the proposal was seeking to provide luxury accommodation.

Members discussed the report.

**RESOLVED:**

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

86. **Northampton Partnership Homes Applications**

87. **N/2021/0335 - Construction of 28no residential apartments, including formation of new access from Trenery Way, 29no car parking spaces, bicycle store and associated ancillary plant and service accommodation  
Land at New South Bridge Road**

The Interim Development Manager submitted a report to the Committee which sought approval for the construction of 28 residential apartments including the formation of new access from Trenery Way, 29 car parking spaces cycle storage and associated ancillary plant and service accommodation. New access to the development would be created from Trenery Way into a barrier-controlled area of parking comprising a mix of undercroft and external spaces. The design and height of the development was considered appropriate given its location. A mix of 1 and 2 bedroom flats would be provided across the 28 units providing 100% affordable housing. Members' attention was drawn to the Addendum which advised that the independent assessment of the submitted viability assessment concluded the scheme would not be viable if the relevant S106 developer contributions were required. Conditions were attached including the requirement to undertake a desk top study in respect of possible contaminants within the site and in respect of drainage matters.

Members discussed the report.

**RESOLVED:**

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

88. **Urgent Business**

There was no urgent business on this occasion.

The meeting closed at 8.20 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

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<b>List of Appeals and Determinations – 8<sup>th</sup> February 2022</b>			
<b>Written Reps Procedure</b>			
Application No.	DEL/PC	Description	Decision
<b>N/2020/1500</b> APP/W2845/W/21/3279899	DEL	Variation of Condition 5 of Planning Permission N/2015/1470 (Erection of storage building at Duston Mill) to permit the applicant to use the Barn in conjunction with the uses of the surrounding land at Duston Mill, Duston Mill Lane	<b>ALLOWED</b>
<b>N/2021/0380</b> APP/V2825/W/21/3280603	DEL	Change of Use from Domestic Garage (Use Class C3) to Hairdressing and Nail Salon (Sui Generis) at 9 Whiteheart Close	<b>AWAITED</b>
<b>WNN/2021/0185</b> APP/W2845/W/21/3283132	PC	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 13no occupants, to include modifications to front lightwells at 3 Langham Place	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearings</b>			
		None	
<b>Enforcement Appeals</b>			
		None	
<b>Tree Preservation Order (TPO) Appeals</b>			
		None	

<p>The Address for Planning Appeals is:</p> <p>Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.</p> <p>Appeal decisions can be viewed at - <a href="https://acp.planninginspectorate.gov.uk">https://acp.planninginspectorate.gov.uk</a></p>	
<p>Local Government (Access to Information) Act 1985</p> <p>Background Papers</p> <p>The Appeal Papers for the appeals listed</p>	<p>Author and Contact Officer:</p> <p>Nicky Scaife, Development Manager (Interim)</p> <p>Telephone 01604 837692</p> <p>Planning Service</p> <p>The Guildhall, St Giles Square,</p> <p>Northampton, NN1 1DE</p>

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# Planning Committee Report

Committee Date: 8<sup>th</sup> February 2022

Application Number: WNN/2021/0664

Location: Land for Car Parking, Duston Mill Lane, Northampton

Development: Application for the stopping up of part of existing Footpath HW5.

Applicant: Cleveland Cable Company (Holdings) Ltd

Agent: Youngs RPS

Case Officer: Hannah Weston

Ward: Sixfields Unitary Ward

Referred By: Assistant Director of Place and Economy

Reason for Referral: Application under Section 257 of Town and Country Planning Act 1990

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**RECOMMENDATION:** That: (i) an Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 to stop up part of Public Right of Way Footpath HW5, as detailed on the submitted Section 257 application and (ii) subject to no objections being received in respect of the Stopping Up Order the Order be confirmed.

### Proposal

The Section 257 application has been submitted to permanently stop up part of Public Right of Way, Footpath HW5. The stopping up order is required to allow the development of the site in connection with planning application WNN/2021/0699, for the erection of an industrial unit (Class B2/B8), which is currently under consideration.

The footpath in question is not physically present on site and appears to have been extinguished historically without consent and a replacement path provided. The application is submitted to regularise this.

### Consultations

The following consultees have raised **no objection** or **support** the application:

- The Ramblers
- Highways
- Definitive Map Officer/Public Footpath Officer

No letters have been received from neighbouring properties.

## **Conclusion**

The application has been assessed against the relevant legislation and statutory requirements in respect of applications made under Section 257 of the Town and Country Planning Act 1990.

The report looks into the key issues in detail, and Officers recommend that an Order be made pursuant to Section 257 of the Town and Country Town and Country Planning Act 1990 to permanently stop up part of Public Right of Way, Footpath HW5, as detailed on the submitted Section 257 application and shown on the submitted plan.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The development site to which this footpath relates is an open parcel of land which it is understood is occasionally used for car parking associated with the nearby football stadium, although no planning permission has been obtained for such a use.
- 1.2 The site has hardstanding over the centre, with vegetation surrounding. The footpath would have run directly across the northern end of this site, between Duston Mill Lane and the road to the east of the site. Historically this footpath has been removed and a new surfaced footpath provided which curves around the northern end of the site. Fencing stops any access to the original footpath and there are no signs of this original footpath on site.

### **2. CONSTRAINTS**

- 2.1. None.

### **3. DESCRIPTION OF EXTINGUISHMENT**

- 3.1. A Section 257 application has been submitted to permanently stop up part of Footpath HW5. The stopping up order is required to allow the development of the site in connection with planning application WNN/2021/0699 for the erection of an industrial unit which is under consideration.
- 3.2. The footpath in question is not physically present on site and appears to have been extinguished historically without consent. The S257 application is to regularise this and seeks to stop up a length of footpath previously 72.3m in length. The new route is 101.8m in length and exists along the northern boundary of the site as a surfaced footway approximately 2.5m in width.
- 3.3. The application as originally submitted was for a diversion of this footpath to an existing footpath around the top of the site. The Council's Highways department advised that the application should be amended to a stopping up only as the new footpath already exists and you cannot divert a public footpath into adopted highway.



#### 4. RELEVANT PLANNING HISTORY

4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNN/2021/0699	Erection of Industrial Unit (Use Class B2/B8) along with associated means of access (Site 2A/2B)	Under consideration.

#### 5. RELEVANT PLANNING LEGISLATION

- 5.1. Section 257 of the Town and Country Planning Act 1990 allows for a competent authority, in this case the Local Planning Authority, subject to Section 259 of the act, to authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission granted under Part III of the Act, or by a government department.
- 5.2. Section 259 of the Act relates to confirmation of Orders by other authorities. In respect of unopposed orders this would be confirmed by the order making authority (the Council) or, where orders are opposed, by the Secretary of State.

#### 6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
The Ramblers	No objection
Highways	Advise application is altered to an extinguishment. A diversion cannot be supported as you cannot divert one highway (the right of way) onto another (the adopted highway).
Definitive Map Officer/Public Footpath officer	Extinguishment is acceptable as the intended alternative route is already highway land.

#### 7. RESPONSE TO PUBLICITY

- 7.1. Below is a summary of the third party and neighbour responses received at the time of writing this report.
- 7.2. None received.

#### 8. APPRAISAL

- 8.1 Under Section 257(1A) of the Town and Country Planning Act orders can be made for the stopping up or diversion of a path, in advance of the actual grant of planning permission but cannot be confirmed until planning permission is granted.
- 8.2 The relevant test to be applied to applications of this type is whether it is necessary to stop up the footpath in order to enable development to be carried out. In this particular

instance, the planning application is still under assessment for this site. The proposed scheme is for a warehouse building with service yard and car parking. The proposed car parking would cover part of this historic footpath.

- 8.3 It is the case that the stopping up of the footpath would be required should planning application WNN/2021/0699 be granted. As such under section 257(1A) of the Town and Country Planning Act, the stopping up is considered necessary.
- 8.4 Consideration must also be given to the fact that the footpath in question does not physically exist on site and that historically the footpath has been removed and a replacement provided on highway land curving around the site.
- 8.5 The Council's Highway and Public Rights of Way officers have advised that a diversion cannot occur due to the new footpath already existing on highway land and that an a stopping up order would be supported in this location.
- 8.6 With no objection from the Ramblers Association, Highways and the Public Rights of Way officer advising that a stopping up order is acceptable, and no third party objections received to the proposed stopping up, and with the footpath having already been diverted on site historically and a replacement already provided, it is considered that the proposed footpath stopping up is acceptable.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 None.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 It has been demonstrated that the proposed development would conflict with part of Public Right of Way Footpath HW5 and accordingly it is necessary to stop up part of the public right of way to allow development to take place. It is considered that the proposed stopping up would not result in inconvenience or loss to the public in general. There would be no net loss of footpath, with a replacement already provided on highway land. Accordingly, it is considered appropriate for an stopping up order to be made under the provisions of Section 257 of the Town and Country Planning Act 1990 and provided no objections are received to the making of the order that it also in due course be confirmed.
-



**West  
Northamptonshire  
Council**

Title: **Land for car parking. Duston Mill Lane**

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Date: 27-01-2022

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# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** WNN/2021/0528

**Location:** Dallington Cemetery, Harlestone Road, Northampton

**Development:** Change of Use of Open Space to form Lawn Cemetery (Sui Generis) as an extension to existing, including landscaping, new access road, paths and other infrastructure and creation of new surfaced car parking areas, erection of new composting toilet and bin storage area

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**Applicant:** West Northamptonshire Council

**Agent:** Sursham Tompkins & Partners

**Case Officer:** Andrew Holden

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**Ward:** Dallington Spencer Unitary Ward

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**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major application

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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

### RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

#### Proposal

The proposed development is for an extension to the cemetery, to provide an additional 3936 plots in a lawn cemetery, this being a style of cemetery with headstones but with a grassed area, giving a more natural appearance. 3.32 hectares of the site would be used for the cemetery extension with the remainder being a wildlife corridor and buffer.

#### Consultations

The following consultees have raised **no objections** to the application:

- Lead Local Flood Authority, Environmental Health, Ecology, Arboricultural Officer, Environment Agency, Local Highway Authority, Badger Group.

The following consultees are **in support** of the application:

- Strategic Housing

One letter of support and one observation have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on the character of the area
- Impact on nearby residential occupiers
- Ecology
- Highway Impact and Associated Environmental Concerns
- Site Drainage and Flood Risk
- Contamination of Land and Controlled Waters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

1.1 The application site comprises vacant land to the west of the existing Dallington Cemetery covering an area of 5.19 hectares in total. The site fronts onto Harlestone Road, from which pedestrian and maintenance access would be taken, with vehicular access coming from Hawksmoor Way to the west. The site is neighboured to the west by allotments.

1.2 The site is owned by the Council.

### **2. CONSTRAINTS**

2.1. There are no relevant constraints on the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposed development is for an extension to the cemetery, to provide an additional 3936 plots in a lawn cemetery, this being a style of cemetery with headstones but with a grassed area, giving a more natural appearance. 3.32 hectares of the site would be used for the cemetery extension with the remainder being a wildlife corridor and buffer. Burials are anticipated to be 60 per year.

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

4.1. There is no planning history directly relevant to the proposal, the site has never been previously developed.

### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

## **Statutory Duty**

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Development Plan**

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Northampton Local Plan and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – The Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S5 - Sustainable Urban Extensions
- S10 – Sustainable Development Principles
- RC2 – Community Needs
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- BN7 – Flood Risk

### Northampton Local Plan

- 5.4. The relevant policies of the Northampton Local Plan are:

- Policy E11 – Hedgerows, Trees and Woodland
- Policy L24 – Allotment Sites

## **Material Considerations**

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
  - Section 2 – Achieving Sustainable Development
  - Section 8 – Promoting Healthy and Safe Communities
  - Section 9 – Promoting Sustainable Transport
  - Section 12 – Achieving Well-Designed Places
  - Section 15 – Conserving the Natural Environment
- Northampton Local Plan Part 2 (2011-2029) (Emerging):

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in

accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption in favour of sustainable development (Significant weight)
- 2 – Placemaking (Moderate weight)
- 5 – Carbon reduction, sustainable design etc (Moderate weight)
- 6 - Health and wellbeing (Significant weight)
- 7 – Flood risk and water management (Significant weight)
- 26 – Sites for burial space (Significant weight)
- 29 – Supporting and enhancing biodiversity (Moderate weight)
- 33 – Highway network and safety (Significant weight)
- 35 – Parking standards (Significant weight)

- Northamptonshire County Parking Standards 2016

## 6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Lead Local Flood Authority	Advise that surface water drainage has been addressed within the submitted Flood Risk Assessment. We have no further comment to make on this application.
Environmental Health	No objection in respect of ground contamination. Confirm electric vehicle charging points are not necessary in the circumstances
Ecology	Concerned that the applicant has still not demonstrated that the proposal would generate a net biodiversity gain. This could be overcome through landscaping and/or habitat management. Conditions would be required for a construction and environmental management plan, landscaping and a landscape and ecological management plan.
Arboricultural Officer	The Arboricultural Impact Assessment and associated plans from Lockhart Garratt is very comprehensive and detailed and made convincing arguments within the impact assessment for the proposed tree removals; from the information provided therein I have no objections to the proposed development.
Environment Agency	Withdraw previous objection subject to a condition requiring compliance with the submitted Flood Risk Assessment.
Highways	No comments to make .
Badger Group	Confirm amended ecological report is satisfactory and withdraw objections.

## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.



- 7.1. There have been two representations, one in favour and one requesting information.

## **8. APPRAISAL**

### Principle of Development

- 8.1. The site for the cemetery use itself is designated in the emerging Local Plan Part 2, Policy 26, as a site to be allocated for future Burial Space.
- 8.2. As detailed in this plan, a study commissioned by the Council concluded that, by 2029, there will be a deficit of burial space capacity of 4,011 plots. This proposal will go a considerable way towards addressing this deficit.
- 8.3. Access to the site is taken from Hawksmoor Way, to the rear, and through land not allocated for the cemetery use and in fact designated as allotment land. However, this land is not used for the allotments and as discussed further below, would become a wildlife corridor and buffer, as well as providing the access.
- 8.4. As such, the proposal is considered to be acceptable in principle.

### Impact on the character of the area

- 8.5. The land is essentially an open field at present, which is screened by hedging from the road to the front of the site, Harlestone Road. This hedging would be reinforced to create full screening. It is not considered that the minimal physical works necessary for the proposal, initially consisting of the laying out of roads, paths and landscaping, together with a toilet block and bins, and over time the installation of gravestones, would have an adverse impact on the character of the area and in fact would represent a typical feature of an urban landscape.

### Impact on nearby residential occupiers

- 8.6. The site is remote from residential occupiers, being screened from those to the front of the site, across Harlestone Road, by hedging, and being separated from other housing around the site by the existing cemetery, allotments, and open space. The use as a cemetery would not lead to any significant visual impact or any impact in respect of noise, odours etc whilst the access from Hawksmoor Way is sufficiently distant from the nearest house, at over 40m. As such it is not considered that any significant impact on residents around the site would result.

### Ecology / Biodiversity / Trees

- 8.7. The site as existing does have ecological value and provides habitat for wildlife. The proposals would clearly have an impact on this, however a detailed ecological survey has been produced. The recommendations of this report have been revised in line with comments made by the Council's Ecologist.
- 8.8. The number of trees to be removed has been kept to a minimum, with only two trees, and two groups of trees to be fully removed, and a further two groups and two hedgerows to be fully removed, the majority of which are of low arboricultural value. This can be seen within the overall context of 98 individual trees, as well as groups, hedgerows and one woodland, across the site. The Council's Arboricultural Officer has confirmed the tree works are acceptable, subject to conditions. Additional trees are

indicated as to be planted, the full details of these and other landscaping works would be required by condition.

- 8.9. It is considered overall that a net biodiversity gain, as required by the NPPF, can be achieved from this proposal through appropriate landscaping and subsequent habitat management, which would be required by appropriate conditions and which represents a further positive benefit of the proposals.

#### Highway Impact and Associated Environmental Concerns

- 8.10. Although linked to the existing cemetery by a footpath, the extension site would be served by a new vehicular access from Hawksmoor Way. This has been chosen due to concerns raised by Highway previously, to an access directly onto Harlestone Road. No objection has been raised by Highways, to the access now proposed. A condition is recommended, requiring full details of the access.
- 8.11. Parking would be provided onsite for 22 vehicles, in a block of 11 spaces at the northern end of the site, and also along the main access road. 11 cycle hoops would also be provided. There is no adopted parking standard for a cemetery use, however it is considered that this would be adequate provision. It is also considered unlikely that casual parking would occur outside the site, to the detriment of highway safety.
- 8.12. In their initial response, officers from Environmental Health requested a condition requiring the provision of electric vehicle charging points. However, due to the lack of any on site power and the relatively short period which visitors would be on site, it has been agreed that this will not be required in this case.

#### Site Drainage and Flood Risk

- 8.13. A detailed Flood Risk Assessment (FRA) was included with the application and later revised in line with comments from the Environment Agency. Both the Environment Agency and the Lead Local Flood Authority confirm that the proposal is acceptable in respect of drainage and flood risk, subject to the compliance with the FRA, as required by condition.

#### Contamination of Land and Controlled Waters

- 8.14. A detailed risk assessment in respect of potential contamination was submitted with the application. This concludes that the site is not considered to represent a significant risk to human health. The findings of this report have been confirmed as being accepted by Environmental Health in respect of land contamination. In respect of controlled waters, the report confirms compliance with the requirements of the Environment Agency, who have raised no objection.

### **9. FINANCIAL CONSIDERATIONS**

- 9.1. CIL is not chargeable.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal would make a significant contribution to overcoming the forthcoming deficit of burial spaces within Northampton, whilst having no significant impact upon the character and appearance of the area, neighbour amenity and parking and highway safety, whilst, subject to compliance with conditions, also resulting in a net biodiversity gain. The proposal is therefore in conformity with the National Planning Policy

Framework; Policies SA, S1, S10 RC2, BN1, BN2, BN7A and BN7 of the West Northamptonshire Joint Core Strategy; and Policies E11 and L24 of the Northampton Local Plan.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1** The proposed development is recommended for approval subject to the conditions set out below with delegated authority to the Assistant Director of Place and Economy to approve any amendments to those conditions as deemed necessary:

### Time Limit

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.

### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Rec. 28-01-22, 7056\_01C Proposed Block Plan, 7056\_02B Proposed Site Layout, Composting Toilet Elevations, FA 011 mw 1 Composting Toilet Plan, Vehicle Tracking.

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

### Drainage

3. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by BCAL Consulting (Report Reference: 533-FRA-01-A, Revision A, dated August 2021) and the following mitigation measures: No works within 9.0m of Dallington Brook as shown on drawing no. 7056\_01C Proposed Block Plan (contained within the flood risk assessment). The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason To reduce the impact and risk of flooding to the proposed development, future occupants and surrounding area. In accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

### CEMP:Biodiversity

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity of the site, in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### Hard & Soft Landscaping

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### Implementation of Landscaping

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Hard landscaping shall be carried out in accordance with the approved details prior to the first use of the cemetery extension hereby permitted.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

#### LEMP

7. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and amenity and to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

Tree Protection

8. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme of protection for the trees to be retained as proposed by Lockhart Garratt in their Arboricultural Impact Assessment and appendices reference 21-1302 dated December 2021 shall be submitted to and approved in writing by the Local Planning Authority. The scheme of protection should include an arboricultural method statement (AMS) and a tree protection plan (TPP) with offsets from fixed points so that the alignment of the proposed control measures may be confirmed; both should be prepared in accordance with the guidance in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In the interests of the protection of retained trees on site and amenity and to secure a satisfactory standard of development in accordance with Policies BN2 and BN3 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

Access

9. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, the junction of the new access and the existing highway shall be laid out together with the provision of visibility splays in accordance with details to 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: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.



**West  
Northamptonshire  
Council**

Title: **Dallington Cemetery**

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## Addendum to Agenda Items Tuesday 8<sup>th</sup> February 2022

### 7. OTHER APPLICATIONS

#### Item 7a

#### **WNN/2021/0664 (HW)**

Application to extinguish existing footpath HW5.  
Land for Car Parking, Duston Mill Lane.

No update.

### 8. COUNCIL APPLICATIONS

#### Item 8a

#### **WNN/2021/0528 (AH)**

Change of Use of Open Space to form Lawn Cemetery (Sui Generis) as an extension to existing, including landscaping, new access road, paths and other infrastructure and creation of new surfaced car parking areas, erection of new composting toilet and bin storage area  
Dallington Cemetery

**Comment** received from a neighbouring occupier making the following points in summary:

- The proposed hedge thickening poses a safety hazard to vehicles exiting the Church, by reducing visibility to oncoming traffic.
- Please confirm who will maintain the hedges.
- There is no active street lighting in the area of Harlestone Road around the proposed new pedestrian entrance to the Cemetery and the neighbouring entrance to the Church. The lack of street lighting is already a safety hazard at night-time and the risk of accident will increase once the new pedestrian entrance is opened.

**Response:** It has been confirmed by the applicants that the proposed hedge thickening will be to the inside of the existing hedge, therefore not affecting visibility. It can also be noted that the details of planting would be required by condition, therefore any impact in this regard would be avoided. It has also been confirmed by the applicants that the hedge would be maintained by contractors employed by the Council. In respect of street lighting, it has been confirmed by Highways that the lights around both entrances referred to are new and upgraded and therefore will be illuminated unless faulty. It can be further noted that the cemetery itself is to be unlit and therefore the number of pedestrians exiting the site after dark would be minimal.

**Consultation Response** received from Highways:

The LHA requests that a suitably worded planning condition is included to ensure the proposed development is laid out and constructed as per plan reference 01 Rev E. Confirm that a condition requiring details of the new access will be required.

The applicant will have to obtain a crossover (Section 184) licence from Northamptonshire Highways Regulations Department. They will also have a list of approved contractors to carry out work within the highway. Please note that planning permission does not guarantee that a licence will be permitted, as it is a separate process.

**Response:** Condition 2 is recommended to be amended to reflect the latest plans, as follows:

*2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Rec. 28-01-22, 7056\_01E Proposed Block Plan, 7056\_02D Proposed Site Layout, Composting Toilet Elevations, FA 011 mw 1 Composting Toilet Plan, Vehicle Tracking.*

A condition requiring details of the access is already recommended as Condition 8. The informative regarding the need for a crossover licence will be added to the decision notice.

## 9. ITEMS FOR DETERMINATION

### Item 9a

#### N/2020/1097 (HW)

Development Land , Blackthorn Road, Northampton

Construction of 7no new dwellings and 6no flats with associated access/parking

No update

### Item 9b

#### N/2021/0342 & N/2021/0343 (NS)

Conversion and alterations of factory premises to form 43 no apartments

The Hawkins Building , Overstone Road

No update.

### Item 9c

#### WNN/2021/0029 (AW)

Outline Planning Application (All Matters Reserved except Access) for the development of up to 60no dwellings (Use Class C3), including affordable housing with new vehicular access, open space, children's play area and associated infrastructure

Land East of Towcester Road

#### Updated consultation response:

**Highways** – Recommend that the existing bus stop on the site frontage (to the eastern side of Towcester Road) is upgraded to a bus shelter and that bus tickets are provided for the end users of the development (a single one month Megarider ticket for each dwelling upon first occupation). This is to facilitate and promote the use of public transport and these measures would strengthen the applicant's Travel Plan. It is therefore considered that these measures are necessary and should be secured through the Section 106 agreement.



The recommendation is therefore updated as follows:

**RECOMMENDATION: 'APPROVAL IN PRINCIPLE' SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

1. 35% affordable housing provision on-site
2. Financial contribution towards Early Years (subject to assessment) and Primary education provision
3. Financial contribution towards healthcare provision
4. Off-site biodiversity net gain contribution (subject to ongoing negotiation and assessment)
5. Construction training contribution
6. Provision of on-site open space and play equipment and arrangements for its future maintenance and management
7. Travel Plan monitoring fee
8. S106 Monitoring Fee
9. Financial contribution to upgrade the existing bus stop to the site frontage on the eastern side of Towcester Road to a bus shelter
10. Financial contribution to provide one bus ticket per dwelling to allow travel for one month following first occupation

An additional condition is also recommended in relation to the highway layout in the event that the roads within the site are not adopted. An additional condition is therefore recommended as follows:

Adoptable roads

26. The point of access and all roads within the site shall be laid out and provided to adoptable standards before the occupation of the final dwelling. In the event that the point of access and roads within the site are not adopted by the Council, the following information shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the final dwelling:

- Details of maintenance and management arrangements for the roads and footways within the development.
- A legal undertaking that the roads and footways will not be put forward for adoption and will remain private in perpetuity.
- Details of signage to be erected within the site at the entrance(s) to the development from the public highway to identify that the roads are private.

The maintenance and management arrangements shall be implemented throughout the lifetime of the development following the occupation of the final dwelling. The approved signage shall be erected before the occupation of the final dwelling and retained thereafter.

Reason: In the interests of highway safety and to accord with Policy 33 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

**Item 9d**

**WNN/2021/0400 (AS)**

Redevelopment of existing trade dealership site to comprise of demolition of existing showroom and erection of replacement, erection of car deck, retention and refurbishment of existing showroom and erection of building comprising of 5no wash bays, with associated works to include installation of security loops, fencing, gates and resurfacing of car park and display areas  
Wollaston Motors , Bedford Road

No update.

**Item 9e**

**WNN/2021/0687 (JM)**

Remove existing 12.5m pole and install replacement 20m pole to support 3no. antennas and ancillary equipment thereto including 6no. RRH units and 2no. dishes

Clarke Telecom, Wisteria Way

Further comment from the applicant's agent summarised as follows:

Given that the proposal in effect relates to a replacement mast , no other sites for a brand new base station were considered and an upgrade was therefore chosen instead as the preferred option over a new location.

