



Northampton Local Area Planning Committee

A meeting of the Northampton Local Area Planning Committee will be held in the The Jeffrey Room - The Guildhall, Northampton, NN1 1DE on Tuesday 6 September 2022 at 5.00 pm

Agenda

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| 1. | Apologies for Absence and Appointment of Substitute Members |
| 2. | Declarations of Interest 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. | Minutes To confirm the Minutes of the Meeting of the Committee held on 2 nd August 2022. |
| 4. | Chair's Announcements To receive communications from the Chair. |
| 5. | Deputations/Public Addresses |
| 6. | List of Current Appeals/Inquiries (Pages 5 - 6) |
| Planning Applications (Addendum attached) | |
| a) | Hazardous Substance Consent revocation in relation to Condition 22 of planning application N/2020/1212 'Outline Application (with access details) for the demolition of existing building and structures and redevelopment to provide new warehouse and distribution floorspace (Use Class B8) with ancillary office accommodation, access from Liliput Road, with service yards, parking, |

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| | landscaping and other associated infrastructure'. Howdens Joinery, Liliput Road, Northampton (Pages 19 - 22) |
| a) | N/2019/1277 - Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16. Development Land, Lancaster Way. (Pages 23 - 84) |
| b) | N/2020/1421 - Demolition of existing buildings and erection of Discount Food store (Use Class E), with associated car parking, access, landscaping and associated engineering works. Mayleigh House, Kettering Road North (Pages 85 - 110) |
| c) | WNN/2022/0033 - Outline Planning Application (All Matters Reserved except Access) for 11no Dwellings with vehicular and pedestrian access. Grazing Land, Mill Lane, Kingsthorpe (Pages 111 - 126) |
| d) | WNN/2022/0173 - Conversion of existing Factory Building (Use Class B2) to 19no Self-Contained Flats for Supported Living (Use Class C2) and associated works including external alterations, formation of new vehicular access, creation of under croft parking, stopping up existing access, creation of amenity space. 64 - 72 Roe Road (Pages 127 - 146) |
| e) | WNN/2022/0180 - Change of use from commercial property (sui generis) to 5 no. flats (use class C3). 26 Clare Street (Pages 147 - 158) |
| f) | WNN/2022/0650 - Construction of a pair of semi-detached offices (Use Class E) and associated parking area. Land rear of 84 to 86 Lower Thrift Street. (Pages 159 - 170) |
| g) | WNN/2022/0707 - Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants. 68 Bostock Avenue. (Pages 171 - 182) |
| h) | WNN/2022/0814 - Demolition of existing garage structures and erection of two storey partially adaptable dwelling. Land to rear 17 North Western Avenue. (Pages 183 - 194) |
| 8. | <p>Urgent Business</p> <p>The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.</p> |
| 9. | <p>Exclusion of Press and Public</p> <p>Should Members decide not to make a decision in public, they are recommended to resolve as follows:</p> <p>“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</p> |

maintaining the exemption outweighs the public interest in disclosing the information.”

Catherine Whitehead
Proper Officer
29 August 2022

Northampton Local Area Planning Committee Members:

Councillor Jamie Lane (Chair)

Councillor Anna King (Vice-Chair)

Councillor Muna Cali

Councillor Nazim Choudary

Councillor Paul Clark

Councillor Raymond Connolly

Councillor Paul Dyball

Councillor Cathrine Russell

Councillor Zoe Smith

Councillor Sally Beardsworth

Councillor Penelope Flavell

Councillor Julie Davenport

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to 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.

Evacuation Procedure

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Arrangements for Speaking

It is necessary to register with Democratic Services no later than midday on the last working day before the Committee. This applies to all speakers, including Ward Councillors.

Speakers are required to indicate whether they will be speaking against or in support of an application.

Speakers may register by telephone, email, or by writing, using the contact details below.

Queries Regarding this Agenda

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

Tel: 07775036776

Email: publicspeaking@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

List of Appeals and Determinations – 6th September 2022

| Written Reps Procedure | | | |
|--|--------|--|------------------|
| Application No. | DEL/PC | Description | Decision |
| N/2021/0363 APP/W2845/W/21/3288251 | DEL | Change of Use from Dwellinghouse (Use Class C3) to Children's Home (Use Class C2) to accommodate a maximum of 3no children (8-18 years old) at 29 Colonial Drive | ALLOWED |
| WNN/2021/0124 APP/W2845/W/21/3287463 | DEL | Conversion of loft with dormer to rear at 30 The Green, Kingsthorpe | AWAITED |
| WNN/2021/0426 APP/W2845/D/22/3294057 | DEL | Removal of existing conservatory and construction of new two storey rear extension at 7 Glaisdale Close | AWAITED |
| WNN/2021/0651 APP/W2845/W/21/3287329 | DEL | Erection of new dwelling to rear of 103 Beech Avenue | DISMISSED |
| WNN/2021/1063 APP/W2845/D/22/3294515 | DEL | Two storey front extension and two storey side extension over existing garage at 29 Martins Lane | AWAITED |
| WNN/2021/1081 APP/W2845/D/22/3298011 | DEL | Two storey rear extension together with new hardstanding and dropped kerb to front at 100 Westone Avenue | AWAITED |
| WNN/2021/1109 APP/V2825/D/22/3298364 | DEL | New garage to front at 83 Welford Road | DISMISSED |
| WNN/2022/0281 APP/W2845/W/22/3300030 | DEL | Construction of new house in grounds of 253 Billing Road East, including shared drive | AWAITED |
| Public Inquiry | | | |
| | | None | |
| Hearings | | | |
| | | None | |
| Enforcement Appeals | | | |
| | | None | |
| Tree Preservation Order (TPO) Appeals | | | |
| | | None | |

The Address for Planning Appeals is:

Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
 Appeal decisions can be viewed at - <https://acp.planninginspectorate.gov.uk>

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| <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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Addendum to Agenda Items Tuesday 6th September 2022

7. ITEMS FOR DETERMINATION

Item 7a : N/2019/1277 [CW]

Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16.

Development Land, Lancaster Way.

Amended RECOMMENDATION:

RECOMMENDATION: APPROVAL IN PRINCIPLE subject to conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to conditions as deemed necessary:

And **SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT** to secure the following:

- The completion of a Section 106 Legal Agreement to secure planning obligations set out below:
 - 35% on-site affordable housing.
 - Primary school education payment.
 - Highways payments.
 - On-site open space is maintained and made available for public access in perpetuity and provided.
 - Construction training payment.
 - Community development payment.
- The Council's monitoring fee subject to the Assistant Director of Growth, Climate and Regeneration being satisfied the monitoring fee is necessary and of an appropriate scale.

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

Updates to Conditions.

- Condition 2 should state drawing reference 352A08-120-M.

- Condition 3 should state drawing reference 352A08-4006-B.

- Condition 7 should refer to plan reference 31006/300P27 rather than 31006/300P24.
- Condition 9 – The reference to site plan layout 201 Rev G should be 201 Rev M.
- Condition 15 – Plan 18/31006/SK50 reference should be removed.

Changes within Report.

- Page 7 – The Applicant is Andy Chapman acting on behalf of Watermeadow Homes.
- Page 13 – Highway Objection related to tandem parking – This parking layout has been previously agreed by planning committee and doesn't form part of the current proposed changes.
- Page 17 Para 8.9 – The applicant contends that the flooding issues adjacent to the site were proven to be an existing blocked surface water outfall, rather than as a result of the Lancaster Way development itself. The requirement for a revised surface water drainage strategy is not as a consequence of the flooding encountered, but rather that the previous approved strategy was not installed in full by the previous developer.
- Page 22 – Condition 13 – (relating to the Well Strategy). This is no longer required and is to be removed as this condition has already been discharged/implemented.
- Page 23 – Condition 15 should read 'as agreed with West Northamptonshire Highways Department' not Northamptonshire County Council Highways Department.
- Members are reminded that this application is in part retrospective as some works have already taken place on site with a number of works (e.g. revised drainage, contamination surveying, etc.) yet to be undertaken.

Updates from Consultees.

Contamination

- Further update regarding *Environmental Health officer comments* – Request the imposition of land contamination/remediation condition. Condition wording as outlined below to allow further consideration of contamination matters.

Now Condition 19:

19. Within three months of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation 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 1 month of completion (or within 1 month of completion of each respective phase).

Ecology

- Further update regarding *Ecology officer comments* – Request the imposition of protected species monitoring. Condition wording as outlined below.

Additional Condition.

Condition 20:

20. Within 3 months of planning approval, a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to monitor post construction/implementation success and aftercare of protected species mitigation methods, and ongoing success of the resident badger clan for three years after the occupation of the last dwelling on site. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.'

Comments from Local Resident

Objects to the proposal on the following summarised points (contained within 8 no. emails received between 30/08/22 to 05/09/22).

- The need for condition 6 (surface Water Drainage) and a 3-month timescale.
- Lack of LLFA response. Should be refused.
- Should this application be dealt with retrospective?
- Concerns over the way in which the application has been assessed by the authority and consultees.
- Land contamination – concerns over plot 125 and soil readings.
- Why hasn't the authority undertaken enforcement action?
- Disagreement with local authority Ecologist that the Badger Corridor is not required.
- The agenda for the coming planning meeting on this application is confusing regarding the comments from Jason Conway at West Northants Highways regarding tandem parking spaces.
- Concerns over existing drainage infrastructure under highways and general surface water drainage provision that has been constructed.
- The Electric Vehicle charging plan shows 23 plots do not have an EV charge point.

- Revised ground levels are proposed which have not been consulted upon.
- The CEMP submitted for the application is completely out of date and inaccurate.
- The submission of an acceptable drainage scheme within 3 months should be a condition for planning permission.
- The chance of affordable units actually being built (despite it being a requirement of the previous S.106 agreement for them to be occupied by now) seems increasingly unlikely.
- A large area in the north-east corner is not registered as being owned by the applicant. Drainage schemes on this land cannot be adopted by Anglian Water without the owner's permission, and this ownership should be clarified by the LPA before granting planning permission.
- Object to this application on grounds of misleading submitted information, missing information, loss of privacy, flood risk, inadequate examination by the planning officer, inadequate guarantees of maintenance, conditions empty of intent and meaning, and lack of consultation.

Response from Agent

I understand that you have received additional comments from the Environmental Health Team regarding potential contamination at Lancaster Way in respect the garden of plot 125. It is acknowledged that the original soil testing returned a spiked result in respect of the garden of plot 125 however, further soil sampling returned results of an acceptable level of contamination.

The report submitted to the Environmental Health Team showed these results and stated that the spiked result was a statistical outlier which could be discounted on the basis of the amount of other results taken across the site. There has been no change in circumstances since the Environmental Health Team provided this response to justify the imposition of a contamination condition.

I also note that an additional representation has been received on the 30th August 2022 (09.38 hours) in relation to the surface water drainage of the site. As stated in paragraph 8.9 of the committee report, it has been observed that the previously approved drainage strategy has not been implemented in accordance with the approved scheme by the previous landowner.

Watermeadow Homes, the new site owners, have engaged directly with Anglian Water and provided a revised drainage strategy. Anglian Water have raised no objection to this approach and consider that this will adequately address the drainage needs of the development. The amendments to the wording of condition 6 recommended by Anglian Water are considered to address surface water drainage matters.

The details of the drainage strategy will be agreed with Anglian Water before being included within a legal agreement under Section 104 of the Water Industry Act (1991) details of which will be provided to the Council. It is normal practice to grant planning permission, subject to drainage conditions then submit details of the agreed drainage scheme to discharge those conditions.

Response from Northamptonshire Badger Group

Access to the food sources in residential gardens at the top end of Briar Hill Road, where they have been fed for over a decade, is an essential food source for their survival. They now rely on this food source more than ever as the site has lost its foraging resource and the railway is taking action to deter the badgers. The wildlife corridor was their historical access route to this side of the site and gardens at the top end of Briar Hill Road (School End).

To remove this safe access route for the badgers will inevitably lead to more human/badger conflict and digging in other gardens. It will also expose the badgers, putting them at risk, as a wildlife

corridor enables safe movement at night away from residents and vehicles, given the site, which is their home, is fully developed and there are no other safe routes for them.

In an ideal world, had this been adequately considered when it should have been, the corridor would be 3m wide. However, due to the lack of consideration for the badgers on site, it is not that size and in some places is only 1m. Yet badgers can easily go through a 1m gap, they can get through much smaller gaps. I do not see why this corridor cannot remain. It is utterly ludicrous that it is being considered for removal.

Given the debacle that this site has been and the constant information we, as a group, have been giving & advice we have offered etc., which if it has been heeded, we would not be in this position now, we firmly request that we are actually finally listened to this time on this matter.

Badgers are our expertise, the only subject we are involved in and have studied and learned about for decades as a group. In our opinion, which is agreed with by the Wildlife Trust, the wildlife corridor must absolutely remain and cannot be considered for removal at any cost. It is an absolutely essential component to their survival and safety on site.

Item 7b : N/2020/1421 [CW]

Demolition of existing buildings and erection of Discount Food store (Use Class E), with associated car parking, access, landscaping and associated engineering works.

Mayleigh House, Kettering Road North.

- The application was due to be presented at the June 2022 planning committee meeting. The application was removed from the agenda in order for the authority to fully advertise the application as a departure from the development plan as the proposal relates to an employment site. This process has now been undertaken and the application is presented to this planning committee following the readvertisement process as a departure from the development plan. The acceptability of the proposal is discussed in detail in paragraphs 8.6-8.20 but members are reminded that the proposal is a departure from the development plan.

- Reference to Policy B14 should be included at paragraph 5.4 of the report.

- Further representations received from consultant acting on behalf of Tesco (see attached letter).

- **Highway Authority response to letter received from Tesco Agent.**

The total trips on the network or reducing overall mileage is not something Development Management are concerned with. Therefore, this is not an assessment that we would either ask for or review. The argument seems to be from a position of sustainability, not of highway capacity or safety. Our priority is to ensure that the additional trips can be accommodated on the network during the peak hours, without a detrimental impact on highway safety or the performance of the network. This was demonstrated to our satisfaction.

The peak hour impact was assessed, which is the worst-case scenario. This objection appears to be stating we have not considered the additional trips outside of these hours, suggesting that they will have an undue impact on either highway safety or operation capacity. It is also referring to trips linked trips. However, the trip distribution and catchment demonstrate that outside of the assessment area, the level of traffic through individual junctions would be insignificant. Any junctions of concern where a reasonable level of additional traffic would result, as a result of the development, were assessed and deemed acceptable. Therefore, it would not have a quantifiable

impact on capacity or safety.

Trips that customers may make to either Weston Favell or Morrisons (Kettering Road) for example would be trips that were already on the network, as they have to shop somewhere. So, the Aldi store is not adding those trips to the network, just the ones to the store. Even then, there is a percentage of pass-by trips to the store, that are not new to the network. The argument being made appears to essentially come down to, any additional vehicle movement on the highway would be an “unacceptable impact” and should not be acceptable.

I do not believe they have made a compelling argument for further assessment with regards to either capacity or safety. We have appropriately assessed the impact of the development and determined it will not have an undue impact in these areas.

- **Response from Retail Consultant acting on behalf of Local Planning Authority**

Reference is made in the representation to the view expressed in my previous advice around the inconsistency between Policy S9 and national policy. On the face of it there is an inconsistency. The representation observes that this locally specific (Policy S9) approach is explained in the supporting text in the Plan through reference to the importance attached to town centre regeneration.

The approach in the Plan is different to that in national policy, but there is an explanation in the text of the Plan to support why this might be so. However, it would be wrong to characterise the Plan as a document which insists on all retail development being directed to the town centre. The representation is partial in the text it quotes from the Plan which states (in full, para. 5.81) that;

“For Northampton's convenience (food) retailing there is a requirement for a more significant convenience retailing presence within the Primary Shopping Area together with a spread of convenience retailing provision within the urban area associated with new areas of housing growth. Specific Sustainable Urban Extension (SUE) policies give a requirement for local centre provision and convenience retailing to be provided in each SUE.”

Two points arise from this. First, this comment is concerned with directing development to the Primary Shopping Area, not edge of centre locations or the town centre more generally. Second, it also anticipates a spread of convenience retailing elsewhere in the urban area. Reference is made to this being associated with areas of housing growth, and the SUEs, but it does not indicate this must be within an area of housing growth or SUE. The application site is well related to the expanding residential areas in the north of the town.

Whilst there may be a requirement for further food retailing within the Primary Shopping Area this does not mean there is not a requirement elsewhere, nor that all such development must be directed to Northampton town centre in the first instance. The Plan acknowledges there is also a requirement for such development across the urban area. The proposal to be tested from a sequential perspective is for a supermarket to serve, broadly, this north eastern sector of Northampton. This is not a proposal which would have a wide (and certainly not town wide) catchment. The distribution of existing stores from Kingsthorpe to Weston Favell, and on the north side of the town centre, mean that a store on the application site would not be expected to attract trade to any meaningful degree from those more central areas of the town. A store of the type proposed within the town centre would not serve the more northern market for which the proposal is intended. It is legitimate for proposals to be advanced aimed at serving specific parts of the town and where (as here) that would essentially isolate them from the town centre they should be assessed accordingly, rather than requiring consideration of town centre sites which would offer

something materially different to what is being sought.

It is also noted that the Tesco representation does not allege conflict with the impact test and that there is no suggestion that the scheme would give rise to a significant adverse impact.

In summary,

- There is a difference between the way the Plan approaches the sequential test, and how that is expressed in national policy.
- The Plan explains its approach with reference to the need to regenerate the town centre and improve the food retail offer there.
- The Plan does not exclude the prospect of food retail elsewhere in the town; rather, this can be spread within the urban area. It is clearly the case that for food shopping – which is typically carried out on a more local basis – not all needs can be met by the town centre.
- The proposal would help serve the growing northern sector of the town. The geography of Northampton and the distribution of existing stores is such that this market is largely distinct from that which could be served from a comparable store in the town centre. It is reasonable in this case to exclude the town centre from the sequential test.
- Members should be advised that the advice outlined above supersedes the comments outlined in paragraph 8.11 of the committee report.

- Background Documents – <http://planning.northamptonboroughcouncil.com/planning/search-applications?civica.query.FullTextSearch=n%2F2020%2F1421#VIEW?RefType=PBDC&KeyNo=110238>

Item 7c : WNN/2022/0033 [CW]

Outline Planning Application (All Matters Reserved except Access) for 11no Dwellings with vehicular and pedestrian access.

Grazing Land, Mill Lane, Kingsthorpe.

Amendment to RECOMMENDATION:

APPROVAL IN PRINCIPLE subject to 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;
and

SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT to secure the following:

- Financial contribution towards off-site biodiversity improvement
- Financial contribution towards Primary Education
- Council's Monitoring Fee

Amendment to paragraph 9.2.

Contributions towards primary education would be sought at outline stage and secured by a Section 106 Legal Agreement on the basis of the following calculations:

| Size of Dwelling | 1 bed | 2 bed | 3 bed | 4+ bed |
|------------------|-------|--------|--------|--------|
| Cost per Unit | £0 | £1,614 | £3,972 | £4,592 |

Item 7d : WNN/2022/0173 [CW]

Conversion of existing Factory Building (Use Class B2) to 19no Self-Contained Flats for Supported Living (Use Class C2) and associated works including external alterations, formation of new vehicular access, creation of under croft parking, stopping up existing access, creation of amenity space and partial demolition.

64 - 72 Roe Road.

No updates.

Item 7e : WNN/2022/0180 [JM]

Change of use from commercial property (sui generis) to 5 no. flats (use class C3)

26 Clare Street.

Amended drawing numbers to condition 2 below:

(2)The development hereby permitted shall be carried out in accordance with the following approved plans: 21/2538/233, 03B, 04C, 06B, 07B, 200D, 100B.

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

Additional conditions added as below:

(9) The side facing kitchen window in flat 5 shall be glazed with obscure glass to a minimum of Pilkington Level 3 prior to first occupation and shall be retained in that form at all times.

Reason: To prevent direct overlooking between flats to accord with Policy E20 of the Northampton Local Plan.

(10) Prior to occupation of flat four, details of a solid screen to be erected along the top platform and side of the proposed staircase 1.8m high shall be submitted and agreed in writing and implemented in accordance with the agreed details and retained thereafter.

Reason; In the interests of residential amenity to prevent overlooking to accord with Policy E20 of the Northampton Local Plan.

Item 7f : WNN/2022/0650 [CW]

Construction of a pair of semi-detached offices (Use Class E) and associated parking area.

Land rear of 84 to 86 Lower Thrift Street.

No updates.

Item 7g : WNN/2022/0707 [AW]

Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants.

68 Bostock Avenue.

A consultation response has been received from the Highway Authority raising concerns with the application. A summary of the response is provided as follows:

'The local area is known to be heavily parked, with little to no residual parking capacity available on-street. The proposed development is likely to increase parking demand in comparison to the existing use. Although this may be considered a minor increase, the cumulative impact of multiple HiMO developments being approved in a localised area can have a significant impact on local residential amenity. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices.

If the proposed development site falls within 400m of a local centre with general facilities and/or a bus stop with a half hourly 7.00am to 9.00pm service then the site may be considered sustainable in terms of transport. However, whilst this may reduce the number of car trips, in reality, it is highly unlikely that all transport needs of residents will be met in this way, which inevitably results in residents bringing vehicles into the area, along with the associated issues outlined above.

Parking for houses in multiple occupation should ideally be provided at the rate of one parking space per bedroom, however it is not possible to increase the parking rate in this instance.

Given the above, the Highway Authority has serious concerns that this development proposal can be considered acceptable.'

Officer response: The concerns raised by the Highway Authority do not alter the highways/parking assessment set out in the committee report. The assessment acknowledges that there is a high demand for on-street parking in the local area and recognises that the cumulative impact of houses in multiple occupation can have a significant effect on a local area. However, for the reasons set out in the report, which include the sustainable location of the site, the proposal being within acceptable limits in terms of area concentration, and the provision of suitable cycle storage, in accordance with the Council's adopted Houses in Multiple Occupation SPD, it is not considered that the development would result in any unacceptable or demonstrable harm that would justify a refusal of the application on highway grounds.

Item h : WNN/2022/0814 [AW]

Demolition of existing garage structures and erection of two storey partially adaptable dwelling.
Land to rear 17 North Western Avenue.

Agent comment on Environmental Health consultation response:

The applicant's planning agent has queried the recommendation from Environmental Health for the inclusion of a condition requiring a Construction Environmental Management Plan (CEMP), should the application be approved. This is because the requirement for a CEMP has not been raised under previous applications and its requirement is considered excessive considering the small scale of the proposed development.

Officer response: The points raised by the agent are acknowledged and in the event that the application is approved by the committee, conditions would be agreed in consultation with the committee Chair and the Assistant Director of Place and Economy.

Our Ref: 2995/MR/LT20220901

1st September 2022

Mr P Seckington
Head of Development Management
West Northamptonshire Council
The Guildhall
St Giles' Square
Northampton, NN1 1DE

Via Email: paul.seckington@westnorthants.gov.uk

MRPP
MARTIN ROBESON
PLANNING PRACTICE

Town Planning Consultants
Development Advocacy

21 BUCKINGHAM STREET
LONDON WC2N 6EF
TELEPHONE: 020 7930 0007
FACSIMILE: 020 7930 4049

Dear Mr Seckington,

AGENDA ITEM 7(b), PLANNING COMMITTEE 6TH SEPTEMBER 2022. PROPOSED OUT OF CENTRE LIDL SUPERMARKET, MAYLEIGH HOUSE, KETTERING ROAD NORTH, NORTHAMPTON. PLANNING REFERENCE: N/2020/1421

As you will be aware we act for Tesco Stores Ltd with regard to the above planning application and that we made representations to it on their behalf dated 29th November 2021. We have now read the Officer's Report to Committee on the 6th September. Arising out of the content of the Officer's Report, it is necessary to make further specific representations on how three matters are being presented.

- **The officer's assertion that the approach to sequential assessment in Policy S9 is not consistent with national policy, is incorrect. Town centre opportunities are required to be assessed as justified by the Development Plan notwithstanding the officer's assertion otherwise. The assessment of such sites needs to be reported on so that there can be effective scrutiny as part of the decision making process.**

The Officer's Report, at paragraph 8.10, explains the need for the "*sequential test*" to be applied to the application i.e., to assess whether there are 'suitable' and 'available' opportunities to locate the proposal (subject to applying flexibility with regard to format) on sites within a town centre or on its edge before out of centre opportunities are reviewed.

The Adopted Local Plan (December 2014) through Policy S2, establishes a 'Hierarchy of Centres'. As a town centre, Northampton is at its top with district centres (Weston Favell and Kingsthorpe) then above local centres. The written justification to Policy S2 explains that "*Northampton town centre has suffered greatly from a decentralisation of retail, leisure and employment uses and there is a need to redress this imbalance as a critical strategic issue for the JCS to ensure the vision for Northampton is not jeopardized. Policy S2 seeks to focus new town centre development firmly back to Northampton town centre and the central area and Policy S9 seeks to focus retail development on the town centre*" (our emphasis).

Policy S9 therefore applies the sequential approach in the context of the identified needs and requirements. Its reasoned justification explains that *“For Northampton’s convenience (food) retailing there is a requirement for a more significant convenience retailing presence within the Primary Shopping Area...”* (paragraph 5.81). In accordance with the then NPPF (27th March 2012), which stated *“If sufficient edge-of-centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre”* (paragraph 23), Policy S9 set out the justified approach for applying sequential assessment to the Northampton area. This provides that *“Proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well connected edge of town centre sites, and then sites within district/ local centres.”*

Policy S9 was therefore drafted to be consistent with national policy and was justified by the stated local circumstances. The 2021 NPPF has not changed, in any material respect, the approach to be taken to sequential assessment policy formulation. Policy S9 therefore remains both relevant and up-to-date. However, the Council’s independent retail consultant states that the policy’s approach *“...which on the face of it would prefer a site on the edge of the town centre rather than within the heart of a district centre – is not consistent with national policy.”* The Officer’s Report as a result confirms at paragraph 8.11 that the Policy S9 *“...would not be consistent with national policy.”* We have shown above why this is incorrect.

The Council’s independent retail consultant has also advised that *“...in this particular case, sites within the town centre would serve a different market to that which would be addressed by the proposal, given the geography of the place and the distribution of other stores.”* The Officer’s Report repeats verbatim this assertion. However, as set out above, part of the justification for Policy S9 (and which is particularly pertinent to the subject application) is that *“For Northampton’s convenience (food) retailing, there is a requirement for a more significant convenience retailing presence within the Primary Shopping Area...”*. Thus, it is not reasonable for the Council’s advisor and the officer to reject the advice that has justified the particular approach to sequential testing in Northampton i.e., that edge of town centre sites need to sit above district centre locations in the local context.

Finally, it is wholly incorrect for the officer to advise that *“The applicant has outlined within their submission that they did not intend to assess Northampton town centre and edge of town centre locations”* (paragraph 8.11). This is not the case. The applicant’s agent’s Planning and Retail Statement confirms that *“...for robustness, and bearing in mind the requirements of Policy S9, we have included commentary on Town Centre Opportunities”* (paragraph 4.58).

Our letter of 29th November 2021 therefore reviewed, in detail, the agent’s approach to and investigations concerning various town centre opportunities. That representation sought to assist officers in their assessment of sequential testing of the proposal. However, Members of the Committee are being advised that *“...it is not considered necessary to assess town centre and edge of centre sites from a sequential assessment perspective”*. There is, as set out above, no rational explanation for this conclusion. Members need to be advised of the analysis of town centre opportunities undertaken on behalf of the applicant and the representations made by ourselves with regard to that assessment. Without this material being available, a fundamental component relating to the application’s assessment is unavailable for scrutiny as part of the decision making process.

- **The assessment of highway impacts has failed to recognise or have any regard to the additional trips generated from the development's operating model when located in an unsustainable location.**

The applicant's team have not addressed a traffic generation issue arising directly from the operation of their format in an out of centre location. Relying on statements routinely made by experts of behalf of discounters, we explained in our letter of 29th November, "*...that the client's stores, in focusing on a limited number of discounted products, will not provide a broad enough range of food and convenience goods to meet the needs of most customers during a single shopping trip. Thus, by necessity the trip will either be part of a more extended trip on the same day or there will be a separate additional trip. This departs from the policy principle of limiting trips to reduce overall travel and vehicular mileage. Such multi-visit shopping trips are most sustainability and conveniently undertaken in town centre locations. There, linked trips can be made to different retail providers without additional overall trips being made. And development in town centres is best able to be served by public transport and other sustainable modes of travel.*"

The application's Transport Assessment fails to recognise or have any regard to the network and safety impacts that arise from these additional trips. We therefore asked that revisions be made to the Transport Assessment to reflect the nature of these additional trips. This work has not been undertaken.

Thus the Council's Highway Engineer has (as set out in the Officer's Report) only assessed the applicant's submitted material. No opportunity has been provided to include information on the scale, nature and impact arising from these additional trips arising from the applicant's operating model.

It would seem inevitable that the traffic generation from the proposed development, and thus its impact on the highway network, would be found to be worse with the risk of consequential impacts to highway safety.

- **The importance of recognising that "*unacceptable impacts*" on highway safety can easily arise as a consequence of new development.**

Arising from the above, the ability for highway designers to ensure any application's highway safety impacts are acceptable, can be challenging. Thus the test for the refusal of permission, i.e. "*unacceptable*" highway safety harm, can quite readily arise. In contrast, the test for avoiding impacts on road network capacity can be less challenging. Its test is that such impacts should not be "*severe*". Exercising both tests calls for judgement. But the highway safety test is a near absolute test.

Yours sincerely,



Martin Robeson

martinrobeson@mrpp.co.uk

CC. adam.smith@westnorthants.gov.uk

Planning Committee Report

Committee Date: 4th October 2022

Application Number: N/2020/1212

Location: Howdens Joinery
Liliput Road
Northampton
Northamptonshire
NN4 7EY

Development: Revocation of Hazardous Substance Consent in relation to Condition 22 of 'Outline Application (with access details) for the demolition of existing building and structures and redevelopment to provide new warehouse and distribution floorspace (Use Class B8) with ancillary office accommodation, access from Liliput Road, with service yards, parking, landscaping and other associated infrastructure'

Applicant: Newlands Development Limited

Agent: Oxalis Planning Ltd

Case Officer: Nicky Scaife

Ward: Nene Valley Ward

Title: Revocation of Hazardous Substance Consent

Report Of: Assistant Director of Place and Economy

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

To **AUTHORISE** the making of an Order under Section 14(1) of the Planning (Hazardous Substance) Act 1990 seeking revocation of the Hazardous Substance Consent (HSC) at the site of MFI Group (also known as Howdens), Liliput Road, Brackmills, Northampton, to be confirmed by the Secretary of State.

1. PURPOSE OF REPORT

To obtain approval from Members of the Planning Committee for the making of an Order under Section 14(1) of the Planning (Hazardous Substance) Act 1990 to

revoke the Hazardous Substance Consent (HSC) at the site of MFI Group (also known as Howdens), Lilliput Road, Brackmills, Northampton. Revocation would be subject to confirmation by the Secretary of State.

2. BACKGROUND AND RELEVANT LEGISLATION

- 2.1 West Northamptonshire, as the Hazardous Substances Authority, are responsible for the control of Hazardous Substance and associated applications.
- 2.2 Under Section 14(1) of the Planning (Hazardous Substances) Act 1990, the Hazardous Substances Authority (HSA) may revoke or modify consent to such extent that it considers it expedient to do so. If the revocation is issued under Section 14(1) compensation may be payable to any person who has suffered depreciation or disturbance as a result of the Order being made. Any action for revocation is subject to confirmation by the Secretary of State.
- 2.3 Under Section 14(2) of the Planning (Hazardous Substances) Act 1990 the HSA may by Order revoke or modify a hazardous substance consent if it appears to them:
 - a) There has been a material change of use of the land to which the hazardous substance consent relates; or
 - b) That planning permission has been granted for development the carrying out of which would involve a material change of use of such land and the development to which the permission relates has been commenced; or
 - c) in the case of a hazardous substances consent which relates to only one substance, that the substance has not for at least five years, been present on, over or under the land to which the consent relates in a quantity to or exceeding the controlled quantity; or
 - d) in the case of a hazardous substances consent which relates to a number of substances, that none of the substances have for at least five years been so present.

3. THE SITE AND RELEVANT HAZARDOUS SUBSTANCE CONSENT

- 3.1 The site is located on the south eastern fringe of Northampton on the western and northern sides of Liliput Road, near the A428, within the Brackmills Industrial Estate, a large commercial/industrial area. The site was previously occupied by a large warehouse building which has since been demolished as part of a recent planning approval for the redevelopment of the site for three warehouse and distribution units, currently under construction.
- 3.2 Hazardous Substance Consent (HSE reference: H0920) was granted on 27th November 1992 at Lilliput Road, Brackmills, Northampton for “the storage of LPG in bulk vessels and the filling of fork lift trucks LPF cylinders from the bulk vessels” for MFI Group Merchandise Distribution Centre.
- 3.3 MFI Distribution have since vacated and no longer own the site.

4. DETAILS TO SUPPORT THE REVOCATION

- 4.1 An outline planning application (with access details) for the demolition of the existing building and structures on the site and redevelopment to provide new warehouse and distribution floorspace (Use Class B8) with ancillary office accommodation, access from Liliput Road, with service yards, parking, landscaping and other associated infrastructure, planning reference N/2020/1212, was approved by the former Northampton Borough Council on 4/05/21.

- 4.2 Following consultation with the Health and Safety Executive on the outline application the following Condition 22 was imposed:

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

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

- 4.3 Following the outline approval a reserved matters application was approved on 25/06/21, reference, WNN/2021/0250 for the following:

'Reserved Matters Application (details of appearance, landscaping, layout and scale) pursuant to Outline Planning Permission N/2020/1212 for Phases 1, 2 and 3 for the construction of Warehouse and Distribution Units (Use Class B8) with ancillary office accommodation, means of access, with service yards, parking, landscaping, and other associated infrastructure.

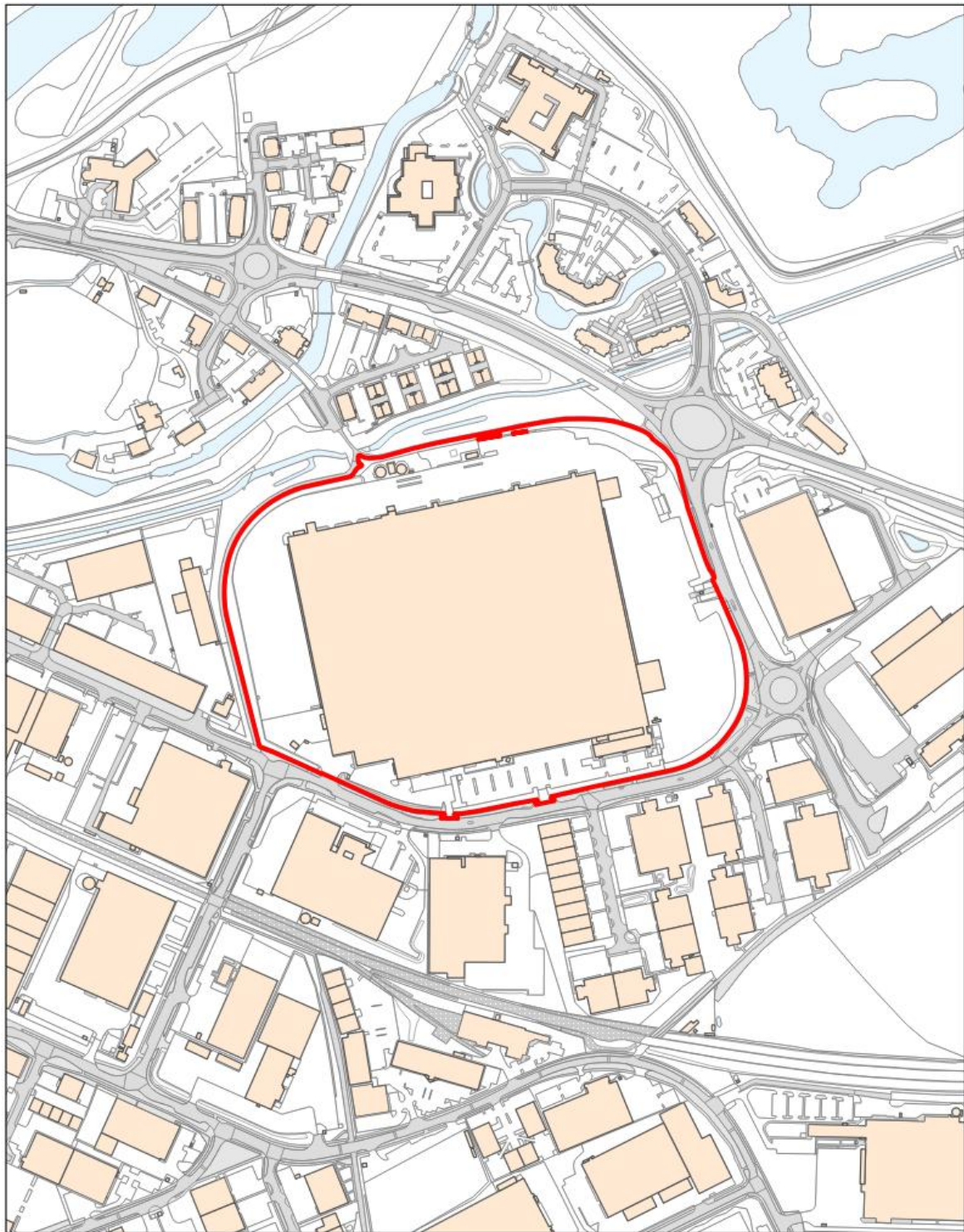
- 4.4 Construction has commenced on site and the applicants are therefore seeking the discharge of Condition 22 of the outline consent for the revocation of the Hazardous Substance Consent prior to occupation of the buildings.

- 4.5 In respect of the requirements under Section 14(2) of the Planning (Hazardous Substances) Act 1990:

- a) There has been a material change of use of the land. The previous use of the site by MFI Distribution with whom the LPG storage tanks and fork lift trucks were associated and to whom the Hazardous Substance Consent was granted has now ceased. MFI have vacated and no longer own the site and the former MFI building has been demolished.
- b) Planning permission has been granted under applications WNN/2020/0212 (outline) and WNN/2021/0250 (reserved matters) for the development of the site for three warehouse and distribution units and development has commenced on site.
- c) Aerial photographic evidence dated 2017 show that the petrol tanks are no longer in situ and supporting evidence accompanying the planning applications confirms that the substance has not been present on, over of under the land to which the hazardous substance consent relates in a quantity equal to or exceeding the controlled quantity for at least five years.
- d) The hazardous substance consent related to the use of LPG only, and not a number of substances, and has not been present on site for at least five years.

5. CONCLUSION

- 5.1 It is considered, in relation to the Hazardous Substance Consent as detailed above, that the requirements under Section 14(2) of the of the Planning (Hazardous Substances) Act 1990 are met and that an Order for revocation of the Hazardous Substance Consent should be sought from the Secretary of State.



Title: **Liliput Road**

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Date: 13-01-2021

Scale: 1:5,000

Drawn by: -----

Planning Committee Report

| | |
|-----------------------------|--|
| Committee Date: | 6th September 2022 |
| Application Number: | N/2019/1277 |
| Location: | Development Land, Lancaster Way, Northampton |
| Development: | Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16 |
| Applicant: | Andy Chapman |
| Agent: | Frampton Town Planning Ltd |
| Case Officer: | Christopher Wentworth |
| Ward: | Delapre and Rushmere Unitary Ward |
| Referred By: | Assistant Director of Place and Economy |
| Reason for Referral: | Major application requiring a Section 106 Agreement |

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: APPROVAL IN PRINCIPLE subject to conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to conditions as deemed necessary:

And **SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT** to secure the following:

- The completion of a Section 106 Legal Agreement to secure planning obligations set out below:
 - 35% on-site affordable housing.
 - Primary school education payment.
 - Highways payments.

- On-site open space is maintained and made available for public access in perpetuity and provided.
- Construction training payment.
- Community development payment.
- The Council's monitoring fee subject to the Assistant Director of Growth, Climate and Regeneration being satisfied the monitoring fee is necessary and of an appropriate scale.

Proposal

The application was 'Approved in Principle' by Members of the Planning Committee on the 28th July 2020 subject to the completion of a Section 106 agreement. The application was for the variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Conditions 10 and 16 of the original consent were also to be removed.

The application proposed amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs had also altered from those approved under N/2012/0909 in size and design.

The application is being brought back to Committee as the Section 106 was not completed within the requisite time period and also to address the following points regarding previously recommended planning conditions;

- Land Contamination/Remediation.
- Drainage and Attenuation.
- Wildlife Corridor Provision.
- Northern Boundary Fencing.
- Bird and Bat Boxes.
- Amended external finish materials for plots 118, 119 & 120 (roof tiles) and plots 134-139 (windows and doors).
- Proposed to remove Condition 16 from the scheme relating to ecological mitigation in respect of badgers. This is due to works occurring on the land connected to this condition and with the required information having now been submitted and agreed with the authorities Ecologist. Hence, the condition is no longer required.

The Report focuses on these changes, with the complete report from the 28th July 2020 and the Committee Addendum, attached at Appendices 1 and 2.

Consultations

The following consultees have raised **objections** to the application:

- Highways.
- Far Cotton and Delapre Community Group.
- Northamptonshire Badger Group.

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

- Council's Ecology Officer.
- Environmental Health.
- Anglian Water.
- Environment Agency.

Further letters of objection have been received and no letters of 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:

- Revised layout.
- Altered house types.
- Deletion and altered garages.
- Variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 and the removal of conditions 10 and 16 of the original consent.
-

The report investigates the key 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 Planning permission was Approved in Principle by the Planning Committee on the 22nd November 2016, subject to the completion of a Section 106 Legal Agreement, for a development for 139 dwellings on this site (N/2012/0909). This was subsequently approved on the 14th December 2017 following the completion of the Section 106 Legal Agreement.
- 1.2 Development works have commenced on site under this previous approval, with a number of properties completed. As such, the current situation on site is of a building site.
- 1.3 Prior to works commencing on approval N/2012/0909, the site was historically used for the keeping of animals and as allotments, although the use of the site had been in decline and fallen into disuse.
- 1.4 A Tree Preservation Order is in place to protect the mature tree adjacent to Lancaster Way. The general topography of the site slopes downwards in a northerly direction, with a number of undulations within the site.
- 1.5 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century, and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north; and Briar Hill Walk to the east.

- 1.6 Pedestrian access to the site was historically present (albeit closed at the time of application N/2012/0909) by a path which runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages, with access from Braunstone Close. This route then travels in a northerly direction joining Rothersthorpe Road. There is a private right of vehicle access across this same route for a selection of surrounding properties.

2 CONSTRAINTS

- 2.1 None relevant.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application was Approved in Principle by Members of the Planning Committee on the 28th July 2020 subject to the completion of a Section 106 agreement. The application was for the variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Conditions 10 and 16 of the original consent were also to be removed.
- 3.2 Furthermore, the application was Approved in Principle by member of the Planning Committee on 27th April 2021 subject to the completion of a Section 106 agreement. That application was brought back to Committee as it was proposed to remove Condition 16 from the scheme relating to ecological mitigation in respect of protected species. This was due to works occurring on the land connected to this condition and with the required information having been submitted. Hence, the condition was no longer required. This application was subsequently approved by members. However, the S.106 agreement was not completed.
- 3.3 The application proposed amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs had also altered from those approved under N/2012/0909 in size and design.
- 3.4 The application is being brought back to Committee as the S.106 was not completed within the requisite time period and also to address the following points regarding previously recommended planning conditions;
- Land Contamination/Remediation.
 - Drainage and Attenuation.
 - Wildlife Corridor Provision.
 - Northern Boundary Fencing.
 - Bird and Bat Boxes.
 - Amended external finish materials for plots 118, 119 & 120 (roof tiles) and plots 134-139 (windows and doors).
 - Proposed to remove Condition 16 from the scheme relating to ecological mitigation in respect of badgers. This is due to works occurring on the land connected to this condition and with the required information having now been submitted and agreed with the authorities Ecologist. Hence, the condition is no longer required.

- 3.5 The Committee Report will focus only on these changes, with the complete reports from the 21st April 2021 and 28th July 2020 and the Committee Addendum, attached at Appendices 1, 2 and 3.

4 RELEVANT PLANNING HISTORY

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

| Application Ref. | Proposal | Decision |
|------------------|--|--------------------------------|
| N/2019/0295 | Variation of S106 Agreement to amend type of affordable housing provision – Approved in Principle by Planning Committee 16/04/2019 | Approved amendments in process |
| N/2019/0311 | Formation of temporary access and erection of hoarding (to facilitate construction of development permitted under Planning Permission: N/2012/0909) (partly retrospective) | Approved |
| N/2012/0909 | Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout | Approved |
| N/2019/1455 | Erection of an electricity substation | Withdrawn |
| N/2020/0065 | Erection of an electricity substation | Approved |
| N/2020/0769 | Erection of an electricity substation (retrospective) | Approved |

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

National Policies

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

Section 2 – Achieving sustainable development
Section 4 – Decision-making
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 15 – Conserving and enhancing the natural environment

West Northamptonshire Joint Core Strategy (2014)

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

Policy H1: Housing Density & Mix & Type of Dwellings
Policy H2: Affordable Housing (35%).
Policy S1: The Distribution of Development
Policy S3: Scale and Distribution of Housing Development
Policy S10: Sustainable Development Principles
Policy BN2: Biodiversity
Policy BN7: Flooding
Policy BN9: Planning for Pollution Control
Policy INF2: Contributions to infrastructure requirements

Northampton Local Plan 1997 (Saved Policies)

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

E20 – Design of New Development.

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

- 5.5 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).
- 5.6 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.
 - Policy 2 – Design and Placemaking.
 - Policy 4 – Amenity and Layout.
 - Policy 14 – Type and mix of housing.

Supplementary Planning Documents

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

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 |
|-------------------------------|--|
| Council's Ecology Officer | Advises that based on the submitted licence reports and licences works were carried out in such a way that the badgers were not harmed during the building works. |
| Anglian Water | No objection, subject to drainage strategy condition. |
| Environmental Health | No objection. The report has been reviewed and Environmental Protection agree with the findings from both measures' concentrations from chemical testing of site gained topsoil and associated statistical analysis that the topsoil placed in gardens of all plots is suitable for a residential end use. It is agreed no further testing or remedial action is required. The findings of the report are generally accepted, in that the site investigation has confirmed the site is considered suitable for public open space (POS) without the requirement for any remediation. All results of soil samples sent for chemical testing measured below concentrations of exceedance of their respected guideline values for public open space, with the exception of beryllium. This is a naturally occurring contamination and poses low risk to human receptors. The report concludes that as there are no known former historic industrial uses involving the use of beryllium for the site that exceedances identified are naturally occurring. This is accepted. Environmental Protection considers that the site is not considered contaminated land under Part 2A of the Environmental Protection Act 1990 and sufficient human health risk assessment has been undertaken. The latest Construction Environmental Management Plan (CEMP) document produced by Frampton's LLP dated Jun 2022, Document Ref: PF/10282 has been reviewed and deemed sufficient from an Environmental Health perspective. |
| Environment Agency | No comments to make. |
| Highways | The LHA would object to the inclusion of 3 parking spaces in a line. Tandem spaces are underutilised due to the inconvenience of them, 3 is completely impractical (this amendment has now been removed from the application). |
| Northamptonshire Badger Group | I must reiterate that following this well-established mammal path to long standing food sources at the end (opposite end to the sett) is vital for these badgers. This |

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| | <p>is particularly true as they've lost almost all of their previous foraging area for food availability. Without the corridor badger's scent trails will be disrupted, and they will be forced to walk the streets to get to these important food sources. This is wholly unacceptable.</p> <p>The thought, which I've read in some of the comments, that the badgers should be foraging over on the railway embankment is concerning. Whilst we know badgers have accessed this area it cannot be their only route for food etc, as railways and badgers do not mix well.</p> <p>I understand the site has been left in a bad way, that there are difficult decisions that need making now. However, the situation the badgers are in, with a hugely reduced area to live, forage and behave naturally, is entirely the fault of the developer and the planning department, as we have been highlighting these issues and offering our advice and various options for years, without any satisfactory outcome or communication.</p> |
| Northamptonshire Wildlife Trust | <p>Whilst we are supportive of the concept of a wildlife corridor along the northern edge of this application, we would strongly advise that a 1m corridor is not wide enough for a large animal like a badger. We think a 3m wide corridor has previously been suggested, which we agree would be more appropriate. The badger's activity is already very constrained within this area. Wildlife commuting and foraging routes have previously been poorly integrated into this development and we consider it likely that, without further adjustments to the proposals, conflict between new residents and badgers would be likely, along with increasingly difficult living conditions for the badgers.</p> <p>With badgers onsite we would expect that an ecological clerk of works would be making regular checks on their welfare during the construction phase. It would be useful to have an update on badger activity within the development site and how this information has been used to guide the route of the wildlife corridor to maximise its successful use post development.</p> |
| Far Cotton and Delapre Community Group | <p>Object to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • Concerns over land contamination. • Concerns over flooding and drainage on and off site. • Outstanding issues should be resolved before conditions are varied. |
| Cllr Emma Roberts | <p>I am really keen to see the attenuation progress as this action is really needed for capacity on site but also so that new residents can have access to the areas promised like the park and POS. I think the soil contamination needs more consideration because soil has moved off site to other locations. One of the areas on the plan is considered as having a result still greater than the acceptable limits. Some parts of the badger corridor now seem to have been removed. Ecology couldn't approve before as the corridor was too narrow. Why therefore is the new plan ok with some of it being</p> |

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| | removed? Removal isn't an option and doesn't fulfill the intentions behind the badger conditions. Removal of the corridor removes the food source. This will place the badgers at risk and if allowed flies completely in the face of the ideas behind our sustainability program. |
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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 Further neighbour comments have been received since the last committee meeting which are summarised below:

- Disregard for planning process.
- Lack of play equipment being available for use.
- Drainage infrastructure no installed correctly.
- Flooding on site.
- Wildlife corridor too narrow.
- Decreased badger habitat.
- Land contamination has not been dealt with properly.
- Poor maintenance of open space.