**Response :** This is in line with the requirements of the National Planning Policy Framework Paragraph 117 ©

**Item 9f**

**WNN/2021/0974 (JM)**

Construction of indoor training building with artificial sports pitch, entrance lobby and boot changing areas together with associated external works

Northampton Saints R F C Franklins Gardens - Weedon Road

Recommendation amended as follows:

**RECOMMENDATION: 'APPROVAL IN PRINCIPLE' SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

- 1) Construction training contribution
- 2) S106 Monitoring Fee

**AND WITH DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR OF PLACE AND ECONOMY TO RESOLVE IN CONSULTATION WITH THE LEAD LOCAL FLOOD AUTHORITY ANY OUTSTANDING MATTERS IN RESPECT OF SURFACE WATER DRAINAGE AND CONDITION AS APPROPRIATE AND NECESSARY**

**Item 9g**

**WNN/2021/0993 (KS)**

Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including single storey rear extension

113 Lutterworth Road

No update.

**8. NORTHAMPTON PARTNERSHIP HOMES**

NONE



# Planning Committee Report

Committee Date: 8<sup>th</sup> February 2022

Application Number: N/2020/1097

Location: Development Land , Blackthorn Road, Northampton

Development: Construction of 7no new dwellings and 6no flats with associated access/parking

Applicant: Mr Vigo

Agent: Archi-tec Architectural Design

Case Officer: Hannah Weston

Ward: Billing and Rectory Farm Unitary Ward

Referred By: Assistant Directory of Place and Economy

Reason for Referral: Major application

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Permission is sought for the construction of 13 residential units comprising 7 houses and 6 flats. This includes new vehicular access points.

During the course of the application the proposal has been amended to improve the relationship with neighbouring properties and to overcome concerns raised by consultees.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- Environmental Health
- Arboricultural Officer
- Environment Agency
- Anglian Water
- Ecology
- Police
- Archaeology
- West Northamptonshire Unitary Council Key Services
- Construction Futures

The following consultees have raised **comments** on the scheme:

- Highways

Further comments have not been received from the following consultees on the amended scheme, who objected or raised concerns with the scheme as originally submitted:

- Lead Local Flood Authority

13 letters of objection and 2 letters raising observations have been received.

The key issues arising from the application details are:

- Principle of Development
- Design
- Living conditions for future occupants
- Neighbouring amenity
- Highway Safety
- Flood risk
- Ecology
- Trees
- Refuse

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site is located on the southern side of Blackthorn Road, north of the former Blackthorn Middle School, which is being redeveloped into a new housing estate. Access to this housing estate runs to the west of the application site. A service road runs to the south of the application site between the new housing estate and the site. This serves commercial properties positioned to the east of the site. To the north east is the Northampton Church of Christ with further established housing directly opposite the site on the opposing side of Blackthorn Road.

### **2. CONSTRAINTS**

- 2.1. None.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Permission is sought for the construction of 13 residential units comprising 7 houses and 6 flats. This includes new vehicular access points.

- 3.2. During the course of the application the proposal has been amended to improve the relationship with neighbouring properties and to overcome concerns raised by consultees.

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

- 4.1 The following planning history is considered relevant to the current proposal:

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
N/2015/1123	Construction of 14no flats and associated works) outline application including details of access, layout and scale).	Approved 24/06/2016
N/2007/0046	Residential development and access – outline application.	Approved 01/04/2008

#### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

##### **Statutory Duty**

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

##### **Development Plan**

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

##### **West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)**

- 5.3. The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
- S1 – The distributions of development
  - S2 – Hierarchy of centres
  - S10 – Sustainable Development
  - H1 – Housing
  - H5 – Managing the Existing Housing Stock

##### **Northampton Local Plan 1997 (Saved Policies) (NLP 1)**

- 5.4. The relevant policies of the NLP 1 are:
- Policy E20 – Design for new development

##### **Material Considerations**

- 5.5. Below is a list of the relevant Material Planning Considerations

- **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 73 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.
- Paragraph 130 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.
- Nationally Described Space Standards (DCLG 2015)
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out Crime in Northamptonshire SPG 2004
- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption for sustainable development – Significant weight.
- 3 – Design – Moderate weight
- 4 – Amenity and layout – Moderate weight

## 6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Highways	Note wall is shown within visibility splay and request condition requiring a CEMP.
Environmental Health	No objection subject to conditions on contamination and EV charging, and an informative on construction times.
Arboricultural Officer	Tree report acceptable. Request condition requiring an arboricultural method statement and tree protection plan.
Lead Local Flood Authority (LLFA)	Advised on 16/11/20 that insufficient details provided. No further comments received from the LLFA on the additional information provided.
Environment Agency	No comment.
Anglian Water	Request informative on used water network and condition on drainage.
Ecology	Site is unlikely to deliver a net biodiversity gain (NPPF 174) but if despite this minded to approve, request condition requiring a biodiversity plan and a condition on hedgehog holes and bat and

	bird boxes
Police	No objection - request conditions on crime safety (boundaries, doors, access to flat car park, secure cycle and bin stores). Concerned with low wall adjacent vehicle gates and request railings above.
West Northamptonshire Unitary Council Key Services	Request contribution towards education and libraries and condition on fire hydrants
Construction Future	Request contribution towards apprentice training
Archaeology	Request condition on archaeological work

## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1. 13 objection letters from 10 neighbouring properties, and 2 letters raising observations, have been received raising the following comments:

- No flats in this area. Flats in new development are at bottom of hill.
- Overlooking of neighbouring properties.
- Overshadowing and loss of light to neighbouring properties.
- Overbearing to neighbouring properties.
- Noise from increase in number of people.
- Additional traffic on entrance road.
- Potential for visitors parking on access road and blocking access to estate.
- Footpaths too narrow.
- Loss of trees from site.
- Impact on endangered species.
- No SUDs.
- Impact on waste – existing fly tipping in area.
- Impact of construction work.
- Reduction in house prices of neighbouring properties.
- People buying homes in new development adjacent were not made aware that this land may be built on when buying properties.
- Lack of clear advertisement of application. Original letters only received on 26<sup>th</sup> January and dated 4<sup>th</sup> November.
- Better locations elsewhere for this development.

## 8. APPRAISAL

### Principle of Development

- 8.1 The application is for the development of 7 dwellings and a block of flats containing 6 apartments, 13 residential units in total.
- 8.2 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.

- 8.3 Furthermore, it is the case that planning permission has previously been granted twice on this site for residential development. Whilst these consents have since expired and are outline only, these do provide some weight in the assessment of this application.

#### Design

- 8.4 The application site as existing comprises a vacant parcel of land which has been left to become overgrown. Whilst planning permission has been granted historically for residential development on this site, no development has taken place on the land.
- 8.5 To the north of the site a new access point would be provided off Blackthorn Road. This would serve five properties and would provide parking for each property alongside visitor parking spaces. Two pairs of semi-detached dwellings are proposed alongside a detached dwelling. Plots 1 and 3 are adjacent to Blackthorn Road and have the front elevation facing this street to create an active frontage to the street scene. An active frontage is also provided to the elevations of these properties fronting the car parking area, to ensure an attractive appearance from within the development.
- 8.6 To the south of the site two detached properties are proposed. These would have driveways off the service road. The front elevation of these properties would be to the south facing this street scene and providing an active frontage to this street.
- 8.7 The residential dwellings are all designed to be two storey properties with a third floor within the loft space. The properties are of a traditional design, with pitched roof dormers, porches and gable end roofs. It is considered that the design of the proposed dwellings are of a good standard and would form an attractive development on this site.
- 8.8 To the western side of the site a block of flats is proposed containing 6 flats in total. The proposed apartment block would be three stories in height, reducing to two stories on the eastern side. The building would have two gable end features to the front and a central flat roofed projection marking the entrance to the block. The proposed building is angled to compliment the positioning on a corner location. To the south of the apartment block a car park is proposed. This car park would be accessed via the service road to the south.
- 8.9 It is considered that the proposed apartment block would be of an acceptable design, complimenting the proposed dwellings. There are existing three storey buildings across the road on Blackthorn Road, and as such the height is not considered out of character with the area.
- 8.10 It is considered that the proposal is of a good design quality which will complement the surrounding area and will not appear out of character with the street scene. Furthermore, the design of the proposed dwellings is not dissimilar to those on the new housing estate to the rear on Blackthorn Middle School, where two storey properties with a further floor within the loft are found. As such it is considered that the proposal would be acceptable in design terms.

#### Living conditions for future occupiers

- 8.11 The application proposes 7x 3 bedroom dwellings, 5x 2 bedroom flats, and 1x 1 bedroom flat. The floor size of all of these units meet the nationally described space standards (DCLG 2015), providing a good standard of accommodation for future occupiers. The proposed flats and dwellings are provided with a good level of outlook and light provision.



- 8.12 Each of the 7 dwellings are provided with a good sized rear garden forming private amenity space. The proposed flats are not provided with any private amenity space, however the site is located within walking distance of a number of open spaces and play equipment and as such the non-provision of private amenity space is considered acceptable in this circumstance.

#### Neighbouring amenity

- 8.13 Concern has been raised in a number of neighbour letters as to the impact of the development on existing neighbouring properties, and in particular to those new dwellings recently built on the new housing estate on the former Blackthorn Middle School site.
- 8.14 During the course of the application the proposal has been amended to ensure an adequate separation with those properties to the south on the new housing estate. At the closest point a separation of 21 metres is retained, which is the separation that would be expected between the front of a proposed dwelling and the rear of an existing dwelling. Furthermore, the proposed properties are not set at the same angle as the existing dwellings, which further obscures any overlooking between the existing and proposed properties.
- 8.15 With a separation of over 21 metres, and with the off-setting of the properties at a different angle to the existing dwellings, it is not considered that the proposal would result in an unacceptable impact upon the new dwellings on the former Blackthorn Middle School site with regards to overlooking or with regards to the properties appearing overbearing to the occupiers of these properties. The separation distance, and the positioning to the north of the new estate to the south, further ensures that these proposed dwellings would not result in overshadowing or loss of light to these neighbouring properties to the south.
- 8.16 A sufficient separation distance is retained between plots 1, 3 and the proposed flats and the existing neighbouring properties to the north of the site across Blackthorn Road to ensure that there would not be an unacceptable impact upon the neighbouring amenity of these properties.
- 8.17 There is sufficient distance with any residential neighbouring properties to the east and west to ensure no unacceptable impact upon these properties.
- 8.18 Concern was raised in neighbour letters as to the noise impact of more residential occupiers in the area. The proposal is for residential units and as such the noise resultant from these properties would be domestic in nature which is in character with the surrounding residential area. The Council's Environmental Health team have been consulted on the proposal and have raised no objection to the scheme. As such it is not considered that there would be an unacceptable noise impact on existing neighbouring properties as a result of the residential use of this site.

#### Highways

- 8.19 Two parking spaces would be required for each residential dwelling. The proposal provides two parking spaces for the dwellings plus two visitor spaces. 11 parking spaces would be required for the proposed residential flats. The application provides 12 parking spaces for the flats. As such, sufficient parking is provided on the site for the proposed use.

- 8.20 EV charging units at a ratio of one per unit for dwellings with dedicated parking or 1 charging point per 10 spaces for unallocated parking would be required through a planning condition.
- 8.21 With regards to cycle storage, a condition requiring details of cycle storage for each residential property is proposed. The proposed flats are provided with a cycle storage within the car park for 9 bicycles. A condition requiring further details of this (elevations) and its provision is considered reasonable. There is ample room within the ground floor flats for bike storage and this is shown within the cupboards provided in the entrance hallway.
- 8.22 The Council's Highways department have been consulted on the application. On the original submission Highways raised concerns with visibility splays, gradient, drainage of water onto the highway, the size of parking spaces, the size of footpaths, and that a private access point must not have a bell mouth.
- 8.23 Following these comments the proposed scheme was amended. Visibility splays have been provided on site, drainage channels are proposed at vehicle access points, the parking spaces meet the size requirements, the new footpath meets the size requirements, and no bell mouth is proposed.
- 8.24 Highways have not raised concern with the amended scheme other than noting that a wall is shown within one visibility splay. A condition is proposed requiring further details of the position and height of all boundary treatments.
- 8.25 Highways also request a condition requiring the submission of a CEMP. This condition is proposed.
- 8.26 A condition requiring the provision of visibility splays and their retention is further proposed.
- 8.27 Concern was raised in neighbour letters as to the increased traffic on the entrance road to the new estate as a result of this proposal, and on the potential for visitors to these proposed dwellings to park on the road and block access. It is the case that the Council's Highways department have not raised any concern with potential increased use of the access which also serves the new estate. The proposal provides sufficient parking for each unit alongside visitor parking.

#### Flood Risk

- 8.28 The site does not lie within flood zone 2 or 3, however as the scheme is over 10 units flood risk is considered.
- 8.29 The Environment Agency have raised no comment on the scheme. Anglian water request a condition on drainage and informative on the used water network. These are considered reasonable to attach.
- 8.30 The Lead Local Flood Authority advised on the 16<sup>th</sup> November 2020 that there were insufficient details to assess the scheme. Additional information was subsequently provided by the applicant however no further comments have been received from the LLFA. Conditions to approve a detailed surface water drainage strategy and subsequent maintenance are proposed to cover this matter in the absence of comments from the LLFA and ensure an appropriate level of mitigation.

- 8.31 A neighbour letter raised concern that this development does not include a sustainable drainage scheme. Conditions are proposed to ensure adequate drainage from this site.

#### Ecology

- 8.32 Concern was raised in neighbour letters as to the impact of the development on protected species.
- 8.33 Ecology reports have been submitted with the application and the Council's Ecology Officer has advised that the submitted ecology reports are acceptable. Whilst the development would not result in a biodiversity net gain conditions are requested requiring a biodiversity plan, hedgehog holes, and bat and bird boxes to assist in mitigating any loss. These are considered reasonable to attach.

#### Trees

- 8.34 Concern was raised in neighbour letters as to the impact of the development on trees.
- 8.35 The Council's Tree Officer has raised no objection to the proposed development and advises that the submitted tree reports are acceptable. A condition requiring the compliance with the submitted arboricultural method statement and tree protection plan is requested. This is considered reasonable to attach.

#### Refuse Storage

- 8.36 A neighbour letter raised concern with the potential for fly tipping as a result of this development.
- 8.37 The submitted plans show the provision of bin storage for the flats within the car park. A condition requiring further details of this (elevations) and the provision of this is considered reasonable.
- 8.38 A condition requiring details of bin storage for each residential dwelling is considered reasonable to attach.

#### Other matters

- 8.39 Environmental Health request conditions on contamination to ensure appropriate mitigation. These are considered reasonable to attach.
- 8.40 The Police raise no objection to the scheme. Conditions are requested on crime safety measures for the site and on boundary treatments which are considered reasonable to attach.
- 8.41 The Council's Archaeology Officer has no objection to the scheme subject to a condition on archaeological work. This is considered reasonable to attach.
- 8.42 West Northamptonshire Unitary Council Key Services and Construction Futures request financial contributions towards education and construction training. It is the case that the scheme is for 13 units, which falls below the 15 unit threshold to require such contributions in the Northampton area. Due to the number of units falling below 15, the scheme would not be liable for financial contributions which would normally be secured under a Section 106 legal agreement.

- 8.43 Concern has been raised within neighbour letters as to the impact of construction work on existing neighbouring properties. Due to the size of the site it is considered reasonable to attach a condition requiring a Construction Environment Management Plan, which will include details of dust control and working hours.
- 8.44 Concern has been raised within neighbour letters as to the potential reduction in house prices of existing properties due to this development. This is not a material planning consideration.
- 8.45 Concern has been raised within neighbour letters as to the advertisement of this application. On the scheme as submitted a site notice was displayed on the 4<sup>th</sup> November, 91 neighbour letters were posted on the 4<sup>th</sup> November, and a press advertisement was displayed on the 12<sup>th</sup> November. The Council were notified by neighbouring properties that the 91 letters sent on the 4<sup>th</sup> November 2020 were not received until the end of January 2021. This was clarified with the Royal Mail who apologised for this delay. Neighbouring properties contacting the Council to complain about this were advised that we were aware of this issue and a re-consult would occur once amended plans had been received on this scheme.
- 8.46 On the 28<sup>th</sup> July 2021, 92 letters were sent to neighbouring properties. On the 30<sup>th</sup> July 2021 new site notices were displayed. Six site notices were displayed, with these being on the northern, western and southern sides of the site, at the entrance to the new estate, and at the bus stops on Blackthorn Road immediately adjacent the site. A press advertisement was displayed on the 5<sup>th</sup> August 2021. With the large level of consultation undertaken on this site, it is considered that there has been more than sufficient consultation of neighbouring properties in accordance with statutory requirements.
- 8.47 Concern was raised in a neighbour letter that people buying new homes on the new housing estate to the south of the site were not aware that this site may be developed. The application site has planning history with approvals for residential development in both 2008 and 2016 the details of which are publicly available on the Council's website. The current application has been live since 3<sup>rd</sup> November 2020. The details of planning applications on adjacent land being revealed on land charge searches requested by solicitors on behalf of prospective purchases is dependent on the level of information requested by solicitors. Whether this occurred or not is not, however, a planning consideration, and is a private matter for purchasers to raise with their solicitors. The Council has undertaken extensive consultations above the requirements of the Town and Country Planning Act.
- 8.48 A neighbour letter raised that there are better locations for this development. This is not a material planning consideration and the assessment is whether the proposed development is acceptable on this site.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is CIL liable.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The principle of residential development on the site is considered acceptable in a residential area. On balance, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies S10 and H1 of

the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the conditions set out below with delegated authority to the Assistant Director of Place and Economy to approve any amendments to those conditions as deemed necessary:

### Time

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.

### Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 1:1250, V10-20d, V10-21a, V10-22a, V10-23A, V10-24, V10-25b, V10-26B, V10-27b, V10-28.

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

### CEMP

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. 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 and wheel washing and road sweeping.
  - iii) Details of the siting of all vehicles of site operatives and visitors and the construction access to the site (including tracking).
  - iv) The unloading and loading arrangements for heavy plant and machinery.
  - v) The location, extent and duration of any temporary stockpiling areas.
  - vi) Hours in which development and deliveries to the site will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

### Ecology

4. Prior to the commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This is a pre-commencement condition to enable timely submission of information.

#### Archaeology

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to 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-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
  - (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205 and Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to enable timely submission of information.

#### Trees

6. Prior to the commencement of the development hereby approved (including all preparatory work), the arboricultural method statement (AMS) and a tree protection plan (TPP), together referred to as the scheme of protection, for the protection of the trees to be retained as proposed by MacIntyre Trees in their Arboricultural Impact Assessment and Method Statement and appendices reference 2091\_Fv2 dated November 2021 shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In the interests of amenity and protecting retained trees in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

### Levels

7. Prior to the commencement of development, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure a satisfactory standard of development.

### Contamination

8. 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 shall be 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.

9. 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.

10. 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.

11. 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 8 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9 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 10.

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.

#### Surface water and drainage

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

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the requirements of Policy BN7 of the West Northamptonshire Joint Core Strategy.

13. Before any above ground works commence a detailed design of the surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations. In



all calculations, proposed values of impermeable area should include a 10% allowance for Urban Creep, as taken from CIRIA C753 (version 6) paragraph 24.7.2

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.

c) BRE 365 infiltration test results

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.

14. Before any above ground works commence a detailed scheme for the maintenance and upkeep of 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. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

15. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted for approval in writing by the Local Planning Authority. The details 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) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in accordance with the requirements of the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

#### Materials

16. Prior to the construction of the new dwellings and flats 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 in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

#### Boundaries

17. Notwithstanding the submitted details, prior to the construction of the new dwellings and flats hereby approved above ground floor slab level, full details of the method of

the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new residential units hereby permitted.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory and safe standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

#### Lighting

18. Prior to the construction of the development hereby permitted above ground floor slab level, full details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and 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.

#### Landscaping

19. Prior to first occupation of the development hereby approved a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing agreed within the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner of plants, shrubs and trees that may die are removed or become seriously damaged or diseased with others of similar size and species.

The approved hard landscaping scheme shall be carried out prior to first occupation and retained thereafter.

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

#### Ecology

20. Prior to first occupation of the development hereby permitted, full details of hedgehog holes to be provided within the garden and boundary walls and fences of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site in full prior to first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

21. Prior to first occupation of the development hereby permitted, full details of bat and bird bricks/nest boxes to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on

site in full prior to first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

#### Crime security

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

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

#### Visibility

23. Vehicle to pedestrian visibility splays of 2m x 2m shall be maintained free of obstruction (including vegetation) above 0.6 m in height at either side of the vehicular access points on the site as shown on the approved plans.

Reason: In the interest of highway safety and in accordance with the National Planning Policy Framework.

#### Parking

24. The parking spaces shown on approved plan V10-20d shall be constructed prior to the first occupation of the residential units hereby approved and retained thereafter solely for the parking of vehicles associated with the development hereby approved.

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

#### Refuse

25. Notwithstanding the submitted details, full details of refuse and recycling storage to serve the residential dwellings and the residential 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 and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

#### Cycle storage

26. Notwithstanding the submitted details, full details of the cycle storage to serve the residential dwellings and the residential flats shall be submitted to and approved in

writing by the Local Planning Authority prior to first occupation of the development hereby approved. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the residential development and shall be retained thereafter.

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

#### EV

27. Prior to first occupation, full details of a scheme for the provision of electric vehicle charging points (1 per residential unit for dwellings with dedicated parking or 1 per 10 spaces for unallocated parking) for the residential units hereby approved 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 first occupation and retained thereafter.

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

#### Privacy

28. Prior to first occupation of plot 7 the first floor rear (north) windows serving the landing and bathroom as shown in plan V10-25b shall be glazed with obscured glass to Level 3 or higher of the Pilkington scale of privacy or equivalent, and fixed shut below 1.7 metres above floor level, and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining property in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

#### HiMO

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

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

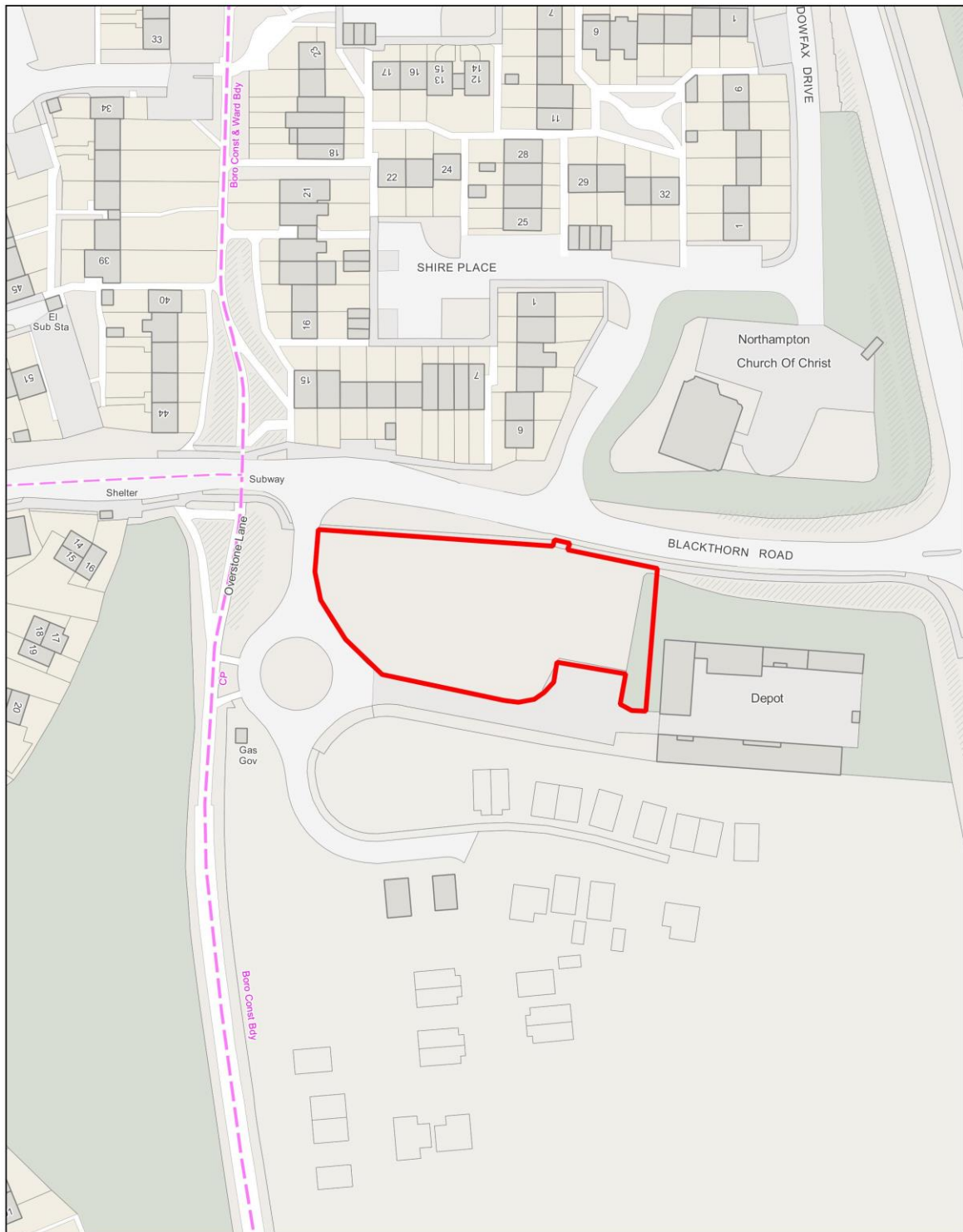
#### INFORMATIVES

1. West Northamptonshire Council has adopted the Community Infrastructure Levy (CIL), which applies to certain residential and commercial developments. The development hereby permitted is liable for CIL. At the earliest opportunity following the receipt of this decision notice the land owner or developer must complete and submit an 'Assumption of Liability' Form. Upon receipt, the Council will issue a Liability Notice to this party. Prior to the commencement of development, this party must submit to the Council a 'Commencement Notice' Form. Once received, the

Council will arrange collection of the outstanding CIL. Please note that CIL liability is held as a charge on land.

CIL forms can be downloaded from the Planning Portal at:  
[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy)

2. You will need to obtain formal street naming and numbering for the new unit(s) through West Northamptonshire Council Building Control. For further information please call 01604 838920 or email [buildingcontrol.nbc@westnorthants.gov.uk](mailto:buildingcontrol.nbc@westnorthants.gov.uk)
  3. Anglian Water advise:
    - (1) 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) 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.
    - (3) 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.
    - (4) 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.
-



**West  
Northamptonshire  
Council**

Title: **Development Land. Blackthorn Road**

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# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** N/2021/0342

**Location:** The Hawkins Building, Overstone Road, Northampton

**Development:** Conversion and alterations of factory premises to form 43 no apartments

**Applicant:** Clayson Country Homes Ltd

**Agent:** CC Town Planning Ltd

**Case Officer:** Nicky Scaife

**Ward:** Castle Unitary Ward

**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major application

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

**Planning Application N/2021/0342**

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**Listed Building Application N/2021/0343**

**RECOMMENDATION: GRANT CONSENT SUBJECT TO CONDITIONS**

### **Proposal**

The proposal comprises planning and listed applications for the conversion of part of the Hawkins Building to 43 apartments (Phase 3).

A separate planning and listed building application were approved by Committee on 11<sup>th</sup> January 2022 for the conversion of the adjacent section of the Hawkins building to 46 apartments (Phase 2).

### **Consultations**

The following consultees have raised **no objections or advised no comment to make** to the application:

- Conservation
- Historic England
- Archaeological Advisor
- Town Centre Conservation Advisory Group
- Environmental Health
- Highways

- Ecology
- Environment Agency
- NHS England

The following consultees - **no comments received** on the application:

- National Amenities Society, Lead Local Flood Authority, Construction Futures, North Northants Development Management

No letters of objection or support have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on Heritage Assets, Character of Area and Design
- Residential Amenity
- Highways and Parking
- Affordable Housing and Section 106 Matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site comprises part of the former G T Hawkins Factory, a Grade II listed building, and specifically relates to part of the building fronting onto St Michael's Road with a section of the site extending onto Dunster Street. The site forms part of a prominent group of buildings fronting onto St. Michael's Road, Overstone Road and Dunster Street situated within the Boot and Shoe Quarter Conservation Area on the edge of the town centre. The Hawkins building and adjoining Nos. 4-12 Dunster Street range from three to four storeys in height.
- 1.2 Surrounding uses and building heights are varied with predominantly terraced residential terraced streets interspersed with some small scale commercial uses. Parking within the vicinity of the site is on street and controlled by permit. St. Michael's car park is situated opposite the site to the south.

### **2. CONSTRAINTS**

- 2.1 Grade II listed building (G T Hawkins Factory & Nos 4-6 Dunster Street (former Globe Leather Works))
- 2.2 Boot and Shoe Quarter Conservation Area



- 2.3 Article 4 Directions: Non Immediate Article 4 Direction, Comments: Relates to houses in multiple occupation HMA

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application proposes the conversion of the existing building to provide 43 apartments comprising 13 x studio apartments, 28 x 1-bedroom units, 2 x 2-bedroom apartments. Parking would be provided at ground floor level with a separate access and egress onto Overstone Road from the Phase 2 development.
- 3.2 Planning permission for the residential development of the whole Hawkins building and adjacent 4-12 Dunster Street to provide 105 units was granted under planning permission N/2015/0673 and listed building consent N/2015/0674 approved on 26<sup>th</sup> July 2016. A subsequent planning and listed building application was then submitted and approved in 2019 under reference N/2018/1233 and N/2018/1234 to deliver a smaller section of the scheme for 39 apartments and referred to as Phase 1 comprising the buildings at Nos. 4-12 Dunster Street.
- 3.3 The Heritage and Design and Access Statement submitted with the current application advises that “notwithstanding the acceptance of residential conversions on the site as a whole by the Local Planning Authority over the last 20 years, no scheme has been fully completed in that time. It is considered, therefore, that the best way of ensuring the longevity of the buildings and this one is to ensure that they come forward separately and under separate phases.”
- 3.4 This application, referred to as Phase 3, seeks to separate this part of the application site from the earlier consent to provide a separate permission and effectively package the original proposal up into smaller consents to assist in disposal of the site. The proposal also seeks to amend the internal layout slightly from that previously approved but does not alter the proposed external alterations to elevations or parking arrangements previously approved.
- 3.5 A further planning and listed building application for 46 units (Phase 2), N/2021/018 & 319, is the subject of a separate planning and listed building application approved by Planning Committee on 11<sup>th</sup> January 2022.
- 3.6 Taking into account all three phases of the development, the total number of units across the site in its entirety, including the Hawkins and Dunster Street buildings, would increase from 105 to 128 in total.

### **4 RELEVANT PLANNING HISTORY**

- 4.1 The following planning history is considered relevant to the current proposal:

<b>Application Ref</b>	<b>Proposal</b>	<b>Decision</b>
N/1998/0803	Conversion to 25 flats	Approved November 2002
98/0922	Conversion to 44 flats and fitness club (Hawkins)	Approved 9/08/2000
N/2001/1092	Creation of 52 flats (Hawkins).	Refused 7/11/01
N/2001/1522	Conversion of 4-12 Dunster Street to 16 flats	Approved 18/09/02
N/2002/0083	Conversion to 52 flats – creation of additional 8 flats (Hawkins).	Approved 28/11/02

N/2005/1492	Listed Building Consent, 16 flats, 4-12 Dunster Street	Approved 24/04/07
N/2005/1517	Listed Building Consent, conversion of factory to flats, new mezzanine floor for car parking between basement and ground floor (Hawkins).	Approved 17/04/07
N/2008/0434	Conversion of 14 Dunster Street to form 3 storey building comprising one 1-bed and two 2-bed flats.	Approved 14/05/08
N/2015/0673	Conversion and alterations of factory premises to form 105 apartments with associated parking both on-site and on-street; replacement of windows and new roof lights; proposed infill extension on Dunster Street facade including new roof terraces.	Approved 26/07/16
N/2015/0674	Listed building application for conversion and alterations to form 105 apartments including replacement of windows and new roof lights; removal of 4 cast-iron columns, internal walls, north lights, internal and external staircase; modification of doors; proposed infill extension on Dunster Street facade including new roof terraces; provision of new glass screens, new staircases, steel guard rails, fire exits and lift.	Approved 26/07/16
N/2018/1233	4-12 Dunster Street Conversion and alterations of factory premises to form 39no apartments	Approved 5/8/19
N/2018/1234	4-12 Dunster Street Listed Building Application for the conversion and alterations of factory premises to form 39no apartments	Approved 5/8/19
N/2021/0318	Conversion and alterations of factory premises to form 46no apartments	Approved by Committee 11 <sup>th</sup> January 2022
N/2021/0319	Listed Building Consent Application for conversion and alterations of factory premises to form 46no apartments	Approved by Committee 11 <sup>th</sup> January 2022

## 5 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building

consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3 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.

### **Development Plan**

- 5.4 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Northampton Local Plan (Part 2). The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.5 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- E1 – Existing Employment Areas
- H1 – Housing Density, Mix and Type of Dwellings
- H2 – Affordable Housing
- BN5 – The Historic Environment and Landscape
- BN9 – Planning for Pollution Control
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- N1 – The Regeneration of Northampton

#### Northampton Local Plan (Part 2) (LPP2)

- 5.6 The relevant policies of the LPP2 are:

- E20 – Design
- E26 – Conservation Areas

### **Material Considerations**

- 5.7 Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Paragraph 11 advises presumption in favour of sustainable development.
- Paragraph 60 – ensuring sufficient land supply to address different housing need and that land with permission is developed without unnecessary delay
- Paragraph 130 – 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 11 – Making effective use of land
- Section 12 – Achieving well-designed places

- Section 16 – Conserving and enhancing the historic environment
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Planning out Crime in Northamptonshire SPG 2004
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Boot and Shoe Quarter Appraisal and Management Plan (2011)
- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Paragraphs 7-12 - Presumption in favour of sustainable development
- Paragraph 60 - Housing needed for different groups in the community
- Paragraph 130 - Create places with a high standard of amenity for existing and future users
- Section 5 – Delivering a sufficient supply of homes
- 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 16 – Conserving and enhancing the historic environment

## 6 RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Conservation	No objection The application relates to a prominent and significant building within the Boot and Shoe Quarter Conservation Area and listed grade II. It has been vacant for a number of years and is at risk of further deterioration. Planning & listed building consent has previously been granted for residential conversion for 105 apartments. The current applications revise and regularise the consents previously granted and the phases of the proposed conversion and exclude separate sections to the rear of the main building on Dunster Street. The proposal is in accordance with the previous consents. Harm to the character of the building through internal alterations and sub-division would be "less than substantial" and justified as a means of securing a

	<p>viable future for an important building. Conditions attached to previous consents, notably in respect of replacement windows, should be attached to the new permissions.</p> <p>No objection to the alteration to the lightwell, which will involve some loss of historic fabric but overall will have a limited but acceptable impact that is justified if it facilitates renovation of an important building in the conservation area.</p>
Historic England	Do not wish to offer any comments and suggest the views of the Council's specialist conservation officer are sought.
National Amenities Society	No comments received.
Archaeology	The building was recorded in connection with previous consents. No comments to make on current application.
Town Centre Conservation Area Advisory Group	No objection to the change of use. Would be pleased to see the building brought back into use and protected from further deterioration. Although Members regretted loss of original windows, providing replacements match the originals in profile and materials, the loss would be outweighed by the benefit of bringing the building back into use.
Environmental Health	<p>No objections subject to planning conditions in respect of:</p> <ul style="list-style-type: none"> <li>- Updated Noise Assessment and updating of proposed mitigation measures as necessary;</li> <li>- Submission of a CIBSE TM59 Overheating Assessment;</li> <li>- Updated Air Quality Assessment;</li> <li>- Details of electric vehicle charging points;</li> <li>- Construction and Environmental Management Plan;</li> <li>- Contamination conditions;</li> <li>- Construction and site delivery times; and</li> <li>- Details of external lighting.</li> </ul>
Highways	Request conditions for submission and approval of full engineering, drainage and constructional details of highway improvement works (as previously agreed) to construct build outs and parking bays adjacent to the Hawkins Building on St Michael's Road and a condition requiring approved works are carried out prior to occupation.
Crime Prevention Design Advisor	<p>Advises control over access is important. The building will require the following crime prevention measures:</p> <ul style="list-style-type: none"> <li>- All entrance doors controlled with an audio visual access control system with no trade buttons and consideration of delivery of post with external letter boxes if possible.</li> <li>- Within building there should be compartmentalisation so each floor leading off stair core is fob controlled. The lift should be similarly treated. Access control measures also required on door into building from car park.</li> <li>- Bike storage within building should be in form of secure lockable stores or cages with individual stands for each bike.</li> <li>- Lockable bin store to prevent opportunities for arson.</li> <li>- All new flat entrance doors should comply with PAS24:2016 &amp;</li> </ul>

	3 <sup>rd</sup> party accredited products. - No information about management and maintenance of building.
Anglian Water	There is sufficient capacity for foul drainage from this development. Request condition in respect of scheme for foul water drainage works. No objection subject to a condition in respect of the submission and approval of a surface water drainage strategy and scheme for on-site foul water drainage works.
Lead Local Flood Authority	No comments received.
Environment Agency	No comments to make
NHS England	Request financial contributions towards healthcare provision associated with the proposed development.
Ecology	Following receipt of a Protected Species Survey, accept the findings of the submitted report and satisfied that nothing further is needed in respect of bats or nesting birds.

## 7 RESPONSE TO PUBLICITY

- 7.1 The applications were advertised in the local press, by site notice and neighbouring properties notified by letter.
- 7.2 Below is a summary of the third party and neighbour responses received at the time of writing this report:
- 7.3 No comments received.

## 8 APPRAISAL

### Principle of Development

- 8.1 The principle of residential development of the site has been established under previous consents to develop the site, most recently planning application N/2015/0673 which has been implemented through the discharge of the relevant pre-commencement conditions and the start of groundworks associated with the approved development as confirmed by Building Regulations.
- 8.2 Whilst the development of the overall site as a comprehensive scheme would be preferable, it is accepted that this has been problematic in respect of the disposal of the site. The imposition of conditions in respect of materials and fenestration details in particular for all the phases of development will assist in ensuring that the development of the overall site retains a degree of cohesion with particular regard to the historic integrity of this group of buildings.
- 8.3 The NPPF has a presumption in favour of sustainable residential development and encourages the use of brownfield sites. The site is in a sustainable location, with good access to the town centre and public transport, the development of which would make a positive contribution towards the Council's 5 year housing supply and bring an existing prominent, derelict building within the Conservation Area back into use. Subject to the considerations below, the principal of conversion of the building to residential use remains acceptable.

### Impact on Heritage Assets, Character of Area and Design

- 8.4 The NPPF advises on the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; consideration should be given to 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. Great weight should be given to the asset's conservation with any harm or loss through alteration requiring clear and convincing justification.
- 8.5 The NPPF further advises that where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits, including securing its optimum viable use.
- 8.6 Policy BN5 of the JCS seek to ensure the conservation and enhancement of heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets in order to retain and reflect the distinctiveness of the environment, contribute to the sense of place and promote sustainable and prudent use of natural resources.
- 8.7 The Boot and Shoe Quarter Appraisal and Management Plan (2011) advises that St Michael's Road and Dunster Street were at the heart of the boot and shoe industry in Northampton, with the highest proportion of industrial buildings to domestic properties in the area. This part of the conservation area is dominated by the former G. T. Hawkins boot works, the structural condition of which was identified as potentially 'giving cause for concern' in the Council's 'Buildings at Risk' survey of listed buildings carried out August 1990 and updated in July 2010.
- 8.8 The G T Hawkins factory and the Globe Works building on Dunster Street were listed in December 2003. The significance of the buildings relates to their relationship to the Boot and Shoe industry and its significance to the town, the organic development over time and the individual architectural detailing of the buildings, which can still be appreciated. A significant feature of the buildings is their windows which form a key element of the fenestration and assist in defining the industrial use of the buildings and their building period.
- 8.9 The internal subdivision of the listed building to allow for the conversion to residential use has been previously accepted under the extant planning and listed building consents. The current proposal remains broadly consistent with the previously approved internal alterations with the exception of the addition of units in the basement, which would be served by existing large windows to the front of the property and the insertion of large lightwells in a rear courtyard area to provide additional light to these units. These alterations would not lead to any unacceptable increased impact on the fabric and historic integrity of the listed building to that previously approved.
- 8.10 A significant part of the development would involve the replacement of existing cast iron windows and timber windows throughout the building with a combination of aluminium powder coated and steel windows. This was a particular element of concern raised by a number of heritage bodies and the Conservation Officer in respect of the previous application. The replacement of windows to the building was acknowledged as impacting on the listed building's significance and external appearance but was

justified by the applicant on the basis that the existing windows are not fit-for-purpose and that replacement windows throughout are required to achieve adequate draft and sound insulation if the conversion is going to work commercially and provide 'attractive-to-market' flats.

- 8.11 It was acknowledged that the replacement of windows throughout the building would impact on the appearance of the listed buildings and the proposed alterations would result in a degree of harm to the significance of these heritage assets. However, it was considered that approving suitable replacement windows would assist in ensuring that impacts are less than substantial. This harm was weighed against the public benefits, including securing the optimum viable use of the building.
- 8.12 The previous application was subject to a condition requiring a windows condition survey and the submission and approval of details of replacement windows. The detail of the replacement windows has been subject to significant negotiation between officers and the applicant during the course of discharging the relevant planning condition in respect of window details for the previous consent. Although some window details have been submitted with this current application in accordance with details previously approved, a condition is proposed to agree the full extent and detail of replacement windows.
- 8.13 The former factory and associated buildings have been vacant for a number of years and are falling into a state of considerable disrepair to the detriment of the listed building, conservation area and overall character of the area. The redevelopment of the site for residential use as proposed would bring this redundant building back into use and lead to the enhancement of these visually prominent Grade II listed buildings with the Conservation Area, which would further enhance the surrounding environment both socially and physically. The conversion to residential use would also make a significant contribution towards housing need within the area. It is therefore considered, on balance, that the harm to the listed buildings would be outweighed by the public benefits whilst securing the optimum viable use for the building.

#### Residential Amenity

- 8.14 Saved Policy E20 of the Northampton Local Plan requires development to provide adequate standards of privacy, daylight and sunlight and Policy H1 of the JCS seeks to ensure new development has regard to the living conditions for future residents. Policy 4 of the emerging Local Plan requires development to create a high standard of amenity for occupiers, including ensuring satisfactory outlook and visual amenity from within buildings and communal garden areas, taking account of the relationship with neighbouring buildings and the wider street scene. These policies reflect paragraph 130 of the NPPF which advises of the need to ensure that developments create places with a high standard of amenity for existing and future users.
- 8.15 The application proposes the conversion of this part of the building to provide 43 apartments comprising 13 x studio apartments, 28 x 1-bedroom units, 2 x 2-bedroom apartments.
- 8.16 Policy 4 of the emerging Local Plan is a material consideration of moderate weight and seeks to ensure a high standard of amenity for proposed occupiers and that all new residential development meets as a minimum the Nationally Described Space Standards. In respect of 1-bedroom units for single person occupancy a minimum gross internal floor area (GIA) of 39m<sup>2</sup> is required (37m<sup>2</sup> if a shower room rather than bathroom is provided) increasing to 50m<sup>2</sup> for 2 person occupancy. For a 2-bedroom unit, the requirements are minimum 61m<sup>2</sup> for 3 person occupancy and 70m<sup>2</sup> for 4



person occupancy. The majority of 1-bedroom units meet the required standards for at least 1 person occupancy with some falling marginally under at approximately 36m<sup>2</sup>. It must be noted, however, that a number of the proposed studio units fall considerably below this requirement, ranging from 24.62m<sup>2</sup> to 34m<sup>2</sup> in size. The proposed 2-bedroom units meet the required space standards for 3 person occupancy.

- 8.17 Whilst not all the units proposed meet the minimum space standards as set out above the layout is predominantly as previously approved under the extant consent. The previous scheme was approved prior to the Nationally Described Space Standards becoming a material consideration in respect of planning applications considered by the Council. As such, the development could be carried out in accordance with the previously approved details and it is not considered a refusal of the current scheme in respect of an under provision in space standards to some of the units could be upheld at appeal. Furthermore, this element must be weighed against the overall benefits of bringing a Grade II listed building which has been vacant for some considerable time and is in a state of dereliction back into a long-term viable use.
- 8.18 In respect of light and outlook for the proposed units, for those previously approved the light outlook remains acceptable and is also considered acceptable in respect of the new units proposed.
- 8.19 Sufficient refuse storage provision would be available on the ground floor and lift access would be provided to all floors.

#### Highways and Parking

- 8.20 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 safe and suitable access for all developments and details that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 8.21 Parking within the vicinity of the site is on-street and controlled by permit parking. The application proposes the provision of parking at ground floor level within the building footprint with a separate entrance and exit arrangement onto Overstone Road shared with Phase 2 of the development. Areas for secure cycle storage would also be provided at ground floor the provision of which would be required by condition. In addition, a condition is proposed to provide details of a scheme for the provision of electric vehicle charging points to accord with the requirements of the Northampton Parking Standards.
- 8.22 The existing feeder lane to St Michael's car park situated opposite the site on St Michael's Road would be removed with the two main traffic lanes from the existing pedestrian crossing being diverted to the south side of the carriageway in order to move the traffic away from the building and provide for some additional 16 parking space along St Michael's Road. The Highway Authority has no objection to the proposed alterations which would be subject to a Traffic Regulation Order.
- 8.23 It is acknowledged that parking provision is limited for the site. However, consideration must be given to the previous use of the premises as a factory and the potential number of employees associated with this previous use. In addition, the site is in a sustainable location within close proximity to the town centre and public transport provision. A large proportion of the flats would be one bedroomed, where car

ownership is generally lower. Parking within the area is controlled by permits and prospective occupiers would be aware of the restricted parking provision and the availability of parking within the adjacent car park. It is therefore considered that the benefits of bringing the building back into use would outweigh the limitations on parking which in themselves are not considered to provide sufficient justification for refusing the application. Furthermore, the Highway Authority raise no objection and the proposal is considered acceptable in this regard.

#### Other Matters

- 8.24 As requested by Environmental Health, conditions are proposed in respect of the submission of updated Noise and Air Quality Assessments and approval of mitigation measures as necessary to protect the amenity of proposed occupiers. Conditions are also proposed and considered appropriate in respect of a Construction Management Plan and contamination
- 8.25 In respect of ecology, the applicant has submitted a Protected Species Survey which provides details of an internal and external inspection of the building for evidence of use by roosting bats and nesting birds. Whilst no evidence of the presence of protected species was found on site, the report provides recommendations and mitigation measures with a precautionary approach to be taken during construction. The Council's Ecologist has been consulted and accepts the findings of the report. A condition is proposed to ensure the development is carried out in accordance with the recommendations of the submitted report.
- 8.26 The site falls within Flood Zone 1 (having less than 0.1% chance of flooding in any year). No objection has been raised by the Lead Local Flood Authority and the Environment Agency and a condition is proposed to approved surface water drainage details to ensure appropriate provision and mitigation.

#### Affordable Housing and Section 106 Matters

- 8.27 Policies INF1 and INF2 of the Joint Core Strategy seek to secure the provision of infrastructure needed to serve new developments, such as education, healthcare, open space provision and construction training, either directly on site or by a financial contribution secured through a Section 106 planning obligation.
- 8.28 In order to mitigate the impacts of the development the proposal would generate a requirement for financial contributions towards Early Years provision, healthcare, construction training, off-site open space provision and the Council's monitoring fee in respect of S106 monitoring. These requests would normally satisfy the tests as set out above and the payments as requested would be required to be made, to be secured through a legal agreement.
- 8.29 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.
- 8.30 Paragraph 58 of the NPPF advises it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. The weight to be given to a viability assessment is up to the decision maker, having regard to all the circumstances in the case.

- 8.31 The application is supported by a Viability Report which has been subject to independent assessment on behalf of the Council. The Council's consultant has reviewed the submitted details and concludes that the scheme would not be viable with a requirement to provide affordable housing or the Section 106 contributions required.
- 8.32 Given the conclusions of the Viability Assessment, it is acknowledged that the requirement for affordable housing and S106 contributions would result in the development being unviable and the site remaining undeveloped for a further period. The lack of affordable housing provision and Section 106 contributions must therefore be weighed against bringing a long-term vacant Grade II listed in the conservation area back into a viable use and the provision of housing and it is considered that this weighs in favour of the proposal. This was a position previously accepted by the Council in considering the previous application for the development of the overall site.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development would not require CIL contributions as it proposed the conversion of the existing building only and does not propose any additional floorspace.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal would bring about the development of a prominent and important listed building which forms part of a visually prominent group of Grade II listed buildings within the Conservation Area within a residential area, the renovation of which, would enhance and make a positive contribution to the character and appearance of the surrounding area and contribute towards housing need. The proposal would provide an appropriate level of amenity and would not adversely impact on surrounding amenity, highway conditions, drainage or ecology.
- 10.2 It is acknowledged that the proposed alterations, in particular, the extent of replacement windows, would harm the appearance of the listed building, however, a condition is proposed to agree the detail of replacement windows and building materials to ensure details are appropriate and sympathetic to the historic integrity of the buildings such that the development would cause less than substantial harm. The benefits of the re-use of the building outlined above and securing an optimum viable use for the building are considered to outweigh this harm.
- 10.3 It is considered that it has been satisfactorily demonstrated that the scheme would not be viable if any affordable housing or the level of S106 contributions required is applied. Again, this consideration needs to be weighed against the benefits of bringing a derelict building back into use outlined above. On balance it is considered that the heritage, environmental and social benefits of the proposal outweigh the harm identified above.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

### **11.1 N/2021/0342 Planning Application**

The proposal is recommended for approval subject to the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

Time Limit

- 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.

#### Approved Plans

- 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.

#### Materials

- 3) Notwithstanding the submitted detail, prior to the commencement of development, details of all proposed external facing materials including roof slates, replacement doors, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

#### Window Details

- 4) Notwithstanding the submitted details, prior to commencement of development, a schedule, detailed elevations, profiles, double glazing details, cross sections and material samples of the proposed replacement windows, which shall be, other than in respect of materials, of a type, layout and means of opening which shall match the existing windows to be removed, shall be submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

#### Contamination

- 5) No development shall take place until a desk top study, including a site walkover, 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.

#### Air Quality Assessment

- 6) Notwithstanding the submitted details prior to commencement an updated 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 use shall not commence until any agreed mitigation measures have been implemented. No changes shall be made to the development without the prior written approval of the local planning authority.

Reason: To ensure an appropriate standard of development and in the interests of residential amenity in accordance with the aims and objectives of the NPPF. Pre-commencement condition to ensure details are agreed in a timely manner.

#### Surface Water Drainage

- 7) Prior to the commencement of development, full details of a scheme for surface water drainage 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 flood prevention in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

- 8) Prior to the commencement of development, full details of a scheme for foul water drainage 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 flood prevention in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

#### Construction and Environmental Management Plan (CEMP)

- 9) 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;
- 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.
- Hours of construction work including delivery times.

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.