8 APPRAISAL

The appraisal assesses those elements of the proposal which are proposed to be altered by virtue of this submission

Ecology – Removal of Condition 16

8.1 Within the assessment of the application NCC Ecology, in the interests of ensuring appropriate ecological mitigation in respect of badgers, requested a condition for an exclusion zone within the application site where no works would take place until a licence had been secured from Natural England for the artificial sett and closing of the main sett. It was considered reasonable to add this condition to the variation application and Condition 16 was therefore proposed as follows:

(16) 'No works shall occur with in the areas marked Wildlife Area and Temporary Work Exclusion Zone outlined in orange and green on plan titled 'A3 extract Lancaster Way wildlife location Plan July 2020' until one of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A licence issued by Natural England pursuant to Section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

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

8.2 During the course of negotiations on the Section 106 Agreement for this application, building works have continued on site. Officers became aware that, despite the requirements of the proposed Condition 16, development had occurred on this section of land since Committee on the 28th July 2020 and without the submission of any relevant details. Following this, the developer was contacted and licences from

Natural England, alongside the reports connected to the provision of the licenses have been provided to the Council. These are the details which were required under point a) of Condition 16.

- 8.3 As such, whilst the developer did not provide the Council with these details prior to undertaking works, evidence has subsequently been provided that the developer did gain approval and the necessary licenses from Natural England, and the Council has now been provided with the details required for part a) of Condition 16. The Council's Ecologist has been consulted on these details and advises that the licences and reports provided satisfy what would have been required for Condition 16. Accordingly, the Council does now have the evidence that Natural England have authorised the development in this section of land. In line with this, Condition 16 would no longer be required as the Council now has this information.
- 8.4 Whilst works occurred in the section of land referred to in Condition 16 without the Council being provided with the required information at the required time, it is the case that evidence has been provided that Natural England were satisfied with the development commencing on this land. Accordingly, Condition 16 has been satisfied and would no longer be required in respect of this latest application. It is, therefore, considered that this condition can be removed from the list of conditions as 'approved in principle' previously at Committee.

Land Contamination and Remediation – Removal of Condition 9

- 8.5 Within the assessment of the application, it was previously concluded that contaminants were located on site and that a full assessment was required in order to determine the level of such and the required remediation methods. The previously recommended condition stated:
- ‘(9). Within one month of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation 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).’
- 8.6 The applicant has since engaged with Environmental Health to agree the site locations for soil testing on site which was agreed. Following the gathering of soil samples on the 18th May 2022 undertaken by Soil Technics, all areas have been assessed as being acceptable for use within residential gardens and also the public open space areas and that no remedial requirements were needed for both the garden areas and public open space. The topsoil contamination report and ground investigation report have both been assessed by the authorities Environmental Health Team who have raised no objections to the methodology or contents of the submitted reports and agree with its findings.
- 8.7 Accordingly, Condition 9 has therefore been satisfied and would no longer be required in respect of this latest application. It is, therefore, considered that this

condition can be removed from the list of conditions as 'approved in principle' previously at Committee.

Drainage Attenuation – Variation of Condition 6

- 8.8 To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and in order to ensure that the drainage systems associated with the development will be maintained appropriately to reduce the risk of flooding due to failure of the drainage system, a condition was attached to ensure that the approved drainage details were implemented appropriately. The condition stated:

'(6). The development shall be undertaken in full accordance with the surface water management strategy, surface water drainage system and maintenance and upkeep details within documents 'Surface Water Drainage Strategy' 17/25692 Rev C by DSA, 'Surface Water Drainage Strategy' 18/31006 Rev E by DSA dated 16th July 2020 and surface water drainage strategy and drainage layout plan 31006/300 P16 prior to the completion of the development. The maintenance plan shall be carried out in full thereafter.'

- 8.9 It has been observed that the previously approved drainage strategy was not implemented in accordance with the approved scheme and has resulted in drainage and flooding issues within and adjacent to the application site. Watermeadow Homes, who now own the site and are dealing with the current submission, have engaged directly with Anglian Water to ascertain what has been installed on site and what level of works are required to provide an appropriate levels of drainage capacity on site.
- 8.10 A revised drainage strategy has been provided to the Council and Anglian Water with up-to-date sewer surveys and Anglian Water has raised no objection to this approach and consider that this will adequately address the drainage needs of the development without adverse impacts upon neighbouring land uses.
- 8.11 It is also noted that concerns have been raised during the application process regarding the play area/equipment located within the development that has been constructed but not yet opened for use. The previously approved drainage strategy located attenuation tanks underneath the play area which are now to be removed and replaced/upgraded as part of the proposed drainage strategy. Once the revised drainage strategy has been implemented in this area then the play equipment can be reinstalled and opened for use.
- 8.12 As such, it is considered appropriate to revise the condition to the following wording which has been agreed with Anglian Water:

(6) Unless otherwise agreed in writing within 3 months of the grant of planning permission a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall subsequently be implemented in accordance with the approved details within 6 months of being approved by the Local Planning Authority. The details of the scheme shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control device.
- c) A surface water management strategy and maintenance plan.

Within 3 months of the completion of the surface water drainage works an 'as built' survey drawing and a CCTV survey report shall be submitted and approved in writing by the local Planning authority. The maintenance plan shall be carried out in full thereafter.

Northern Boundary Treatments (Wildlife Corridor) – Variation of Condition 2

- 8.13 In order to secure an appropriate standard of design and outline the specifics of the development approved a condition was attached to ensure that the external boundary treatments, including materials, were implemented as approved. The condition stated:

'(2) The method of the treatment of all boundaries of the site as identified within plans 120 Rev F and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times thereafter.'
- 8.14 Following on from this condition it was ascertained that protected species had re-occupied land within a corridor behind Plots 80 & 81. At the stage of the discovery, there was a temporary fence line on the site which had been installed 3m from the Northern Boundary to segregate wildlife from construction activities for the last remaining foundation works in the area. An approach was made by the developer to Natural England and the position taken was that the wildlife corridor could become a more permanent installation on the site.
- 8.15 However, given the resistance from some adjoining properties to the North of the development site as well as the concerns raised by WNC regarding the effectiveness of the corridor in terms of width and positioning adjacent to residential boundaries, the Council's Ecologist undertook a site visit to observe the wildlife corridor in situ and agreed that further survey work should be undertaken so as to assess the use of the corridor and habitats of protected species within it.
- 8.16 Such survey work was undertaken by a suitably qualified Ecologist in June and July 2022 with trail cameras positioned within the corridor for a period of 3 weeks. It was observed that whilst the corridor itself was used by protected species, the setts within it were not used and observed as being abandoned. On this basis, the Council's Ecologist along with the applicant's Ecologist consider it appropriate to remove the wildlife corridor along the northern boundary of the site as it doesn't provide a clear path to safe foraging grounds but instead leads to neighbouring residential properties and Towcester Road beyond. Instead, the corridor would be removed, and suitable foraging habitat would be provided to the western portion of the wider site.
- 8.17 As such, it is considered appropriate to revise the condition to the following wording;

(2) The method of the treatment of all boundaries of the site as identified within plan 352A08_120_L and shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times thereafter.

Bird and Bat Boxes – Variation of Condition 18

- 8.18 In order to secure an appropriate standard of development and outline the specifics of the development approved a condition was attached to ensure that the bird and bat boxes outlined within the submitted documentation were implemented. The condition stated:

(18). The bird and bat boxes identified within 2017-03(01) by ecolocation dated 15th July 2020 shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

- 8.19 The applicant has subsequently discussed matters with the Council's Ecologist and a site visit was undertaken to establish more appropriate locations for the provision of bird and bat boxes. The ecologist advised on the distinct locations needed along with the type and number of boxes which are now outlined within a revised plan ('Bird and Bat Box Location Map for Lancaster Way, Northampton). Therefore, it is considered appropriate to secure the revised scheme within a varied condition.

Amended External Finish Materials – Variation of Condition 3

- 8.20 In order to secure an appropriate standard of design and outline the specifics of the development approved a condition was attached to ensure that the external finish materials as specified in the submitted materials schedule were implemented. The condition stated:

(3) The materials to be used in the development shall be in accordance with T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

- 8.21 The scheme as built seeks to propose a number of minor amendments that relate to a change in roof tiles to plots 118,119 & 120 indicating a change to Forticrete Slate Grey roofing tiles which were updated from the Forticrete Gemini Mixed Russet and were used due to supply issues with the previously approved tile. In addition, the amendments included the use of grey windows and doors to all elevations (RAL 7016) to plots 1-4 and plots 134-139.

- 8.22 It is considered that these minor changes to the previously agreed details are considered appropriate and would not materially impact upon the overall appearance of the development.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The application is recommended for 'APPROVAL IN PRINCIPLE' subject to the planning conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's 5-year housing supply and would have

a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, INF2, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 9.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Assistant Director of Growth, Climate and Regeneration be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy.

10 RECOMMENDATION / CONDITIONS AND REASONS

- 10.1 Approve, subject to the following:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev M, 202 Rev J, Plan showing plots 89 and 90, AF10-1_P1 Rev B, P202-1_P3 Rev A, P202-1_P2 Rev B, P202-1_P1 Rev B, S241-1_P3, S241-1_P2 Rev C, S241-1_P1 Rev C, P302-1_P3 Rev A, P302-1_P4, P302-1_P2 Rev B, P302-1_P1 Rev C, S351-1_P2, S351-1_P1 Rev B, P306-2_P1, P303-2_P2 Rev B, P303-2_P1 Rev B, P303-1_P2 Rev A, P303-1_P1 Rev C, P401_P5, P401_P4 Rev A, P401_P3 Rev B, P401_P2 Rev B, P401_P1, P402-1_P3, P402-1_P2 Rev A, P402-1_P1 Rev B, A444-1_P4, A444-1_P3 Rev B, A444-1_P2, A444-1_P1 Rev B, P404-1_P7, P404-1_P6 Rev A, P404-1_P4, P404-1_P3, P404-1_P2 Rev C, P404-1_P1 Rev A, P201-1_P1 Rev A, GARAGE_P1 Rev B, GARAGE_P2 Rev D, 207 Rev D.

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

2. The method of the treatment of all boundaries of the site as identified within plan 352A08_120_L and shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

3. The materials to be used in the development shall be in accordance with 201 Rev M, 4006 Rev A, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. The surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be in full accordance with the details within plans

18 31006/81 Rev P5, 18 31006/82 Rev P4, 18 31006/83 Rev P7, 18 31006/84 Rev P8, 18 31006/310 Rev P6, and 18 31006/313 Rev P1 prior to the completion of the development hereby permitted and shall be retained as such thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The scheme of hard and soft landscaping for the site outlined within plans 6670.HSP.2.0 Rev I, 6670.HSP.2.1 Rev I, 6670.HSP.2.2 Rev I, 6670.HSP.2.3 Rev I, 6670.HSP.2.4 Rev I, 6670.HSP.2.5 Rev I, 6670.HSP.2.6 Rev I, 6670.HSP.2.7 Rev I, 6670.PP.1.0 Rev I, 6670.PP.1.1 Rev I, 6670.PP.1.2 Rev I, 6670.PP.1.3 Rev I, 6670.PP.1.4 Rev I, 6670.PP.1.5 Rev I, 6670.PP.1.6 Rev I, and 6670.PP.1.7 Rev I shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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, unless the Local Planning Authority gives written consent to any variation.

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

6. Unless otherwise agreed in writing within 3 months of the grant of planning permission a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

The scheme shall subsequently be implemented in accordance with the approved details within 6 months of being approved by the Local Planning Authority. The details of the scheme shall include:

- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
- b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control device
- c) A surface water management strategy and maintenance plan.

Within 3 months of the completion of the surface water drainage works an 'as built' survey drawing and a CCTV survey report shall be submitted and approved in writing by the local Planning authority. The maintenance plan shall be carried out in full thereafter.

Reason: To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and 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.

7. The development shall be undertaken in full accordance with the foul water details provided within plans 31006/59 P5, 31006/300 P24, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, and DS/SFA/001 Rev C prior to the completion of the development.

Reason: To ensure a satisfactory system of foul water drainage is in place for this development in accordance with the NPPF.

8. The development shall be undertaken in full accordance with the details within the CMP PF/10282 dated June 2022.

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.

9. The details for the storage of refuse and materials for recycling to serve the flats at plots 113-116 within plans 201 Rev G and REFUSE_P1 shall be provided on site in full accordance with these details prior to first occupation of units 113, 114, 115, and 116, and retained thereafter.

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

10. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development and the preservation of existing trees on site in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

11. The development shall be undertaken in full accordance with the junction details within plans 18/31006/SK50, and 18 31006/90 P14 prior to the completion of the development.

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

12. The development shall be undertaken in full accordance with the levels outlined within plan 352A08_203_G and 352A08_204_H.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

13. The development shall be undertaken in full accordance with the Well Strategy received by the Council on the 17th and 18th July 2018.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

14. The bird and bat boxes identified within drawing reference 'Bird and Bat Box Location Map for Lancaster Way, Northampton – Tenure Plan' shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

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

15. The pedestrian toucan crossing in Towcester Road as shown within plans 18/31006/SK50, 31006/60 P7 and 31006/61 P3 shall be provided prior to the completion of the development in agreement with a timetable as agreed with Northamptonshire County Council Highways Department.

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

16. The development shall be carried out in full accordance with '04858_SK_0001_P2 which forms Appendix A to the PJA Maintenance Strategy for Private Access Roads report Project code: 04858 and shall be retained thereafter.

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

17. The measures identified within approved Travel Plan DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 shall be carried out in full accordance with the implementation schedule identified within this plan.

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

18. The EV charging points identified within plan 206 Rev G shall be provided for the outlined plots prior to the first occupation of those plots and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

10 BACKGROUND PAPERS

- 10.1 N/2012/0909 and N/2019/1277.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as the development was approved prior to the implementation of CIL at Northampton Borough Council.



West Northamptonshire Council

PLANNING COMMITTEE: 27th April 2021
DEPARTMENT: Planning Service

**ASSISTANT DIRECTOR OF
GROWTH, CLIMATE
& REGENERATION
DIRECTORATE:** Jim Newton

APPLICATION REF: N/2019/1277

LOCATION: Development Land
Lancaster Way

DESCRIPTION: Variation of Condition 2 of Planning Permission
N/2012/0909 (Proposed residential development of 139
residential dwellings, garages and associated works
including new access roundabout) to alter the layout of
the development, alter house types, and remove and
alter garages, and variation of conditions 3, 4, 5, 6, 7, 8,
11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in
accordance with details submitted. Removal of
conditions 10 and 16

WARD: Delapre & Briar Ward

APPLICANT: Barry Howard Homes (Towcester) Ltd
AGENT: Frampton Town Planning Ltd

REFERRED BY: Assistant Director of Growth, Climate & Regeneration

REASON: Major application requiring S106

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

- i) The completion of a Section 106 Legal Agreement to secure planning obligations set out in the report at Appendix 1; and
- ii) The Council's monitoring fee subject to the Assistant Director of Growth, Climate and Regeneration being satisfied the monitoring fee is necessary and of an appropriate scale; and.

iii) Planning conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's 5-year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, INF2, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Assistant Director of Growth, Climate and Regeneration be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy.

2 THE PROPOSAL

- 2.1 The application was Approved in Principle by Members of the Planning Committee on the 28th July 2020 subject to the completion of a Section 106 agreement. The application was for the variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Conditions 10 and 16 of the original consent were also to be removed.
- 2.2 The application proposed amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs had also altered from those approved under N/2012/0909 in size and design.
- 2.3 The application is being brought back to Committee as it is proposed to remove Condition 16 from the scheme relating to ecological mitigation in respect of badgers. This is due to works occurring on the land connected to this condition and with the required information having been submitted. Hence, the condition is no longer required.

- 2.4 The Committee Report will focus only on this change, with the complete report from the 28th July 2020 and the Committee Addendum, attached at Appendices 1 and 2.

3 SITE DESCRIPTION

- 3.1 Planning permission was Approved in Principle by the Planning Committee on the 22nd November 2016, subject to the completion of a Section 106 Agreement, for a development for 139 dwellings on this site (N/2012/0909). This was subsequently approved on the 14th December 2017 following the completion of the Section 106 Agreement.
- 3.2 Development works have commenced on site under this previous approval, with a number of properties completed. As such, the current situation on site is of a building site.
- 3.3 Prior to works commencing on approval N/2012/0909, the site was historically used for the keeping of animals and as allotments, although the use of the site had been in decline and fallen into disuse.
- 3.4 A Tree Preservation Order is in place to protect the mature tree adjacent to Lancaster Way. The general topography of the site slopes downwards in a northerly direction, with a number of undulations within the site.
- 3.5 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century, and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north; and Briar Hill Walk to the east.
- 3.6 Pedestrian access to the site was historically present (albeit closed at the time of application N/2012/0909) by a path which runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages, with access from Braunstone Close. This route then travels in a northerly direction joining Rothersthorpe Road. There is a private right of vehicle access across this same route for a selection of surrounding properties.

4 RELEVANT PLANNING HISTORY

- 4.1 N/2012/0909 - Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout – Approved 14/12/2017.
- 4.2 N/2019/0295 - Variation of S106 Agreement to amend type of affordable housing provision – Approved in Principle by Planning Committee 16/04/2019 – S106 amendments in process.
- 4.3 N/2019/0311 - Formation of temporary access and erection of hoarding (to facilitate construction of development permitted under Planning Permission: N/2012/0909) (partly retrospective) – Approved 29/04/2019.
- 4.4 N/2019/1455 – Erection of an electricity substation – Withdrawn 13/01/2020 following officer advice that the position of the proposal was unacceptable.
- 4.5 N/2020/0065 – Erection of an electricity substation – Approved 03/03/2020.

- 4.6 N/2020/0769 – Erection of an electricity substation (retrospective) – Approved 27/10/2020.

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

Section 2 – Achieving sustainable development
Section 4 – Decision-making
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 15 – Conserving and enhancing the natural environment

5.3 West Northamptonshire Joint Core Strategy (2014)

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

Policy H1: Housing Density & Mix & Type of Dwellings
Policy H2: Affordable Housing (35%).
Policy S1: The Distribution of Development
Policy S3: Scale and Distribution of Housing Development
Policy S10: Sustainable Development Principles
Policy BN2: Biodiversity
Policy BN7: Flooding
Policy BN9: Planning for Pollution Control
Policy INF2: Contributions to infrastructure requirements

5.4 Northampton Local Plan 1997 (Saved Policies)

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

5.5 **Supplementary Planning Documents**

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

6 **CONSULTATIONS/REPRESENTATIONS**

Comments received in relation to the proposed removal of the condition are summarised as follows:

- 6.1 **Council's Ecology Officer** – Advises that based on the submitted licence reports and licences works were carried out in such a way that the badgers were not harmed during the building works.
- 6.2 No new neighbour letters have been received since the last committee.

7 **APPRAISAL**

Ecology – Removal of condition 16

- 7.1 Within the assessment of the application NCC Ecology, in the interests of ensuring appropriate ecological mitigation in respect of badgers, requested a condition for an exclusion zone within the application site where no works would take place until a licence had been secured from Natural England for the artificial sett and closing of the main sett. It was considered reasonable to add this condition to the variation application and Condition 16 was therefore proposed as follows:

'16. No works shall occur within the areas marked Wildlife Area and Temporary Work Exclusion Zone outlined in orange and green on plan titled 'A3 extract Lancaster Way wildlife location Plan July 2020' until one of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A licence issued by Natural England pursuant to Section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

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

- 7.2 During the course of negotiations on the Section 106 for this application, building works have continued on site. Officers became aware that, despite the requirements of the proposed Condition 16, development had occurred on this section of land since Committee on the 28th July 2020 and without the submission of any relevant details. Following this, the developer was contacted and licences from Natural England, alongside the reports connected to the provision of the licenses have been provided to the Council. These are the details which were required under point a) of Condition 16.

- 7.3 As such, whilst the developer did not provide the Council with these details prior to undertaking works, evidence has subsequently been provided that the developer did gain approval and the necessary licenses from Natural England, and the Council has now been provided with the details required for part a) of Condition 16.
- 7.4 The Council's Ecologist has been consulted on these details and advises that the licences and reports provided satisfy what would have been required for Condition 16.
- 7.5 Accordingly, the Council does now have the evidence that Natural England have authorised the development in this section of land. In line with this, Condition 16 would no longer be required as the Council now has this information.
- 7.6 Whilst works occurred in the section of land referred to in Condition 16 without the Council being provided with the required information at the required time, it is the case that evidence has been provided that Natural England were satisfied with the development commencing on this land. Accordingly, Condition 16 has been satisfied and would no longer be required in respect of this latest application. It is, therefore, considered that this condition can be removed from the list of conditions as 'approved in principle' previously at Committee.

8 CONCLUSION

- 8.1 On balance, it is considered that the proposed development represents an appropriate land use that would make a contribution to addressing the need for new housing within the Borough and also for the requirement for affordable housing. Furthermore, subject to conditions and a Section 106 Agreement to secure planning obligations referred to above, it is considered that the impacts of the development can be appropriately mitigated.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1_P1 Rev B, P202-1_P3 Rev A, P202-1_P2 Rev B, P202-1_P1 Rev B, S241-1_P3, S241-1_P2 Rev C, S241-1_P1 Rev C, P302-1_P3 Rev A, P302-1_P4, P302-1_P2 Rev B, P302-1_P1 Rev C, S351-1_P2, S351-1_P1 Rev B, P306-2_P1, P303-2_P2 Rev B, P303-2_P1 Rev B, P303-1_P2 Rev A, P303-1_P1 Rev C, P401_P5, P401_P4 Rev A, P401_P3 Rev B, P401_P2 Rev B, P401_P1, P402-1_P3, P402-1_P2 Rev A, P402-1_P1 Rev B, A444-1_P4, A444-1_P3 Rev B, A444-1_P2, A444-1_P1 Rev B, P404-1_P7, P404-1_P6 Rev A, P404-1_P4, P404-1_P3, P404-1_P2 Rev C, P404-1_P1 Rev A, P201-1_P1 Rev A, GARAGE_P1 Rev B, GARAGE_P2 Rev D, 207 Rev A.

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

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev H and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

3. The materials to be used in the development shall be in accordance with T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. The surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be in full accordance with the details within plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 prior to the completion of the development hereby permitted and shall be retained as such thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The scheme of hard and soft landscaping for the site outlined within plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) and Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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, unless the Local Planning Authority gives written consent to any variation.

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

6. The development shall be undertaken in full accordance with the surface water management strategy, surface water drainage system and maintenance and upkeep details within documents 'Surface Water Drainage Strategy' 17/25692 Rev C by DSA, 'Surface Water Drainage Strategy' 18/31006 Rev E by DSA dated 16th July 2020 and surface water drainage strategy and drainage layout plan 31006/300 P16 prior to the completion of the development. The maintenance plan shall be carried out in full thereafter.

Reason: To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and 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.

7. The development shall be undertaken in full accordance with the foul water details provided within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1,

31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, and DS/SFA/001 Rev C prior to the completion of the development.

Reason: To ensure a satisfactory system of foul water drainage is in place for this development in accordance with the NPPF.

8. The development shall be undertaken in full accordance with the details within the CMP PF/10282 dated April 2020 and CMP Addendum PF/10282 dated April 2020.

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.

9. Within one month of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation 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 the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

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 advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The details for the storage of refuse and materials for recycling to serve the flats at plots 113-116 within plans 201 Rev G and REFUSE_P1 shall be provided on site in full accordance with these details prior to first occupation of units 113, 114, 115, and 116, and retained thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A, Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development and the preservation of existing trees on site in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

13. The development shall be undertaken in full accordance with the junction details within plans 18/31006/SK50, and 18 31006/90 P14 prior to the completion of the development.

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

14. The development shall be undertaken in full accordance with the levels outlined within plan 31006/52 P5.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

15. The development shall be undertaken in full accordance with the Well Strategy received by the Council on the 17th and 18th July 2018.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

16. The development shall be undertaken in full accordance with the Badger Method Statement PF/10282-V.2 dated July 2020.

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

17. The bird and bat boxes identified within 2017-03(01) by ecolocation dated 15th July 2020 shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

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

18. The pedestrian toucan crossing in Towcester Road as shown within plans 18/31006/SK50, 31006/60 P7 and 31006/61 P3 shall be provided prior to the completion of the development in agreement with a timetable as agreed with Northamptonshire County Council Highways Department.

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

19. The development shall be carried out in full accordance with 'Maintenance Strategy for Private Access Road' reference 04858 dated May 2020 by PJA and shall be retained thereafter.

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

20. The measures identified within approved Travel Plan DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 shall be carried out in full accordance with the implementation schedule identified within this plan.