#### Noise Assessment

- 10) Notwithstanding the submitted Environmental Noise Assessment undertaken by Joynes Nash Acoustics, dated 25<sup>th</sup> July 2015, prior to occupation of the development hereby permitted a revised and updated Noise Assessment shall be submitted for approval in writing by the Local Planning Authority. The updated Noise Assessment shall ensure that the ambient noise levels for each unit meet the requirements set out in BS8233:2014 'recommended Internal ambient noise level guidelines' and include mitigation measures as required. The development shall be carried out in accordance with the approved scheme prior to occupation and maintained thereafter.

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

#### Overheating

- 11) Prior to occupation of the development hereby permitted a CIBSE TM59 Overheating Assessment shall be submitted for approval in writing by the Local Planning Authority. The assessment shall include full details and calculations demonstrating what measures will be incorporated into the design of the buildings to ensure overheating caused by variations in the climate, particularly in the summer with allowances for climate change, will not occur. Any proposed mitigation measures must ensure that the internal noise climate for each dwelling achieves the recommended internal ambient noise levels outlined in paragraph 7.7.2 and table 4 of BS8233:2014 and external noise climate for outdoor spaces outlined in paragraph 7.7.3.2 of BS8233:2014.

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

#### Waste Management Strategy

- 12) Notwithstanding the submitted details prior to the occupation of the development hereby permitted details of a waste management strategy for the disposal of refuse and recycling for site shall be submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interest of residential amenity and to secure at satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

#### EV Charging Points

- 13) Prior to first occupation of the development hereby permitted a scheme for the provision of EV charging points on the basis of 1 charging point per 10 spaces (unallocated parking) shall be submitted for approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme prior to first occupation.

Reason: In the interests of providing a sustainable development in accordance with the aims of the NPPF and in accordance with the requirements of the Northampton Parking Standards (2019).

#### Highway Works

- 14) The proposed highway works and parking restrictions to St. Michael's Road as detailed on drawing no. 1772/14 shall be carried and made available for use prior to the occupation of the development hereby permitted.

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

#### Access/ Parking/ Refuse & Cycle Storage

- 15) The vehicular access, car parking, cycle and refuse storage provision shall be laid out in accordance with the approved proposed ground floor plan prior to occupation of the development hereby permitted and retained as such thereafter.

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

#### Rooflights

- 16) Rooflights shall be conservation type rooflights and fitted flush to the roof.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

#### Protected Species

- 17) The development shall be carried out in accordance with the recommendations and mitigation as detailed in the submitted Protected Species Survey by Philip Irving dated November 2021.

Reason: To ensure appropriate measures are in place in respect of the protection and preservation of protected species in accordance with the requirements of the NPPF and Policy BN3 of the West Northamptonshire Joint Core Strategy.

#### HIMO

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

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

## 11.2 N/2021/0343 - Listed Building Application

Grant listed building consent subject to the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### Time Limit

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

### Approved Plans

- 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.

### Materials

- 3) Notwithstanding the submitted detail, prior to the commencement of development, details of all proposed external facing materials including roof slates, replacement doors, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings and to ensure that the development will harmonise with its surroundings in accordance with Policies BN5, H1 & S10 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

### Window Details

- 4) Notwithstanding the submitted details, prior to commencement of development, a schedule, detailed elevations, profiles, double glazing details, cross sections and material samples of the proposed replacement windows, which shall be, other than in respect of materials, of a type, layout and means of opening which shall match the existing windows to be removed, shall be submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the historic integrity of the buildings in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure materials are appropriate to the integrity of the buildings.

### Rainwater Goods

- 5) Any new or replacement rainwater goods shall be in cast iron, of a profile to be submitted to and approved in writing by the Local Planning Authority prior to their



installation. The development shall be carried out in accordance with the approved details.

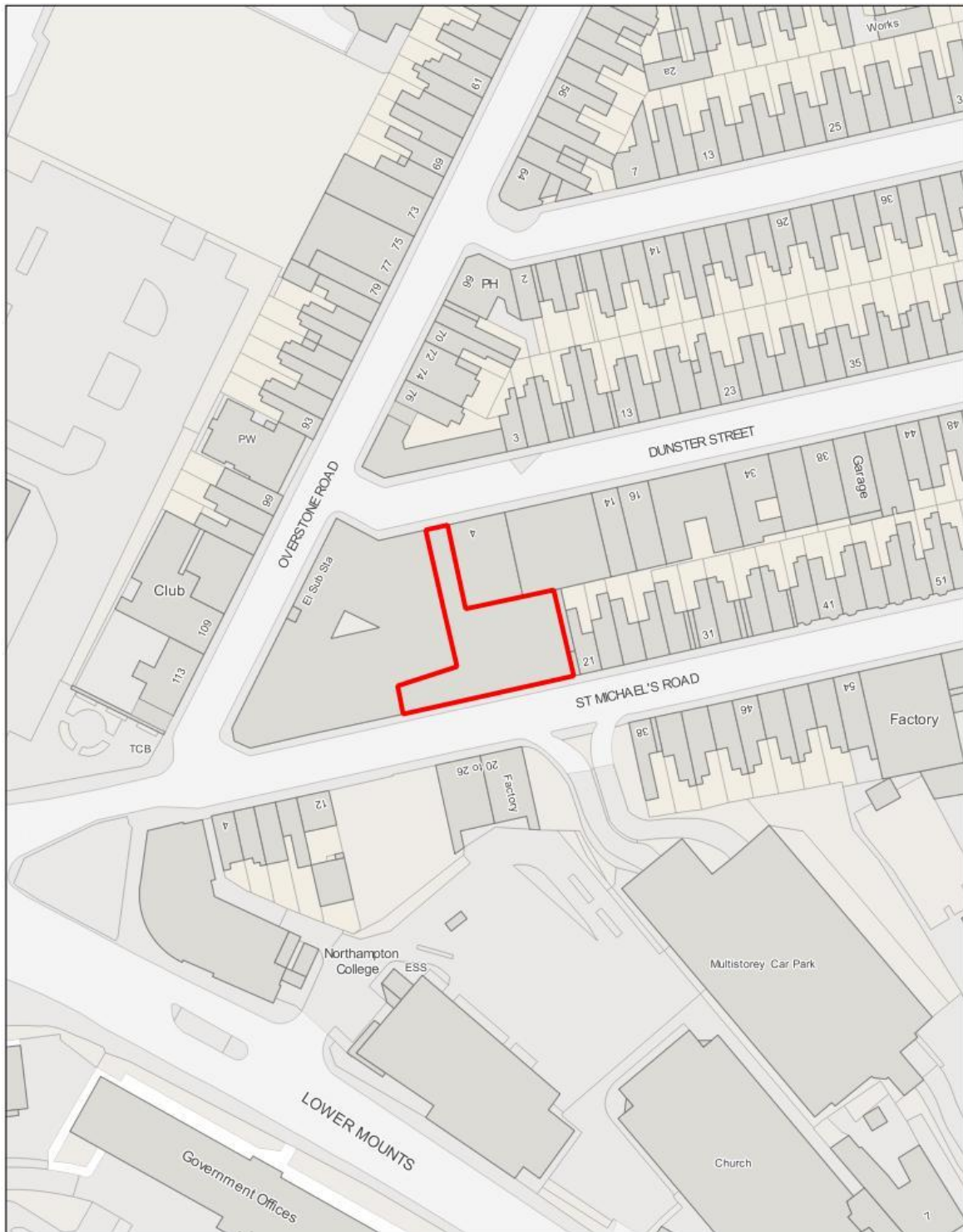
Reason: In the interests of the integrity of the listed buildings in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy.

Details of vents, flues, extractor fans

- 6) Prior to installation, details of all vent, flues and extractor fans including locations, size, finish and colour shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the integrity of the listed buildings in accordance with the requirements of Policy BN5 of the West Northamptonshire Joint Core Strategy.

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**West  
Northamptonshire  
Council**

Title: **Overstone Road**

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Date: 17-11-2021

Scale: 1:1,000 @ A4

Drawn: M Johnson



# Planning Committee Report

**Committee Date:** 8<sup>TH</sup> February 2022

**Application Number:** WNN/2021/0029

**Location:** Land East of Towcester Road, Northampton

**Development:** Outline Planning Application (All Matters Reserved except Access) for the development of up to 60no dwellings (Use Class C3), including affordable housing with new vehicular access, open space, children's play area and associated infrastructure

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**Applicant:** Shoo 22 Ltd

**Agent:** Lichfields

**Case Officer:** Adam Walker

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**Ward:** East Hunsbury and Shelfleys Unitary Ward

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**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major Application

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION: 'APPROVE IN PRINCIPLE' SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

1. 35% affordable housing provision on-site
2. Financial contribution towards Early Years (subject to assessment) and Primary education provision
3. Financial contribution towards healthcare provision
4. Off-site biodiversity net gain contribution
5. Construction training contribution
6. Provision of on-site open space and play equipment and arrangements for its future maintenance and management
7. Travel Plan monitoring fee
8. S106 Monitoring Fee

## **Proposal**

This is an outline planning application for the erection of up to 60 dwellings. All matters are reserved except for access. A new vehicular access is proposed off Towcester Road and the proposal includes affordable housing, open space, children's play area and associated infrastructure.

## Consultations

The following consultees have raised **no objection** or **raise comments** on the application:

- Arboricultural Officer
- Archaeological Advisor
- Anglian Water
- Cadent Gas
- Ecology Advisor
- Environment Agency
- Environmental Protection
- Highways England
- Local Highway Authority
- Lead Local Flood Authority
- Minerals Planning Authority
- Northamptonshire Police
- Planning Policy
- Strategic Planning

Ten representations raising concerns/objections have been received in response to the publicity of the application.

## Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- The principle of residential development on the site
- The proposed means of access to the site and highway impacts of the development
- The connectivity of the site
- Amenity and environmental considerations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable, subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises of a roughly triangular shaped area of land extending to approximately 2.53 hectares on the eastern side of Towcester Road. The site forms an area of grazing land with an access track off Towcester Road dissecting the northernmost part. The site slopes gradually from south to north, with a change in levels of approximately 8 metres.
- 1.2 A belt of mature trees flanks the western boundary and separates the site from Towcester Road, which lies at a higher level to the site. A hedgerow forms the

southern site boundary, with a field and the M1 motorway lying beyond. To the east of the site is the Northampton Loop railway line, which is set up from the site and separated from the grazing land by a metal fence and belt of trees. Towards the north of the site is an area of undeveloped land.

- 1.3 The site is located approximately 300m from the built-up part of West Hunsbury, with the settlement edge of East Hunsbury lying a similar distance to the north east. The parish of Milton Malsor lies towards the south.

- 1.4 Counties Crematorium and its associated grounds are located on the opposite side of Towcester Road.

## **2. CONSTRAINTS**

- 2.1 A slurry pipe and a methane pipe cross the northern part of the site.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The proposal is for outline planning permission for the development of up to 60 dwellings (Use Class C3). The application seeks approval of the means of access only. The layout, scale, appearance and the landscaping of the site are all reserved for future approval.

- 3.2 It is proposed to form a new vehicular access off Towcester Road. The access would form a priority junction, with a ghost island provided for right turners into the site from Towcester Road. The access would be graded to account for the difference in levels between the site and Towcester Road and would include pedestrian footways.

- 3.3 A separate pedestrian access from Towcester Road is also proposed to be provided and would be located where an existing field access is. Off-site pedestrian and cycle improvements are proposed in the form of a new 3m section of shared footway/cycleway on the eastern side of Towcester Road that would extend to the north of the site to link in with the existing segregated footway/cycleway at the junction with Rowtree Road. A new footway is also proposed to part of the site frontage to connect to an existing bus stop towards the south of the proposed access.

- 3.4 The application is supported by an illustrative masterplan, which shows how the site could be developed, as well as a proposed parameters plan.

- 3.5 The indicative layout shows a mixture of house types set off a main spine road and a series of cul-de-sacs, with a central area of open space that would include a children's play area. A sustainable urban drainage feature set within an area of landscaping is indicated in the north west corner of the site. Trees and other pockets of soft landscaping are shown across the site along with a footpath towards the southern and western boundaries. The indicative layout makes provision for the slurry and gas pipes crossing the site with no buildings in this area.

- 3.6 The parameters plan indicates dwellings of up to two and three storeys in height. Dwellings up to two storeys in height are shown to the southern, eastern and western boundaries and dwellings up to three storeys in height are shown within the central part of the site and the northern end of the site.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The following planning history relates to the application site:

Application Reference	Proposal	Decision
N/2020/1627	Screening Opinion for proposed Outline Planning Application (all matters reserved except access) for the development of up to 50no dwellings (Use Class C3), including affordable housing with new vehicular access, open space, children's play area and associated infrastructure	Environmental Impact Assessment not required
PA/2020/0419	Pre-application advice for proposed outline planning application (all matters reserved except access) for the development of up to 50no dwellings (Use Class C3), including affordable housing with new vehicular access, open space, children's play area and associated infrastructure	Written advice provided

- 4.2 The following planning application relates to land on the western side of Towcester Road and is considered relevant to the current proposal:

Application Reference and Site Address	Proposal	Decision
WNN/2021/0537  Former Milton Ham Farm, Towcester Road, Northampton	Outline Planning Application (all matters reserved except access) for the development of up to 250no dwellings (Use Class C3) including affordable housing with new vehicular access, open space and associated infrastructure	Current application

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3 The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:

- SA – Presumption in Favour of Sustainable Development
- S1 – The Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S10 – Sustainable Development Principles
- S11 – Low Carbon and Renewable Energy
- C1 – Changing Behaviour and Achieving Modal Shift
- C2 – New Developments
- C5 – Enhancing Local and Neighbourhood Connections
- RC2 – Community Needs
- H1 – Housing Density, Mix and Type of Dwellings
- H2 – Affordable Housing
- H4 – Sustainable Housing
- BN2 – Biodiversity
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- BN7 – Flood Risk
- BN9 – Planning for Pollution Control
- INF1 – Approach to Infrastructure Delivery
- INF2 – Contributions to Infrastructure Requirements
- N1 – The Regeneration of Northampton

5.4 **Northampton Local Plan – Saved Policies**

The relevant Saved Policies of the Northampton Local Plan are:

- E6 – Greenspace
- E18 – Sites of Acknowledged Conservation Value
- E20 – New Developments (Design)

**Material Considerations**

5.5 Below is a list of the relevant Material Planning Considerations

• **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 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, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 15 – Conserving and enhancing the historic environment

• **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption for sustainable development (Significant weight)
  - Policy 2 – Placemaking (Moderate weight)
  - Policy 3 – Design (Moderate weight)
  - Policy 4 – Amenity and layout (Moderate weight)
  - Policy 5 – Carbon reduction, community energy networks, sustainable design and construction, and water use (Moderate weight)
  - Policy 6 – Health and wellbeing (Significant weight)
  - Policy 7 – Flood risk and water management (Significant weight)
  - Policy 13 – Residential and other residential led allocations (Significant weight)
  - Policy 14 – Type and mix of housing (Moderate weight)
  - Policy 27 – Sustaining and enhancing existing, and supporting the creation of, Northampton's Green Infrastructure (Significant weight)
  - Policy 28 – Providing Open Spaces (Significant weight)
  - Policy 29 – Supporting and enhancing Biodiversity (Moderate weight)
  - Policy 32 – Designing Sustainable Transport and Travel (Significant weight)
  - Policy 33 – Highway network and safety (Significant weight)
  - Policy 35 – Parking standards (Significant weight)
  - Policy 36 – Electronic communication networks (Significant weight)
  - Policy 37 – Infrastructure Delivery and Contributions (Significant weight)
  - Policy 38 – Development Allocations (Significant weight)
- Biodiversity Supplementary Planning Document (August 2015)
  - Planning Obligations Strategy Supplementary Planning Document (February 2013)
  - Northampton Parking Standards Supplementary Planning Document (November 2019)
  - Northamptonshire County Parking Standards (November 2016)
  - Planning out Crime in Northamptonshire SPG 2004

## 6. RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Arboricultural Officer	No objection
Archaeology Advisor	No objection subject to a condition to secure a programme of archaeological investigation and recording.



Anglian Water	No objection
Cadent Gas	No objection. There is a High-Pressure Gas Pipeline running through the proposed development site which has an easement. No development is permitted inside the easement without written permission from Cadent and no structures will be permitted. If the applicant is planning to change the use of the ground to traffic carrying roads or car parking, plant protection measures will be required that meet Cadent's criteria to afford protection to the High-Pressure Gas Pipeline.
Construction Futures	Contribution sought towards training.
Ecology Advisor	The development would result in a significant net biodiversity loss (approximately 69% loss in site biodiversity). The quantum of the type of development proposed would not allow for net gain delivery on the site. A financial contribution to offset the loss and deliver a net gain is necessary. Conditions recommended in relation to the method of tree felling, external lighting, provision of bat and bird roosting and nesting opportunities, measures to allow the free movement of hedgehogs, a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).
Environment Agency	No objection
Environmental Protection	No objection subject to conditions in relation to noise mitigation, land contamination, air quality mitigation measures, electric vehicle charging points and a construction management plan.
Highways England	No objection
Lead Local Flood Authority	No objection subject to conditions requiring detailed design for the surface water drainage system and arrangements for the future maintenance and management of the surface water drainage infrastructure.
Local Highway Authority	No objection subject to conditions relating to the detailed design of the proposed access.
Minerals Planning Authority	The proposed site is located within a sand and gravel Minerals Safeguarding Area (MSA). The applicant should demonstrate that significant sterilisation of proven mineral resources will not occur as a result of the development. If this cannot be demonstrated, prior extraction will be sought where practicable.
NHS	Financial contribution towards healthcare provision is required.

Northamptonshire Police	No objection. The layout as shown on the illustrative masterplan is in accordance with general crime prevention best practice.
Northants Fire & Rescue Service	Have no comments to make on the application.
Planning Policy	The application broadly accords with planning policies. Key issues to consider are the accessibility of the play area, the inclusion of cycle routes within the scheme and enabling cycling and walking routes to connect with planned developments close to the site.
Strategic Planning	Early years education provision is not required if approved based on the average dwelling mix but will be reassessed in the event of any changes to the proposed mix of dwellings; primary and secondary education contributions are necessary; this is based on the average dwelling mix. Request a contribution towards libraries and a condition regarding fire hydrants and sprinklers.
East Hunsbury Parish Council	<p>The infrastructure is not in place to support this development, including access to schools, doctors and dentists. Delivery of the school and local centre for the Collingtree Park should be brought forward to accommodate the extra pressure on infrastructure associated with the proposal.</p> <p>The proposed access to the site is on a 40mph road, opposite a busy turning for the Three Counties Crematorium. This road is fast moving, and the proposed turn is on the brow of a hill so visibility will be limited.</p> <p>The Statement of Community Involvement refers to an online public consultation process. Very few consultation invitations were delivered to residents of East Hunsbury, with the bulk of invitations appearing to be delivered to residents of Milton Malsor who will not be affected by the development in the same way. More effective consultation would have invited responses from a wider group of East Hunsbury residents.</p> <p>The site does not providing walking routes that link the development to any existing local facilities.</p> <p>The Parish Council considers that the application should be refused.</p>
West Hunsbury Parish Council	<p>Have serious concerns regarding the impact on local infrastructure and urge West Northants Council to put in place improvements to the local road infrastructure to mitigate the impact of the increase in traffic flow from this development, including traffic enhancements to improve the safety of pedestrians and cyclists, improvements to the roundabout at the junction of Towcester Rd and Ladybridge Drive as well as the roundabout at Tesco Mereway.</p> <p>The infrastructure to support this number of extra residents is not in place, including doctors, dentists and schools. The</p>

	proposal will impact on the availability of such services and these impacts should be mitigated before development commences. Trees should be planted around the crematorium to screen the proposed development site and to maintain the tranquillity and peace of the crematorium.
Network Rail	No comments received
Refuse (Veolia)	No comments received
Ward Councillors	No comments received
West Northants (Northampton) Health & Safety	No comments received
West Northants (Northampton) Estates & Valuation	No comments received
Western Power Distribution (East Midlands) plc	No comments received

## 7. RESPONSE TO PUBLICITY

- 7.1 A total of 10 representations have been received. A summary of the planning issues raised in relation to the proposed development is provided below.

### Amenity

- Another 60 houses in addition to the 1000 homes on the new Collingtree Park SUE, plus the forthcoming rail depot, is going to significantly negatively impact the quality of life for existing residents
- Additional traffic will add to noise and pollution

### Connectivity

- Provision should be made for a pedestrian and cycle connection under the railway bridge to connect to future development to the east, including the Collingtree Park SUE and its associated facilities and services.
- The site is not truly connected into existing cycling & walking infrastructure as it is separated by 100m of dangerous road. A shared walking/cycling path along the east side of Towcester Road to connect to the existing provision on Rowtree Road would make walking and cycling feasible to & from the estate.

### Infrastructure

- Roads, schools and medical services unable to cope with additional development
- Lack of infrastructure to serve the development, including shops and amenities
- Additional residents will impact on ability to get medical appointments

### Highways

- Traffic around the area is already busy
- Concerned with the increase in traffic on Towcester Road. This road is already busy and turning right from Rowtree Road is already difficult.

#### Ecology

- Loss of natural habitat
- Negative impact on wildlife

#### Other matters

- East Hunsbury is already swamped with new housing. Focus should be on Northampton.
- Unsuitable location for housing
- Loss of countryside
- Flood risk is already getting worse
- Development is close to the Counties Crematorium

### **8. APPRAISAL**

#### Principle

- 8.1 The application is seeking outline planning permission for the erection of up to 60 dwellings with affordable housing, open space, children's play area and associated infrastructure. Access is the only matter that has been applied for and as such it is the principle of residential development on the land and the proposed means of access to the site that fall to be considered. Details of layout, scale, appearance and landscaping are reserved for future approval.
- 8.2 The application site is an undeveloped piece of land that is currently used for grazing. The land is designated as Greenspace in the Northampton Local Plan 1997, with a small part of the site also forming an Area of Acknowledged Conservation Value. Given the age of the Northampton Local Plan, the weight that can be afforded to it is significantly diminished.
- 8.3 The site is allocated for housing in the submitted Local Plan Part 2 (site reference LAA1102). Policies 13 and 38 of the emerging Local Plan are therefore relevant. In line with Paragraph 48 of the National Planning Policy Framework (NPPF), these policies are a material consideration in the determination of the application and both policies are considered to carry significant weight.
- 8.4 Emerging Policy 13 identifies sites that are allocated for residential or residential led development, which includes the application site. The supporting text to the policy states that these allocations are expected to deliver about 3,804 new dwellings. The application site would therefore contribute to this delivery. Emerging Policy 38 relates to development allocations and states that the Council will support the developments and proposals on these allocated sites, provided that they meet the requirements set out in the development management policies within the Plan.
- 8.5 The site is allocated for 60 dwellings. The capacity of the site to accommodate this quantum of development is established within a Statement of Common Ground between the Council and the developer/landowner that was submitted during the Examination of the Local Plan 2 in November 2021. The Statement of Common Ground is intended to provide evidence to support the allocation of the land and sets a housing delivery target of 30 units in 2023/2024 and 30 units in 2024/2025.

- 8.6 The Council's Five Year Housing Land Supply Assessment for Northampton (updated 11th November 2021) includes the application site and allows for a development of 60 units to be delivered by 2025. The maximum quantum of development proposed within the application is therefore consistent with the emerging Local Plan and development coming forward on the site is necessary to support the Council's five year housing land supply.
- 8.7 The principle of the proposed development is in accordance with the site's allocation in the emerging Plan and no modifications have been proposed through the examination process that would alter this. Significant weight is therefore afforded to its allocation for housing in the Local Plan 2. Furthermore, it is not considered that the development is of a scale that would mean that the application is premature, having regard to paragraph 49 of the NPPF. This includes in respect of any cumulative effects, including with application WNN/2021/0537 which relates to an emerging housing allocation on the opposite side of Towcester Road (see paragraph 4.2). That application is currently under consideration by the Council.
- 8.8 The site has been found to be a sustainable location for new housing through the Local Plan 2 process. The proposal is in accordance with policies 13 and 38 of the emerging Local Plan 2 and, based on the above assessment, the principle of the proposed development is considered to be acceptable.

#### Density and housing mix

- 8.9 A development of 60 dwellings would provide a density of just under 35 dwellings per hectare when the necessary open space and sustainable urban drainage infrastructure are accounted for within the site. This density is considered to represent an efficient use of land, which would be in accordance with the objectives of Policy H1 of the West Northamptonshire Joint Core Strategy (JCS) and chapter 11 of the NPPF in this regard.
- 8.10 Layout is a reserved matter and therefore the mix of dwelling types would be considered in detail at a later stage. However, supporting information indicates that a mixture of house types would be provided, ranging from 2 bed to 5 bedroom properties and also including apartments. Furthermore, the development would deliver a policy compliant affordable housing offer, equating to 35% of the total number of dwellings that comes forward on the site. A mix of house types, sizes and tenures to cater for different accommodation needs is required by Policy H1 of the JCS.

#### Access and connectivity

- 8.11 The application is seeking approval of the point of access to the site. It is proposed to create a new access off Towcester Road, which would form a priority junction with the existing highway. The access would lie to the south of the access for the crematorium. A dedicated right turn 'ghost' lane is proposed to be provided on Towcester Road.
- 8.12 The Local Highway Authority has assessed the application and considers the proposed vehicular access to be acceptable. Conditions are recommended to secure the detailed design of the junction and right turn lane. Due to the difference in levels between Towcester Road and the development site, the access road would slope down into the site and is shown to be supported on both sides by an embankment.

The gradient of the embankment will need to meet with the requirements of the Local Highway Authority.

- 8.13 The existing field access and track within the site are to be retained, with the access proposed to provide a dedicated pedestrian and cycle link between the site and Towcester Road. Bollards would be used to prevent access by vehicles. A public bridleway exists opposite this access and so this would facilitate connections with the public right of way network.
- 8.14 Officers consider that this pedestrian link should also connect to the eastern site boundary to enable a future connection below the railway tunnel and to the planned development beyond. The land on the opposite side of the railway line is also allocated for housing in the emerging Local Plan 2 and such a link would allow the new residential developments to interconnect. It would also enable active travel from the site to the facilities and amenities that are proposed as part of the Northampton South Sustainable Urban Extension. The link would need to be of a sufficient width to accommodate both pedestrians and cyclists.
- 8.15 The agent has advised that the applicant does not own the land below the railway line and so the applicant is only able to make a connection up to the site boundary and not beyond it. This is acknowledged and it is accepted that the provision of a future link will require separate agreement with relevant landowners. A condition is recommended requiring a link to be provided within the site as part of the layout submitted at Reserved Matters stage. It would also be necessary to ensure that the path is dedicated to allow for future public access (this could be formalised through the road adoption process).
- 8.16 As part of the development it is proposed to provide some off-site pedestrian and cycle improvements. A new 3m section of shared footway/cycleway is proposed on the eastern side of Towcester Road. This would connect the site to the existing segregated footway/cycleway to the north of the site and would significantly enhance the connectivity of the site to East and West Hunsbury and thus improve the sustainability of the development. In addition, a new pedestrian footway is proposed to the south of the proposed vehicular access which would connect to an existing bus stop. It is also proposed to upgrade an existing traffic island to a pedestrian refuge, which would improve safe travel to the bus stop on the western side of Towcester Road. A condition to secure full details of the proposed highway improvement works is recommended.
- 8.17 The application is supported by a Transport Assessment which includes analysis of trip generation and concludes that the traffic generated by the proposed development would not have a detrimental impact on the operation of the local highway network. The Local Highway Authority have accepted the applicant's Transport Assessment. Assessment and the impact of residential development on the site will also have been undertaken as part of the Local Plan 2 process when designating the site for housing.
- 8.18 The application also includes a Travel Plan which sets out various travel related measures and strategies that will be implemented to encourage the use of sustainable travel modes for trips to and from the site. The submitted Travel Plan has been accepted by Northamptonshire Highways and a condition is recommended requiring the development to be provided in accordance with the initiatives and timetable within the Travel Plan.
- 8.19 In summary, the proposed point of access is considered acceptable and the proposal includes a number of measures that would enhance pedestrian and cycle connectivity

to the surrounding area. It is accepted that the traffic generated by the proposed development could be safely accommodated on the highway network without requiring additional mitigation. The internal highway layout would form part of the reserved matters and would need to demonstrate suitable footpath/cycle connections as well as adequate parking provision.

- 8.20 The application is considered to comply with guidance in the NPPF, in particular paragraphs 110 and 111, as well as Policies S10 and C2 of the JCS and emerging Policy 33 of the Local Plan 2.

#### Landscape and urban design considerations

- 8.21 The visibility of the site within the landscape is relatively restricted as a result of the topography of the area, existing vegetation and the presence of the adjacent railway line. Views are principally limited to longer range views from the north, passengers on passing trains, and vehicles and pedestrians on Towcester Road – which lies at a higher level to the site.
- 8.22 The submitted parameters plan indicates that two storey dwellings would be located to the southern, eastern and western boundaries, with dwellings up to three storeys in height positioned in the middle of the site and at the northern end, which is the low point of the site. The scale of the dwellings is a reserved matter, but this approach would help to mitigate the visual impact of the dwellings within the landscape.
- 8.23 The existing tree belt alongside Towcester Road falls outside of the application site boundary and would be retained, except for the area where the new access is proposed. These trees would provide a good degree of natural screening to the development, including in relation to the crematorium.
- 8.24 The indicative masterplan suggests the retention of the existing hedge to the southern boundary and new planting in this area of the site. A soft, green edge to the development is important here because this is the high point of the site and it will help to screen long range vistas of the development from the south.
- 8.25 Overall, it is considered that the visual impact of the development on the wider landscape would be quite limited. It is acknowledged that at present the proposal would appear as a somewhat isolated form of development to the south of the urban extent of Northampton, however, this would change as and when other nearby emerging housing allocations come forward and are built out along with the South Northampton SUE.
- 8.26 The layout, scale, appearance and landscaping of the development are not under consideration here. It is nevertheless expected that any proposals that come forward under the reserved matters build on the design principles set out in the submitted Design and Access Statement. This includes in relation to a legible street hierarchy, a central play area, landscaping and open space to the boundaries, dwellings that provide a positive interface with Towcester Road and the internal estate roads, 'focal' dwellings at key junctions within the site, variation in the scale, form and massing of dwellings, traditional materials, sensitive boundary treatments and a design that mitigates the prominence of parking within the streetscene. Furthermore, it is expected that the development would deliver tree-lined streets in accordance with paragraph 131 of the NPPF.
- 8.27 Officers are satisfied that a suitable scheme can come forward under the reserved matters that would provide a high quality of development which respects the

character of the area. In principle, the application accords with relevant local design policies and guidance in the NPPF.

#### Residential amenity

- 8.28 There are not any existing residential properties close to the site that would be directly affected by the development with regards to privacy and outlook. The future layout of the site would need to ensure that adequate separation is provided between the new dwellings within the site. The new dwellings would also need to meet the Government's Nationally Described Space Standards, as a minimum, and provide suitable external amenity space.
- 8.29 The application site is in close proximity to a number of noise sources. The M1 motorway lies towards the north, Towcester Road lies to the west and a railway line runs parallel to the eastern boundary.
- 8.30 The application is supported by a Noise Assessment which considers the impact of noise and vibration from these roads and the railway line on the proposed development. The report concludes that noise and vibration does not pose a constraint to the proposed development, provided that appropriate mitigation is implemented. Mitigation is proposed to be provided through a combination of the site layout (to be agreed at reserved matters), acoustic barriers and building construction, for example glazing specification and ventilation.
- 8.31 The Council's Environmental Protection team have assessed the application and accept the findings of the applicant's Noise Assessment. There are no objections to the application subject to a condition requiring a scheme of mitigation. The scope of the required noise mitigation measures would be dependent on the layout and landscaping details that come forward at reserved matters stage.
- 8.32 Officers are satisfied that amenity considerations can be fully addressed through the reserved matters and conditions. The application is therefore considered to be in accordance with Policies H1, S10 and BN9 of the JCS, Policy 4 of the emerging Local Plan and guidance in the NPPF.

#### Flood risk and drainage

- 8.33 The site lies within Flood Zone 1 on the Environment Agency's Flood Map for Planning and is therefore at low risk of flooding from main river sources.
- 8.34 There is a watercourse approximately 300m to the north of the site (Wooton Brook) and this is shown to flood during extreme rainfall events. However, the Environment Agency Flood Map indicates that this does not breach the site boundary. Furthermore, the highest recorded depth of flooding is 900mm below the lowest existing level of the site and is over 2m below the indicative finished floor levels for the development.
- 8.35 The Environment Agency has been consulted and no objections have been raised to the proposed development.
- 8.36 The submitted Flood Risk Assessment (FRA) sets out the principles of a potential surface water strategy. This involves attenuating water on the site using a balancing pond or a combination of balancing pond and underground storage tank. The attenuation features would be designed to account for the necessary climate change allowance. Water would be discharged to the watercourse to the north of the site at a



restricted rate, which mimicked the existing rate of discharge from the site (Greenfield run-off rate).

- 8.37 The illustrative masterplan indicates how the drainage attenuation pond could be incorporated within the site, with the pond located at the low point to the north of the site and set within an area of landscaping/wetland.
- 8.38 The Lead Local Flood Authority has been consulted on the application and no objections have been raised, subject to conditions to secure a detailed surface water drainage design, a detailed scheme for the maintenance of the approved surface water infrastructure and a verification report for the installation of the approved system.
- 8.39 The FRA advises that the development will need to include a pumping station to deal with foul sewage, with a connection to the nearest foul sewer likely to be to the north of the site. Anglian Water have been consulted and no objections have been raised. The most recent response from Anglian Water does not recommend the imposition of any drainage conditions. It is therefore considered that detailed design of the foul drainage system would be adequately addressed through separate legislation under Section 104 of the Water Industry Act.
- 8.40 The application is considered to comply with BN7A and BN7 of the JCS, emerging Policy 7 of the emerging Local Plan 2 and guidance in the NPPF.

#### Ecology and trees

- 8.41 An Ecological Appraisal and Protected Species Report accompanies the application. This states that the site currently has a low biodiversity value and the main features of ecological value comprise boundary trees and hedgerow and these are to be retained. The main loss will be areas of semi-improved grassland. Biodiversity mitigation and enhancement is proposed through the landscaping of the site, including areas of diverse native grassland and shrub and tree planting and a potential wetland habitat associated with the drainage pond; the provision of bat and bird boxes; and a sensitive external lighting scheme. Boundary fences are to allow for the free movement of hedgehogs. The report also confirms that the development would not result in any significant harm to protected species.
- 8.42 The Council's ecological advisor has assessed the application. The main issue is that the development would result in a significant net biodiversity loss, as confirmed by the applicant's net gain calculation. Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain.
- 8.43 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy 29a of the emerging Local Plan 2 seeks to support and enhance biodiversity and reflects the NPPF requirement to deliver a net gain. The policy requires all development proposals to provide a net gain in biodiversity through the creation or enhancement of habitats. This includes through incorporating and enhancing existing biodiversity features on and/or off site and consolidating, developing and enhancing functionality of ecological networks, including those beyond the Local Plan's boundary.

- 8.44 Notwithstanding the proposed mitigation and enhancement measures, the applicant's assessment indicates a net loss of 69.13%. The ecological advisor considers that the quantum of the type of development proposed would not allow for this to be offset and a net gain to be delivered through additional on-site measures alone.
- 8.45 Planning Practice Guidance states that biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures and this is reflected in Policy 29a of the emerging Local Plan. To offset the identified biodiversity loss and deliver a net gain, it is considered necessary to secure a financial contribution to be used for biodiversity enhancement off-site. This contribution would need to be secured through a Section 106 agreement.
- 8.46 The ecological advisor has also recommended several conditions to address ecological matters, many of which reflect the mitigation measures proposed by the applicant. These include a sensitive external lighting scheme, provision of integrated bat roost and/or bird nest bricks, 'hedgehog holes' within close boarded fencing, and a Construction Environment Management Plan (CEMP). It is also recommended that a Landscape and Ecological Management Plan (LEMP) be conditioned to ensure the new habitats on the site are properly maintained over time and that a condition be imposed regarding the soft felling of those trees that have been identified as having 'low' bat roost potential.
- 8.47 The arboricultural officer considers the principle of development to be acceptable and has no objections to the application. An arboricultural method statement is not considered necessary at this time, however, this may become necessary depending on the layout that comes forward at reserved matters. The requirement for a method statement can be reassessed when details of layout are submitted.
- 8.48 Subject to the aforementioned conditions and financial contribution, the application is considered to comply with Policy BN2 of the JCS, emerging Policy 29a of the Local Plan 2 and guidance in the NPPF.

#### Air quality

- 8.49 The application is supported by an Air Quality Assessment which considers the potential dust impacts on the local area from construction of the proposed development, the suitability of the site in air quality terms for the introduction of new residential receptors, and the potential impacts on air quality from traffic generated by the proposed development.
- 8.50 The report identifies that the site is close to an Air Quality Management Area (AQMA), which straddles the M1 motorway and lies over 50m to the south of the site. Site specific mitigation for dust is detailed in the report and after implementation predicted residual effects are expected to be negligible. A condition requiring a Construction Management Plan is recommended to mitigate the impact of construction and it is considered appropriate for the dust control measures to be incorporated as part of that.
- 8.51 For the operational phase of the development, modelling predicts that the site is suitable for the residential end use. The development would not introduce receptors into an area of existing poor air quality.
- 8.52 For existing receptors, the assessment concludes that impact from traffic generated from the development will not contribute to a significant adverse impact on air quality within the surrounding area. The nearby M1 AQMA is unlikely to be affected by

scheme generated traffic because Towcester Road does not add or receive traffic directly from the M1.

- 8.53 A range of measures are proposed to provide mitigation for air quality. These include electric vehicle charging points, provision of green infrastructure to form a vegetation barrier to Towcester Road and sustainable travel measures as set out in the submitted Travel Plan.
- 8.52 The Council's Environmental Protection team have considered the report and accept its conclusions. A condition is recommended to secure the air quality mitigation measures detailed within the submission. The application is considered to comply with Policies S10 and BN9 of the JCS, Policy 6 of the emerging Local Plan 2 and guidance in the NPPF.

#### Representations

- 8.54 Ten representations have been received from third parties and the planning issues raised have been summarised at section 7 of this report. East and West Hunsbury Parish Councils have also made comments on the application. Matters relating to air quality, the connectivity of the proposed development, traffic impact, flood risk and the suitability of the site for housing are addressed elsewhere in this appraisal.
- 8.55 One of the main issues raised in the public representations is the impact of the development on local facilities and services, including schools, doctors and dentists. These concerns also reflect comments from East Hunsbury and West Hunsbury Parish Councils with regards to the impacts of the development on local infrastructure. It is recognised that new development will increase demand for such services and to mitigate the impact of the development relevant planning obligations are sought through this application. Planning obligations are discussed in more detail at section 9 of the report but a contribution towards healthcare is required along with a contribution towards primary education provision. The proposal is also liable for a contribution towards secondary education provision under the Community Infrastructure Levy (CIL). The contributions are sought in line with consultee advice. These planning obligations would acceptably mitigate the impacts of the development proposed.
- 8.56 East Hunsbury Parish Council has suggested that the delivery of the school and local centre for the Northampton South SUE should be brought forward to accommodate the extra pressure on infrastructure associated with the proposal. There is no basis to link the current application to the delivery of a separate development through the planning process.
- 8.57 West Hunsbury Parish Council has commented that trees should be planted around the crematorium to screen the proposed development site and to maintain the tranquillity and peace of the crematorium. The existing trees to Towcester Road that flank the eastern site boundary would remain in situ (except for where the access is proposed) and the submission indicates that landscaping would be provided towards this boundary. Details of the landscaping are reserved for future approval. Officers consider that existing and new planting would provide an appropriate buffer to the crematorium.

#### Other matters

- 8.58 Land contamination information has been provided in the form of a Phase 1 Geo-Environmental Desk Study. The site is deemed to be of low risk to both human health

and controlled water receptors and there appears to be no significant geo-environmental obstacle to redevelopment of the site as proposed.

- 8.59 Environmental Protection accept the Phase 1 report and have recommended that an intrusive site investigation report is provided for the purposes of the detailed design phase and to determine any ground remediation measures required, as localised disturbed ground may be present to the extreme north of the site associated with construction and the slurry and methane pipelines running through the site. A suite of conditions are recommended to secure the intrusive investigation works, site remediation and validation of the remediation (as may be necessary).
- 8.60 There is a high-pressure gas pipeline running through the northern part of the application site. An easement exists to this pipeline and the illustrative masterplan makes provision for this by avoiding buildings in this area. Cadent Gas have not raised any objection to the application however the comments raised in their consultation response will need to be taken into account by the developer when designing the detailed site layout. There is also a slurry pipeline in the same part of the site which also requires an easement.
- 8.61 The Council's archaeology advisor has recommended that a condition be imposed to secure a programme of archaeological investigation. This reflects the moderate potential for Iron Age – Romano-British features to be present within the application site, as identified within the application submission. Such a condition is considered appropriate.
- 8.62 Northamptonshire Police have not raised any objections to the application. The illustrative masterplan was amended to relocate the children's play area to a central position within the site, which would enable better natural surveillance of it. Northamptonshire Police would be consulted on the reserved matters submission and would provide detailed comments on crime prevention measures at that stage.
- 8.63 The applicant has provided a detailed response to the comments from the Minerals Planning Authority with regards to the location of the site within a Minerals Safeguarding Area (MSA) and Policy 28 of Northamptonshire Minerals and Waste Local Plan (NMWLP). This advises that there is no viable mineral resource beneath the site which could be liable to commercial extraction, either now or in the future. The site is considered to be a suitable site for development on the basis of its allocation for housing in the emerging Local Plan 2 and Officers accept that the proposal would not sterilise any significant mineral resources. The application is therefore deemed to be in accordance with Policy 28 of the NMWLP.
- 8.64 The Strategic Planning team (former County Planning team) has recommended a financial contribution towards libraries and a fire hydrant as well as a condition requiring details for the provision of fire hydrants and sprinkler systems. However, there is no policy basis to secure this and as such they could not be sought through this planning application.
- 8.65 The applicant has provided an Energy and Sustainability Statement which sets out measures to promote sustainable development and mitigate the impact of the development on climate change. This includes a range of methods of achieving high levels of energy efficiency and reduced carbon emissions such as adopting a fabric first approach, Low Zero Carbon and renewable technologies for heating and principles of passive design. The document demonstrates, in broad terms, how the proposed development can meet the objectives of Policies S10 of the JCS, Policy 5 of the emerging Local Plan and guidance in the NPPF in terms of sustainability and

climate change. It is considered that the report provides a sound basis to inform the detailed design of the scheme. Details of the mitigation measures that are to be incorporated into the final design are recommended to be secured by condition.

#### Affordable Housing and Section 106 Developer Contributions

- 8.66 Policy H2 of the JCS requires the provision of 35% affordable housing to be provided as a proportion of the total number of dwellings to be delivered on the site and provided as an integral part of the development.
- 8.67 The development would provide 35% affordable housing to be secured by a Section 106 legal agreement. The precise number of dwellings and housing mix/tenure will be agreed as part of the S106 and subsequent reserved matters approval.
- 8.68 In addition the following obligations and financial contributions will be secured by way of a Section 106 agreement to ensure appropriate infrastructure is provided to mitigate the impacts of the development:
- 35% affordable housing provision on-site (tenure split to be agreed)
  - Early Years Services (subject to further assessment) and Primary education provision
  - Healthcare
  - Off-site biodiversity net gain contribution
  - Employment training
  - On-site open space and children's play provision and arrangements for its future maintenance and management
  - Travel plan monitoring fee
  - Monitoring fee
- 8.69 Secondary education provision is to be secured through CIL.
- 8.70 The proposed off-site highway works are to be delivered through a separate Section 278 agreement, with details of the proposed works and their provision to be secured by a planning condition.

### **9. FINANCIAL CONSIDERATIONS**

- 9.1 The development is CIL liable.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The application is seeking permission for the principle of up to 60 dwellings on the site and the proposed means of access from Towcester Road.
- 10.2 The site is allocated for housing in the emerging Local Plan Part 2, and this carries significant weight in the determination of the application.
- 10.3 The principle of the proposed development is in accordance with the site's emerging allocation and the maximum quantum of development is consistent with the site's capacity in the emerging Plan. The development would therefore contribute towards the Council's housing delivery targets as set out in the emerging Plan.
- 10.4 The proposed point of access to the site is acceptable in highway safety terms.

- 10.5 The site is in a sustainable location based on its allocation for housing and the connectivity of the site to existing and planned development would be enhanced as part of the scheme.
- 10.6 It is considered that the identified impacts of the proposed development can be satisfactorily mitigated through conditions and planning obligations.
- 10.7 Details of the layout, scale, appearance and landscaping of the site are all reserved for future approval.
- 10.8 The proposed development is considered to be acceptable and would be in accordance with Policies 13 and 38 of the emerging Local Plan 2, Policies H1, H2 and S10 of the West Northamptonshire Joint Core Strategy as well as guidance in the NPPF. The application is also in accordance with all other relevant policies and guidance set out in this report subject to the conditions set out below.

## **11. RECOMMENDATION**

- 11.1 The application is recommended for 'approval in principle' subject to the completion of a Section 106 agreement and the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### Submission of reserved matters

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.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

### Time limit for submission of reserved matters

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.

### Time limit for commencement of development

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.

### Access and highway works

4. No development above floor slab level shall take place until full engineering, drainage and constructional details of the proposed works to form: the vehicular access off Towcester Road; the dedicated right turn access to the development site; the proposed footway/cycleway link to Towcester Road extending to the north of the proposed access and; the proposed footway to Towcester Road extending to the

south of the proposed access, as indicated on drawing number 05054-GA-0001 P01, have been submitted to and approved in writing by the Local Planning Authority. The highway works so approved shall be provided in full before any dwelling is first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and to promote opportunities for sustainable and active travel, in accordance with Policies C2 and S10 of the West Northamptonshire Joint Core Strategy, Policies 6, 27 and 33 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Contamination investigation and risk assessment

5. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with this planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of 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. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure the effective investigation and remediation of contaminated land sites 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, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Remediation scheme

6. 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 is subject to the approval in writing of 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,

Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Completion of remediation and verification report

7. The remediation scheme approved pursuant to condition 6 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. 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 shall 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, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Unexpected contamination

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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 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, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Construction and Environmental Management Plan for amenity and highway safety

9. A Construction and Environmental Management Plan (CEMP) to mitigate the impacts of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CEMP shall include details of:

- measures to control noise and vibration from construction activities and machinery
- measures to control the emission of dust and dirt during construction
- measures to prevent mud and other such material migrating onto the highway from construction vehicles
- hours of construction work
- design of construction access
- the parking and turning of vehicles of site operatives and visitors



- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works

The approved CEMP shall be adhered to throughout the construction of the development.

Reason: To mitigate the impact of the construction of the development in the interests of residential amenity and highway safety. This is a pre-commencement condition to ensure timely submission of details.

#### Surface water drainage scheme

10. No development shall take place until a detailed design of the surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Full details (including designs, diameters, invert and cover levels, gradients and dimensions) of all elements of the proposed drainage system, including pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system shall be accompanied by full and appropriately cross-referenced supporting calculations.
- b) A 10% allowance for urban creep within the calculations
- c) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
- d) Infiltration test results to BRE365.

The surface water drainage scheme shall be provided in accordance with the approved details before the development is first brought into use.

Reason: 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, and to accord with Policies BN7A and BN7 of the West Northamptonshire Joint Core Strategy, Policy 7 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Maintenance of surface water drainage infrastructure

11. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system approved pursuant to condition 11 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development. The maintenance plan shall be carried out in full thereafter.

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. This is to accord with Policies BN7A and BN7 of the West Northamptonshire Joint Core Strategy, Policy 7 of the emerging

Local Plan 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Verification report for installed surface water drainage

12. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment and Outline Drainage Strategy (ref 20-0415-RGL-ZZ-XX-RP-C-0001 rev S2-P03, dated 24th March 2021, prepared by Rolton Group) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details 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
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges
- e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site. This is to accord with Policies BN7A and BN7 of the West Northamptonshire Joint Core Strategy, Policy 7 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Archaeology

13. 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 to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policies BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies 2 and 27 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Construction Environmental Management Plan for biodiversity

14. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall incorporate the recommendations of the Ecological Appraisal & Protected Species Report prepared by FPCR, dated March 2021 (Rev A) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To mitigate the impact of the construction of the development on biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

#### Method statement for tree removal

15. A method statement for the removal of the trees identified as T1-T3 in the Ecological Appraisal & Protected Species Report prepared by FPCR, dated March 2021 (Rev A) shall be submitted to and approved in writing by the Local Planning Authority before these trees are removed. The trees shall be felled in accordance with the approved method statement.

Reason: In the interests of biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### Landscape and Ecological Management Plan

16. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### External lighting scheme

17. Details of all external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first

occupied. The lighting scheme shall be designed in accordance with the recommendations in the Ecological Appraisal & Protected Species Report prepared by FPCR, dated March 2021 (Rev A). The external lighting for the development shall be provided in accordance with the approved details and retained as such.

Reason: In the interests of biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### Bat and bird boxes

18. A scheme for the provision of bat roosting and bird nesting opportunities to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority before any development above floor slab level. The scheme shall be designed in accordance with the recommendations in the Ecological Appraisal & Protected Species Report prepared by FPCR, dated March 2021 (Rev A). The approved bat roosting and bird nesting opportunities shall be provided in accordance with the approved details and retained as such.

Reason: In the interests of biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### Hedgehogs

19. Details of 'landscaping' submitted pursuant to condition 1 shall include measures to allow the free movement of hedgehogs ('hedgehog holes'). The landscaping shall thereafter be provided in accordance with the approved details and retained as such.

Reason: In the interests of biodiversity and to accord with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy 29 (as modified) of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### Noise mitigation

20. Details of 'layout' and 'landscaping' submitted pursuant to condition 1 shall include details of a noise attenuation scheme to protect future occupiers of the development from noise. The scheme shall have regard to the mitigation measures detailed within section 6 of the Noise Impact Assessment prepared by Resound Acoustics dated March 2021 (report reference RA00682 – Rep 1 Rev0), and shall include full details and specifications of the façade, windows, glazing, ventilation, internal floors and internal walls, and measures to protect external amenity space. The scheme shall demonstrate that the internal noise levels for each dwelling achieve the recommended internal ambient guideline values outlined in paragraph 7.7.2 and Table 4 of BS8233:2014, and external noise levels meet the requirements for external amenity spaces outlined in paragraph 7.7.3.2 of BS8233:2014. No dwelling shall be occupied until the approved noise attenuation scheme has been implemented in full for that dwelling.

Reason: In the interests of the residential amenity of the end users of the development and to accord with Policy S10 of the West Northamptonshire Joint Core Strategy, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Air quality mitigation

21. The development shall be provided in accordance with the proposed Type I and Type II air quality mitigation measures as detailed within the Air Quality Assessment prepared by Resound Environment, dated March 2021 (reference RE00069 – Rep 1).

Reason: To mitigate the impacts of the development on air quality and to accord with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Electric vehicle charging points

22. Details for the provision of electric vehicle charging points for the development (one per dwelling) shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The approved charging points shall be provided before the dwelling to which it relates is first occupied and shall thereafter be retained.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019) and to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

#### Travel Plan

23. The measures and initiatives detailed in the approved Travel Plan prepared by PJA, dated April 2021 (reference 05054, Rev A), shall be implemented in full and delivered in accordance with the Action Plan set out in Table 8.1.