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

21. The EV charging points identified within plan 206 Rev B shall be provided for the outlined plots prior to the first occupation of those plots and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

10 BACKGROUND PAPERS

- 10.1 N/2012/0909 and N/2019/1277.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as the development was approved prior to the implementation of CIL at Northampton Borough Council.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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

Appendix 2 – Committee report 28th July 2020



| | |
|------------------------------|--|
| PLANNING COMMITTEE: | 28th July 2020 |
| DEPARTMENT: | Planning Service |
| DIRECTOR OF PLANNING: | Peter Baguley |
| APPLICATION REF: | N/2019/1277 |
| LOCATION: | Development Land, Lancaster Way |
| DESCRIPTION: | Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16 |
| WARD: | Delapre & Briar Ward |
| APPLICANT: | Barry Howard Homes (Towcester) Ltd |
| AGENT: | Frampton Town Planning Ltd |
| REFERRED BY: | Director of Planning and Sustainability |
| REASON: | Major application requiring a Section 106 Agreement |
| DEPARTURE: | No |

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.2 APPROVAL IN PRINCIPLE subject to:

- iv) The completion of a Section 106 Legal Agreement to secure planning obligations set out in the report; and
- v) The Council's monitoring fee subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.3 Planning conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's 5-year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, INF2, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy.

2 THE PROPOSAL

- 2.1 Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of Conditions 10 and 16.
- 2.2 The application proposes amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs have also altered from those approved under N/2012/0909 in size and design.
- 2.3 This altered layout necessitates the amendment of details previously agreed through conditions under application N/2012/0909, as these agreed details need to be updated to show the new layout. The applicant has also applied to vary conditions that have not previously been agreed to be in accordance with details submitted, such that the wording of the conditions would be altered to be in accordance with the details submitted as opposed to requiring the submission of details.
- 2.4 The application includes the proposed removal of Conditions 10 and 16. Condition 10 is an erroneous repeat of Condition 7, and the applicants claim Condition 16 is no longer required as the details within Condition 13 have been agreed and no further details are needed.
- 2.5 Development works are underway on the site, and as such this application is partially retrospective.

3 SITE DESCRIPTION

- 3.1 Planning permission was approved in principle by the Planning Committee on the 22nd November 2016, subject to the completion of a S106, for a development for 139 dwellings on this site (N/2012/0909). This was subsequently approved on the 14th December 2017 following the completion of the S106.
- 3.2 Development works have commenced on this previous approval, with a number of properties completed. As such the current situation on site is of a building site.
- 3.3 Prior to works commencing on approval N/2012/0909, the site was historically used for the keeping of animals and as allotments, although the use of the site had been in decline and fallen into disuse.
- 3.4 A Tree Preservation Order is in place to protect the mature tree adjacent to Lancaster Way. The general topography of the site slopes downwards in a northerly direction, with a number of undulations within the site.
- 3.5 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century, and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north; and Briar Hill Walk to the east.
- 3.6 Pedestrian access to the site was historically present (albeit closed at the time of application N/2012/0909) by a path which runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages, with access from Braunstone Close. This route then travels in a northerly direction joining Rothersthorpe Road. There is a private right of vehicle access across this same route for a selection of surrounding properties.

4 RELEVANT PLANNING HISTORY

- 4.1 N/2012/0909 - Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout – Approved 14/12/2017.
- 4.2 N/2019/0295 - Variation of S106 Agreement to amend type of affordable housing provision – Approved in Principle by Planning Committee 16/04/2019 – S106 amendments in process.
- 4.3 N/2019/0311 - Formation of temporary access and erection of hoarding (to facilitate construction of development permitted under Planning Permission: N/2012/0909) (partly retrospective) – Approved 29/04/2019.
- 4.4 N/2019/1455 – Erection of an electricity substation – Withdrawn 13/01/2020 following officer advice that the position of the proposal was unacceptable.
- 4.5 N/2020/0065 – Erection of an electricity substation – Approved 03/03/2020.

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- 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 15 – Conserving and enhancing the natural environment

5.3 West Northamptonshire Joint Core Strategy (2014)

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

- Policy H1: Housing Density & Mix & Type of Dwellings
- Policy H2: Affordable Housing (35%).
- Policy S1: The Distribution of Development
- Policy S3: Scale and Distribution of Housing Development
- Policy S10: Sustainable Development Principles
- Policy BN2: Biodiversity
- Policy BN7: Flooding
- Policy BN9: Planning for Pollution Control
- Policy INF2: Contributions to infrastructure requirements

5.4 Northampton Local Plan 1997 (Saved Policies)

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

E20 – Design of New Development.

5.5 Supplementary Planning Documents

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

6 CONSULTATIONS/REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No comments to make on minor amendments proposed to the consented layout and house types being sort by this application. Amended acoustic assessment reports for conditions 13 and 16 of N/2012/0909 are acceptable and condition 16 can be removed. Further details are required for condition 12. CEMP is acceptable.
- 6.2 **NBC Tree Officer** – No tree related concerns and so no comment to make. Soft landscaping scheme for condition 6 is acceptable.
- 6.3 **NCC Highways** – Object - Pedestrian visibility splays have been reduced below the minimum 2m requirement which is unacceptable (a minimum of 2mx2m is required), and any feature within the splay must not exceed 0.6m in height above footway level. The relocation of no. 17 is within the vehicle to vehicle visibility splay, and the raised table block paved areas have been removed which makes the access into the small road serving 18-25 unacceptable. It is advised that garages are not considered towards the parking allocation for the properties and triple spaces are only considered as two spaces as they are unlikely to be used for three vehicles. Confirm submitted Travel Plan is acceptable, and that the details submitted for conditions 5, 11, 18, 23, 24 and 25 are acceptable.

No further comment received on the revised plans.

- 6.4 **NCC Ecology** – Object. There are ongoing issues with badgers which were not detected in the original application. A final licence is needed to establish the clan in a new sett which is understood to have been built but not yet approved by Natural England. At present there is no active licence on the site and badger activity is continuing with badgers digging in neighbour's gardens. It is considered that the problems stem from the failure to have the appropriate surveys undertaken so a licence can be secured. As stated in Circular 06/2005 Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system, 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat...it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...' (para. 98 & 99). Further, paragraph 175 of the NPPF states that 'if significant harm to biodiversity resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

It is considered that it has been neither established the extent to which the current application would impact the site's badger clan and its historical territory, nor demonstrated that they have adequately complied with the mitigation hierarchy as outlined in the NPPF.

With the pressure to deliver housing, and with this site already partly built out, if the Council is minded to approve this application, two key conditions are requested. One requiring an exclusion zone and one requiring a comprehensive method statement for badgers.

- 6.5 **Lead Local Flood Authority** – No concerns with proposal.
- 6.6 **Anglian Water** – No comments received.
- 6.7 **Northamptonshire Police** – Initially raised concerns with the link being retained between Towcester Road and Tunnel Hill Cottages, which was a crime issue, and an indication on the plans that there is a link to Leah Bank. Following this the plans have been amended to remove any reference to a link to Leah Bank and to re-instate gates as within N/2012/0909.
- 6.8 **Natural England** – No comment on proposed alterations. Standing advice should be used.
- 6.9 **Environment Agency**- No comment on proposed alterations.
- 6.10 **The Wildlife Trust** – concerned new layout does not provide a coherent ecological network across the site, particularly for badgers, and that it fails to compensate for the orchard habitat which was previously found there. Strongly recommend that the existing badger sett is retained and that a coherent ecological network is developed across the site which connects the sett with existing foraging areas and the proposed open spaces. Paragraph 170 of the NPPF requires developments to establish ecological networks and provide a measurable net gain in biodiversity, and at present this revised layout does not provide either. Recommend that an orchard is included in one of the public open spaces to compensate for the orchard which has been lost.
- 6.11 **Northamptonshire Badger Group** – Concerned regarding welfare and future of badgers on the site. 6 setts have been lost and the main sett is also to be lost. Foraging space has been lost. Badgers are now seen to be digging in neighbouring gardens. Concern artificial sett that has been built is unacceptable and there are no wildlife corridors and insufficient soft landscaping and food sources for badgers. Request suitable artificial sett is built and includes protection zone, wildlife corridor, planting, and fencing with badger holes and gate for maintenance.
- 6.12 **Councillor J Davenport** - Proposal is retrospective and application should be heard at Committee.
- 6.13 **Councillor G Walker** – Objects as there is only one entry and exit.
- 6.14 38 letters have been received from 19 different neighbouring properties, 15 objecting to the application and 4 making observations. The concerns raised within these letters can be summarised as follows:

Design

- Concern with driveway design with use of long driveways. Particular concern for plot 107.
- Concern with design such as rear gate for plot 19 opens onto a different close, plots 35 and 36 will require plot 37's driveway to access their rear gate, plot 66 has to use plot 67's parking bay to access rear garden, plot 103's parking spaces are scattered, and plot 101 has no access to garden at all.
- Re-designed Seacroft housetype have no rear access from kitchen and so bins probably won't be stored in garden. Bin store should be provided to the front.
- Concern that previous application showed foot connection from housing estate to Sandringham Gardens estate on Leah Bank by 106/107 plots and this has been removed. This was a convenient link for residents of surrounding properties to access GP surgery, Tesco and bus stops.

Neighbouring amenity

- Houses that have been built overlook existing neighbouring properties.
- Noise issues to existing residents during construction.
- Concern proposed dwellings will be overbearing to neighbouring properties and result in a loss of light.
- Properties to north have gardens that drop in land levels, meaning the rear elevations are not screened from the site and will be entirely overlooked.
- Loss of conditions 10 and 16 would harm neighbouring properties.

Highways

- Concern visibility splays are now unacceptable. E.g. plot 17.
- T-junction would be better than roundabout at entrance. Question why a roundabout is needed and why it has not been built as a mini-roundabout.
- Roads are unlikely to be adopted and as such should be conditioned or S106 requiring maintenance.
- Parking spaces not correct sizes (should be wider if adjacent wall).
- Only one entrance and exit to the site is a safety risk. Access should have been provided via Briar Hill.
- Previous permission 2012/0909 not lawfully implemented as condition requiring toucan crossing date for implementation not provided.
- Location of SUDs under play area should not be acceptable to Highways as within 5 metres of highway.
- Sight lines of junctions also an issue – highways raised a concern.
- Concern land between tunnel hill cottages will be used as rat run out of the development.

Flooding

- Northern end of site becomes flooded during heavy rain.
- Condition for foul water management has been removed and it needs reinstating.
- Maintenance of surface water flood attenuation important. Condition 26 should not have been discharged and needs looking at again.
- Disagree with Anglian Water saying they are adopting the drainage system as they are not adopting the flood attenuation tanks or pipe for the foul water system.
- Development may overload water, drainage, electric systems and current drainage system is not fit for 139 more properties.
- Ground levels raised – may cause flooding, landslip.
- Close boarded fence around site will not provide protection against flooding. Retaining wall plus fencing is needed to protect against flooding and overlooking.
- Loss of wells on site exacerbates flooding.
- Question if existing sewer cope with more foul water sewage from this development.
- No surface water runoff data for roundabout.
- Problems with drainage and request to remove condition 10 is way to try to stop discussions.
- Issues with drainage – can't guarantee maintenance of northern boundary tank as don't own land and Anglian Water would have to agree this. Maintenance of suds scheme should form part of s106.
- Question accuracy of surface water and foul water details.

Ecology

- Impact in badgers – see less badgers now development is on site.
- Impact on wildlife – used to get foxes, hedgehogs, deer, bats – land was perfect for wildlife and the entire loss of this to houses shows no consideration by the Council to protect this historical land.
- Conditions are needed to protect the badgers.
- Artificial badger sett is not on application site.
- Badgers damage properties as lost setts.

- Had squirrels in roof since development started.
- Bird and bat box plan includes positions that are not on site.

Private right of way

- Neighbouring properties have vehicle access right over land and kissing gates stop this.
- Concern developer wants to bring vehicles down alley on Towcester Road which is not wide enough and would be health and safety issue.
- Concern rumours that Towcester Road alleyway will be gated off and manhole installed.
- Concern private right of way between Towcester Road and Tunnel Hill Cottages has become public and this should have been consulted on – on NCC website it is private right of way. If it is made a public right of way, this results in crime concerns.
- Concern private right of way over site has been fenced off during construction and is not safe for use.
- CEMP should include details of how residents can utilise the private right of access across the site.
- Vehicle access gates should also provide kissing gates adjacent.

Boundary treatment

- Question what the boundary treatments will be.
- Who will be responsible for upkeep of fencing.
- Want concrete posts with wire mesh.
- Object to kissing gates – want palisade fencing with spokes to deter people using this.
- Pleased with proposed kissing gate but want to know what materials and who will be maintaining it. Also will there be a fence either side.
- Gate on eastern end of site was 1.5 metres and no justification to change this now. Post-and-rail allows people to climb through.
- Fencing should be provided around unregistered pieces of land to prevent flytipping and cars parking.

Crime

- Loss of gates and bollards to either end of this right of way results in crime concerns.
- Footpath for plots 43-46 has been removed and driveway is the footpath which results in loss of defensible space.
- Open accesses by plots 19 and 88 were asked to be blocked by police but are open again.
- Plot 37's garden exposed.
- Alleyway for plot 67 poor.
- Close boarded fencing and retaining walls on boundaries will provide cover for illegal activity.
- Concern that when temporary fencing on development site dividing site from the private right of way to the garages behind 184-196 Towcester Road is removed there will be no separation stopping people from accessing this existing private road. Concern this will result in rat-run and crime issues.

Levels

- Question what the ground levels will be – ground levels appear to being raised and this raises loss of privacy concerns alongside flooding concerns.
- Land has been raised to northern edge of site.
- Site levels too high – not the same as original consent and this results in loss of light and privacy.

Landscaping

- Loss of soft landscaping areas e.g. end of plot 98's parking and between plots 44 and 45.

- More landscaping should be provided along boundaries with existing properties to screen development.

Open space

- Public Open Space calculations appear to be incorrect and not in line with S106 plan.
- Large areas of open land not included in POS and so not included in maintenance – question who will be looking after these areas.

Environmental Health

- Land must be highly contaminated.
- Concern regarding contamination – neighbours' clothes have been permanently stained from dust from site and land needs testing to see why.
- CEMP cannot be altered as it has already been agreed. CEMP mentions control of dust but it doesn't, contamination issues as soil moved around, waste materials are dumped in open metal box and blow on neighbouring properties, statements made in CEMP have not been followed thus far.
- Noise assessment is unacceptable – doesn't study A5076.

Other matters

- Concern with potential impact on neighbouring garages.
- Application form and CIL forms have applicant as 'Barry Howard Homes' – there is no such company with this exact name (*Officer Comment: The applicant name has been updated during the application*).
- Concern proposal does not comply with building regulations (*Officer Comment: This is not a material planning consideration but rather would be dealt with under Building Regulations*).
- Understand developer owns more land around the site and how this is to be used should be included within the application (*Officer Comment: The application under assessment is the scheme submitted and any future aspirations for the surrounding area would not be a consideration at this time*).
- Conditions previously discharged need looking at again to check if they need more information (*Officer Comment: All conditions are being checked within this application*).
- Retrospective as developer not following plan he has permission for – why has developer been allowed to apply to regularise this? (*Officer Comment: The Town and Country Planning Act allows the submission of retrospective variation applications*).
- Affordable housing has moved to a single area and it wasn't supposed to be built in that form. (*Officer Comment: The Affordable housing is not located in a single area on the plan and is not in a dissimilar location to that previously shown*).
- What street lighting is proposed? (*Officer Comment: Application N/2012/0909 did not require details on street lighting*).
- Boundary of permission is incorrect (*Officer Comment: The red line of the site matches the red line of application N/2012/0909 as is required within a variation application*).
- Many enforcement issues with the site (*Officer Comment: This is not a consideration within this Planning Application*).
- Do not believe wording of conditions can be altered now as it is too late (*Officer Comment: A variation application issues a new permission for the site and as such all conditions can be altered or deleted if they are not needed, or new conditions added*).
- Plan for phasing submitted does not match affordable housing requirements in S106 which state that no more than 30% market housing should be occupied before 50% affordable housing is provided. Also breaches of contributions to be paid by occupation (*Officer Comment: Should a breach of the S106 occur, this will be assessed at that time. This is not a matter for consideration within the assessment of this planning application*).

- Substation has been removed from the plans (*Officer Comment: The substation has been removed from the plans at the request of the Council for clarity as the substation layout shown has not been approved*).

7 APPRAISAL

- 7.1 The application is for a variation of approval N/2012/0909. It is only the changes proposed from that approval which can be considered within this application.

Principle of development

- 7.2 The principle of 139 residential dwellings on this site has been established within application N/2012/0909 which was approved on 14th December 2017 and has been part implemented. As this has been approved and part implemented, it would not now be reasonable to object to the principle of 139 residential units on this site.

Design and the impact upon the street scene

- 7.3 During the course of construction works on approval N/2012/0909, the development has been built not completely in accordance with the approved plans. Subsequently this variation of condition application has been submitted to attempt to regularise the changes that have been undertaken, and to permit alterations to further parts of the development which have not yet been constructed.
- 7.4 It is understood that large number of the changes that have occurred on site are due to the road layout being slightly re-positioned once the highway works technical drawings were created for the site and in consultation with NCC Highways. The slight re-positioning of the internal roads has resulted in a knock-on effect that has necessitated alterations to the approved scheme.
- 7.5 The variation application proposes to slightly alter the position of a large number of the approved plots. The vast majority of these changes are re-positioning the plots by a de-minimus amount and the re-positioning would not be evident when on site. The changes would be to a level expected on a construction site of this size. There are, however, a number of plots where the re-positioning is to a material level, and it is understood that this is due to changes in the road layout as approved with NCC Highways. Of particular note are:
- Plots 11-13 have been altered to a terraced row of equal depths, whereas the approved included a step in for the central property;
 - Plots 14-16 have been altered from a semi-detached property and a flat above garage to a terrace row of three properties;
 - Plot 17 has been shifted 2 metres to the north;
 - Plot 25 has been re-angled to face the road;
 - Plot 27 has been re-angled;
 - Plots 38-42 and 47-49 have all been re-positioned further to the west;
 - Plot 52 has been re-positioned 1.5 metres to the west;
 - Plot 53 has been re-positioned and re-angled;
 - Plots 71-73 have been shifted 1.5 metres to the west;
 - Plots 82-83 have been shifted 1.5 metres to the east;
 - Plots 84-85 have been altered to a stepped pair of semi-detached properties;
 - Plots 86-87 and 106 have been shifted 2.5 metres to the east;
 - Plot 94 has been shifted 1 metre to the south-east;
 - Plot 95 has been shifted 1.5 metres to the south and west;

- Plot 99 has been re-positioned 1.5 metres to the east and south;
 - Plots 100-101 have been re-positioned 2.5 metres to the east and 1 metre to the north;
 - Plots 126-131 have all been re-positioned slightly with 130-131 being moved to the west and south, plots 128-129 being moved southwards, and 126-127 being moved 0.5 of a metre to the east and 0.5 of a metre to the south;
 - Plot 132 has been re-positioned 2.5 metres to the west and 2 metres to the south;
 - Plot 133 has been re-positioned 3 metres to the west and 2 metres to the south;
 - Plot 139 has been re-positioned 1 metre to the east (closer to the boundary edge of the site).
- 7.6 In addition to the re-positioning of the dwellings, the garages for the dwellings have been altered, with these largely being removed from the development, so just 30 properties retain garages. Parking spaces locations have also been slightly altered as a result of the shift in dwelling positions and garden boundary lines have been slightly amended.
- 7.7 With regards to alterations to the appearance of the approved dwellings, Plot 12 has been altered to a Millport housetype from a Heath housetype, Plot 14 has been altered to a Heath housetype from a flat over garage AF05, Plot 78 has been altered to a Millport housetype from S461 (altered from a 4 bedroom to a 3 bedroom dwelling) and plots 100 and 101 have been altered from Fairhaven to Woodhall.
- 7.8 It is also proposed to amend the appearance of the approved housetypes within this application, and to increase the variety in the housetypes used. It is the case that the majority of the dwellings have increased in height between the approved scheme and that now proposed. Minor alterations have also occurred to the appearance of the dwellings through changes to, for example, the porches, eills, and window and door sizing.
- 7.9 During the course of this application, 4 properties have also been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124.
- 7.10 It is considered that the amended housetypes would remain in character with the area, would not appear significantly different in design terms to those approved, and would provide an attractive appearance.
- 7.11 Concern has been raised within neighbour letters as to the design of the driveways and access points to properties. It is considered that the access points to each plot are acceptable, being over footpaths or parking spaces associated with the plot. Concern has also been raised as to all properties of the Seacroft Design needing bin stores to the front. Each property has a good rear garden and it is not considered that bin stores to the front of houses are needed.
- 7.12 A neighbour letter also raises concern that application N/2012/0909 showed a pedestrian connection from housing estate to Sandringham Gardens estate on Leah Bank by plots 106/107 plots and this has been removed. No access was provided in this location under application N/2012/0909 with the footpath marked ending at a fence. A link is not proposed here due to crime safety concerns raised by the Police.
- 7.13 It is considered that in design terms the changes proposed to the scheme would not have an unacceptable impact upon the character and appearance of the street

scenes within the development, nor the appearance of the site from outside of the development, when compared with that previously approved.

Residential Amenity

- 7.14 Neighbour letters raised concern as to the impact of the proposed development on existing occupiers, such as through overlooking, noise, loss of light and the properties appearing overbearing to residents. It was raised that properties to the north have lower gardens and the entire rear elevations will be overlooked.
- 7.15 A significant consideration within the assessment of the impact of the proposed development on neighbouring amenity is the height and position of the amended dwellings when compared to that previously approved. This relates to both the amended heights of the proposed house types, and the proposed levels.
- 7.16 The table below provides a direct comparison between the approved ridge heights and levels under application N/2012/0909, and the proposed ridge heights and levels within the current variation application on a plot by plot basis. The table then outlines what the overall differences in height between the approved and that now proposed.

| <u>PLO T</u> | <u>APPROVE D RIDGE</u> | <u>PROPOSE D RIDGE</u> | <u>DIFFERENC E RIDGE</u> | <u>APPROVE D LEVELS</u> | <u>PROPOSE D LEVELS</u> | <u>DIFFERENC E LEVELS</u> | <u>OVERALL DIFFERENC E</u> |
|-------------------------|-----------------------------------|-----------------------------------|-------------------------------------|------------------------------------|------------------------------------|--|---|
| 1 | 7.65m | 8.4m | +0.75 | 93.20 | 93.00 | -0.2 | +0.55 |
| 2 | 8m | 8.25m | +0.25 | 92.50 | 92.250 | -0.25 | 0 |
| 3 | 8m | 8.7m | +0.7 | 92.00 | 91.750 | -0.25 | +0.45 |
| 4 | 7.85m | 8m | +0.15 | 91.30 | 91.25 | -0.05 | +0.1 |
| 5 | 7.8m | 8.2m | +0.4 | 91.40 | 91.40 | 0 | +0.4 |
| 6 | 8.3m | 8.7m | +0.4 | 91.50 | 91.55 | +0.05 | +0.45 |
| 7 | 7.85m | 8m | +0.15 | 91.60 | 91.75 | +0.15 | +0.3 |
| 8 | 7.8m | 8.15m | +0.35 | 93.30 | 93.350 | +0.05 | +0.4 |
| 9 | 7.8m | 8.15m | +0.35 | 93.60 | 93.650 | +0.05 | +0.4 |
| 10 | 7.8m | 8.15m | +0.35 | 93.90 | 93.950 | +0.05 | +0.4 |
| 11 | 7.8m | 8.15m | +0.35 | 93.50 | 93.425 | -0.075 | +0.275 |
| 12 | 7.5m | 8.15m | +0.65 | 93.80 | 93.425 | -0.375 | +0.275 |
| 13 | 7.8m | 8.15m | +0.35 | 93.80 | 93.425 | -0.375 | -0.025 |
| 14 | 6.9m | 8m | +1.1 | 92.90 | 93.30 | +0.4 | +1.5 |
| 15 | 7.5m | 8m | +0.5 | 92.45 | 92.85 | +0.4 | +0.9 |
| 16 | 7.5m | 8m | +0.5 | 92.00 | 92.40 | +0.4 | +0.9 |
| 17 | 7.5m | 8.3m | +0.8 | 92.60 | 93.125 | +0.525 | +1.325 |
| 18 | 7.5m | 8m | +0.5 | 93.80 | 93.80 | 0 | +0.5 |
| 19 | 7.5m | 8m | +0.5 | 94.10 | 94.10 | 0 | +0.5 |
| 20 | 7.5m | 8m | +0.5 | 94.40 | 94.40 | 0 | +0.5 |
| 21 | 7.5m | 8m | +0.5 | 94.70 | 94.70 | 0 | +0.5 |
| 22 | 7.8m | 8.15m | +0.35 | 94.90 | 95.10 | +0.2 | +0.55 |
| 23 | 7.8m | 8.15m | +0.35 | 94.60 | 94.80 | +0.2 | +0.55 |
| 24 | 7.8m | 8.15m | +0.35 | 94.30 | 94.50 | +0.2 | +0.55 |
| 25 | 7.8m | 8.2m | +0.4 | 93.10 | 94.00 | +0.9 | +1.3 |
| 26 | 8m | 8.8m | +0.8 | 93.50 | 93.35 | -0.15 | +0.65 |
| 27 | 7.5m | 8.3m | +0.8 | 92.85 | 93.00 | +0.15 | +0.95 |
| 28 | 7.8m | 8.15m | +0.35 | 93.50 | 93.90 | +0.4 | +0.75 |