Reason: To comply with the objectives of achieving sustainable development by promoting sustainable travel and to mitigate the impact of the development on climate change and air quality. This is to accord with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy, Policies 6 and 32 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

#### Footway/cycle link to eastern boundary

24. Details of 'layout' submitted pursuant to condition 1 shall include details of a shared footway and cycle link within the site that connects to the eastern site boundary and is designed to facilitate access between the development site and the undeveloped land to the east (emerging housing allocation reference 1144). The details shall include construction details, details of the timing of its delivery and details/measures to ensure that the footway/cycleway is accessible to the public in perpetuity. The development shall be provided in accordance with the details so approved and retained thereafter.

Reason: To facilitate walking and cycling connections between the site and planned development to the east in order to enhance the sustainability of the development, and to accord with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy, Policy 6 of the emerging Local Plan 2 and guidance in the National Planning Policy Framework.

#### Energy and sustainability

25. Details of 'layout' and 'appearance' submitted pursuant to condition 1 shall include a scheme detailing the energy and sustainability measures that are to be incorporated

into the final development, and which are discussed within the submitted Energy and Sustainability Statement prepared by Carbon Green Consulting (Document reference: Final, dated 18/03/21). The development shall be provided in accordance with the details so approved and shall thereafter be retained as such.

Reason: To mitigate the impact of the development on climate change and to accord with Policy S10 of the West Northamptonshire Joint Core Strategy, Policy 5 of the emerging Local Plan and guidance in the National Planning Policy Framework.

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# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** WNN/2021/0400

**Location:** Wollaston Motors , Bedford Road, Northampton

**Development:** Redevelopment of existing trade dealership site to comprise of demolition of existing showroom and erection of replacement, erection of car deck, retention and refurbishment of existing showroom and erection of building comprising of 5no wash bays, with associated works to include installation of security loops, fencing, gates and resurfacing of car park and display areas

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**Applicant:** William Morgan Group Ltd

**Agent:** CC Town Planning

**Case Officer:** Adam Smith

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**Ward:** Delapre and Rushmere Unitary Ward

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**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major Application

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The application proposes the redevelopment of the existing dealership on site, comprising the demolition of existing BMW car and motorcycle showroom/workshop and erection of replacement; retention and refurbishment of existing MINI showroom; erection of two storey car deck; erection of five wash bays, and associated works to include installation of security hoops, fencing, gates and resurfacing of car park and display areas.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- Anglian Water
- Environment Agency
- Environmental Health
- Highways
- Northants Development Management (S106)
- Northants Police

The following consultees have sought **further information**:

- Local Lead Flood Authority – Additional information provided and further comments outstanding/overdue from this consultee.

No third party / neighbour letters have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Character of the Area
- Residential Amenity
- Highway Safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is occupied by car and motorcycle dealerships and is located in a prominent position on the junction of Bedford Road and Cliftonville Road within the Central Area of Northampton. The main building on the site houses a BMW car and motorcycle dealership as well as a workshop, offices and car wash. It has a mixture of two storey and single storey elements in a somewhat sprawling layout located on the corner of the Bedford Road and Cliftonville Road. In addition, the site benefits from a detached single storey MINI dealership fronting onto the Cliftonville Road. The remainder of the site is hard surfaced and used for vehicle parking, with no internal landscaping and only a narrow grassed strip running along the edge of the Bedford Road and Cliftonville Road.
- 1.2 The locality is predominantly commercial in character, with several car dealerships/garages located along this section of the Bedford Road and neighbouring the site along the Cliftonville Road. However, the wider area also includes health and educational uses, and it is noted that the land to the west of Riverside Way (some 70m to the west of the site) benefits from permissions for residential development, including a new student/nurses complex of buildings and the conversion of the upper floors of Riverside House to residential (works have commenced regarding the latter).

### **2 CONSTRAINTS**

- 2.1 The bulk of the site falls within Flood Zone 1 (i.e. low probability of flooding), with the southern edge of the site running along Bedford Road falling within Flood Zone 2 (i.e. medium probability of flooding).
- 2.2 The application site is allocated as a safeguarded employment site under Policy 15 of the Northampton Central Area Action Plan 2013, however it is not allocated as a safeguarded employment area under Policy 17 of the Emerging Northampton Local Plan Part 2.

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application proposes the redevelopment of the existing dealership on site, comprising the demolition of the existing BMW car and motorcycle showroom/workshop and erection of replacement; retention and refurbishment of existing MINI showroom; erection of car deck; erection of building containing five wash bays, and associated works to include installation of security hoops, fencing, gates and resurfacing of car park and display areas.
- 3.2 The replacement BMW car and motorcycle showroom/workshop would have a two storey scale with a maximum height of 8.8 metres and a more compact footprint. The showrooms would remain on the corner fronting onto the Bedford Road and Cliftonville Road, set back some 16 metres from the highway verge with predominantly glazed road frontages, and the workshop would be set to the rear. Its elevation treatments, in addition to full height glazing panels, would include a mix of silver cladding and white render.
- 3.3 The MINI showroom would be retained and reclad in black cladding.
- 3.4 The new car deck would be located to the western side of the site, set back some 16 metres from the frontage with the Bedford Road. It would have two elevated parking decks and a maximum height of 7.8 metres. The parking deck has been re-sited further back in the site, reduced in height and had fin features added to the elevations during the course of the application to improve the appearance of this structure.
- 3.5 The five wash bays would be contained within a single storey structure with a shallow mono-pitched roof and grey clad walls located to the north west rear corner of the site in an enclosed back of house area.
- 3.6 The remainder of the site would be surfaced for car parking and display areas with associated means of enclosures.

### **4 RELEVANT PLANNING HISTORY**

- 4.1 The following planning history is considered relevant to the current proposal:

<b>Application Ref</b>	<b>Proposal</b>	<b>Decision</b>
WNN/2021/1077	Change of Use to incorporate Car Sales Use (Sui Generis) within the existing building (Midsummer House, Riverside Way) used for Storage and Distribution purposes (Use Class B8) with internal and external alterations	Pending consideration at time of drafting report.
WNN/2021/0071	Mixed Change of Use (of Midsummer House, Riverside Way) from Storage and Distribution (Use Class B8) to Car Service	Approved.

	Workshop, Body Repair Workshop and Parts Warehouse (Use Classes B2 & B8), with internal and external alterations including enlarged access door and access ramp	
N/2018/0321	Extension to existing car sales area (at Wollaston Motors, Bedford Road), to include boundary landscaping and installation of stainless steel hoops to perimeter.	Approved.

## 5 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Northampton Local Plan and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy (Local Plan Part 1)

Policies S1, S7, S8, S10, S11, C2, N1, BN7 and BN9

#### Northampton Central Area Action Plan (CAAP) (2013)

Policies 1, 10, 15

### 5.3 Material Considerations

- National Planning Policy Framework (NPPF)
- Emerging Northampton Local Plan Part 2 (2011-2029) (Emerging NLP2)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

Policy 1 – Sustainable Development (Significant weight)

Policy 2 – Placemaking (Moderate weight)  
 Policy 3 – Design (Moderate weight)  
 Policy 4 – Amenity and Layout (Moderate weight)  
 Policy 5 – Carbon reduction. Community Energy Networks, Sustainable Design and Construction, and Water Use (Moderate weight)  
 Policy 7 – Flood Risk and Water Management (Significant weight)  
 Policy 9 – Regeneration Opportunities in the Central Area (Significant weight)  
 Policy 17 – Safeguarding Existing Employment Sites (Significant weight)  
 Policy 18 - Supporting New Employment Developments (Significant weight)  
 Policy 32 – Sustainable Transport and Travel (Significant weight)  
 Policy 33 – Highway Network and Safety (Significant weight)  
 Policy 35 – Parking Standards (Significant weight)

- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards

## 6 RESPONSE TO CONSULTATION

6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Anglian Water	No comments
Environment Agency	No comments.
Environmental Health	No objections subject to conditions to address the following: <ul style="list-style-type: none"> <li>- Land contamination</li> <li>- Noise from external plant and equipment</li> <li>- Details of electric vehicle charging points to accord with the Low Emission Strategy</li> </ul>
Highway Engineer	No comments
Local Lead Flood Authority	Initially advised that the information supporting the application was insufficient to comment on the acceptability of the proposed surface water drainage scheme.  A revised surface water drainage strategy has been submitted (in October 2021) to seek to address the comments of the LLFA, but at the time of drafting this report no comments have been received from the LLFA on the revised details.
Northants Development Management (S106)	New developments should be served by fire hydrants or sprinkler systems and a condition is suggested to secure this together with guidance on superfast broadband.
Northants Police	Pleased to note that the application has been amended to use paladin fencing rather than palisade and recommends a security condition to ensure that the development has a layered approach to security including matters such as CCTV,

	security standards for doors and security of decked car park.
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## 7 RESPONSE TO PUBLICITY

- 7.1 There have no third party / neighbour letters regarding this application at the time of writing this report.

## 8 APPRAISAL

### Principle of Development

- 8.1 The application site comprises an existing car and motorcycle dealership with workshops (sui generis use) which is located within a predominantly commercial area that is allocated as a Safeguarded Employment Site under the Northampton Central Area Action Plan (CAAP). Policy 15 of the CAAP allows for the redevelopment of such sites for uses outside the B use class where it can be demonstrated that the loss of employment floor space will be outweighed by meeting the strategic objectives of the CAAP. In this instance, there would be no change of use or net loss of employment floorspace, with the application proposals increasing the existing floor space on site by some 700m<sup>2</sup>. In addition, the submitted details indicate that the proposal would maintain and increase employment levels of the site, with the site currently employing some 144 full time equivalent employees. Therefore, it is considered that the proposed development would be in accordance with Strategic Objective SO1 of the CAAP which seeks to promote regeneration, employment opportunities and maximising the use of previously developed land. As such, it is considered that the principle of the proposed development would be acceptable under the CAAP.
- 8.2 It is noted that the safeguarded employment allocation of the site is not proposed to continue under the emerging Northampton Local Plan Part 2 (NLP2). However, Policy E1 of the overarching Joint Core Strategy (JCS) seeks to retain existing employment sites for B uses and appropriate non-B employment generating uses. In addition, Policy 18 of the emerging NLP2 seeks to support new employment developments outside safeguarded sites on suitable and accessible sites and Policy 9 of the emerging NLP2 supports the regeneration of sites within the central area which will deliver opportunities for economic development for the benefit of Northampton's economy. Similarly, Policies N1 and N2 of the JCS seeks to support the regeneration of the central area of Northampton with JCS Policies S7 and S8 supporting the maintenance and provision of new jobs and a diverse economic base. The proposal relates to the redevelopment of an existing dealership on a highly accessible site, located within a cluster of similar and compatible commercial uses, such that it is clearly suitable for the proposed development. Furthermore, the redevelopment of the site would maintain and promote new jobs and contribute to the regeneration of Northampton on a key gateway site. As such, it is considered that the principle of the development is also acceptable under the Emerging NLP2 and the JCS.
- 8.3 Finally, it is considered that the principle of the proposal is in accordance with the NPPF, which details in paragraph 81 that "*Planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*"

### Character of the Area

- 8.4 Policy 1 of the CAAP and Policies 2 and 3 of the Emerging NLP2 promote high quality inclusive design and are in conformity with the NPPF.
- 8.5 The application site is currently occupied by a somewhat sprawling part two storey, part single storey building containing a BMW car and motorcycle showroom, workshops and car wash and a separate single storey building containing a MINI showroom, with the remainder of the site covered by parked vehicles. The existing buildings have active elevations facing the street and a contemporary design appearance with flat roof forms, glazing and the use of full height glazing panels. They are fairly typical in appearance for modern car show rooms, albeit the single storey scale of the existing buildings limits the prominence of the units on this corner site.
- 8.6 The application proposes limited changes to the MINI showroom, with the main change to this showroom comprising the removal of the taller section of wall to the front elevation from which a mini is currently suspended with cladding replaced in matching materials where required, and the site frontages would remain in use for car parking. However, the proposal would introduce a replacement two storey building containing the BMW car and motorcycle showrooms wrapping around a workshop to the rear on a slightly reduced footprint to the existing building, with a new car deck to the western side of the site and low level car wash units to the rear corner of the site.
- 8.7 The replacement BMW car and motorcycle showroom/workshop would reflect the existing contemporary design appearance of the building it would replace, and the other vehicle showrooms in the locality, with full height glazing and a mix of white render and white and silver cladding. The additional storey would result in a greater presence and more prominent building on the site, but it would be of a high design quality for this type of development with active elevations to the street and appropriate for this is important gateway site such that it would benefit the appearance of the area and the regeneration of the central area of Northampton.
- 8.8 The proposed car deck would introduce a new feature into the area and such structures can have a functional appearance which are not suited to prominent locations. However, in this instance, the applicant has worked with officers to add design features to the car deck in the form of white vertical fins to tie in with the contemporary appearance of the proposed showrooms and has also reduced its height to less than that of the new workshop to create a sense of subservency. In addition, the siting of the car deck has been revised to set it further back from the Bedford Road frontage and ensure that it would not project forward of the new showroom and workshop building. As such, and mindful that the existing site is already dominated by car parking, and the neighbouring dealership to the west is set on a higher land level, it is considered that the car deck would have an acceptable impact on the character and appearance of the area.
- 8.9 The new car wash units would be single storey functional units sited to the rear corner of the site within a service area such that they would not have a prominent appearance in the streetscene.
- 8.10 Overall, it is considered that the proposal would have an acceptable impact on the character and appearance of the area, with the new showroom and workshop building adding to the design quality of the commercial area and benefiting the regeneration of Northampton.

#### Residential Amenity

- 8.11 Policy 4 of the Emerging NLP2 and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.12 There are residential properties in the wider area, notably the office to residential conversions currently under construction at Riverside House, although the site does not immediately neighbour residential properties such that the increase in scale of built form on the site to two storey would not impact on residential amenities and the nature of the use of and activities on the site would also not change. The new buildings would involve external plant and associated equipment and therefore, in accordance with the advice of Environmental Health, it is recommended that a noise assessment condition including requirements for noise mitigation as appropriate is imposed. As such, subject to the aforementioned condition, it is considered that the proposal would not have an adverse impact upon residential amenities.

#### Parking and Highway Safety

- 8.13 Policies 32 and 33 of the Emerging NLP2 and Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and promote sustainable travel. Furthermore, Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Detailed and complementary guidance on parking requirements is set out in the Northamptonshire Parking Standards and Northampton Parking Standards SPD.
- 8.14 The application would increase the commercial floorspace on the site from some 3,846m<sup>2</sup> to 4,529m<sup>2</sup> and would also increase the parking capacity within the site with a reduced footprint and a new car deck, the first and seconds floors of the latter accommodating some 94 additional car parking spaces based on the submitted plans. In addition, the site occupies a highly sustainable location on a key route into the town which is well served by public transport. The scheme has been assessed by the Highway Engineer and found to be acceptable. As such, and subject to conditions to secure details of bicycle storage and electric vehicle charging points, it is considered that the proposal is acceptable on parking and highway safety grounds.

#### Other considerations

- 8.15 The application involves the redevelopment of vehicle workshop and therefore land contamination conditions are recommended to ensure the site is free from contaminants from its historic use.
- 8.16 In terms of sustainability, JCS Policy S11 requires commercial developments with a floor space in excess of 500m<sup>2</sup> to achieve a minimum rating of at least BREEAM (BRE Environmental Assessment Method) Very Good and this can be secured by condition.
- 8.17 The frontage of the site along the Bedford Road falls within Flood Zone 2, however the replacement showroom/workshop and new car deck would be set outside this zone with only replacement car parking proposed in Flood Zone 2. The Environment Agency have assessed the application and raised no objections. As such, it is considered that the proposal would have no new implications with regards to flood risks from rivers.
- 8.18 Turning to surface water drainage, as the application comprises a major development it has been supported by details of sustainable drainage to seek to address surface



water runoff. The initial submissions were however deemed to be insufficient by the Lead Local Flood Authority (LLFA) and whilst revised details have been submitted, no further comments have been received from the LLFA at the time of drafting this report. However, the site would not significantly change the extent of hard surfaces within the site, and it is considered that this matter can adequately be addressed by condition.

8.19 Northamptonshire Police have made several recommendations to seek to ensure that the proposed development is safe and secure, including requiring further details of enclosures, external CCTV, and fenestration security performance which can be secured by condition together with a lighting scheme.

8.20 It is noted that representations have been submitted seeking conditions to secure details of sprinklers/hydrants, however this matter is addressed under the Building Regulations.

## **9 FINANCIAL CONSIDERATIONS**

9.1 The development is CIL liable.

## **10 PLANNING BALANCE AND CONCLUSION**

10.1 The proposed development would support employment opportunities and the regeneration of the Central Area of Northampton and would not detract from the character of the area, residential amenity or highway. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S7, S8, S10, S11, C2, E1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies 1, 10 and 15 of the Northampton Central Area Action Plan.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

11.1 The proposed development is recommended for approval subject to the conditions set out below with delegated authority to the Assistant Director of Place and Economy to approve any amendments to those conditions as deemed necessary:

### Time Limit

(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.

### Approved Plans

(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.

### Construction and Environmental Management Plan

(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. Measures to prevent mud and other debris being deposited on the surrounding highway.

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.

#### Land Contamination

(4) No development shall take place until an investigation and risk assessment to assess the nature and extent of any contamination of the site has been completed, in accordance with a scheme that has been first 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 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) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, pets, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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 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 shall be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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 the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

(6) 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 submitted to and approved 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 the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.

(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 in accordance with the requirements of Condition 4 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5 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, shall be submitted to, and approved in writing by the Local Planning Authority in accordance with Condition 6.

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

#### Finished Floor Levels

(8) Prior to the construction of the new buildings and car deck or the resurfacing of the site hereby permitted, full 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 amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

#### Surface Water Drainage

(9) Prior to the construction of the new buildings and car deck or the resurfacing of the site hereby permitted, a detailed design of the surface water drainage scheme for the site 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. The detailed design of the scheme shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced 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.
- c) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- d) Details of infiltration tests to BRE 365.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(10) Prior to the construction of the new buildings and car deck or the resurfacing of the site hereby permitted, a detailed scheme for the maintenance and upkeep of 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. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

(11) Prior to the occupation of the new buildings hereby permitted a verification report(s) for the installed surface water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) 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) Confirmation that the system is free from defects, damage and foreign objects.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

#### Noise Assessment and Mitigation

(12) Prior to the occupation of the new buildings 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 the new buildings 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 building and retained thereafter.

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

#### External Materials

(13) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the plans hereby permitted

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 1 of the Northampton Central Area Action Plan.

#### Electric Vehicle Charging

(14) Prior to the first occupation of the development hereby permitted, 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. 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.

#### Bicycle Parking

(15) Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of facilities for the parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to the occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies S10, C2 and BN9 of the West Northamptonshire Joint Core Strategy.

#### Crime prevention

(16) Prior to the commencement of development, full details of security measures including the security performance details of the glazing and doors for the new showroom/workshop, CCTV details/coverage and measures to secure the car deck hereby 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 secure development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

(17) Prior to the occupation of the development hereby permitted, full details of all external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be fully implemented prior to the occupation of the permitted development and retained thereafter.

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

(18) Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of all means enclosures to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation development and retained thereafter.

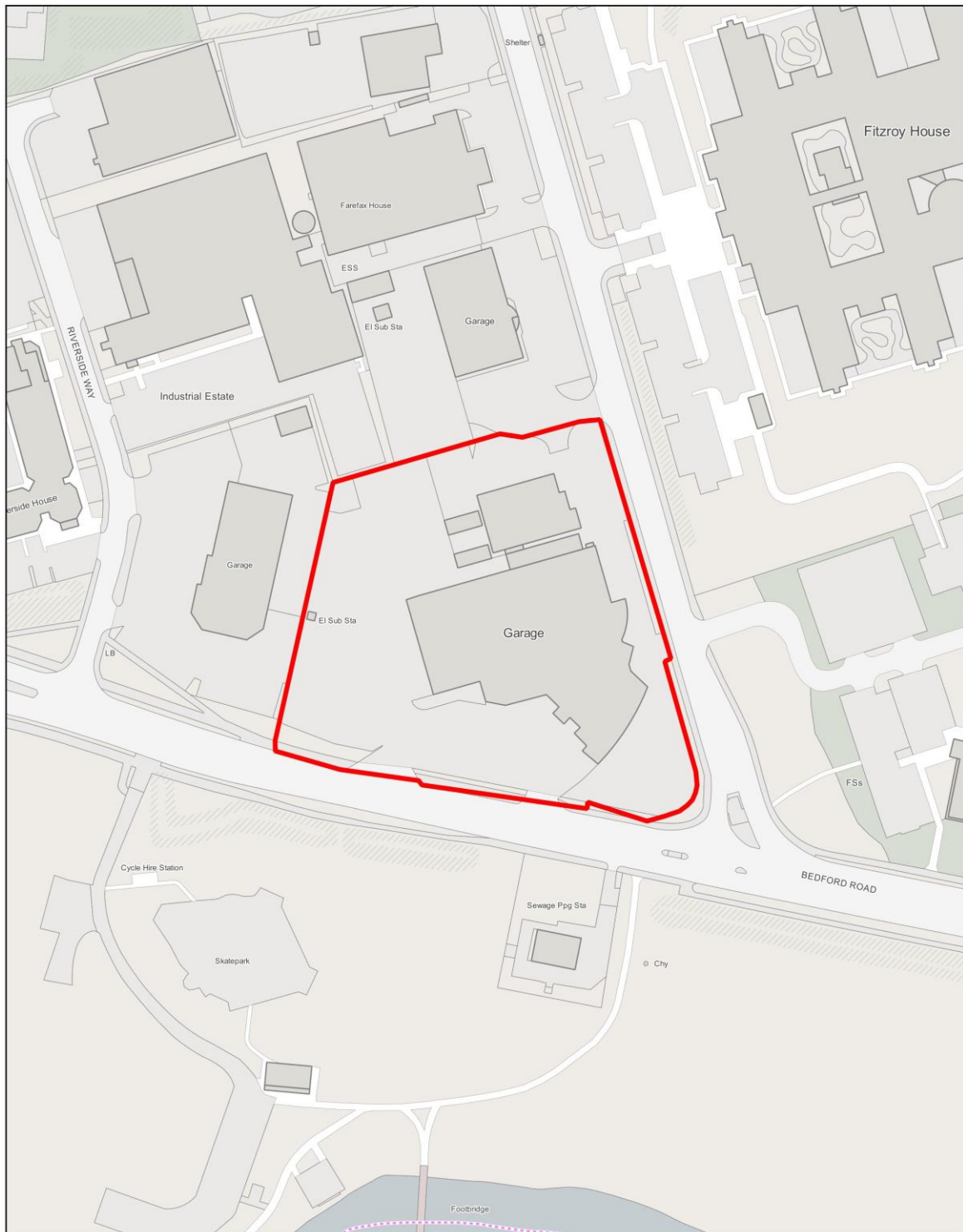
Reason: In the interests of the appearance of the locality and crime prevention in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy 1 of the Northampton Central Area Action Plan.

#### Sustainability Measures

(19) The new showroom/workshop hereby permitted shall be constructed to a minimum rating of BREAAAM Very Good. Certification of compliance with this BREAAAM Very Good rating by a licenced inspector shall be submitted to and approved in writing by the Local Planning Authority within three months of the occupation of the new showroom/workshop hereby approved.

Reason: In the interests of sustainability, climate change and air quality in accordance with Policies BN9, S10 and S11 of the West Northamptonshire Joint Core Strategy.

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**West  
Northamptonshire  
Council**

**Title: Wollaston Motors, Bedford Road**

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**Date:** 27-01-2022

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# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** WNN/2021/0687

**Location:** Clarke telecom, Wisteria Way, Northampton

**Development:** Remove existing 12.5m pole and install replacement 20m pole to support 3no. antennas and ancillary equipment thereto including 6no. RRH units and 2no. dishes'

**Applicant:** Cornerstone on behalf of Telefonica UK Ltd

**Agent:** Pegasus Planning Group Ltd

**Case Officer:** Jonathan Moore

**Ward:** Riverside Park Unitary Ward

**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Matters that should be considered by the Committee

## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

### RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

#### Proposal

Planning permission is sought for to remove an existing 12.5m pole and install a replacement 20m pole to support 3no. antennas and ancillary equipment including 6no. RRH (remote radio head) units and 2no. dishes'. The replacement mast would be within a few metres of the existing one.

This application forms part of the wider expansion of the mobile network improvement program. The submission advises there is a specific requirement for an upgrade to the existing installation to provide 3G, 4G and 5G technologies. This follows the operator's assessment of the existing network which concludes that preference is to replace the existing 12.5m high mast with one 7.5m taller capable of holding the larger antennas required for a 5G signal.

#### Consultations

The following consultees have raised **no objections** to the application:

Highways  
Environmental Health  
Tree Officer  
Northamptonshire Ecology

33 letters of objection have been received and no letters of support

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle
- Impact on appearance and character of area
- Neighbour impact
- Highways
- Trees and ecology

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is on an existing grass verge adjacent to Billing Road East close to the junction with Wisteria Way and located within a residential area. The site lies adjacent to a mini roundabout in a prominent location on the street.
- 1.2 The pole would be adjacent to a belt of existing trees separating the development from the nearest adjacent properties, Nos. 1, 3 and 5 Wisteria Way to the immediate south east. On the opposite side of the Billing Road East to the north are residential dwellings well over 30 metres away to their main elevations. The nearest residential curtilage to the south west, No. 2 Wisteria Way, is located approximately 24m away. An electricity sub-station is located to the west of the site on the opposing side of Wisteria Way.