| | | | | | | | |
|----|-------|-------|--------------|-------|--------|---------------|--------|
| 29 | 7.8m | 8.15m | +0.35 | 94.10 | 94.20 | +0.1 | +0.45 |
| 30 | 7.8m | 8.15m | +0.35 | 94.70 | 94.50 | -0.2 | +0.15 |
| 31 | 7.8m | 8.2m | +0.4 | 92.20 | 92.20 | 0 | +0.4 |
| 32 | 7.8m | 8.6m | +0.8 | 91.30 | 91.90 | +0.6 | +1.4 |
| 33 | 7.8m | 8.6m | +0.8 | 90.70 | 91.60 | -0.1 | +0.7 |
| 34 | 7.8m | 8.6m | +0.8 | 92.05 | 92.20 | +0.15 | +0.95 |
| 35 | 7.8m | 8.6m | +0.8 | 91.60 | 91.90 | +0.3 | +1.1 |
| 36 | 7.8m | 8.6m | +0.8 | 91.15 | 91.60 | +0.45 | +1.25 |
| 37 | 7.8m | 8.2m | +0.4 | 90.30 | 90.30 | 0 | +0.4 |
| 38 | 8m | 8.8m | +0.8 | 89.60 | 90.325 | +0.725 | +1.525 |
| 39 | 8m | 8.8m | +0.8 | 89.60 | 90.325 | +0.725 | +1.525 |
| 40 | 8m | 8.4m | +0.4 | 89.60 | 90.40 | +0.8 | +1.2 |
| 41 | 7.65m | 8.4m | +0.75 | 89.60 | 90.325 | +0.725 | +1.475 |
| 42 | 8m | 8.4m | +0.4 | 89.60 | 90.325 | +0.725 | +1.125 |
| 43 | 7.5m | 8m | +0.5 | 89.60 | 90.00 | +0.4 | +0.9 |
| 44 | 7.8m | 8.2m | +0.4 | 90.20 | 90.30 | +0.1 | +0.5 |
| 45 | 7.65m | 8.4m | +0.75 | 90.75 | 90.80 | +0.05 | +0.8 |
| 46 | 7.85m | 8m | +0.15 | 91.30 | 91.60 | +0.3 | +0.45 |
| 47 | 7.8m | 8.6m | +0.8 | 91.50 | 92.225 | +0.725 | +1.525 |
| 48 | 7.8m | 8.6m | +0.8 | 91.80 | 92.225 | +0.425 | +1.225 |
| 49 | 8m | 8.4m | +0.4 | 92.00 | 92.225 | +0.225 | +0.625 |
| 50 | 8m | 8.8m | +0.8 | 91.30 | 91.55 | +0.25 | +1.05 |
| 51 | 7.65m | 8.4m | +0.75 | 91.90 | 92.20 | +0.3 | +1.15 |
| 52 | 7.5m | 8.3m | +0.8 | 92.60 | 93.00 | +0.4 | +1.2 |
| 53 | 7.8m | 8.2m | +0.4 | 92.30 | 92.30 | 0 | +0.4 |
| 54 | 7.65m | 8.05m | +0.4 | 91.60 | 91.70 | +0.1 | +0.5 |
| 55 | 7.5m | 7.8m | +0.3 | 91.00 | 91.150 | +0.15 | +0.45 |
| 56 | 7.8m | 8.6m | +0.8 | 87.30 | 87.80 | +0.5 | +1.3 |
| 57 | 7.8m | 8.6m | +0.8 | 87.60 | 88.10 | +0.5 | +1.3 |
| 58 | 7.65m | 8.4m | +0.75 | 89.10 | 89.50 | +0.4 | +1.15 |
| 59 | 8m | 8.8m | +0.8 | 89.10 | 89.40 | +0.3 | +1.1 |
| 60 | 8m | 8.8m | +0.8 | 89.00 | 89.20 | +0.2 | +1 |
| 61 | 8m | 8.8m | +0.8 | 88.90 | 89.25 | +0.35 | +1.15 |
| 62 | 8m | 8.4m | +0.4 | 88.80 | 89.15 | +0.35 | +0.75 |
| 63 | 7.65m | 8.4m | +0.75 | 88.70 | 89.15 | +0.45 | +1.2 |
| 64 | 8m | 8.25m | +0.25 | 88.70 | 89.15 | +0.45 | +0.7 |
| 65 | 7.5m | 8m | +0.5 | 88.80 | 89.30 | +0.5 | +1 |
| 66 | 7.5m | 8m | +0.5 | 87.50 | 87.60 | +0.1 | +0.6 |
| 67 | 7.5m | 8m | +0.5 | 87.05 | 87.30 | +0.25 | +0.75 |
| 68 | 7.5m | 8m | +0.5 | 86.60 | 87.00 | +0.4 | +0.9 |
| 69 | 7.5m | 7.65m | +0.15 | 85.80 | 86.45 | +0.65 | +0.8 |
| 70 | 7.5m | 7.65m | +0.15 | 85.80 | 86.15 | +0.35 | +0.5 |
| 71 | 7.8m | 7.95m | +0.15 | 86.20 | 86.85 | +0.65 | +0.8 |
| 72 | 7.5m | 7.65m | +0.15 | 85.75 | 86.40 | +0.65 | +0.8 |
| 73 | 7.5m | 7.65m | +0.15 | 85.30 | 85.95 | +0.65 | +0.8 |
| 74 | 7.6m | 7.8m | +0.2 | 84.20 | 84.20 | 0 | +0.2 |
| 75 | 7.6m | 7.8m | +0.2 | 84.20 | 84.20 | 0 | +0.2 |
| 76 | 7.6m | 7.8m | +0.2 | 84.50 | 84.50 | 0 | +0.2 |
| 77 | 7.6m | 7.8m | +0.2 | 84.50 | 84.50 | 0 | +0.2 |
| 78 | 8.3m | 7.95m | -0.35 | 84.80 | 84.80 | 0 | -0.35 |

| | | | | | | | |
|-----|-------|-------|--------------|-------|--------|--------------|-------|
| 79 | 7.8m | 7.95m | +0.15 | 84.80 | 84.80 | 0 | +0.15 |
| 80 | 7.8m | 7.95m | +0.15 | 85.60 | 85.60 | 0 | +0.15 |
| 81 | 7.8m | 7.95m | +0.15 | 85.60 | 85.60 | 0 | +0.15 |
| 82 | 7.8m | 7.95m | +0.15 | 86.00 | 86.00 | 0 | +0.15 |
| 83 | 7.8m | 7.95m | +0.15 | 86.00 | 86.00 | 0 | +0.15 |
| 84 | 7.8m | 8m | +0.2 | 85.85 | 85.85 | 0 | +0.2 |
| 85 | 7.8m | 8m | +0.2 | 86.30 | 86.30 | 0 | +0.2 |
| 86 | 7.6m | 7.8m | +0.2 | 85.40 | 85.40 | 0 | +0.2 |
| 87 | 7.6m | 7.8m | +0.2 | 85.40 | 85.40 | 0 | +0.2 |
| 88 | 7.8m | 8.2m | +0.4 | 86.10 | 86.40 | +0.3 | +0.7 |
| 89 | 7.8m | 8m | +0.2 | 87.25 | 87.20 | -0.05 | +0.15 |
| 90 | 7.6m | 7.8m | +0.2 | 87.70 | 87.50 | -0.2 | 0 |
| 91 | 7.5m | 8m | +0.5 | 89.10 | 89.35 | +0.25 | +0.75 |
| 92 | 7.6m | 7.7m | +0.1 | 89.10 | 89.10 | 0 | +0.1 |
| 93 | 7.6m | 7.7m | +0.1 | 89.10 | 88.80 | -0.3 | -0.2 |
| 94 | 8m | 8.35m | +0.35 | 88.80 | 88.70 | -0.1 | +0.25 |
| 95 | 7.8m | 8m | +0.2 | 88.50 | 88.40 | -0.1 | +0.1 |
| 96 | 8.1m | 7.8m | -0.3 | 86.75 | 86.70 | -0.05 | -0.35 |
| 97 | 8.1m | 7.8m | -0.3 | 86.30 | 86.40 | +0.1 | -0.2 |
| 98 | 7.8m | 8.2m | +0.4 | 85.80 | 85.60 | -0.2 | +0.2 |
| 99 | 7.8m | 8.2m | +0.4 | 87.40 | 87.10 | -0.3 | +0.1 |
| 100 | 7.6m | 7.85 | +0.25 | 86.70 | 86.70 | 0 | +0.25 |
| 101 | 7.6m | 7.85 | +0.25 | 86.70 | 86.70 | 0 | +0.25 |
| 102 | 7.8m | 8m | +0.2 | 84.70 | 85.30 | +0.6 | +0.8 |
| 103 | 7.8m | 8m | +0.2 | 85.00 | 85.30 | +0.3 | +0.5 |
| 104 | 7.8m | 8m | +0.2 | 85.30 | 85.30 | 0 | +0.2 |
| 105 | 7.8m | 8.2m | +0.4 | 85.50 | 85.45 | -0.05 | +0.35 |
| 106 | 7.8m | 8.2m | +0.4 | 84.60 | 84.60 | 0 | +0.4 |
| 107 | 8.2m | 7.9m | -0.3 | 83.00 | 83.00 | 0 | -0.3 |
| 108 | 7.8m | 8.2m | +0.4 | 84.70 | 84.70 | 0 | +0.4 |
| 109 | 8m | 8.3m | +0.3 | 84.60 | 84.60 | 0 | +0.3 |
| 110 | 7.8m | 8.2m | +0.4 | 84.00 | 84.00 | 0 | +0.4 |
| 111 | 7.8m | 8m | +0.2 | 82.50 | 82.50 | 0 | +0.2 |
| 112 | 7.8m | 8m | +0.2 | 82.20 | 82.20 | 0 | +0.2 |
| 113 | 7.25m | 7.6m | +0.35 | 83.00 | 83.00 | 0 | +0.35 |
| 114 | 7.25m | 7.6m | +0.35 | 83.00 | 83.00 | 0 | +0.35 |
| 115 | 7.25m | 7.6m | +0.35 | 83.00 | 83.00 | 0 | +0.35 |
| 116 | 7.25m | 7.6m | +0.35 | 83.00 | 83.00 | 0 | +0.35 |
| 117 | 7.5m | 7.65m | +0.15 | 83.40 | 83.400 | 0 | +0.15 |
| 118 | 7.5m | 7.65m | +0.15 | 83.70 | 83.70 | 0 | +0.15 |
| 119 | 7.5m | 7.65m | +0.15 | 83.70 | 83.70 | 0 | +0.15 |
| 120 | 7.5m | 7.65m | +0.15 | 84.00 | 84.00 | 0 | +0.15 |
| 121 | 7.5m | 7.65m | +0.15 | 84.30 | 84.30 | 0 | +0.15 |
| 122 | 7.5m | 7.65m | +0.15 | 84.20 | 84.20 | 0 | +0.15 |
| 123 | 7.5m | 7.65m | +0.15 | 84.65 | 84.65 | 0 | +0.15 |
| 124 | 7.5m | 7.65m | +0.15 | 85.10 | 85.10 | 0 | +0.15 |
| 125 | 7.8m | 8.2m | +0.4 | 86.00 | 85.80 | -0.2 | +0.2 |
| 126 | 7.5m | 8m | +0.5 | 86.60 | 87.25 | +0.65 | +1.15 |
| 127 | 7.5m | 8m | +0.5 | 86.90 | 87.55 | +0.65 | +1.15 |
| 128 | 7.8m | 8.15m | +0.35 | 87.95 | 87.75 | -0.2 | +0.15 |

| | | | | | | | |
|-----|-------|-------|--------------|-------|--------|--------------|-------|
| 129 | 7.8m | 8.15m | +0.35 | 88.40 | 88.05 | -0.35 | 0 |
| 130 | 7.8m | 8.15m | +0.35 | 88.75 | 88.35 | -0.4 | -0.05 |
| 131 | 7.8m | 8.15m | +0.35 | 88.20 | 88.65 | +0.45 | +0.8 |
| 132 | 7.8m | 8m | +0.2 | 89.40 | 89.150 | -0.25 | -0.05 |
| 133 | 8m | 8.7m | +0.7 | 89.90 | 89.55 | -0.35 | +0.35 |
| 134 | 7.5m | 8m | +0.5 | 90.50 | 90.80 | +0.3 | +0.8 |
| 135 | 8m | 8.7m | +0.7 | 90.30 | 90.50 | +0.2 | +0.9 |
| 136 | 7.8m | 8.4m | +0.6 | 89.80 | 90.00 | +0.2 | +0.8 |
| 137 | 7.8m | 8.4m | +0.6 | 89.80 | 89.70 | -0.1 | +0.5 |
| 138 | 7.65m | 8.4m | +0.75 | 89.00 | 89.40 | +0.4 | +1.15 |
| 139 | 8m | 8.25m | +0.25 | 88.50 | 89.30 | +0.8 | +1.05 |

- 7.17 It is the case that on the southern half of the site the properties have increased in height due to changes in ridge heights and levels by a more significant level. Whilst these properties are higher than previously approved under application N/2012/0909, it is not considered that this is unacceptable. It is the case that the properties on the southern side of the site are positioned such that it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity along the southern, eastern and western boundaries.
- 7.18 On the northern boundary of the site the properties are approximately 0.2 of a metre higher than previously approved at a maximum, with plot 106, being 0.4 of a metre higher. A number of plots are also lower than previously approved. It is considered that a difference in overall height of 0.2 of a metre or less would not be significantly different from that previously approved and would not result in an unacceptable impact upon neighbouring amenity. Plot 106 is positioned away from any neighbouring properties and as such the increase in height by 0.4 of a metre would not result in an unacceptable impact upon neighbouring amenity.
- 7.19 On the eastern boundary (plots 113 to 125) the apartments within plots 113-116 are 0.35 of a metre higher than previously approved. These apartments are positioned away from the boundary and as such it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity. Plots 117-124 are 0.15 of a metre higher than previously approved, and plot 125 is 0.2 of a metre higher than previously approved. These changes in height are minimal and it is not considered that this would result in an unacceptable impact upon neighbouring amenity.
- 7.20 During the course of the application, 4 properties have been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124. These changes have occurred as a direct response to improve the relationship of the properties with the existing neighbouring properties from that approved under application N/2012/0909. These are between plot 112 and 9 Chelmsford Close, and between plot 122 and 34 Briar Hill Walk. As approved under application N/2012/0909, plots 112 and 122 would present gable end walls within close proximity of the neighbouring properties. The alteration of these units to hipped roofs is considered a significant improvement for neighbouring amenity over that previously given consent, even taking into account the 0.2 and 0.15 metres respective increases in height of these buildings.
- 7.21 It is considered that the alterations proposed within this application would not have an unacceptable impact upon neighbouring amenity over that previously approved under application N/2012/0909.

Highways

- 7.22 NCC Highways have been consulted on the proposal. An objection was initially received due to concerns with pedestrian visibility splays, the relocation of plot no. 17 within the vehicle to vehicle visibility splay, and the removal of raised table block paved areas to plots 18-25. Following this, the proposal was amended and NCC Highways re-consulted. No further comments have been received from NCC Highways. In line with this, it must be considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.23 The current application has removed a number of garages from the approved scheme and provided triple tandem parking spaces. NCC Highways have confirmed that neither garages nor the third space in triple tandem parking spaces are counted as parking spaces, and as such there has not been an unacceptable change in parking levels as a result of this change.
- 7.24 Since the approval of application N/2012/0909, the Council has adopted the Parking Standards SPD, which outlines a requirement of EV charging for new dwellings at a ratio of 1 per property. The pre-amble for this outlines that the Council will adopt a flexible approach taking into account a full range of site specific factors in relation to the provision of electric vehicle charging infrastructure. The variation application offers 110 EV charging points for the development. As this is a variation application and the original application contained no EV charging facilities, it is considered that the provision of 110 charging points is acceptable and an improvement over what can currently be built on site.
- 7.25 Concern was raised within neighbour letters as to the visibility splays, parking space sizes, locations of SuDS, and sight lines. NCC Highways have been consulted on the application and raise no objection. As such it is not considered that there is a highway reason for refusing this variation application.
- 7.26 Neighbour letters raise why a roundabout is needed and why it has not been built as a mini-roundabout, and why access is only from Lancaster Way. Application N/2012/0909 approved with one point of entry and a roundabout and the details of this were agreed through conditions with NCC Highways. This element has not changed within the variation application and as such is not under consideration.
- 7.27 A neighbour letter requests that the S106 includes maintenance of the roads. As this has not been requested by NCC Highways it would not be reasonable to require this.
- 7.28 Concern has also been raised that the land between Tunnel Hill Cottages will be used as rat run out of the development. No road is provided at this point and boundary treatments show a fence in this position.

Crime

- 7.29 Northamptonshire Police were consulted on the amended scheme. During the course of the application kissing gates were added to the Towcester Road and Rothersthorpe Lane access points to this development. This was at the request of the Police who wanted a secure point that could not easily be used by those fleeing in vehicles whilst still retaining the private right of access across the site. Neighbour comments subsequently raised that there is a private vehicle right of access over the site between these points. Following this, the plan was amended to remove these kissing gates and proposed gates instead, as these allow vehicle access by those with a private right of access across the site.

- 7.30 The installation of gates at these access points is not considered substantially different from the situation prior to development or that previously approved under application N/2012/0909, subject to the gates being securely locked and keys given to only those persons with a right of access across the site.
- 7.31 Concern was raised within neighbour letters as to the access controls to the eastern and western sides of the private right of way. During the course of the application this has been amended and is now vehicle access gates with padlocks to provide a secure access that only those with a right of entry can cross.
- 7.32 Further concerns were raised as to the defensible spaces of properties, links through the site, alleyways to rear gardens and that close boarded fencing would cover illegal activity. With Northamptonshire Police not raising an objection to the scheme, it is not considered that there would be an unacceptable crime issue as a result of this development.

Ecology

- 7.33 When application N/2012/0909 was approved, the ecology report submitted with the application identified that there were no badgers on the site. It has subsequently been found that there are badgers on the site.
- 7.34 Significant concerns have been raised within this application as to the impact of the development upon the badgers on site, with objections received from NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and neighbouring properties.
- 7.35 Under this variation application a new Ecology report has been required. NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and Natural England have been consulted on the variation application. Natural England have advised that they have no comments on the scheme. NCC Ecology have objected to the scheme due to evidence being needed that the artificial sett that has been built on a neighbouring piece of land is suitable for the badgers. This would need formal confirmation from Natural England. As this has not been received, it cannot be ascertained that there would not be an unacceptable impact upon badgers as a result of this application. The Wildlife Trust raise concern that the layout does not provide a coherent ecological network across the site and fails to compensate for the loss of orchard habitat. Northamptonshire Badger Group raise concern as to the welfare of the badgers on site with setts and foraging land being lost and raise concern that the artificial sett that has been built is unacceptable.
- 7.36 When assessing a variation application, significant weight must be given to the existing permission N/2012/0909, and this application can only look at the changes proposed. It is the case that under application N/2012/0909, a largely similar layout can be built on the site and it would not now be reasonable for the Council to refuse a variation application which does not propose significant alterations to the approved scheme with regards to layout. It is also the case that the Council cannot presently demonstrate a five year housing land supply and this site is allocated for housing provision. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is acknowledged that the proposed development would have some impact on the on-site badger colonies, however, it is considered that on balance the need for housing would outweigh the potential harm to badgers on this site when considered against what can be built under application N/2012/0909.

- 7.37 NCC Ecology have raised that two conditions would be required should permission be granted. The first is for an exclusion zone where no works will take place until a licence has been secured from Natural England for the artificial sett and closing of the main sett. It is considered reasonable to add this condition to the variation application. It is also worth noting that if a licence was not forthcoming, a new application would need to be submitted as plots 74-83 could not be built, nor could the road serving plots 69-73. A second condition requires that no works commence on trenches or culverts until a method statement for the protection of badgers has been agreed. As development has started, it is not possible to word the condition as such, however it is considered that such details should be requested within 1 month of the date of the decision.
- 7.38 NCC Ecology have not raised any concerns as to the impact of the development on other species.

Amendments to conditions

Condition 3 – boundary treatment

- 7.39 Condition 3 of N/2012/0909 reads:

‘Full details of the method of the treatment of the all boundaries of the site, including for the areas of open space and allotments, together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.’

- 7.40 The application proposes to amend this condition to instead of requiring details, for the boundaries to be in accordance with plans 120 Rev F and 121 Rev C. It is considered that the boundary treatments shown in these plans are acceptable and it is considered appropriate to amend the condition to be in accordance with these plans.

Condition 4 – materials

- 7.41 Condition 4 of N/2012/0909 reads:

‘Details and/or samples of all proposed external facing materials including windows and 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 visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.’

- 7.42 Under application N/2012/0909, this condition has been partially discharged, with the bricks and roof tiles being agreed. Details of the remaining materials to be used have now been submitted and it is proposed to amend the condition to be in accordance with these details as opposed to requiring these details.

- 7.43 It is considered that the outstanding materials identified within plan T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020 are acceptable and the condition can be amended to be in accordance with the submitted details.

Condition 5 – surface treatments of road

- 7.44 Condition 5 of N/2012/0909 reads:

‘Full details of the proposed surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients 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, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.’

- 7.45 Plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 have been submitted as required by this condition. NCC Highways have confirmed that the details within these plans are considered acceptable and as such it is considered that this condition can be amended to be in accordance with these plans.

Condition 6 – hard and soft landscaping

- 7.46 Condition 6 of N/2012/0909 reads:

‘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 indications of all 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 Policy H1 & S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to ensure that such details are agreed in a timely manner.’

- 7.47 Under application N/2012/0909, details have been submitted for this condition which were accepted. However, due to the altered site layout now proposed, amended plans are now provided and it is requested to amend the condition to be in accordance with these amended plans.
- 7.48 16 updated plans have been submitted, 8 for the hard landscaping and 8 for the soft landscaping.
- 7.49 Plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) have been submitted for the hard surfacing on this development. The hard surfacing proposed is similar to that previously approved under application N/2012/0909 and is considered acceptable.

7.50 Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G have been submitted for the soft landscaping and again are similar to those previously approved under application N/2012/0909. The Council's tree officer has been consulted on the proposed soft landscaping and advises that it is a well-considered and carefully designed planting scheme that proposes a good range of thoughtfully selected trees, shrubs and hedging, as well as feature shrubs, grasses and faux meadows. It is advised that the trees and hedges appear to have been carefully sited in order to avoid future conflict (as far as possible) and the planting and aftercare details that accompany the scheme are thorough. The proposed soft landscaping details are, therefore, considered acceptable.

7.51 It is considered that this condition can be amended to be in accordance with the above plans. In line with this, conditions 6 and 9 would be merged.

Conditions 7, 8, 10 and 26 – surface water management strategy, drainage scheme and drainage maintenance

7.52 Condition 7 and 10 of N/2012/0909 are erroneously the exact same condition and read:

'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 shall be constructed until the works have been carried out in accordance with the approved details.'

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.'

7.53 Condition 8 of N/2012/0909 reads:

'No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1in200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

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

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

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

7.54 Condition 26 of 2012/0909 reads:

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

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

- 7.55 Condition 7, 8, 10 and 26 have all previously had details agreed under application N/2012/0909. With the layout of the scheme being amended since these were approved, updated documents have now been received. A document titled Surface Water Drainage Strategy 17/25692 Rev C by DSA another titled Surface Water Drainage Strategy 18/31006 Rev E by DSA dated 16th July 2020 and a surface water drainage strategy and drainage layout plan 31006/300 P16 have been submitted.
- 7.56 The Lead Local Flood Authority and Anglian Water have been consulted on the application and no objections have been received to the submitted details. It is therefore considered that conditions 7, 8 and 26 can be amended to be in accordance with the details submitted. Conditions 7, 8, and 26 can be merged into a single condition requiring the development to be undertaken in accordance with the approved details. Condition 10 is an erroneous repeat of condition 7 and as such can be removed from the list of conditions.
- 7.57 It is the case that a condition on Foul Water was erroneously missed off the list of conditions for application N/2012/0909. The applicant has submitted a letter from Anglian Water advising that the Foul Water details used on the development site are acceptable and details of the foul water system have been submitted within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, DS/SFA/001 Rev C. It is considered that a condition should be added requiring the foul water system within these plans to be provided on site.
- 7.58 Concern has been raised within neighbour letters as to the flood impacts of this development, with concerns as to the surface water drainage and foul water system. With the LLFA and Anglian Water not raising any objection to the submitted details, it is not considered that there is a flood risk issue as a result of this development.

Condition 11 – Construction Environment Management Plan

- 7.59 Condition 11 of N/2012/0909 reads:

'Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;

- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.60 A CEMP has been approved under application N/2012/0909 however a revised CEMP has now been submitted for consideration under this application. The documents are titled CEMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.
- 7.61 The Council's Public Protection team and NCC Highways have been consulted on the revised CEMP and advise that the details are acceptable.
- 7.62 It is considered that the revised CEMP is acceptable for the purposes of condition 11, and the condition should be reworded to require the development to be undertaken in accordance with these documents.

Condition 12 – contaminants

- 7.63 Condition 12 of N/2012/0909 reads:

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in 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.'

- 7.64 Details have been agreed for condition 12 under application N/2012/0909 however during the course of the application it has been identified that further details are needed. Whilst documents have been provided, it has not been confirmed by the Council's Public Protection team that the amended details are acceptable. As such this condition must be reworded to require the details within 1 month of the date of decision.