### **2 CONSTRAINTS**

- 2.1 None

### **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application proposed the removal of an existing 12.5m high mast and the replacement with taller mast at 20m a few metres from the existing. The mast would be a monopole design. The existing equipment cabinets on the ground would be retained and upgraded internally.
- 3.2 The proposal has been submitted as a full application rather than a submission under the prior notification process as the width of the mast is marginally over a third wider than the existing mast.

## **4 RELEVANT PLANNING HISTORY**

- 4.1 There is no planning history directly relevant to the proposal.

## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **5.2 Development Plan**

- West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policy S10 Sustainable Development Principles

Policy S10: Sustainable Development Principles

Policy BN2 Biodiversity

Policy BN3 Trees

- Northampton Local Plan (1997)– Saved Policy E20 Design of new development

### **5.3 Material Considerations**

#### **National Planning Policy Framework (NPPF)**

- Paragraph 114 - Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
- Paragraph 115 - The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed where possible.
- Paragraph 130- Requires consideration of high quality design in planning applications and of effect on residential amenity

#### **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained with the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

Policy 2 Place making ( Moderate weight)  
 Policy 3 Design ( Moderate weight)  
 Policy 4 Amenity ( Moderate weight)  
 Policy 36 – Electronic Communications Networks

## 6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Highways	No comment to make
Tree Officer	No objection as would be well clear of nearby tree canopies in height
<b>Environmental Health</b>	No objection as the relevant ICNIRP Declaration is enclosed: The "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non- Ionizing Radiation Protection (ICNIRP) for public exposure, as expressed in the EU Council recommendation of July 1999, and the subsequent update in 2020.
<b>Northamptonshire Ecology</b>	The Biodiversity impacts should be negligible and would not expect an ecological survey in this case. Understand there has been a query about impacts on foraging and commuting bats: in my view any bats will be used to the existing structure and replacing it should not be an issue.
<b>Councillor D Soan (Rushmills Ward)</b>	Objects as would have an extremely detrimental effect on the appearance of the public realm and is also in very close proximity to residential dwellings. Would be double height of nearby lamp posts. Need more information on site selection and demonstration alternative sites have been explored. Out of keeping with local area.

## 7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There have been 33 objections on the following grounds with no letters of support received:

- Impact on health
- Lack of resident consultation
- Errors on planning forms

- ICNIRP regs out of date
- Site selection process dubious
- Not a replacement mast
- Lack of screening
- Impact on trees
- Impacts on ecology and bats
- Impact on local environment
- Better to upgrade fibre optic
- Noise from equipment
- Poor siting
- Plans misleading
- Out of keeping with street scene and street furniture
- Visual intrusion and domination
- Economic benefits relates to business only
- Profit driven
- Impact on children's safety
- Impact on highways
- Poor application of policy
- Impact on property value
- No need

## **8 APPRAISAL**

### **Main issues**

- 8.1 The main issues to consider are the principle of development, impact on the appearance and character of the area, economic and social benefits, neighbour amenity highway safety, impact on trees and ecology.

### **Principle of Development**

- 8.2 The NPPF advises at Paragraph 114 that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Paragraph 115 advises that the number of masts should be kept to a minimum consistent with consumer needs encouraging the use of existing masts. Where new sites are required, such as for 5G networks, equipment should be sympathetically designed where possible.
- 8.3 Emerging Policy 36 of the submitted Local Plan Part 2, whilst predominantly aimed at provision of electronic communication networks for new development, recognises the need for improved mobile connectivity including increasing 4G and enabling 5G access. Improvement in the communications network are critical to continued economic development in Northampton and are also important in supporting new ways of working such as home working.
- 8.4 The principle of the installation of a replacement mast to upgrade the existing mast on site is considered to be in accordance with policy aims to provide a high quality and reliable communications network.

### **Site selection and applicant's justification**

- 8.5 The applicant advises that the local area which surrounds Billing Road East currently has a poor signal strength. The existing base station is located almost central to the

area which was why this site was selected for a proposed upgrade. Alternative base station sites have been looked into in the local area however, there are no other base station sites which could provide a suitable alternative to be upgraded. Therefore, the upgrade of the base station as part of this proposal was selected.

- 8.6 The applicant contends that the existing mast does not have the capacity to accommodate the increase in equipment hence the proposed replacement has been chosen to provide the required capacity to facilitate the new development, In the same regard the replacement antennas must be allowed to emit a radio signal without impediment meaning they need to be sited at a high position to ensure radio signal clears all surrounding structures. The applicant advises that community consultation has also been undertaken with local Councillors. Abington Vale School and Northampton Schools for Boys on Billing Road.

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

- 8.7 The National Planning Policy Framework Paragraph 130 states; Planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 8.8 Policy S10 of the Joint Core Strategy and Policy E20 of the Local Plan require high standards of design. Policy 2 of the emerging Local Plan Part 2 states that development should be designed to promote and contribute to good placemaking through high quality, innovative and sustainable design which encourages the creation of a strong, locally distinctive sense of place.
- 8.9 The proposed pole at 20m high would be considerably larger than existing street lighting columns within the vicinity of the site. The slim line appearance would blend in with other street equipment which are of similar profile and the existing trees provide some element of screening to the existing mast and help soften the visual impact of built form with a backdrop when viewed from Billing Road East and Wisteria Way to the south. albeit the mast would protrude above the tree screen to a greater extent than existing.
- 8.10 The proposal involves a mast adjacent to and replacing the existing mast rather than adding a new site location which would assist less visual clutter in the street scene and has been designed with the aim of achieving a balance between minimising visual impact and achieving the technical requirements needed by the operator. It is necessary for the height of the structure to ensure that interference is avoided and that the structure is able to support the 5G antenna and other apparatus. A condition requiring that the existing mast is removed as per the approved plan will assist in ensuring visual clutter is avoided.
- 8.11 The visual impact of the proposed replacement mast must be weighed against the requirements to provide high quality and reliable communications network.

#### **Effect on amenity of neighbours**

- 8.12 The site is some distance to the nearest residential properties the closest to the south east being approximately 17 metres away on Wisteria Way and separated by existing planting acting as a partial screen though the mast would be higher than these features. Given significant separation of properties opposite on Billing Road at over 30 metres away the effect would be limited in terms of loss of outlook and visual intrusion.
- 8.13 On balance, it is not considered the increased visual impact in comparison to the existing mast which is already visible to the nearest residential properties is sufficient to warrant refusal of the application.

### **Highway**

- 8.14 The proposal is for a replacement mast on a grass verge with existing telecommunications equipment installed on site. The existing equipment cabinets would remain in situ with equipment upgraded internally. The proposal would not lead to any increased encroachment on the footway and the Highway Authority raise no objection to the proposal.

### **Impact on existing trees**

- 8.15 Some local residents are concerned that the proposal may affect the adjacent trees. The Council's Tree Officer has no objection given that the proposal would be clear of the surrounding tree canopies and the proposal accords with Policy BN3 of the Joint Core Strategy. Furthermore the trees adjacent are not protected by preservation orders or in a conservation area.

### **Ecology**

- 8.16 Some local residents object on the basis that there may be bats roosting in the adjacent trees. The Council's Ecologist has no objection and comments that the biodiversity impacts are likely to be negligible and an ecology survey is not required. This accords with Policy BN2 of the Joint Core Strategy and aims of the NPPF.

### **Health issues**

- 8.17 The supporting information advises the proposal is designed and constructed in compliance with the precautionary ICNIRP on the public exposure guidelines as adopted in EU Council Recommendation on the limitation of exposure of the general public to electromagnetic fields. These guidelines have been set following a thorough review of the science and take into consideration both thermal and nonthermal effects. They protect all members of the public 24 hours a day. In addition, precautionary measures have been taken into account when setting relevant guideline limits for the public (i.e. in the UK a safety factor of 50 times is applied to the public exposure guideline)
- 8.18 An ICNIRP certificate is enclosed with the application in accordance with planning requirements which has been reviewed by Environmental Health who raise no objections.

### **Other issues raised by residents**

- 8.19 Concerns have been raised in respect of noise impacts arising from the proposed mast. Environmental Health raised no objection in this regard.

- 8.20 Concerns have been raised regarding lack of neighbour notification. Neighbour notification letters were sent to occupiers in the immediate vicinity of the site and a site notice posted in accordance with statutory requirements.
- 8.21 Concerns have been raised regarding impact on property value and that the proposal is profit motivated. These are not a material planning consideration.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL Liable

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal is to replace an existing mast in a similar position on the site to allow for 5G coverage for the surrounding area. The nature of the technical requirements for the provision of 5G result in a significant increase in mast height to that existing. However, the proposal would not increase the extent of street clutter on the ground to that existing and the visual impact must be weighed against the demand for the provision of improved communications networks and the economic and social benefits that brings. On balance, the siting, appearance and scale is considered acceptable and the proposal would not lead to significant and unacceptable harm in respect of visual and residential amenity that would justify a refusal of planning permission and would not adversely impact on the highway, existing trees or ecology in accordance with the requirements of the NPPF, Policies S10, BN2 and BN3 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

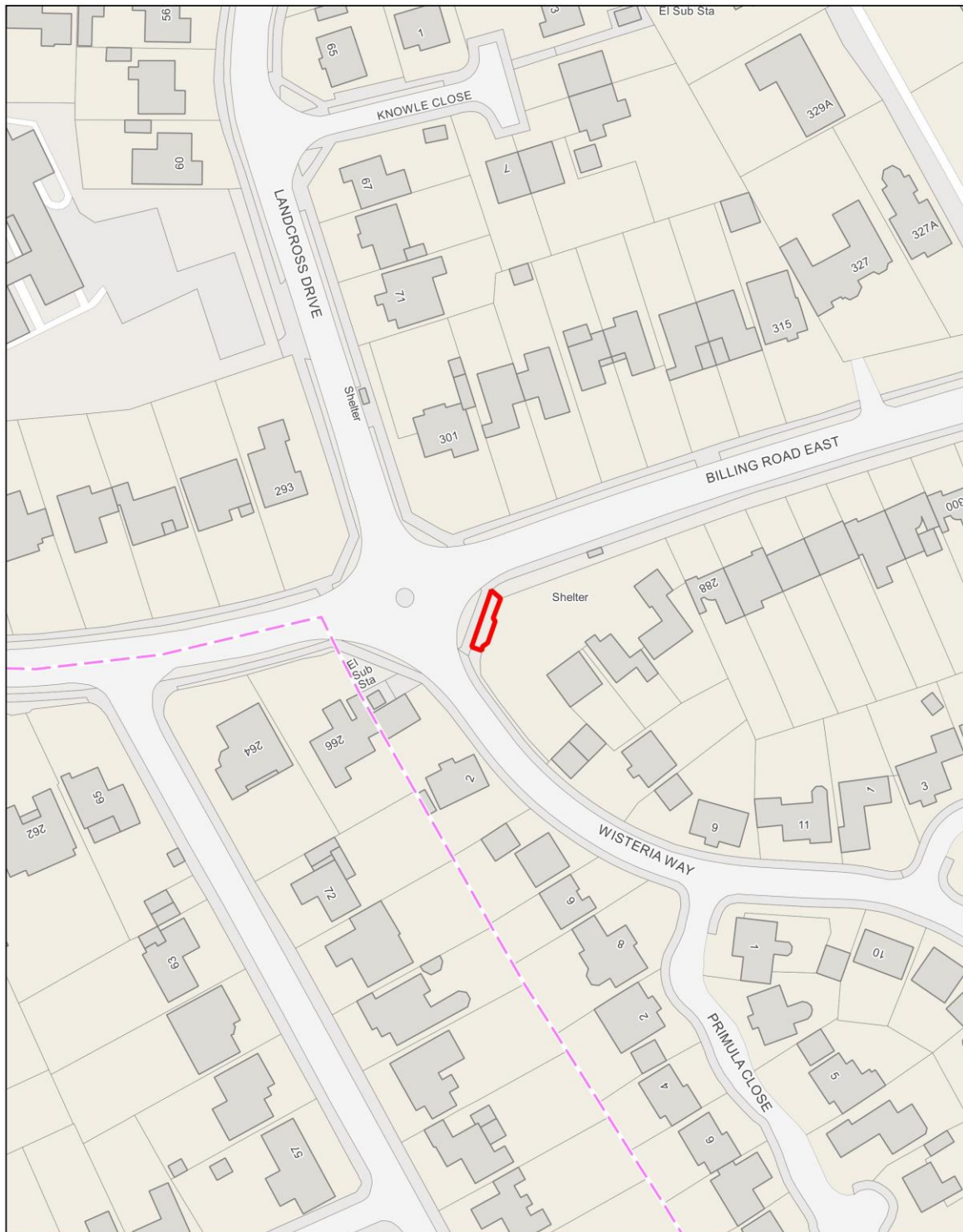
## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 Grant permission, subject to the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.
- 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: 100A, 201A, 301A
- Reason: For the avoidance of doubt and to accord with the terms of the planning application
- 3) Prior to the first use of the approved mast, the existing 12.5m high mast shall be removed and the land restored to its former condition.
- Reason: In the interests of visual amenity to avoid visual clutter to accord with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.
- 4) The approved mast shall be finished to colour RAL 6009 ( Fir Green) as per the approved plans.



Reason: in the interests of visual amenity to comply with Policy E20 of the Northampton Local Plan.

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**West  
Northamptonshire  
Council**

Title: **Wisteria Way**

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Date: 27-01-2022

Scale: 1:1,000 @A4

Drawn: M Johnson



# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** WNN/2021/0974

**Location:** Northampton Saints R F C Franklins Gardens,  
Weedon Road, Northampton

**Development:** Construction of indoor training building with artificial sports pitch, entrance lobby and boot changing areas together with associated external works

**Applicant:** Northampton Rugby Football Club

**Agent:** Peter Haddon and Partners

**Case Officer:** Jonathan Moore

**Ward:** Sixfields Unitary Ward

**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major application

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION: 'APPROVAL IN PRINCIPLE' SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

- 1) Construction training contribution

### **Proposal**

The proposed development is for the construction of an indoor training building with artificial sports pitch, entrance lobby and boot changing areas. The adjacent car park and access are existing.

The application would provide a professional standard artificial internal training pitch, which can be used throughout the year, to complement the existing facilities at Franklin's Gardens. This facility is designed to enhance the club's ability to perform at the highest level and in providing the players with the best chance of success within the national and international game.

The proposal includes a new metal clad building which would be up to 11.2 metres high to the ridge line, approximately 77 metres long by 60m wide with roof mounted solar panels and sloping roof. It would be located on the existing practice pitch 115 metres south of the main stadium.

### **Consultations**

No consultees have raised **objections** to the application:

The following consultees have raised **no objections** to the application:

- Environmental Health
- Highways
- Conservation
- Northamptonshire Police
- Environment Agency
- The Ramblers Association
- Sports England
- Anglian Water
- Natural England
- Tree Officer

At the time of writing, comments are awaited from the Lead Local Flood Authority and Construction Futures which will be reported on the addendum to this agenda.

Neighbour objections have been received from 2 separate addresses (see paragraph 7.1 below)

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The main issues arising from the application details are:

- Principle of Development/ community benefits
- Sustainable Development
- Design and impact on appearance and character of the area
- Heritage
- Neighbour impact
- Development and Flood Risk
- Crime Prevention and security
- Parking and Highways
- Contamination
- Trees and Landscaping
- Ecology and impact on natural environment

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site, known as Franklin's Gardens Stadium, comprises an existing rugby stadium and associated pitches and facilities including a conference facility. The existing stadium is accessed off Weedon Road and within 15 to 20 minutes walk of Northampton's main railway station.
- 1.2 The application site in respect of this application is over 100m directly to the south of the existing stadium and comprises an existing external training pitch. A wide landscaped area, with substantial mature trees, lies beyond the southern boundary before a large lake which forms part of the flood management of the local area. A number of individual residential properties adjoin the eastern boundary within Abbey Court and to the end of Bowden Road, beyond the existing training pitch. Residential properties within Tower Village are located beyond the car park which is located to the northern side of the proposed development over 40 metres away at the nearest point. There is a commercial building to the south used as a Transport company over 200 metres away.

## **2 CONSTRAINTS**

- 2.1 The application site is within a flood zone 2 and 3 (medium and high risk).
- 2.2 The site is over 200 metres from the Grade II listed Express Lift Tower, Northampton's most prominent building at 127 metres high.

## **3 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The proposed development is for the construction of an indoor training building with artificial sports pitch, entrance lobby and boot changing areas together with associated external works
- 3.2 The applicant maintains that there is significant value associated with the training facilities being located at the stadium and that the club's current set up has a number of challenges as detailed below:
- The existing pitches are all-natural grass. The stadium pitch suffers from poor and deteriorating drainage and is therefore unavailable for regular training sessions in addition to its match day use.
  - The training pitches are often out of use for long periods during the winter months. The club are one of very few across the Premiership that do not have access to an indoor facility for training purposes
- 3.3 The submitted details advise the proposal would provide the following benefits:
- The location provides good connectivity to the existing player facilities within the stadium and adjacent grounds; and the proposal would
  - enable the club to provide up to date and better-quality facilities for topflight players;
  - enable the remaining 2 training pitches to be adjacent to each other for flexibility of use without isolating a pitch;
  - would avoid the need for players to travel to alternative training facilities outside of the club's ownership; and .
  - would provide the club with facilities that will avoid the additional costs associated with having to train off site.

## **4 RELEVANT PLANNING HISTORY**

- 4.1 Between 2001 and 2015 the main stadium was redeveloped, replacing the original timber east stand, Sturtridge Pavilion and standing terraces, to create a modern premiership stadium. The club are committed to remaining at Franklin's Gardens and they continue to build on their investment within the grounds to safeguard the site ensuring that the site remains the natural home for Rugby in Northampton. The wider site has a very extensive planning history over many years.

## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **Statutory Duty**

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Development Plan**

- 5.2 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Northampton Local Plan (Part 2). The relevant planning policies of the statutory Development Plan are set out below:

### **West Northamptonshire Joint Core Strategy (Local Plan Part 1)**

- 5.3 The relevant policies of the LPP1 are:

Policy SA Presumption in Favour of Sustainable Development  
Policy S1 Distribution of Development  
Policy S10 Sustainable Development Principles  
Policy S11 Low Carbon and Renewable Energy  
Policy RC1 Community Regeneration  
Policy RC2 Community Facilities  
Policy BN1 Green Infrastructure Connections  
Policy BN2 Biodiversity  
Policy BN3 Woodland Enhancement and Creation  
Policy BN5 The Historic Environment and Landscapes  
Policy BN7 Flood Risk  
Policy BN7A Water Quality, Supply and Infrastructure  
Policy BN9 Planning and Pollution Control  
Policy C2 New developments  
Policy N1 Regeneration of Northampton  
Policy INF1 Infrastructure Delivery

### **Northampton Local Plan (Part 2) (LPP2)**

- 5.4 The relevant policies of the LPP2 are:

Saved Policy E20 Design of new development

### **Material Considerations**

- 5.5 Below is a list of the relevant Material Planning Considerations

### **National Planning Policy Framework (NPPF)**

- Paragraph 99 Open Space & Recreation
- Paragraph 197 Effect on Heritage assets
- Paragraph 104 Transport issues
- Paragraph 120 Effective use of land
- Paragraph 130 Design and amenity
- Paragraph 130 Security and crime prevention
- Paragraph 131 Trees
- Paragraph 159 Planning and Flood Risk
- Paragraph 174 Conserving the natural environment

### **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

- 5.6 Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

Policy 1 Presumption in favour of Sustainable Development- significant weight

Policy 2 Place Making- moderate weight

Policy 3 Design- moderate weight

Policy 4 Amenity and Layout- moderate weight

Policy 7 Flood Risk- significant weight

Policy 33 Highway safety- significant weight

Policy 35 Parking- significant weight

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

Planning out Crime SPG

## **6 RESPONSE TO CONSULTATION**

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

<b>Consultee Name</b>	<b>Comment</b>
Environmental Health	No objection in principle subject to conditions and notes added to any approval for contamination and associated remediation , noise condition given proximity to residential occupiers to the north at Tower Village in terms of effect from any mechanical plant.  Conditions in respect of Construction Environmental Management Plan, lighting and piling.
Highways	No comments to make

Conservation	No objection in terms of impact on Lift Tower due to distance involved over 200m away
Northants Police	No objections
Environment Agency	<p>The previous use of the proposed development site as part of a larger landfill site presents a risk of contamination</p> <p>The application's ground investigation report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. Consider that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy in line with the NPPF.</p> <p>In terms of flood risk, a permit is needed prior to works commencing for any activity that occurs within 8m of a main river or in a flood plain more than 8m from the river bank.</p>
The Ramblers Association	No objections
Sports England	<p>The development as stated within the Design and Access Statement (DAS) will provide all year round training facilities and allow for specific professional training methods to meet current training standards.</p> <p>The development will be adjacent to NSRFC existing player facilities within the stadium and adjacent to the ground. The DAS also states that the facilities and would be capable of all year round usage, which is not currently afforded on the NSRFC natural turf training pitches nor at the outdoor astro turf pitch at the University of Northampton which is utilised by the NSRFC. The DAS also states the proposed location of the facility would enable training pitches 2 and/or 3 to be more readily available for potential community use, with natural segregation from the NSRFC player training areas.</p> <p>Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 5 of national policy. The absence of an objection is subject to a community use agreement for use of the facility and training pitches (outside the hours of use by NSRFC being attached to the decision notice should the local planning authority be minded to approve the application. Should the condition not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 5 of our playing fields policy, and we would therefore object to this application</p>
Construction Futures	Contribution sought towards training.
Lead Local Flood Team ( LLFA)	Comments awaited



Natural England	No objection. The application is not likely to result in significant impacts on statutory designated nature conservation/ sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Suggest consult own Ecology Officer
Anglian Water	No comments to make
Arboricultural Officer	<p>There is the possibility of a minor conflict with the root protection areas of the neighbours' trees on the south side of the training pitch, but the expectation is that it could be adequately addressed pre-commencement in an arboricultural method statement.</p> <p>At one extreme, it might be necessary to consider a pile and beam foundation above existing ground level to prevent harm to the roots of the trees if they have encroached beneath the surface of the pitch, that would only be discovered if the ground was broken to ascertain the presence/absence of roots.</p> <p>In the absence of roots any foundation required could be of traditional trench and fill construction and the columns supporting the barn like structure simply buried into the ground.</p>
Ecologist	The proposal would likely deliver a net biodiversity loss and recommend that in this case if approval is granted that a detailed soft landscaping plan be secured by condition and 10 swift boxes under the eaves for nesting opportunities for swifts and other birds species with planter boxes and adding climbing plants. Could also consider planting hedgerows against fences, adding ornamental shrubs and planting boxes

## **7 RESPONSE TO PUBLICITY.**

7.1 2 letters objection have been received the comments of which are summarised as follows:

- Loss of outlook and view
- Property values
- Noise
- Construction process
- Lighting
- Concern over future expansion of club
- Neighbour impact
- Overbearing impact

## **8 APPRAISAL**

### **Main issues**

- 8.1 The main issues to consider are the principle of development, community benefits, sustainable development, design, neighbour impact, parking, flood risk, security access, parking and ecology.

### **Principle of development and community benefits**

- 8.2 Paragraph 99 of the NPPF advises that existing open space, including playing fields, should not be built on unless the open space is surplus to requirement; the loss would be replaced by equivalent or better provision in terms of quantity and quality; the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.3 These aims are reiterated in Policy RC2 of the Joint Core Strategy seeks to encourage provision of community facilities including sports facilities provided that loss of open space is resisted unless it can be demonstrated that there is evidence that improvements can be made through provisions of a better quality replacement, or the proposal will bring about community benefits that outweigh the loss.
- 8.4 In addition, Paragraph 81 of the NPPF advises that "Planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."
- 8.5 Franklin's Gardens Stadium and associated sports and conference facilities are a well-established facility within Northampton and home to Northampton Saints RFC. The continued investment and enhancement of this facility is considered to provide economic and social benefits to the town.
- 8.6 The applicant contends that the facilities and would be capable of all year round usage, which is not currently afforded on the club's natural turf training pitches nor at the outdoor astro turf pitch. The proposed location of the facility would enable training pitches 2 and/or 3 to be more readily available for potential community use, with natural segregation from rugby club player training areas. Based on the above, whilst the facility will not meet a specific need identified within the Council's Playing Pitch Strategy (PPS) it would meet the trainings needs and development priorities for the club, without displacing any users. It is noted that there is the potential for community use of the remaining training pitches and if this was to be extended to the use of the facility, it would enable some access for community clubs to 3G surface which would meet a recommendation contained within the Council's PPS.
- 8.7 The use of proposed facility (and training pitches) by the community, outside the club use, would provide wider sporting benefits which would outweigh the loss of a full size rugby pitch capable of match play. Sport England raise no objection to the proposal subject to a community use agreement for the use of the facility and training pitches (outside the hours of use by the NSRFC). A condition is proposed to that effect to secure an appropriate and reasonable level of community use whilst recognising the needs of the club.
- 8.8 As such, the principle of the proposed use is considered acceptable.

### **Impact on the appearance and character of the area**

- 8.9 The NPPF states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key

aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 130 states that decisions should ensure the development;

- Will function well and add to the overall quality of the area;
- Are visually attractive as a result of good layout and effective landscaping;
- Are sympathetic to the local character and surrounding built form.

8.10 The need for high quality design is also reflected in Policy S10 of the JCS and Policy E20 of the Northampton Local Plan. Given that the building would be sited at the rear of the stadium it is not considered to be overly prominent visually when seen from public vantage points, namely Weedon Road, though it would be visible from Edgar Mobbs Way where access is taken from. The site would be screened from views from the south by existing tall planting.