Condition 13 and 16 – noise levels

7.65 Condition 13 of N/2012/0909 reads:

‘Prior to the commencement of development, the applicant shall assess the noise levels of the site due to its exposure from transportation noise, with reference to the World Health Organisation Guidelines for Community Noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.66 Condition 16 of N/2012/0909 reads:

‘The approved Noise Assessment shall include, where the World Health Organisation Guidelines for Community Noise has not been complied with, a noise mitigation strategy, which should include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant noise exposure levels. Where noise protection measures for the site are impractical or do not reduce the noise exposure levels for all amenity areas, floors or façades, a noise insulation scheme, including the provision of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.67 Details for condition 13 have been agreed under application N/2012/0909 however revised details have been submitted within this proposal to cover the amended scheme within document AC105893-1R2 titled Noise Impact Assessment Towcester Road by ensafe and dated 16th June 2020. The Council’s Public Protection team have been consulted on these amended details and advise that these are acceptable. As condition 13 has been met, and no mitigation is required, it is the case that this condition is no longer required on the decision notice. With acceptable details being submitted for condition 13, condition 16 is also no longer required and can be removed from the list of conditions. This is because condition 16 only requires details in the circumstance that condition 13 identifies further information is needed and Public Protection have agreed that no further information is needed.

Condition 15 – bin storage for the flats

7.68 Condition 15 of N/2012/0909 reads:

‘Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, implemented prior to the occupation or bringing into use of the building(s) and thereafter retained.

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

- 7.69 The proposed site plan 201 Rev G shows the bin store for the apartments in plots 113-116 to be located aside the western elevation of this building with easy access from the entrance to these apartments. Plan REFUSE_P1 identifies an appropriately designed bin store. It is considered that these details are acceptable and the condition should be re-worded to require the bin store identified within these plans to be implemented on site in accordance with these details prior to first occupation of plots 113-116.

Condition 18 – highway improvement works

- 7.70 Condition 18 of N/2012/0909 reads:

'No development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown indicatively on plan/s ref. 5312:SP02 (these works being to create a mini roundabout junction on Lancaster way as access into the development) have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

- 7.71 The design of the roundabout has been agreed within application N/2012/0909 in consultation with NCC Highways however amended plans have now been submitted reference 18 31006/90 P14. NCC Highways have advised that the details submitted within this application are acceptable. As such it is considered that the condition can be updated to be in accordance with the details submitted.

Condition 19 – Levels

- 7.72 Condition 19 of N/2012/0909 reads:

'Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development relative to surrounding neighbouring property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is required pre-commencement to ensure that such details are agreed in a timely manner'

- 7.73 Whilst details for this condition have been agreed under application N/2012/0909, alternative levels are now proposed within this application. Within the residential amenity section of this committee report above, commencing at 7.12, a detailed comparison of the differences in levels between those approved under application N/2012/0909 and those now proposed is provided.

- 7.74 As discussed earlier in the report, it is considered that on balance the amended levels proposed are acceptable and the condition can be amended to require the development to be in accordance with levels plan 31006/52 P5.

Conditions 21 and 22 – Ecology

- 7.75 Condition 21 of N/2012/0909 reads:

'The development hereby permitted shall be carried out in accordance with the recommendations of Table 2 of the submitted Ecology Report (reference: R-2440-01.1 and dated January 2015).

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

- 7.76 As discussed in the Ecology section of this report, commencing at 7.24, application N/2012/0909 did not include any conditions on badgers, as no badgers were found to be on the site by the applicant's ecologist. As it has subsequently been found that there are badgers on the site, a new ecology report has been submitted with this application. NCC Ecology have recommended two conditions covering badgers and as such it is considered that these new conditions would supersede condition 21 of application N/2012/0909.

- 7.77 Condition 22 of N/2012/0909 reads:

'Notwithstanding the details submitted, full details of new bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

- 7.78 A report reference 2017-03(01) by ecolocation dated 15th July 2020 has been submitted with details of bird and bat boxes. NCC Ecology have confirmed that these details are acceptable. As such it is considered that the condition can be reworded to be in accordance with this document.

Condition 23 – Toucan crossing

- 7.79 Condition 23 of N/2012/0909 outlines:

'No development shall take place until full details of a new pedestrian toucan crossing in Towcester Road (including full engineering and constructional details) and a timetable for implementation have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of promoting sustainable means of travel in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.80 Details of the toucan crossing have been agreed under application N/2012/0909 in consultation with NCC Highways. Amended plans 31006/60 P7 and 31006/61 P3 have been submitted with this variation application. NCC Highways have been consulted on these amended plans and advise that the details are acceptable. As such it is considered that the condition can be amended to be in accordance with these plans.

Condition 24 – maintenance strategy for internal access roads

- 7.81 Condition 24 of N/2012/0909 outlines:

‘Notwithstanding the details submitted, a maintenance strategy for the development’s internal access roads shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully in place prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This condition is required to ensure that such details are agreed in a timely manner.’

- 7.82 A document entitled Maintenance Strategy for Private Access Road reference 04858 dated May 2020 by PJA has been submitted with this application. NCC Highways have been consulted on the submitted details and advise that the details are acceptable for the purposes of the condition. As such the condition can be reworded to be in accordance with these details.

Condition 25 – Travel Plan

- 7.83 Condition 25 of N/2012/0909 outlines:

‘Prior to the first occupation of any unit of the proposed development the applicant shall provide a full Travel Plan for written agreement by the Local Planning Authority. The measures identified shall thereafter be carried out in accordance with a timetable to be included in the full Travel Plan.

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

- 7.84 A Travel Plan reference DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 has been submitted with this application. NCC Highways have been consulted on this and have advised that the travel plan is approved. In line with this, it is considered that the condition can be reworded to be in accordance with the approved Travel Plan as opposed to requiring the submission of a travel plan.

Planning obligations

- 7.85 Application N/2012/0909 was granted subject to a S106 Agreement requiring 35% on-site affordable housing, primary school education payment, highways payments, that on-site open space is maintained and made available for public access in perpetuity and provided, construction training payment, community development payment, place making payment and the Council’s monitoring fee.

- 7.86 Clause 16.4 of the original S106 Agreement relates to section 73 applications but is specific to “....plot substitution but maintaining the number of Affordable Housing Units and Affordable Housing Mix with the same bedroom numbers as approved by the Permission it is hereby agreed that the obligations in this Deed shall apply to the planning permission issued pursuant to the said application unless the Council requires otherwise.”
- 7.87 The S106 Agreement required the provision of 50 affordable units, 22x 3 bed houses, 24x 2 bed houses, and 4x 2 bed flats. The amended scheme proposes the same number of affordable units with the same number of bedrooms. However this proposal does result in a change to the open space provision locations and levels from that required by the original S106 Agreement.
- 7.88 The original S106 Agreement requires that no less than 6790m² of public open space will be provided within a certain area shown coloured blue on the plan within the S106 agreement and that all reasonable endeavours will be used to lay out a further 2228m² of additional public open space in an area shown coloured orange on the plan within the S106 Agreement.
- 7.89 The re-positioning of the plots has resulted in the shrinkage of the areas of public open space in these blue locations such that that now proposed provides 6078.15m² within the blue areas, a shortfall of 711.85m². However, open space is provided within areas outside of these blue areas identified within the S106 Agreement to provide a total of 6802m², which is in excess of the 6790m² required within the S106 Agreement. With open space being provided above a level required within the S106 Agreement, it is considered reasonable to allow an alteration to the proposed locations of this agreed open space from that identified within the S106 Agreement. A S106 Agreement variation would need to be undertaken to confirm an agreement to the alteration of the open space to be 6802m² within the areas now shown.
- 7.90 A neighbour letter raised concern as to large areas of open space on the site which are not shown as open space and questioning maintenance responsibility of this. This will be a matter for the developer as these areas would remain in private ownership.

Other matters

- 7.91 Neighbour comments have raised concern that there is a right of way. Documents have been submitted which indicate a private right of way across the site with vehicles for some adjoining properties. The developer was consulted on this and subsequently the plans were updated to provide vehicle access gates to either side of the site to facilitate this private right of way. This is a private right of way and not a public right of way and as such is not a material planning consideration within the assessment of this application.

8 CONCLUSION

- 8.1 On balance, it is considered that the proposed development represents an appropriate land use that would make a contribution to addressing the need for new housing within the Borough and also for the requirement for affordable housing. Furthermore, subject to conditions and a Section 106 Agreement to secure planning obligations referred to above, it is considered that the impacts of the development can be appropriately mitigated.

9 RECOMMENDATION / CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1_P1 Rev B, P202-1_P3 Rev A, P202-1_P2 Rev B, P202-1_P1 Rev B, S241-1_P3, S241-1_P2 Rev C, S241-1_P1 Rev C, P302-1_P3 Rev A, P302-1_P4, P302-1_P2 Rev B, P302-1_P1 Rev C, S351-1_P2, S351-1_P1 Rev B, P306-2_P1, P303-2_P2 Rev B, P303-2_P1 Rev B, P303-1_P2 Rev A, P303-1_P1 Rev C, P401_P5, P401_P4 Rev A, P401_P3 Rev B, P401_P2 Rev B, P401_P1, P402-1_P3, P402-1_P2 Rev A, P402-1_P1 Rev B, A444-1_P4, A444-1_P3 Rev B, A444-1_P2, A444-1_P1 Rev B, P404-1_P7, P404-1_P6 Rev A, P404-1_P4, P404-1_P3, P404-1_P2 Rev C, P404-1_P1 Rev A, P201-1_P1 Rev A, GARAGE_P1 Rev B, GARAGE_P2 Rev D.

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

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev F and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

3. The materials to be used in the development shall be in accordance with T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. The surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be in full accordance with the details within plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 prior to the completion of the development hereby permitted and shall be retained as such thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The scheme of hard and soft landscaping for the site outlined within plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) and Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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, unless the Local Planning Authority gives written consent to any variation.

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

6. The development shall be undertaken in full accordance with the surface water management strategy, surface water drainage system and maintenance and upkeep details within documents 'Surface Water Drainage Strategy' 17/25692 Rev C by DSA, 'Surface Water Drainage Strategy' 18/31006 Rev E by DSA dated 16th July 2020 and surface water drainage strategy and drainage layout plan 31006/300 P16 prior to the completion of the development. The maintenance plan shall be carried out in full thereafter.

Reason: To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and 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.

7. The development shall be undertaken in full accordance with the foul water details provided within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, and DS/SFA/001 Rev C prior to the completion of the development.

Reason: To ensure a satisfactory system of foul water drainage is in place for this development in accordance with the NPPF.

8. The development shall be undertaken in full accordance with the details within the CMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.

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.

9. Within one month of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation 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 the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

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

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 advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The details for the storage of refuse and materials for recycling to serve the flats at plots 113-116 within plans 201 Rev G and REFUSE_P1 shall be provided on site in full accordance with these details prior to first occupation of units 113, 114, 115, and 116, and retained thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development and the preservation of existing trees on site in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

13. The development shall be undertaken in full accordance with the junction details within plans 18/31006/SK50, and 18 31006/90 P14 prior to the completion of the development.

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

14. The development shall be undertaken in full accordance with the levels outlined within plan 31006/52 P5.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

15. The development shall be undertaken in full accordance with the Well Strategy received by the Council on the 17th and 18th July 2018.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

16. No works shall occur within the areas marked Wildlife Area and Temporary Work Exclusion Zone outlined in orange and green on plan titled 'A3 extract Lancaster Way

wildlife location Plan July 2020' until one of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A licence issued by Natural England pursuant to Section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

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

17. Within one month of the date of this decision notice, a method statement to protect badgers from being trapped in open excavations and/or pipe and culverts shall be submitted to and approved in writing by the Local Planning Authority.

The measures may include (but should not be restricted to):

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The development shall be undertaken in full accordance with the approved details.

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

18. The bird and bat boxes identified within 2017-03(01) by ecolocation dated 15th July 2020 shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

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

19. The pedestrian toucan crossing in Towcester Road as shown within plans 18/31006/SK50, 31006/60 P7 and 31006/61 P3 shall be provided prior to the completion of the development in agreement with a timetable as agreed with Northamptonshire County Council Highways Department.

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

20. The development shall be carried out in full accordance with 'Maintenance Strategy for Private Access Road' reference 04858 dated May 2020 by PJA and shall be 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. The measures identified within approved Travel Plan DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 shall be carried out in full accordance with the implementation schedule identified within this plan.

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

22. The EV charging points identified within plan 206 Rev B shall be provided for the outlined plots prior to the first occupation of those plots and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

10 BACKGROUND PAPERS

- 10.1 N/2012/0909 and N/2019/1277.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as the development was approved prior to the implementation of CIL at Northampton Borough Council.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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

Appendix 3 – Addendum to 28th July 2020 Committee.



Addendum to Agenda Items Tuesday 28TH July 2020

Item 10a

N/2019/1277

Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16

Development Land, Lancaster Way

Anglian Water - the foul water details and the details submitted for Condition 7 are acceptable. It is advised that for Condition 26 (maintenance of surface water drainage system) the sewers are proposed to be adopted under Section 104 and until they are adopted, they remain the responsibility of the Developer. No comments on the details submitted for Condition 8. It is advised that Anglian Water are adopting the on-site surface water pipe network.

Councillor E Roberts – objection; the concerns raised relates to work commencing without permission; that the conditions are not sufficient to ensure protection; that NCC object to works being commenced until the badger situation is resolved but works continue; the impact on the badgers; that appropriate POS is not provided; drainage issues; overlooking concerns; visibility splays; parking in a row of three is unfavourable; no access should be provided through Leah Bank; and that the application contradicts the NPPF. Questions are also raised as to how land outside of the development site is to be used.

Five additional neighbour objections have been received, all from persons who have previously commented on the application. The comments raised that have not been covered within the Committee Report can be summarised as follows:

- Boundary plan adjacent plot 139 does not match what has been built on the site and is outside of red line of site. Plan should be updated to match what is on site. (Officer Comment – following these comments the boundary plan has been updated).
- Document states all properties rented but this impacts on affordable housing. (Officer Comment – the development is required to comply with the affordable housing provisions as set out within the S106 agreement for application N/2012/0909).
- Concern conditions on application N/2012/0909 are in breach (Officer Comment – this

is not a matter for consideration within the assessment of this application).

- Impact of proposal on schools, nurseries etc. (Officer Comment – This is not a matter under assessment within this variation application. The application remains tied to the requirements of the S106 for application N/2012/0909).
- Roundabout is dangerous. (Officer Comment – The roundabout has been designed in consultation with NCC Highways and is in accordance with the approved details).

Plan 207 Rev A has been submitted which outlines the management of the open space areas. Condition 1 is proposed to be updated to include this plan.

An amended site boundary plan 120 Rev H has also been submitted. This plan alters the position of the boundary fence adjacent plots 126 and 139. The amended position is considered acceptable and Condition 2 should be updated to be in accordance with this new plan.

A Badger Method Statement as required by Condition 17 has been submitted reference PF/10282-V.2 dated July 2020. NCC Ecology have been consulted on this and advise that it is acceptable. As such it is considered that Condition 17 should be amended to be in accordance with these details.

Conditions 1, 2 and 17 are amended as follows:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1_P1 Rev B, P202-1_P3 Rev A, P202-1_P2 Rev B, P202-1_P1 Rev B, S241-1_P3, S241-1_P2 Rev C, S241-1_P1 Rev C, P302-1_P3 Rev A, P302-1_P4, P302-1_P2 Rev B, P302-1_P1 Rev C, S351-1_P2, S351-1_P1 Rev B, P306-2_P1, P303-2_P2 Rev B, P303-2_P1 Rev B, P303-1_P2 Rev A, P303-1_P1 Rev C, P401_P5, P401_P4 Rev A, P401_P3 Rev B, P401_P2 Rev B, P401_P1, P402-1_P3, P402-1_P2 Rev A, P402-1_P1 Rev B, A444-1_P4, A444-1_P3 Rev B, A444-1_P2, A444-1_P1 Rev B, P404-1_P7, P404-1_P6 Rev A, P404-1_P4, P404-1_P3, P404-1_P2 Rev C, P404-1_P1 Rev A, P201-1_P1 Rev A, GARAGE_P1 Rev B, GARAGE_P2 Rev D, 207 Rev A.

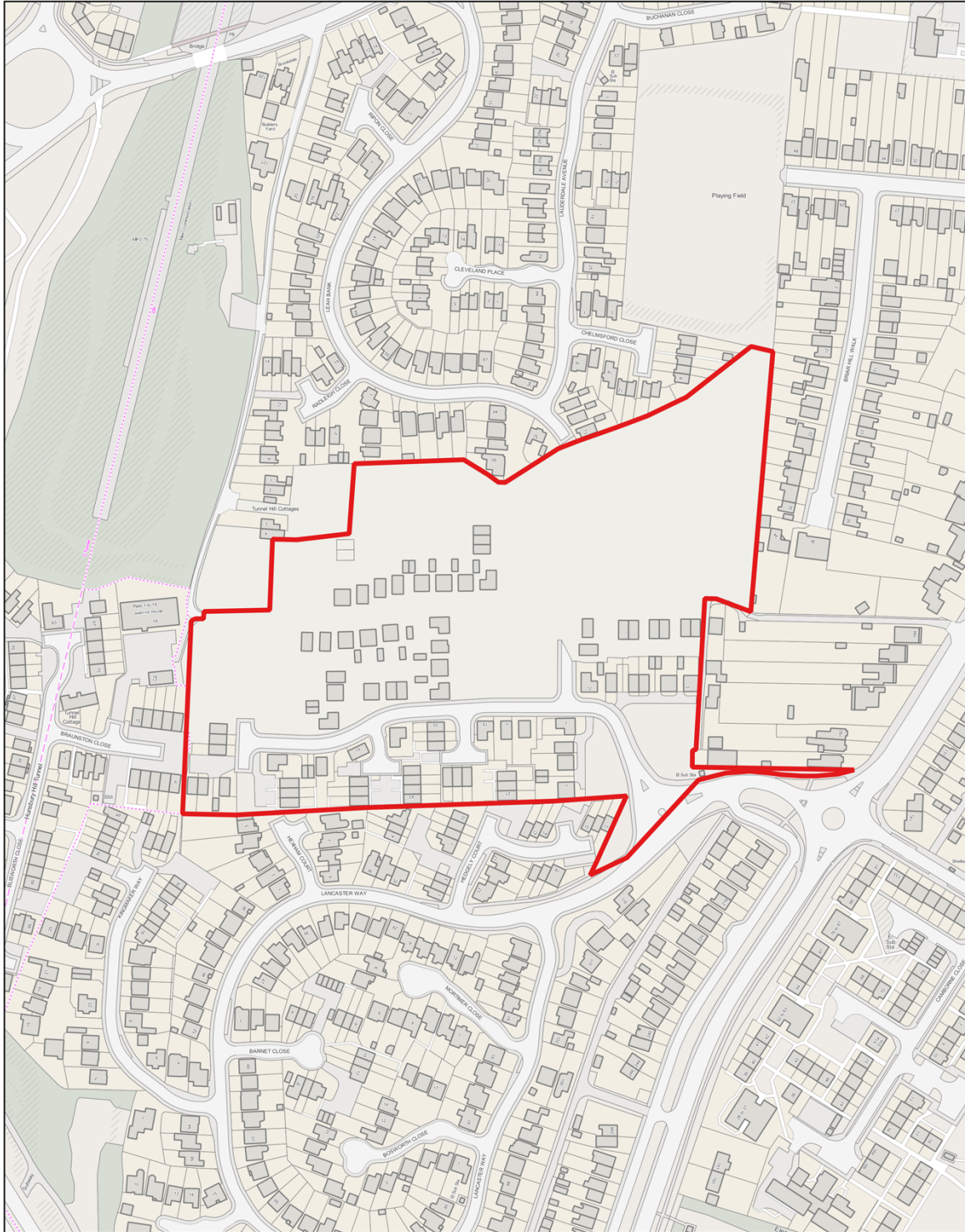
Reason: For the avoidance of doubt and to accord with the details of the planning application.

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev H and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times 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 H1 & S10 of the West Northamptonshire Joint Core Strategy.

17. The development shall be undertaken in full accordance with the Badger Method Statement PF/10282-V.2 dated July 2020.

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



**West
Northamptonshire
Council**

Title: **Development Land, Lancaster Way**

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Date: 24-08-2022

Scale: 1:2,500 @A4

Drawn: M Johnson

Planning Committee Report

Committee Date: 6th September 2022

Application Number: N/2020/1421

Location: Mayleigh House, Kettering Road North, Northampton

Development: Demolition of existing buildings and erection of Discount Foodstore (Use Class E), with associated car parking, access, landscaping and associated engineering works

Applicant: Lidl Great Britain Limited

Agent: Carney Sweeney

Case Officer: Christopher Wentworth

Ward: Boothville and Parklands Unitary Ward

Referred By: Assistant Director of Place and Economy

Reason for Referral: Major application

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning permission for the demolition of existing building on site and the erection of a Class E limited assortment discount food store with associated car parking, access, landscaping and associated engineering works.

Consultations

The following consultees have raised **objections** to the application:

- Cllr Mike Hallam

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

- Highways
- Environment Agency
- Archaeology

- Anglian Water
- Arboricultural Officer
- Ecology
- Environmental Health
- LLFA
- Development Management
- Police

46 no. letters of objection, 2 no. petitions and 6 no. comments have been received and 14 no. letters of 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
- Highway Safety
- Residential Amenity
- Character and Area
- Design and Layout

The assesses the key planning issues in detail and officers have concluded that the proposal is acceptable, subject to appropriate 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 fronting Kettering Road North in the Boothville area of north east Northampton. It contains a large office and industrial building set back from the public highway behind a deep grassed frontage.
- 1.2 The existing car parking is set to the side and rear of the existing building with grass verges and mature vegetation to the rearmost portion of the site. Access is taken from Kettering Road North and the site sits between two existing detached commercial buildings which are also accessed from Kettering Road North and are set back from the public highway behind an extensive grassed verge.

2 CONSTRAINTS

- 2.1 There are no relevant planning constraints.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the demolition of existing building on site and the erection of Class E limited assortment discount food store with associated car parking, access, landscaping and associated engineering works.

- 3.2 The proposed food store would be located towards the front of the site fronting onto Kettering Road North and would be set back from the public highway by a small, grassed verge and footway. A total of 126 parking spaces are proposed to serve the proposed development, including 8 disabled spaces, 13 parent and child spaces, and 2 electric vehicle charging points.
- 3.3 The proposed car park would be positioned alongside the buildings northern (side) elevation encompassing the depth of the site from the Public Highway to the rearmost part of the site. A new access point into the site is proposed from Kettering Road North that would provide access into the proposed car park for customers and delivery vehicles and would also serve an existing, adjoining commercial premises to the north of the site. A section of bunded land to the rear of the proposed building would remain undeveloped as part of the proposal.
- 3.4 The proposed food store would be single storey in scale with a footprint of some 2,274 square metres.

4 RELEVANT PLANNING HISTORY

- 4.1 The following planning application is considered of most relevance to the current proposal:

| Application Ref. | Proposal | Decision |
|-------------------------|---|-----------------|
| N/2005/1173 | Change of use to offices (B1 use) and storage/repair of company vehicles. | 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 15th December 2014 and which provides the strategic planning policy framework for the District to 2029 and the adopted Northampton Local Plan. 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 – Distribution of Development
 - S2 – Hierarchy of Centres
 - S7 – Provision of Jobs
 - S8 – Distribution of Jobs
 - S9 – Distribution of Retail Development
 - S10 – Sustainable Development Principles
 - S11 – Low Carbon and Renewable Energy

- C1 – Changing behaviour and Modal Shifts
- C2 – New Developments
- E1 – Existing Employment Areas
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity
- BN7 – Flood Risk
- BN9 – Pollution Control

Northampton Local Plan (Part 2) (LPP2)

- 5.4 The relevant Saved Policies of the LPP2 are:
- E20 – New Developments (Design)

Material Considerations

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Northamptonshire Parking Standards
- Northampton Parking Standards SPD
- Planning out Crime in Northamptonshire SPG
- Biodiversity SPD
- Northampton Local Plan Part 2 (2011-2029) (Emerging) (LLP2)

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:

The relevant policies of the LPP2 are:

- 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 12 Development of Main Town Centre Uses (Significant weight)
- Policy 19: New Retail Developments & Retail Impact Assessments (Moderate Weight)
- Policy 27: Green Infrastructure (Significant weight)
- Policy 29: Biodiversity (Moderate Weight)
- Policy 32: Sustainable Transport and Travel (Significant weight)
- Policy 33: Highway Network and Safety (Significant weight)

- Policy 35: Parking Standards (Significant 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 |
|------------------------|---|
| Anglian Water | No objections subject to a condition to secure a surface water management strategy |
| Arboricultural Officer | <p>The group of pines at the access are to be removed so that the entrance and egress to and from the site can be improved: the opportunity should be taken to plant new trees between the new road and the site boundary to the north. The other tree losses are minor and incidental.</p> <p>A landscape scheme should be prepared that helps to inject some interest into the site and to soften the characteristically angular architecture of the stores, and the narrow range of materials generally used. There would appear to be plenty of open space to the rear of the proposed store where biodiversity net gain could be achieved.</p> |
| Ecologist | <p>No objection subject to following conditions required.</p> <ul style="list-style-type: none"> - Protected Species disturbance licence. - Landscaping scheme. - Construction Environmental Management Plan. |
| Environment Agency | No comments. |
| Environmental Health | <p><u>Environmental Noise Assessment</u></p> <p>The submitted Noise Impact Assessment is of a good standard and considers the impact of external plant noise and site deliveries from the proposed development on residential noise sensitive receptors.</p> <p>Overall, the report concludes that noise from both noise sources will be below the measured background noise level and noise and in accordance with BS4142:2014 will have no impact.</p> <p>In addition, the assessed predicted noise impact levels at the nearest noise sensitive receptors fall under guidance criteria specified in relevant planning policy guidance specifically covering noise (e.g., NPPF, NPSE and NPPG documents).</p> <p>No further assessment is required.</p> <p><u>Opening Hours and Delivery Conditions</u></p> <p>It is recommended that conditions covering opening hours for and deliveries to the store are attached to any successful planning decision.</p> <p><u>Land Contamination</u></p> <p>The findings of the Ground Investigation Report are accepted based upon the end use being applied for. Further intrusive site investigation is required, and it is recommended to attach the model contaminated land.</p> |

| | |
|----------|---|
| | <p><u>Construction Environmental Management Plan (CEMP)</u> A CEMP is required to address dust, mud and debris, noise and vibration and construction hours.</p> <p><u>External Lighting</u> Details of any external lighting should be controlled by a lighting scheme condition</p> <p><u>Shopping Trolleys</u> A condition should be imposed to prevent shopping trolleys from being taken beyond the site boundary</p> <p><u>Recycling Facilities</u> Suitable facilities to facilitate the recycling of waste materials by customers using the supermarket should be secured by condition</p> <p><u>Air Quality</u> Having reviewed the submitted air quality assessment would comments as follows:</p> <ul style="list-style-type: none"> - The developer undertook prior consultation with Environmental Health and it was agreed the proposed development met the medium impact for air quality in accordance with the Low Emission Strategy. - It is accepted that the dust impacts during demolition and construction are not significant and can be addressed in a CEMP - The developer has committed to install two rapid electric vehicle charging points and provide cabling infrastructure as a provision rate of 20 % of spaces to be utilised for EV charging to meet with future demand. This is accepted. - Type II mitigation details put forward are also accepted. - No further air quality assessment is required |
| Highways | <p>Deliveries - Because of the location of the loading area, it is necessary for a delivery plan to ensure loading is not undertaken during operational hours.</p> <p>Transport Assessment - Following a review of the Transport Assessment, the LHA does not believe that the proposed application will have an undue impact on the local highway network that will require mitigation. The reason for this is outlined below:</p> <p>Trip generation / distribution - The proposed change of use will increase the trip generation of users to the site, both vehicular and pedestrian.</p> <p>When considering the distribution and timing of the trips, the development will not increase the impact on any of the nearby junctions beyond the critical values of 0.85RFC or 0.90DoS to any quantifiable degree.</p> <p>One junction of particular concern is the Kettering Road (A5123) / Kenmuir Avenue and Broadmead Avenue, which is known to be at or over capacity. However, the development will act to draw traffic away from this junction as it will attract customers away from Morisons.</p> <p>With regards to the Kettering Road (A5123) / Lumbertubs Lane / Moulton lane, more traffic is likely to be attracted from the area north-east area of Boothville, however the draw from the south will be reduced due to the location of the Lidl and Tesco extra at Weston Favell Shopping Centre.</p> <p>Conditions for 278 works</p> <p>1. Unless otherwise agreed in writing, no development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown indicatively on plan/s ref. SCP/190282/SK07 have been submitted to, and approved in writing by, the</p> |

| | |
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| | Local Planning Authority. These works being to improve the junction access into the site and the creation of the right turn lane. 2. No part of the development shall be occupied until the works outlined on plan/s ref. SCP/190282/SK07 and subsequently agreed in detail, subject to any changes arising from the appropriate technical and safety audit process, have been constructed on site and opened to traffic. |
| Lead Local Flood Authority | Advise that the impacts of surface water drainage will have been adequately addressed at this stage and conditions should be imposed to secure full details of a surface water scheme together with details of its maintenance and upkeep. |
| Cllr Mike Hallam | Application called into Planning Committee due to concerns about the increased level of traffic this will bring to an already extremely busy section of the Kettering Road. |
| NCC Development Management | A condition is suggested to secure details of fire hydrants and sprinklers together with guidance relating to broadband. |
| Northants Police | Northants Police has no objection to the creation of a LIDL supermarket in this location. These units tend to come with a generic template which is not easy to influence in terms of recommending security measures to adopt on site but if possible: There should be a secure fence line around the parcel of land it sits on. It should not be possible to get behind the back of the unit. Gates should prevent easy access to the rear and the fire exit doors, and these gates should be secured with key to thumb turn locks for use in the event of a fire. The car park should be lit with mast mounted white lighting to give a good level of uniformity. The building should be protected by a monitored fit for purpose intruder alarm. CCTV is recommended both internally and in the car park to reduce opportunities for crime and for evidential purposes. The car park should be delineated with directional markings to direct a smooth flow of traffic around the site to minimise congestion and the risk of stationary vehicles spilling back onto the Kettering Road. |
| Archaeology | No comments. |

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 14 no. representations have been received in support of the application, which include the following comments:
- Ease of use.
 - Convenient for local residents.
 - Greater choice of shopping needed in area.
 - Facilities would be within walking distance.
- 7.2 2 no. petitions with a combined 169 no. signatures have been received objecting to the proposal on the following points.
- No need for an additional store.

- Area suffers from existing traffic congestion that would be made worse by proposal.
- Increased air pollution.
- Area acts as a floodplain.

7.3 49 no. representations along with 6 no. comments have been received objecting to the application, which include the following comments:

- Sequential assessment is self-serving by excluding the town centre.
- The approach to retail impact assessment is not robust having failed to adequately assess the existing health of centre.
- The proposal will likely reduce footfall to Weston Favell district centre.
- Proposal is based on an operating model that is inherently unsustainable in travel and transport terms.
- Would result in increased traffic levels and congestion on existing roads.
- Increased noise levels at all times of day/night.
- Overdevelopment already undertaken in the area.
- Further supermarket not needed.
- Car usage will be in excess of that predicted.
- Could additional landscaping be secured?
- Could the building be pushed back further into the site?
- Exacerbate light pollution.
- Adverse impacts on existing local shops.
- Access proposed is not sufficient.
- Insufficient information provided to assess access.
- Under provision of electric vehicle charging points.
- Adverse visual impact.
- Existing road infrastructure insufficient.
- Air pollution.
- Pedestrian crossing poorly located.
- Not appropriate in a residential area.
- Increased vermin.
- Left only exit should be sought.

8 APPRAISAL

Principle of Development – Employment site

- 8.1 Policy E1 of the Joint Core Strategy and Saved Policy B14 of the Northampton Local Plan seek to protect against the unjustified loss of business use classes and appropriate employment generating uses on existing and allocated employment sites. The supporting text of Policy E1 of the Joint Core Strategy sets out that vacant employment land may be considered for other non-B Class employment generating uses where it can be shown to be essential to viability and appropriate, including compliance with the sequential test in Policy S9 (retail) where relevant.
- 8.2 The application property comprises a large commercial building comprising of both warehouse and office space that was granted consent in 2005 for the change of use of the building to offices (B1 use) and storage/repair of company vehicles and was described within the committee report at that time that the use comprised of a mixture of B1, B2 and B8 uses and was therefore deemed to be Sui Generis due to the variety of uses undertaken on site.

- 8.3 The application has been accompanied by a review of the viability of the existing premises conducted by a local Commercial Estate Agent. This review details that whilst the site has a location with a frontage and access onto a main road, the main draw would likely be Moulton Park estate rather than Kettering Road North for industrial purposes. Furthermore, they go on to state that the building as it stands does not satisfy the needs of either office or industrial occupiers due to the building's configuration. The review also states that the existing building is reaching the end of its lifecycle, with substantial and "wholly uneconomic" works required to facilitate its re-occupation including replacement roof, windows, doors, heating and lighting, and refitting of the office suites and, even then, the EPC rating would be poor as the building benefits from no insulation such that building would be unattractive to a tenant due to the high cost of occupation. Furthermore, the submitted Review sets out that the configuration of the building is unfavourably from a market perspective (e.g., low roof eaves and lack of natural light, etc).
- 8.4 Turning to the proposed use, the new food store would introduce a viable employment generating use on a prominent site located on a key route into Northampton, with the application submission setting out that the store would directly provide some 40 full and part time jobs (20 full time equivalent) such that the proposal would offer benefits to the local economy and community.
- 8.5 Overall, subject to a sequential and retail assessment and a condition restricting the use of the proposed development, no objections are raised to the proposed redevelopment of this employment site for the proposed employment generating retail use.

Principle of Development – Retail development

- 8.6 Joint Core Strategy Policy S9 and Section 7 of the NPPF seeks to ensure the viability of town centres and require a sequential test to planning applications for retail uses that are not in an existing centre. In addition, Policy S9 of the Joint Core Strategy requires a retail impact assessment (over 1,000sqm) to be undertaken to demonstrate that the impacts of the proposals do not have a significant impact upon the vitality and viability of centres in the catchment area. Policy 19 of the emerging Local Plan Part 2 similarly requires proposals outside centres in the retail hierarchy to demonstrate compliance with the sequential approach and provide a full retail impact assessment (but reduces the threshold to 500sqm). The Planning Policy team advise that moderate weight can be given to this policy, acknowledging that a significant number of comments were received regarding the content of this policy as part of the consultation exercise on the new plan.
- 8.7 The application site comprises an out of centre location for retail development and has been accompanied by a Planning and Retail Statement. This submitted Statement includes a Sequential Assessment and a Retail Impact Assessment and this sets out including details of the requirements of the named applicant (i.e., Lidl) business model. Lidl's business model requires a minimum site area of 0.8ha, a minimum net floorspace of 1,325sqm on a single level, and a minimum of 120 adjacent surface level parking spaces. The Statement also highlights that the limited stock range distinguishes Lidl from other main grocers, and convenience stores, with only limited floor space (20% of the sales area) is given over to comparison goods.
- 8.8 The Council has engaged an independent Retail Planning Consultant to review the applicant's retail submissions. The independent Retail Planning Consultant advises that the Northampton Retail and Leisure Study (September 2018) identifies a relatively substantial requirement for new convenience retail floorspace; and this,

alongside the similarly substantial requirement embodied in adopted (JCS) policy, indicates that this is a market underserved by convenience retail which can absorb some new development. Furthermore, the independent Retail Planning Consultant advises that there is evidence of overtrading, with two points standing out. Firstly, there is evidence of overtrading in aggregate terms in each of the Zones examined by the applicant's Study; in Zones 5 and 6 this amounted to an estimated combined total of £20.5 million in 2018. Second, the Study suggests that the deep discounters – including Lidl and Aldi – are generally performing particularly well across Northampton. Again, this is supportive of an argument to suggest there is scope for the proposed development.

- 8.9 In addition, the independent Retail Planning Consultant advises that it is notable that the north-eastern fringe of Northampton is not immediately served by a supermarket or superstore. Indeed, there is no such provision in the town north of a line between Waitrose at Kingsthorpe, Morrisons Kettering Road, and Tesco Extra at Weston Favell. Instead, such provision is characterised by small shops serving only a local, top-up function, and there are no defined centres in the immediate area. The proposal would primarily serve this area, and the independent Retail Planning Consultant advises that there appears currently to be a gap in provision.
- 8.10 In terms of the sequential test, national and local planning policies require that main town centre developments such as the application proposal are directed towards allocated centres. Within Northampton, the allocated centres are Northampton Town Centre; the Kingsthorpe and Weston Favell district centres; and the local centres of St James End, Far Cotton (St Leonards Road), Wellingborough Road and Kettering Road (Kingsley). As the application site falls outside of these locations, the development needs to be subject to a sequential assessment to establish whether the development can be accommodated within an allocated centre, and failing this, edge of centre before well connected out of centres locations such as the application proposals should be considered. Such a sequential assessment should include a consideration of the suitability of sequentially preferable sites, the size and layout of such sites (with reference to whether there is a scope for flexibility in format to accommodate the development in a sequentially preferable site), and their availability.
- 8.11 The applicant has outlined within their submission that they did not intend to assess Northampton town centre an edge of town centre locations. The independent Planning Retail Consultant raises no concerns in this regard and states that the approach as outlined within policy S9 of the JCS could result in a preference in a site on the edge of the town centre rather than within the heart of a district centre which would not be consistent with national policy. Equally, in this particular case, they go on to say that sites within the town centre would serve a different market to that which would be addressed by the proposal, given the geography of the place and the distribution of other stores. On this basis it not considered necessary to assess town centre and edge of town centre sites from a sequential assessment perspective.
- 8.12 The independent Retail Planning Consultant advises that the key centres to be addressed from a sequential perspective comprise the Kingsthorpe and Weston Favell District Centres, having regard to the distribution of centres and markets to be served. In addition, the local centres of Wellingborough Road and Kettering Road, whilst considered to be more peripheral, are also considered to be relevant centres. These centres are addressed in the applicant's Planning and Retail Study and the independent Retail Planning Consultant concurs with the findings of the applicant's Study that there are no sequentially preferable opportunities in either of the District Centres and the local centres, allowing for a reasonable degree of flexibility. In this respect, consideration has been given to the former St Edmunds Hospital site north of

Wellingborough Road. However, whilst this site is currently vacant, it is understood that their current owners are progressing their own plans for redevelopment and as such this site can therefore be discounted from the sequential assessment due to a lack of availability.

- 8.13 Following the approval of a scheme for a new Lidl supermarket at Harlestone Road, Northampton under planning reference N/2020/1623 in February 2022, the cumulative impacts of both schemes (should the current scheme be approved) is considered to be a material consideration and therefore needs to be considered in reaching a decision on the current submission.
- 8.14 The independent Retail Planning Consultant advises that the markets served by the two proposed stores would largely be distinct; the sites are about 15 minutes' drive from each other. However, there are areas from which they might both attract trade, and existing stores that they would both divert sales from, and so the point does need to be properly examined. The applicant's submission continues to focus on the convenience goods impact of the proposals with the comparison goods impact not expected to be material in this instance which is agreed.
- 8.15 The additional information supplied by the applicant following the Harlestone Road approval, assesses six stores from which the current Kettering Road North proposal would be expected to draw the majority of its trade. Three of these are not within a designated centre and so are not protected by planning policy. Two stores are within Weston Favell and would only be affected to any material degree by the Kettering Road North proposal – they are too distant from the permitted Harlestone Road store for that to be relevant from a cumulative perspective. One store – Asda at Kingsthorpe – is within a designated centre located about mid-way between the two sites, so is relevant, and is a focal point for the additional analysis.
- 8.16 The independent Retail Planning Consultant advises that the overall balance of trade diversion adopted within the applicant's assessment is appropriate. They go on to state that the estimated trade diversion from Asda at Kingsthorpe from the permitted store at Harlestone Road is very slight, at 1.2% and that this increases to an estimated 4% cumulatively with the Kettering Road North proposal introduced. This is still not considered to be a significant level of trade diversion in this instance given the trading performance of that store, and certainly not at a point where the policy threshold of significant adverse impact on the centre would be crossed.
- 8.17 In addition, the applicant has submitted details showing an assessment of the proposal against the recent Aldi store opening at Sywell Road. They contend that the trade diversion from that store would not be significant and that the proposed development will not result in a significant adverse impact on existing, committed or planned in-centre investment and that having regard to the vitality and viability of existing centres and in-centre trade there is no evidence to indicate that the proposed development will likely give rise to a significant adverse impact on existing centres. This view is shared by the Independent Retail planning Consultant. In this context it is considered that the impact of the current Kettering Road North scheme assessed cumulatively would be acceptable.
- 8.18 Overall, it is considered that the development could not be readily accommodated within any relevant allocated centre. As such, and given the high accessibility of the application site, it is considered that the sequential test for retail uses has been satisfied for the application proposal.

- 8.19 Turning to retail impact, consideration should be given to whether the proposed development would put at risk future investment in Northampton Town Centre or impact on the long-term future viability and vitality of the allocated centres. The independent Retail Planning Consultant advises that the general approach to impact assessment taken in the applicant's report is an appropriate one, with the centres of most relevance comprising Weston Favell, Kingsthorpe, Wellingborough Road and Kettering Road to be relatively healthy.
- 8.20 The independent Retail Planning Consultant highlights only one of the relevant centres features a deep discount supermarket, a Lidl store at Weston Favell, and the available evidence indicates that this store performs very well. In terms of potential trade diversion, the independent Retail Planning Consultant highlights that the applicant's report suggests that the greatest impact would be on the Weston Favell District Centre and that the estimates of trade diversion arrived at by the applicant are not considered to be high, and not at a level where the potential for significant adverse impact might be a concern. They go on to state that the estimated impact there is 5.4% for the Lidl store, and 6.6% for Tesco and that it is considered that the trade diversion apportioned to Weston Favell by the applicant overall is of the right order, but that the balance between the Lidl and Tesco stores is questionable whereby the Independent Retail Planning Consultant considers that there would be rather more trade diversion from Lidl at Weston Favell, but less from the Tesco store there. However, the independent Retail Planning Consultant does not identify any concerns that would arise from the proposal in terms of its impact on investment and concludes that the impact is acceptable from a retail perspective.
- 8.21 Overall, subject to conditions to provide certainty regarding the impacts of the development, including restricting the use to a limited assortment discount retailer, the extent of retail floor space and percentage of non-food items and preventing the subdivision of the unit, it is considered the proposal would not result in an unacceptable impact on the viability and vitality of and future investment in the allocated centres in Northampton.
- 8.22 To conclude, no objections are raised to the principle of the proposed employment generating use and, turning to the retail impact of the proposal, subject to conditions, it is accepted that there are no sequential preferable sites, and that the application site is well connected and would not have an unacceptable impact on the vitality, viability and future investment in the hierarchy of centres across Northampton.

Character of Area

- 8.23 Saved Policy E20 of the Northampton Local Plan places great importance on the quality of design of new developments and is in conformity with the NPPF which advises that planning should always seek to secure high quality design.
- 8.24 The application site is located in a prominent position along Kettering Road North near to its junction with Booth Lane North. It is currently occupied by a large industrial/office building with a two-storey scale and flat roof. There are wide grassed verges to this section Kettering Road North related to commercial buildings although residential dwellings are positioned closer to the public highway. This section of Kettering Road North is located on a hill that falls towards the junction with Booth lane North. The unit on the application site has parking adjacent alongside the existing building and is accessed off Kettering Road North (the sites frontage).
- 8.25 The application proposes the demolition of the existing building on site and the construction of a new food store with associated parking to the southern and eastern

portion of the site fronting Kettering Road North. The new food store would be set approx. 10m back from Kettering Road North and would generally sit at the same level of the public highway. Given the fall in land levels along Kettering Road North, a retaining wall is proposed to the rear of the supermarket building between it and sites boundary with an adjacent access road serving nearby commercial/industrial units. The retaining wall would be to a maximum height of 2m to the rear of the supermarket building and would also extend to the front elevation of the building (the southern corner) to a maximum height of 1.7m for a length of approx. 13m.

- 8.26 The front elevation facing Kettering Road North is considered the more important elevation in design terms as this would be the primary view of the building from the public realm. This would be wholly glazed with an interesting and active frontage that wraps around the corner with a small, glazed section containing the store entrance facing towards Kettering Road North and the car park area. The car park elevation would have limited fenestration details other than the customer entrance to the building to one end. Whilst regrettable, this is considered typical in terms of design to a discount retailer where the interior format plays a part in the external appearance. On balance, it is considered that the good quality design and appearance secured to the most prominent part of the site results in an acceptable scheme.
- 8.27 The proposal includes some 126 parking spaces which would fill a large proportion of the food store site, with little space for landscaping within its car park area and there are only limited footways within the site for pedestrians. However, the parking has been located within a distinct location within the site which helps to reduce its visual dominance and the distance pedestrians would need to walk to access paths is only limited. Furthermore, all family parking and disabled spaces are located as close as possible to the building entrance and is not unusual for this type of food store. A grassed area is proposed to the front area between the building and public highway and a large proportion of the site to the rear is to remain undeveloped for ecological purposes and offers further opportunities for further landscaping.
- 8.28 The Council's Arboricultural Officer raises no objections to the loss of a limited number of trees (group of Pine trees) on the frontage to facilitate the redevelopment of the site. They do state that an opportunity to plant new trees should be undertaken which can be secured by planning condition through a landscaping scheme. Overall, as part of a balanced assessment, it is considered that the proposal would not have an unacceptable impact on the character and appearance of the area.

Residential amenity

- 8.29 Saved Policy E20 of the Northampton Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.30 Whilst the application site is located in a commercial/industrial site, there are residential properties to the opposite side of Kettering Road North within Chartwell Avenue (to the east of the application site). However, these are approx. 50m from the proposed supermarket building and given the single storey scale of the food store and the mature tree coverage and vegetation that serves the vast majority of properties between Chartwell Avenue and the application site, it would not have an adverse visual impact on these neighbouring properties nor detract from the sunlight or daylight received by these properties.
- 8.31 The application has been accompanied by a Noise Impact Assessment which has been reviewed by Environmental Health. Having regard to this, Environmental Health

advise that the impact of external plant noise and site deliveries from the proposed development on neighbouring residential properties will be acceptable subject to there being no significant deviation from the external mechanical plant detailed within the report, and conditions to control opening hours, external lighting and deliveries. In addition, Environmental health advise that a condition is required to secure a Construction Environmental Management Plan to address dust, mud and debris, noise and vibration and construction hours to protect residential amenity which is considered necessary in this case.

- 8.32 Overall, and subject to the conditions recommended by Environmental Health, it is considered that the proposal would not have an adverse impact on the residential amenities of any neighbouring properties.

Highway safety

- 8.33 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 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.
- 8.34 The application proposes a revised access taken from the site's eastern boundary onto Kettering Road North and would be positioned adjacent to the existing access which would be removed. The access would also continue, albeit in a revised form within the application site, to provide access to the adjacent garage site. The development would be served by 126 no. parking spaces of which 8 no. would be disabled, 13 no. would be family spaces and there would be 2 no. electric vehicle charging points.
- 8.35 The concerns of the local Ward Councillor and local residents are noted regarding the safety of this section of Kettering Road North and the existing traffic congestion in the area. However, the application has been supported by a Transport Assessment which has been reviewed by the Council's Highway Engineer and, following the submission of further information, which included the provision of a dedicated right hand turn lane on Kettering Road North to facilitate access into the site to reduce congestion/queuing, the Council's Highway Engineer advises that whilst the proposed development would result in an increase in the trip generation of users to the site, both vehicular and pedestrian, the distribution and timing of the trips, the development will not increase the impact on any of the nearby junctions beyond the critical values, sufficient to warrant refusal. They go on to state that one junction of particular concern is the Kettering Road (A5123) / Kenmuir Avenue and Broadmead Avenue, which is known to be at or over capacity. However, the development as proposed will act to draw traffic away from this junction and with regards to the Kettering Road (A5123) / Lumbertubs Lane / Moulton lane roundabout junction, more traffic is likely to be attracted from the area north-east area of Boothville. However, the draw from the south will be reduced due to the location of the existing Lidl and Tesco Extra at Weston Favell Shopping Centre.
- 8.36 The Council's Highway Engineer also advises that the new access to the site from Kettering Road North would meet the required highway standards and suggests works should be undertaken to Kettering Road North to help facilitate right entries as outlined on the submitted plans, which can be secured as part of an access condition. In addition, they also state that because of the location of the loading area, it is

necessary for a delivery plan is provided to ensure loading is not undertaken during operational hours. Such details can be secured by planning condition.

- 8.37 In terms of parking provisions, the proposed 126 parking spaces would slightly exceed the 114 parking spaces required under the Parking Standards and includes a reasonable provision of disabled (8) and family parking spaces (13). In addition, two of the parking spaces would be served by electric vehicle charging points and the applicant has committed to provide cabling infrastructure as a provision rate of 20% of spaces to be utilised for electric vehicle charging to meet with future demand. Such provision can be secured by condition.
- 8.38 Turning to pedestrian routes, the position of the store building to the 'front' of the site would allow direct access from the public highway footway to the main entrance of the building without the need to access the car park area which is supported. Also, cycle storage is also proposed to the front elevation of the store building which ensures that pedestrians/cyclists do not need to access the car park with the cycle storage located in a highly visible location which is supported. Footways and a crossing are located within the car park that serve all disabled and parent with child bays.
- 8.39 Overall, as part of a balanced assessment and subject to conditions to secure the provision of the new access works, car park provision prior to occupation, delivery management plan, electric vehicle charging points and a travel plan, the proposal is considered to be acceptable on highway safety grounds.