8.11 In terms of design, the building's design is of a functional appearance to fit into the aesthetics of the existing stadium to provide a cohesive design and identity for Franklin's Gardens. The scale has been determined by the functional requirements of the building with the plan sized designed to accommodate a full-size pitch and the height providing sufficient headroom for carrying out specific game elements such as line out throws and high level ball passing and kicking. The external materials proposed for the building envelope are selected to fit in with the stadium aesthetic. The roof and wall cladding materials will be of a profiled metal cladding, thermally insulated and colour coated. Feature colour flashings of black, gold (yellow) and green to match the club's colours will be incorporated to offer the club branding and to match the stadium. External finishes would be agreed by condition to ensure a satisfactory external appearance of development.

### **Heritage**

8.12 Given the distance to the Grade II listed Lift Tower of over 200 metres, it is considered that there would not be an impact on the setting of the nearby heritage asset. The Council's Conservation Officer raised no objection and the proposal is considered to be in accordance with Policy S10 and BN5 of the JCS and Paragraph 99 of the NPPF.

### **Effect on neighbouring amenity**

8.13 Policy E20 of the Local Plan requires consideration of residential amenity in terms of outlook, privacy and light as does Paragraph 130 of the NPPF. The proposed building would be visible from residential properties to the north, north east, east of the site. In this instance the development proposed would be at least 40 metres from the nearest residential properties on Tower Residential Village to the north and over 80 metres away from properties on Abbey Street to the north east. Despite the height of the building at 11.2m, given the separation, it is considered that the visual impact on nearby residential properties would not lead to any unacceptable harm. There is a Transport Company to the south of the site with the building belonging to this being over 200 metres away and separated / screened by tall tree planting. It is therefore considered that the proposal would have reasonably limited on surrounding visual amenity in respect of the surrounding context.

8.14 In respect of noise and disturbance, Environmental Health advise that the proposed use may result in some noise from mechanical plant that could affect residential amenity. A condition is recommended for a noise survey to be undertaken and mitigation provided as necessary to ensure there is no adverse impact on

surrounding amenity to accord with Policy BN9 and S10 of the Joint Core Strategy and the aims of the NPPF.

- 8.15 The use of the access road off Edgar Mobbs Way would likely generate additional comings and goings however as this is in existing use, it is considered that the proposal situation would not be significantly more intensive than current.

### **Development and Flood Risk**

- 8.16 The site lies predominantly within flood zone 2 (medium risk) with the southern fringe of the site situated in flood zone 3 (high risk). The NPPF seeks to ensure that proposals for new development are appropriately located away from areas with a high risk of flooding and to ensure that the development does not lead to an increase in flood risk elsewhere. Policy BN7 of the Joint Core Strategy requires that new development demonstrates there is no risk of flooding to existing properties and that the development is (or can be) safe, seeking to improve existing flood risk management.
- 8.17 The applicant confirms that they assessed other sites in lower risk flood zones elsewhere in the area and the proposed location albeit in a flood zone is the best location being so close to the existing club and the benefits outweigh any disadvantages. The application is supported by a Flood Risk Assessment which has been subject to consultation with the relevant drainage bodies. The submitted drainage scheme proposes to collect and convey rain water to a discharge point into Westbridge Dyke with flow rates restricted by a hydrobrake control device and water held back by the flow restriction to be held in a new storage basin located on the application site to the west of the proposed new building .
- 8.18 The Environment Agency and Anglian Water raise no objection to the proposed scheme. The comments of the LLFA are awaited and will be reported on the addendum to this agenda.

### **Security and Crime Prevention**

- 8.19 The NPPF states “development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”. These aims are reflected in Policy S10 of the Joint Core Strategy and the Northamptonshire “Planning out Crime SPG (2003).
- 8.20 The application includes security measures such as secure glazing, secure entrance doors, fire exit doors to be galvanised steel , external lighting around the whole building and an intruder alarm system linked to the central stadium. The applicant has given consideration to the proposed layout to ensure personal safety. Full details of security measures can be agreed by condition on the grant of planning permission. Northants Police raise no objections.

### **Parking and Access**

- 8.21 Paragraph 104 of the NPPF cites that transport issues should be considered from the earliest development stages of development proposals, so that: the potential impacts of development on transport networks can be addressed, opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development

that can be accommodated and the opportunities to promote walking, cycling and public transport use.

- 8.22 Vehicular access would be taken from the existing access road off Edgar Mobbs Way. In addition, the existing car park and site entrance is designed to provide inclusive access with wheelchair users and disabled parking located closest to the building. The proposal is intended to enhance existing facilities on site and would be situated on an existing playing field. Whilst the development may have some potential to increase traffic movements on this part of the site, the submitted plans indicate existing parking to the south west of the proposed building and this is considered acceptable to the Highway Authority. Parking can be conditioned to be retained during the lifetime of development and cycle parking agreed prior to occupation of the building in line with the aims of the NPPF and Local Parking standards.

### **Contamination**

- 8.23 The applicant has submitted a Ground Investigation Report which has been reviewed by Environmental Health and the Environment Agency. The previous use of the proposed development site as part of a larger landfill site presents a risk of contamination however the submitted report demonstrates that appropriate remediation can be achieved and conditions are proposed in this regard. Environmental Health and the Environment Agency raise no objection subject to conditions for the agreement and implementation of an appropriate remediation scheme accord with the requirements of Policies S10 and BN9 of the JCS.

### **Impact on Trees and Landscaping**

- 8.24 There are trees on the application site affected by the proposed development however, there are existing established unprotected trees to the immediate south of the site on third party land. The Council's Tree Officer raises no objection but advises that a pre-commencement condition be secured on any permission for a method statement to protect the trees concerned in accordance with Policy BN3 of the JCS. The affected trees are on neighbouring land however the root protection areas extend into the site and there is potential for the foundations of the new building to protect the root protection areas. As such it is considered reasonable to impose a condition in this regard.
- 8.25 A detailed landscaping scheme for the proposed development can be agreed by condition to assist in assimilating the development into the surroundings and provide some ecological enhancement.

### **Ecology**

- 8.26 The Council's Ecologist raises no objection to the proposal subject to conditions to secure as a soft landscape scheme and swift boxes to encourage nesting birds under the eaves of the north and east elevations of the building. This would encourage some biodiversity to the site and accords with Policy BN1 and BN2 of the JCS.

### **Sustainable Development**

- 8.27 A presumption in favour of sustainable development is an over-arching theme contained within national and local planning policy. Policy S11 of the JCS seeks to ensure that new development contributes to a reduction in carbon emissions and adapts to the effects of climate change. For non-residential development over 500m<sup>2</sup> GIA a minimum rating of BRE AAM very good standard of equivalent is required.

- 8.28 The applicant maintains that the proposal can provide for sustainability measures such as solar panels, energy efficiency measures including passive ventilation and thermal insulation and would meet relevant Building Regulations standards. The building proposed would be of simple design and include energy efficient lighting and materials rated under the BRE Green Guide. The applicant has detailed that it would not be viable to achieve BREEAM accreditation on this site but has set out an intention to design the energy saving aspects of the building. A condition is proposed to secure sustainable design measures for the proposed building.

#### **Other issues**

- 8.29 A contribution towards construction training has been requested and is considered reasonable to secure by a Section 106 legal agreement.
- 8.30 Concern on impact on property values raised by one neighbouring property can afford limited weight in decision making as this is not a material planning consideration.

### **9 FINANCIAL CONSIDERATIONS**

- 9.1 None

### **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The development would provide a positive investment and enhanced provision for an existing established sporting facility within Northampton with associated economic, social and community benefits to the area. The design and appearance is acceptable and subject to conditions the development would not lead to any adverse impact on surrounding amenity, flood risk, security, parking, biodiversity, trees and contamination and is in accordance with local and national planning policy.

### **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the conditions set out below with delegated authority to the Assistant Director of Place and Economy to approve any amendments to those conditions as deemed necessary:

#### Time Limit

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.

#### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: NRC/PHP/EX/00/DRA-4530-002/P1, 100/P7, NRC/PHPXX/XX/DRA, 4530/302/P5, 401/P4, 200/P6, 301/P2, 201/P3.

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

#### CEMP

3. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of all construction works unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall detail the following:

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- design of construction access
- hours of construction work
- control of noise and/or vibration
- measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of construction works.

Reason: In the interests of residential amenity to comply with Policy BN9 of the Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

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 in relation to all surrounding buildings 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 is a pre-commencement condition to ensure timely submission of details.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

- 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 on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of 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. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - ground waters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option (s).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

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 must be prepared, and is subject to the approval in writing of 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. This is a pre-commencement condition to ensure timely submission of details.

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 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.

9 Prior to the commencement of the development hereby approved (including all preparatory work), a scheme of protection for the trees along the southern boundary of the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of protection should include an arboricultural method statement (AMS) and a tree protection plan (TPP) with offsets from fixed points so that the alignment of the proposed control measures may be confirmed; both should be prepared in accordance with the guidance in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In interests of visual amenity and the protection of trees immediately adjacent to the site to accord with Policy BN3 of the Joint Core Strategy, Pre - commencement condition to ensure details agreed in timely manner.

10 No development shall take place until a Sustainability Strategy detailing the sustainable design measures to be incorporated within the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the office building and retained thereafter.

Reason: To ensure the delivery of a sustainable development in accordance with Policy S11 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are delivered in timely manner.

11 Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials and finishes 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 and Policy S10 of the West Northamptonshire Joint Core Strategy.

12 Prior to any development commencing a full noise survey and assessment by must be prepared and submitted, with any proposed mitigation, to the local planning authority for approval. The assessment must take into account breakout noise from sporting activities inside the building, noise from any associated plant, times the building is occupied and distance to sensitive receptors surrounding the building. Development shall be carried out in accordance with the approved details prior to occupation.

Reason: In the interests of residential amenity to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy and aims of the NPPF. Pre-commencement condition to ensure that details are delivered in timely manner

13 Prior to installation, full details of all external lighting shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be

fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy BN9 of the West Northants Joint Core Strategy

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping for the site. The scheme shall include, where present, the location and species of any proposed and existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the NPPF. This is a pre-commencement condition to ensure timely submission of details.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the NPPF.

16. Prior to the first use of the building hereby permitted details for the provision of bird nesting boxes under the eaves of the approved building on the north and east elevations 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 use of the building.

Reason: In the interests of biodiversity and to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

16. Full details of facilities for the secure and covered parking of bicycles shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards.

17. Prior to the construction of the development hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

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

- 18 Notwithstanding the submitted plans and prior to the occupation of the development full details of the design and specification of the roof mounted solar panels and their precise design shall be submitted to and agreed in writing with the Local Planning Authority and implemented in accordance with the approved details.

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

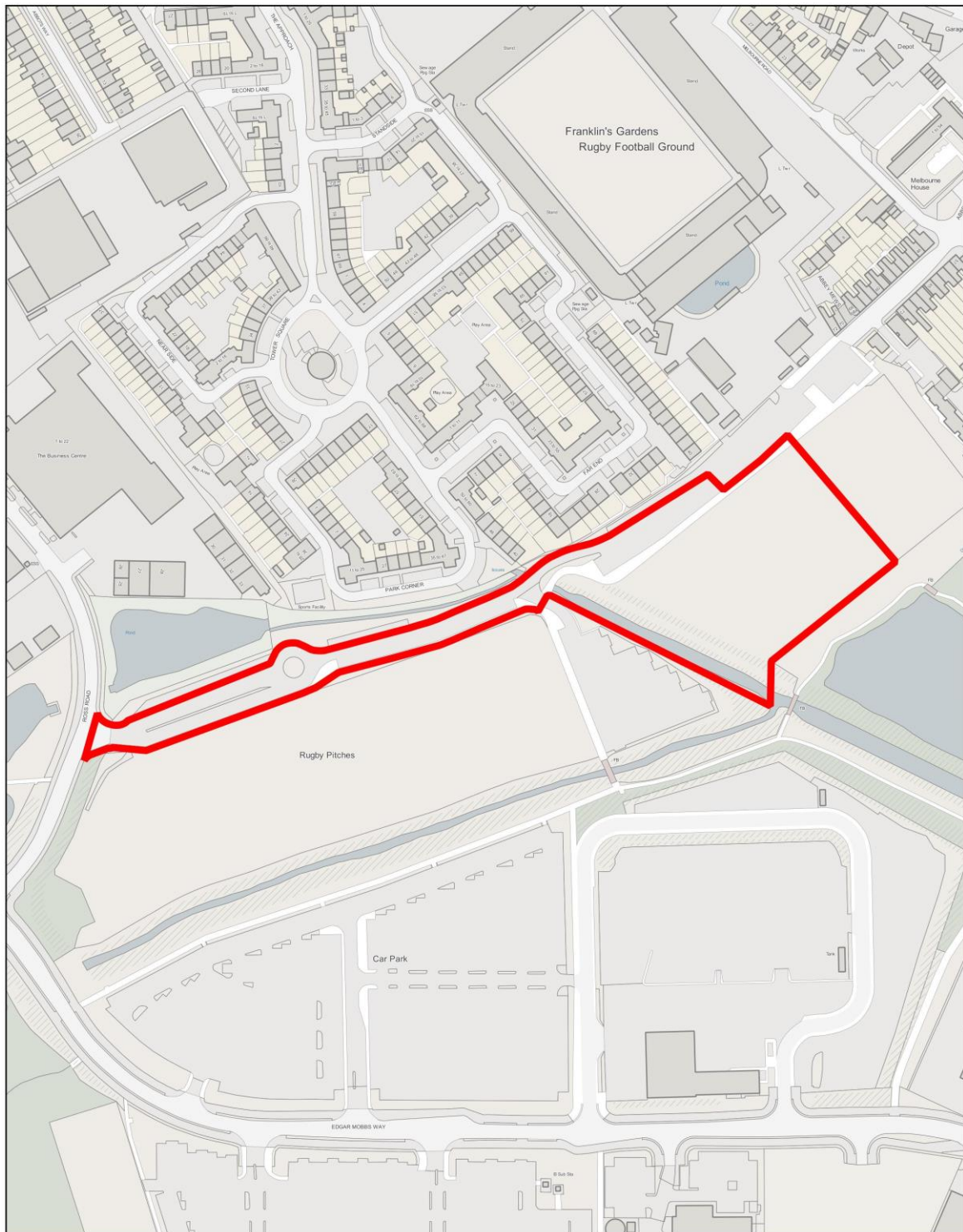
- 19 Prior to first use of the approved development, full details of security measures including access controls, security cameras and other associated measures shall be submitted to and agreed in writing with the Local Planning Authority and shall be implemented in accordance with the agreed details.

Reason: In the interests of crime prevention and to ensure as secure standard of development to accord with Policy S10 of the West Northamptonshire Joint Core Strategy.

20. Prior to the first use of the development hereby permitted a scheme to allow for the indoor training facility and the two remaining adjacent outdoor pitches (2 and 3) as shown on the approved plans to be made available for community use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details upon first occupation and retained throughout the life of the development.

Reason: To ensure the continued provision of an appropriate level of sports facilities in accordance with the aims of the National Planning Policy Framework.

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**West  
Northamptonshire  
Council**

Title: **Franklins Gardens, Weedon Road**

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# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022  
**Application Number:** WNN/2021/0993  
**Location:** 113 Lutterworth Road, Northampton  
**Development:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including single storey rear extension

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**Applicant:** Mr I Bhatti  
**Agent:** Design Board Architectural Services  
**Case Officer:** Kanchan Sharma

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**Ward:** Abington and Phippsville Unitary Ward

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**Referred by:** Councillor Z Smith

**Reason for Referral:** Overdevelopment and impact on parking

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## EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

### RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

#### Proposal

Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people, including a single storey rear extension.

#### Consultations

The following consultees have raised **objections** to the application:

- Councillor Z Smith
- Northampton Town Council

The following consultees have raised **no objections** to the application:

- Private Sector Housing
- Environmental Health
- Highways

3 Letters of objection have been received.

The key issues arising from the application details are:

- Principle of Development

- Concentration
- Amenity
- Highway Safety

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site comprises a two storey mid-terraced, three bedroom property on Lutterworth Road located in a residential area with similar terraced properties on the either side of the street.
- 1.2 The site is located in a close proximity to Wellingborough Road, which has a parade of retail and commercial units and bus routes to different parts of the town.
- 1.3 The application site lies in Flood Zone 1, which means very low risk of flooding.

### **2. CONSTRAINTS**

- 2.1. The application site is subject to an Article 4 Direction which removes permitted development rights in relation to a change of use to a House in Multiple Occupation (HIMOs).

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. Parking would be on-street.
- 3.2. The proposal also includes a single storey rear extension.

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

- 4.1. None.

### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

#### **Statutory Duty**

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Development Plan**

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### **West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)**

- 5.3. The relevant policies of the LPP1 are:

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

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

- 5.4. The relevant policies of the NLP 1 are:

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation with a single dwelling

## **Material Considerations**

- 5.5. Below is a list of the relevant Material Planning Considerations

- **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 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.
- Northampton Local Plan Part 2 (2011-2029) (Emerging)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption in favour of sustainable development (Significant weight)
- 2 – Placemaking (Moderate weight)
- 3 – Design (Moderate weight)
- 4 – Amenity and layout (Moderate weight)
- 5 – Carbon reduction, sustainable design etc (Moderate weight)
- 6 – Health and wellbeing (Significant weight)
- 15 – Delivering houses in multiple occupation (Significant weight)
- 33 – Highway network and safety (Significant weight)
- 35 – Parking standards (Significant weight)

- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019). The HIMO SPD details that proposals for HIMO should:
  - Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HIMO within a 50 metre radius.
  - Secure the provision of adequate facilities and amenities
  - Provide adequate waste and recycling facilities and sufficient refuse storage
  - Minimise flood risk
  - Secure provision of adequate parking
  - Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.

## 6. RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Private Sector Housing	The property is suitable for 5 households as requested. The kitchen/diner size is adequate subject to the provision of adequate kitchen facilities. Sanitary facilities are adequate. The scheme will require licensing under the mandatory licensing scheme.
Environmental Health	No comments to make other than the recommended informative note covering construction times.
Northampton Town Council	The Northampton Town Council object to this application. The development of the property as a HMO for 5 occupants is overdevelopment of the site. In addition, there is insufficient parking for the number of proposed occupants.
Cllr. Z Smith	Calls in the application on the grounds of impact on parking, refuse and overdevelopment. 5 bedrooms is too many and inappropriate to have bedroom off kitchen.



Highways	No comments to make.

## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party responses received at the time of writing this report.

7.1. Objections have been received from 3 local residents raising the following comments in summary:

- Would increase pressure on on-street parking.
- Increase in refuse
- Will cause noise and disruption to residents.
- Increase in anti-social behaviour
- Property is too small for 5 adults.
- Loss of a family dwelling
- Sewer drainage is a problem – HiMO will exacerbate this

## 8. APPRAISAL

### Principle of Development

8.1 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. These matters are discussed below.

### Concentration of HiMO uses in the area

8.2 Council records evidence that there are 4 other HiMOs within a 50m radius of the application site. The use of this property as a HiMO would equate to 8.9% concentration, which would fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to HiMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area. As referred to by some objectors, the density map provided by the applicants is indeed inaccurate. The density has been calculated independently of this by officers and based on Council records available.

### Size of the property and facilities for future occupiers

8.3 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HiMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HiMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur.

8.4 Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 5 occupant HiMO. All bedrooms would be served by adequate outlook and light.

### Flood Risk

- 8.5 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding.

### Highways/Parking

- 8.6 Parking for existing properties on Lutterworth Road is on-street. The application proposes no onsite parking to serve the property and there is not the opportunity to do so. 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.
- 8.7 No parking beat survey was submitted with the application. Nevertheless, it is considered that the application site is in a sustainable location within 200 metres of the nearest bus stops into and out of the town centre, with buses stopping at least every 30 minutes on Mondays to Fridays, with a less frequent service at weekends. The site is also 200m from local shopping facilities on Wellingborough Road. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Northampton Parking Standards SPD (2019). It can be noted also that no objection has been received from the Local Highway Authority in this case.
- 8.8 Within such areas, the HIMO SPD recommends that storage space should be provided which is accessible to cycle users. Details of cycle storage have accompanied the application, but not in detail, therefore a condition is recommended to provide further details to ensure an appropriate level of secure cycle storage is available on site.
- 8.9 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that a HIMO should provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 5 parking spaces, which is an increase of 3 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 8.10 However, there is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 8.11 Overall, in view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the HIMO SPD and the Parking SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

### Refuse Storage

- 8.12 The submitted plans indicate refuse storage in the rear garden area, a condition is therefore recommended requiring full details to be submitted to ensure appropriate provision.

### Amenity

- 8.13 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

### Impact of proposed rear extension.

- 8.14 The proposed single storey rear extension would be screened behind the main dwelling and therefore would have a minimal impact on the character of the area. The extension would replace the existing 1m deep single storey element and would project 2.8m from the rear elevation with a flat roof.
- 8.15 The neighbouring property, No.111, has an existing lean-to and the proposed extension would sit adjacent to this existing structure which has no habitable windows and as such, would have minimal impact on this property. The neighbouring property, No.115, has habitable windows on the side elevation overlooking the application site. However, due to the siting of the proposed extension towards the rear end of the building, it would have minimal impact on the residential amenity of this property in terms of overbearing or loss of light. Moreover, a similar extension could be erected under the provisions of the permitted development rights and would not require planning permission.
- 8.16 There are no dwellings to the immediate rear of the site and it is considered that the proposed single storey rear extension would not result in any undue impact on the residential amenity of the neighbouring properties to the sides and would comply with saved policy E20 of the Northampton Local Plan, Policy S10 of the JCS and advice contained in NPPF.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed change of use and extension would not lead to an unacceptable concentration of HMOs within the locality and would not adversely affect the character of the local area, street scene, neighbouring amenity or parking provision. The property as extended would be of sufficient size to accommodate the level of accommodation as proposed.
- 10.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West

Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation SPD.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

11.1 The proposed development is recommended for approval subject to the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

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: A21-129-01 & A22-129-02.

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. Notwithstanding the submitted details, full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation 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.

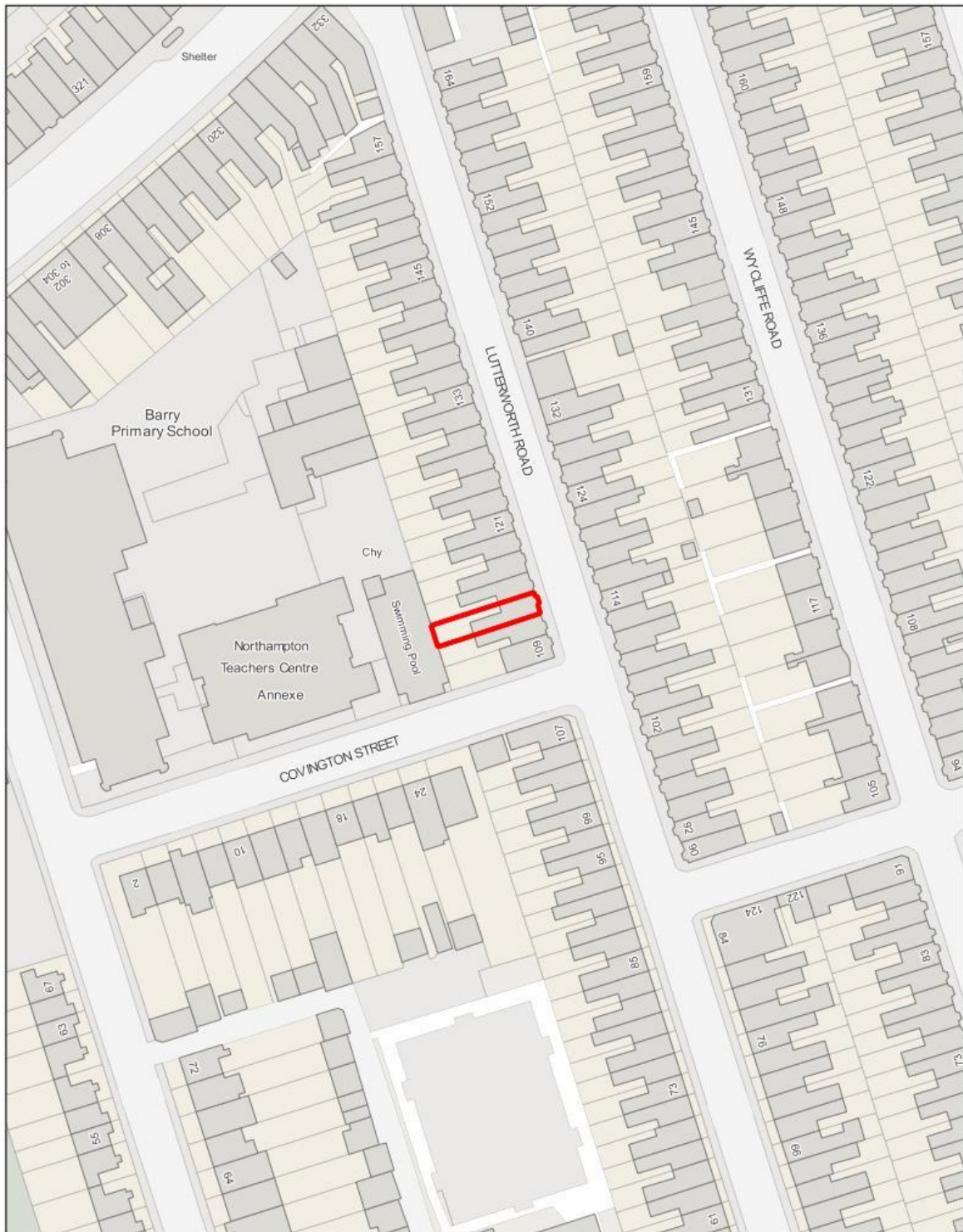
5. Notwithstanding the submitted plans, details for the provision of secure cycle storage shall be first submitted to and approved in writing by the Local Planning Authority fully implemented prior to the development being first brought into use and retained thereafter.

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.

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

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

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**West  
Northamptonshire  
Council**

Title: **113 Lutterworth Road.**

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