Other considerations

- 8.40 The Council's Ecologist has reviewed the submitted Ecological Report and raised no objection to the proposal subject to a number of planning conditions to secure appropriate mitigation for protected species, a landscaping scheme for the site and a Construction Environmental Management Plan (CEMP) that references species protection measures as outlined within the submitted Ecological Report. Such matters are considered appropriate to be secured by planning condition.
- 8.41 The Council's Environmental Health Officer has reviewed the submitted Ground Investigation Report and raises no objection to the assessment undertaken. They go on to advise that further site investigation is required and that such matters can be secured by planning condition. It is also noted that the Council's Environmental Health suggests consideration should be given to the imposition of conditions to prevent shopping trolleys being taken beyond the site boundary and facilities for recycling by customers to be provided on site. Whilst it is considered that it would be reasonable and necessary to seek further details relating to measures to prevent shopping trolleys being removed from the site in the interests of amenity, in the absence of a planning policy basis for the provision of recycling facilities by customers it is not considered that this could be reasonably required by condition.
- 8.42 Turning to air quality mitigation, Environmental Health have previously agreed details with the applicant, including dust mitigation to be addressed as part of a Construction Environmental Management Plan, provision of electric vehicle charging points including infrastructure to meet future demand, and Type II mitigation details put forward are also accepted (i.e. travel plan, cycle parking, electric vehicle charging points and use of air source heat pumps and photovoltaics as opposed to gas boilers). The submitted Sustainability Statement sets out that the new store will be heated by Air Source Heat Pumps and some 592 photovoltaic panels will be installed on the roof of the building generating some 149 kWh/annum of electricity which is

considered to be a suitable and viable energy source option. Such measures can be secured by condition.

- 8.43 The application site is not located in flood zone 2 or 3 but comprises a major development and has therefore been accompanied by a Flood Risk Assessment and details of sustainable drainage. The Environment Agency raises no comments to the scheme and the Lead Local Flood Authority have advised that details of surface water drainage have been adequately addressed at this stage and conditions should be imposed to secure full details of a surface water scheme together with details of its maintenance and upkeep. Anglian Water similarly seek a surface water drainage condition.
- 8.44 Northamptonshire Police have made several recommendations to seek to ensure that the development is safe and secure, including requiring further details of enclosures, car park lighting and external CCTV which can be secured by condition.
- 8.45 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 would be CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development would not, subject to conditions, have an unacceptable impact upon the viability and vitality of the hierarchy of allocated centres, the character of the area, residential amenity or highway safety and would support additional employment opportunities. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies SA, S1, S2, S7, S8, S9, S10, S11, C1, C2, E1, BN1, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policies B14 and E20 of the Northampton Local Plan.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 The proposed development is recommended for approval subject to the following conditions and informatives:

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.

Schedule of Approved Plans

Drawing number

Drawing Title

| | |
|--------|------------------------|
| PL-01C | Location Plan |
| PL-03H | Proposed Site Plan |
| PL-04 | Proposed Building Plan |
| PL-05 | Proposed Roof Plan |
| PL-06 | Proposed Elevations |

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

Use Limitation

3. The retail unit hereby permitted shall only be occupied as a Limited Assortment Discounter and shall not be used for any other purpose within Use Class E 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.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Retail Floor Space Restriction

4. The floor space of the development hereby permitted that can be used for the display and sale of goods and products to the public shall not exceed 1,414 square metres and no more than 20% of this figure (283 square metres) shall be used for the display and sale of comparison goods.

Reason: In the interests of maintaining the viability and vitality of the allocated hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, and S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Retail Unit Restriction

5. The retail unit hereby permitted shall not be divided to form more than one retail unit.

Reason: In the interests of viability and vitality of the hierarchy of retail centres and employment sites in accordance with Policies E1, S2, S7, S9, S10 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Opening Hours

6. The premises shall only be open to customers between the following hours:
 - Monday – Saturday: 08:00 am to 22:00 pm
 - Sunday: 10:00 am to 16:00 pm
 - Public/Bank Holidays 08:00 am to 22:00 pm.

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

Delivery Hours

7. Deliveries to or collections from the site shall not take place before 07:00 hours or after 23:00 hours on any day.

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

Construction Environmental Management Plan (CEMP)

8. Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) (to include demolition works) 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.
 - ix. Ecological mitigation measures

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.

Finished Floor Levels

9. Prior to the commencement of the development 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 Saved Policy E20 of the Northampton Local Plan. Pre-commencement condition to ensure details are agreed in a timely manner.

Surface Water Drainage

10. Prior to the commencement of the development hereby permitted, a detailed design of the surface water drainage scheme for the site based on the submitted Flood Risk Assessment & Outline Drainage Strategy Report ref: R100 rev 1.1 dated 21st December 2020 (prepared by Baynham Meikle) 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) Demonstration that for events with a return-period in excess of 3.3% (1in30), exceedance flow routes are appropriately routed such that there is no residual risk to property and critical infrastructure.

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

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

12. Prior to the occupation of the development 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) CCTV 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.

Contaminated Land

13. 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

14. 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.

15. 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.

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

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

Materials

17. Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan

Vehicular Access

18. Prior to the construction of the new store hereby permitted above ground floor slab level, full engineering and construction details for the new access hereby permitted to Kettering Road North together with associated highway improvements to Kettering Road North to facilitate right entries into 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 first occupation of the retail unit hereby permitted.

Reason: In the interests of highway safety in accordance with Policies S10 and C2 of the West Northamptonshire Joint Core Strategy.

Parking Area

19. Prior to the occupation of the development hereby permitted, the new car parking and manoeuvring areas shall be constructed and laid out in accordance with the approved details and retained thereafter.

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

Electric Vehicle Charging

20. Prior to occupation of the development hereby permitted, full details of a scheme for the installation of at least 2 no. electric vehicle charging points within the site together with details of cable infrastructure to meet future demand shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the permitted development.

Reason: In the interests of reducing carbon emissions and to secure a satisfactory standard of development in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

Travel Plan

21. Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel and air quality in accordance with Policies S10, C2 and BN9 of the West Northamptonshire Joint Core Strategy.

External Lighting

22. 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, crime prevention and biodiversity in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

CCTV

23. Prior to the occupation of the development hereby permitted, full details of all CCTV 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

Shopping Trolley Restrictive Details

24. Prior to the occupation of the development hereby permitted, full details of measures designed to prevent shopping trolleys from being taken beyond the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the permitted development and retained thereafter.

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

Boundary Details

25. 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 Saved Policy E20 of the Northampton Local Plan and Policy S10 of the West Northamptonshire Joint Core Strategy.

Landscaping

26. Prior to the occupation of the development hereby permitted, a detailed scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained and a tree planting method statement including details of tree pits. 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. Any approved hard landscaping shall be carried out prior to occupation of the development hereby permitted.

Reason: In the interests of amenity, biodiversity and green infrastructure, and to secure a satisfactory standard of development in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

External Plant Noise Restriction

27. The external plant to serve the development hereby permitted shall be provided in accordance with the details specified in the submitted Noise Impact Assessment reference 8516/JA/BL and retained in accordance with these details thereafter.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework.

Renewable Energy

28. Prior to the occupation of the development hereby permitted air source heat pumps and photovoltaic panels shall be installed in accordance with the details specified in the submitted Energy Usage and Sustainability Statement.

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.

Wildlife Licences

29. Prior to the commencement of development (including demolition works), the local planning authority shall be provided with either:
- a) A licence issued by Natural England pursuant to section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Once approved, the works shall be undertaken in full within the terms of the licence, if one is required.

Reason: To ensure that protected species are not adversely impacted by the approved works and in accordance with Policies S10, BN1 and BN2 of the West Northamptonshire Joint Core Strategy and the NPPF.

Informatives:

1. A Limited Assortment Discounter is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt includes a Convenience Goods Retailer, which sells a limited ranged of Convenience Goods at a low price.
 2. Convenience Goods are defined as goods that include foods, pet food, drinks, cleaning products, toiletries, newspapers and magazines and non-durable household goods
 3. Comparison Goods are defined as goods that include, but shall not be limited to, clothing, shoes and other footwear, DIY products, furniture and furnishings, carpets and other floor coverings, household textiles, major household appliances (whether electrical or not), small electric household appliances, tools and other miscellaneous accessories, glassware, tableware, household utensils, non-prescription medical goods and other pharmaceutical products, therapeutic appliances and equipment, perfumes, bicycles, recording media, games, toys, hobbies and craft materials, tools and equipment, musical instruments, plants and flowers, pets and pet related products, books and stationary, greetings cards, audio-visual, photographic and information processing equipment, appliances for personal care, jewellery, watches and clocks, petrol, tobacco and tobacco products and financial services
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**West
Northamptonshire
Council**

Title: Mayleigh House, Kettering Rd North

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Date: 24-08-2022

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Planning Committee Report

| | |
|----------------------|---|
| Committee Date: | 6 th September 2022 |
| Application Number: | WNN/2022/0033 |
| Location: | Grazing Land, Mill Lane, Kingsthorpe, Northampton |
| Development: | Outline Planning Application (All Matters Reserved except Access) for 11no Dwellings with vehicular and pedestrian access |
| Applicant: | Sarma Limited |
| Agent: | Sarma Limited |
| Case Officer: | Christopher Wentworth |
| Ward: | Kingsthorpe South Unitary Ward |
| Referred By: | Councillor S Beardsworth |
| Reason for Referral: | Overdevelopment, Flooding and Highway Impact |

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT 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.

Proposal

The development proposal seeks outline planning consent with all matters reserved except for access for the provision of 11 no. dwellings. No details on scale of the dwellings or number of bedrooms have been provided. The access would be taken from the site's boundary with Mill Lane.

Consultations

The following consultees have raised **objections** to the application:

- Highways,
- Kingsthorpe Parish Council
- Kingsthorpe Conservation Area Advisory Committee

- Cllr Sally Beardsworth
- Ecology
- Wildlife Trust

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

- Environment Agency
- Environmental Health
- Conservation Officer
- Development Management
- Police
- Anglian Water
- Archaeology

8 no. letters of objection have been received and zero letters of 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
- Highway Safety
- Neighbour Amenities
- Ecological Matters.

The report investigates 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 site measures 0.74ha and is currently an irregular shaped paddock grazed by horses. To the front of the site is a stone wall. Whilst this gives the appearance of being a historic feature, records indicate that this was relocated to its current position when Mill Lane was widened in more recent time. The application is in outline form with an indicative layout showing five houses. The access is shown for approval and would result in a breach in this stone wall.
- 1.2 The land slopes away in a westerly direction towards the Nene, with a belt of trees separating the site from the Kingsthorpe Local Nature Reserve along the river valley. To the east of the site, on higher ground is a group of residential properties. The more substantial of these, Kingsmoor House has been substantially extended since its construction and two further dwellings were erected towards the front of the site in 2000.

- 1.3 Land to the north of the site that adjoins Kingsthorpe Conservation Area is shown as being within the applicants' ownership but is not included in the application with the Kingsthorpe Conservation Area boundary situated approximately 14m from the application site.

2 CONSTRAINTS

- 2.1 The application site is located adjacent to, but outside of the Kingsthorpe Conservation Area.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development proposal seeks outline planning consent with all matters reserved except for access for the provision of up to 11 no. dwellings. No details on the scale of the dwellings or number of bedrooms have been provided. The access would be taken from Mill Lane.

4 RELEVANT PLANNING HISTORY

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

| Application Ref. | Proposal | Decision |
|-------------------------|--|-----------------|
| N/1997/0570 | Outline application for 5 no. dwellings. | Refused |
| N/2016/1188 | Outline application for 5 no. dwellings. | Approved |
| N/2018/0170 | Outline application for 6 no. dwellings | 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.
- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

Development Plan

Northampton Local Plan 1997 (Saved Policies)

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

- E20 – New development
- B14 – Non-business development

West Northamptonshire Joint Core Strategy Local Plan (Part 1)

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

- Policy S1: The Distribution of Development
- Policy S3: Scale and Distribution of Housing Development
- Policy S10: Sustainable Development Principles
- Policy C2: New Developments
- Policy H1: Housing Density and Mix and Type of Dwellings
- Policy H4: Sustainable Housing

Material Considerations

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

- **National Policies**

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

Section 2 – Achieving Sustainable Development
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

- **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 in favour of sustainable development – *Significant Weight*.
- Policy 2 – Placemaking – *Moderate Weight*.
- Policy 3 – Design – *Moderate Weight*.
- Policy 4 – Amenity and Layout – *Moderate Weight*.
- Policy 13 – Residential and other residential led allocations – *Significant Weight*.
- Policy 14 – Type and Mix of Housing – *Moderate Weight*.

- Policy 35 – Parking Standards – *Significant Weight*.
- (Note: Under the Proposed Modifications to the LLP2 Policies 2 & 3 are to be combined)

Supplementary Planning Documents

- Northamptonshire Parking Standards
- Northampton Parking SPD (2019)
- 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 | Position | Comment |
|--|---------------|--|
| Highways | Objection | The road proposed does not meet the minimum standards as it is only 4.8m wide. The minimum width for a new road is 5.5m with 2x 2m footpaths, or a short section of road (max. 20 dwellings) with 4.8m carriageway and 2 x 1.5m service strips (all block paved) and 20mm kerb upstand. All roads and junctions are to be tracked with a 4 axle refuse vehicle opposed by a large car, and two large cars opposing each other. |
| Kingsthorpe Parish Council | Objection | Recommend refusal on the grounds of environmental impact, visual intrusion, appearance, overdevelopment of the site which will have an adverse impact upon local infrastructure and increased levels of traffic. |
| Kingsthorpe Conservation Area Advisory Committee | Objection | <ul style="list-style-type: none"> - The land has been known to flood previously. - proposal would generate more traffic and cross a cycle route. - The existing stone wall would be further breached which is characteristic of the nearby conservation area. - The site is not very large, and 11 no. house would look cramped. - The site is part of Kingsthorpe Moors and should be protected. - Whilst the site lies outside the conservation area it does sit alongside it and the proposal would harm the setting of the conservation area. |
| Conservation Officer | No objection. | The impact of development of this land for a smaller number of houses was |

| | | |
|------------------------|--------------------|--|
| | | <p>previously been considered to have an acceptable impact on Kingsthorpe Conservation Area. My previous comments (N/2018/0170) are relevant. On the understanding that the actual site boundary is the same as that previously proposed, then</p> <p>there should not be any greater impact on the conservation area or setting of listed buildings within the conservation area than was previously considered acceptable.</p> |
| Development Management | Comments received. | <ul style="list-style-type: none"> - Early years contribution required - £32,024 - Primary education contribution required - £28,290 - Secondary education contribution required - £33,963 - Contributions for libraries and broadband sought. |
| Ecology | Comments received. | <p>The applicant's biodiversity net gain assessment has concluded that the proposal would deliver a net loss of approximately 28%</p> <p>The applicant has not been able to offer off-site compensation for the loss.</p> <p>External lighting condition.</p> <p>Construction Environmental Management Plan (CEMP) Condition.</p> |
| Police | Comments received. | <ul style="list-style-type: none"> - The houses face the street and have parking within view of routinely inhabited rooms, but the layout makes it difficult for them to have back-to-back gardens so a trellis topping is recommended where rear garden boundaries are exposed to the public domain. - Being not overlooked from the main road and with limited adjacent development as a back land estate it will be more vulnerable to crime. - All doors and windows should meet the requirements of a 3rd party accredited secure standard such as PAS24:2016. - Consideration should be given to ground floor windows being fitted with one pane of laminate glass to P1A standard to reduce opportunities for forced entry. - The road should be lit with mast mounted lighting capable of providing a level of uniform lighting to 0.2Uo. |
| Environment Agency | No objection. | <p>The site is shown to be in flood zone 1 but on the edge of zones 2 and 3. The site rises steeply away from this and so there are likely to be no impacts of the new climate change allowances in relation to flood risk.</p> |

| | | |
|------------------------|--------------------------------------|--|
| Anglian Water | Comments received. | Suggest the imposition of foul water drainage scheme condition. |
| Archaeology | No comments to make. | |
| Wildlife Trust | Comments received. | (Summarised) Concerned that this new application has been submitted without any ecological assessment, biodiversity net gain proposal or measures to safeguard the neighbouring nature reserve. |
| Environmental Health | No objection, subject to conditions. | <ul style="list-style-type: none"> - Noise assessment. - Land contamination assessment. - Construction Environmental Management Plan (CEMP). - Electric Vehicle Charging Points. - Construction/Site Delivery Times. |
| Cllr Sally Beardsworth | Objection and call-in request. | <ul style="list-style-type: none"> - This application has real concerns for me, not only for the number of properties but the access for vehicles onto Mill Lane and Kingswell Road. - This land has been grazing land for horses and ponies for many years and is green lung in an already over developed area. - It does not indicate what sort of properties they will be and the lack of privacy to the houses in front and behind them. - I would like this called into committee because of the highway implications and the over development of the site. |

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 8 no. objections raising the following comments:

- Overlooking by adjacent dwellings.
- Overdevelopment of site.
- Increased pollution.
- Impact upon environment.
- Increased traffic.
- Loss of wildlife corridor.
- Design and mix of dwellings considered to be inappropriate.
- Levels difference between adjoining land uses is pronounced.
- Building line has not been maintained.
- Drainage easements should be assessed.
- Not clear whether Norbital cycle route has priority at site entrance.
- Parking provision not to standard.
- Traffic assessment does not assess recent development.
- Lack of assessment of existing trees.
- Would encourage further development on adjoining land.

- Streetscene would be adversely affected.
- Ecology report is inaccurate and out of date.
- Application not described correctly.

8 APPRAISAL

Principle of Development

- 8.1 The main issues to consider in respect of this proposal are the principle of residential development, impact on the setting of the conservation area, biodiversity and protected species, highway implications and impact on adjoining occupiers.
- 8.2 Previous schemes for residential development have been approved for both 5 no. and 6 no. dwellings and this application seeks to increase this to 11 no. dwellings. It is noted that the site was partly designated as Greenspace and as River Valley Policy Area in the Northampton Local Plan. Both of these policies are now superseded by various policies in the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and in the Central Area Action Plan.
- 8.3 It is not considered that the superseding policies preclude consideration in principle of development on this site, subject to further detailed assessment including of ecological and landscaping. These assessments should also take account of the adjoining designations (including Local Nature Reserve and Site of Acknowledged Nature Conservation Value) and take account of the Green Infrastructure Plan 2016, including the role of this site in the wider green Infrastructure network.
- 8.4 Furthermore, the application forms an allocated site for residential development (6 no. dwellings) within the emerging Northampton Local Plan Part 2 (2011-2029) which is at an advanced stage of consultation. It is also noted that the authority is currently unable to demonstrate a Five-Year Land Supply Assessment and therefore the 'tilted balance' is a material consideration in the assessment of this proposal.
- 8.5 The area is located on the edge of the Kingsthorpe village and adjoins existing development. The comprehensive development of the site will contribute to the Council's five-year housing land supply. Subject to the issues discussed below, the principle of residential development is considered acceptable.

Impact on Character of Area

- 8.6 An indicative layout has been submitted as part of the application. This shows 11. no. dwellings in total. All of the dwellings would be accessed from one access point from Mill Lane. The application is in outline form only with access not reserved for future consideration. This would then leave siting, appearance, landscaping, layout and scale to be determined as reserved matters at a later stage. A variety of garages, driveways and courtyard parking areas are indicated for development site. It is considered that the proposed access would support the quantum of development proposed.
- 8.7 It is noted that concerns have been raised by local residents regarding overdevelopment/ overcrowding. However, it is considered that the development provides a mix of sizes of dwellings in good size plots. Whilst the adopted policies do not set out space standards, the resultant plots are still considered to be generous

compared to the average plot size offered on typical developments today. The mix is in keeping with the broad plot size that this part of Kingsthorpe attracts. Furthermore, the layout plan is indicative at this outline stage and therefore further approval would be required at reserved matters stage for the overall layout of the site and any amendments required at that stage.

Drainage matters

- 8.8 The site lies within an area designated as Flood Zone 1 on the published drainage maps by the Environment Agency. A flood risk assessment has been supplied and indicates that the site is unaffected by flooding due to surface water runoff.
- 8.9 Following consultation with the Environment Agency, no objections have been raised to this application. Anglian Water have also been consulted on the proposal and have raised no objection subject to the imposition of condition to secure foul and surface water drainage which is considered appropriate in this case.
- 8.10 Objectors had commented that the site has various water mains and sewers running through the site (and potentially other services). The applicant has advised that the layout indicated on the submitted layout plans has taken this into account and no services will be affected by the proposal.

Impact on Heritage Assets

- 8.11 The Kingsthorpe Conservation Area boundary was established in 1970, amended in 1976 and further amendments have recently been proposed. The application site does not directly adjoin Kingsthorpe Conservation Area and the main issue from a built conservation perspective is the impact on the setting and views of the Conservation Area.
- 8.12 The designation of a conservation area does not preclude development; however, the development needs to take account of the impact that development may have on the setting and appearance of the conservation area. The most significant view of the Conservation Area is from Mill Lane, where the spire of St John's Church and the canopy of trees around the church and village green are visible, although the view is compromised by previous housing development (notably Fremeaux Lodge and Kingsmoor House) that lie outside of the Conservation Area. The height of the proposed houses is not specified and will be an important consideration, to ensure that the church spire and trees remain visible. The openness of the site as a green backdrop of the conservation area and the village would be eroded. This would impact on the setting of the Conservation Area. However, it is considered that the harm would be less than substantial, and the impact would be outweighed by the supply of much needed housing land. The view from the river valley and nature reserve is partly obscured by trees.
- 8.13 On the basis that the land immediately adjoining the Conservation Area, which is visible from the nature reserve, is not within the site, it is not considered that the view towards the Conservation Area from the river valley would be affected.
- 8.14 Land adjoining the Conservation Area is visible in views westwards from between properties on Green End but has been excluded from the site. As such, the view outwards from Green End would not be affected by the proposal. The application site is hidden by existing development in views southwards from within the Conservation

Area and again it is considered that the impact on the conservation area would be neutral.

- 8.15 The stone boundary wall along the north side of Mill Lane that runs from Kingswell Road to the western edge of the site is an attractive feature; the original wall is likely to have formed the boundary of land associated with Home Farm although it appears to have been re-built. The section bordering the site is of significance and should be considered as part of a non-designated heritage asset, the impact on which, in accordance with paragraph 135 of the NPPF, should be taken into consideration.
- 8.16 The Conservation Officer has stated that because of the distance between the proposed development and the Kingsthorpe Conservation Area boundary to its western side, intervisibility between the site and conservation area is limited because of intervening topography, which the additional housing would not alter. They therefore raise no objection in this regard.

Impact on neighbouring properties

- 8.17 The objections received primarily raised the issues discussed on the previous application. Only the front of the site has been altered to accommodate the additional dwelling, the plots to the rear remain the same as the approved scheme.
- 8.18 As the application relates to an outline proposal, details of the height of the proposed dwellings and location of windows is not for consideration at this stage. However, given the difference in levels on the site, compared to the adjacent property, the layout can be set out in a way that the overall impact is reduced.
- 8.19 The occupants of Kingsmoor House have raised concerns relating to privacy to the leisure building (including swimming pool). At this stage there is no indication that there would be windows directly overlooking this building and the final design could take account of this.
- 8.20 It is therefore considered that on balance the proposed dwellings do not appear to adversely impact on the residential amenities of the surrounding properties.

Highways and Access

- 8.21 The principle of the access has been established through the existing field access, albeit in a different location and being shared with other properties from Mill Lane.
- 8.22 Generally the Local Highway Authority would discourage more than 5 dwellings to be served from a private drive. This proposal would represent the maximum number that would be generally accepted from the main drive. They had sought confirmation that an adequate visibility splay can be achieved from the existing access and the amended plan has provided more detail to confirm this.
- 8.23 The Local Highway Authority is satisfied with the indicated visibility splay for the proposed, which demonstrates an acceptable access for pedestrians and vehicles. Further information has been requested in terms of the gradient of the access road and this has been covered by condition, as before.
- 8.24 All the plots indicate on-plot parking spaces and garages. Although the application is in outline form the parking provision indicated on the submitted drawing is considered sufficient and the Highway Authority have no objections in this regard. This will be considered further at the reserved matters stage.

- 8.25 Whilst representations have referred to the potential highway safety impact, no objections have been raised by the Local Highway Authority that cannot be otherwise covered by conditions.

Ecology

- 8.26 An Ecological Appraisal accompanies the application which states that 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 hedgerow planting, the provision of a sensitive external lighting scheme, bird and bat boxes and boundary fences to allow for the free movement of small mammals.
- 8.27 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.
- 8.28 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.
- 8.29 Notwithstanding the proposed mitigation and enhancement measures, the applicant's assessment indicates a net loss of 28%. The submitted information also outlines that there would be a 100% increase in hedgerow units from zero to 0.1 units. 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 and raises concerns in this regard.
- 8.30 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.
- 8.31 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 and a Construction Environment Management Plan (CEMP). 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.

Other matters

- 8.32 The Environmental Health Officer has sought measures to mitigate the impacts of noise and air pollution and contaminated land. Conditions have been imposed to address the noise and contaminated land.
- 8.33 In terms of the air quality and noise, whilst the intentions are noted, the Council's adopted planning policies cannot insist on measures, particularly in small scale developments such as this. However, measures to protect neighbouring residents from unreasonable levels of dust, noise vibration and hours of working, can be addressed through the submission of a Construction Environmental Management Plan (CEMP), which requires the developer to consider the impact and indicate measures to mitigate any potential issues. A condition has been proposed to address this.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is CIL liable.
- 9.2 The Development Management Team has been consulted on the proposal and has requested financial contributions regarding education provision. However, at outline stage the authority is unable to accurately determine the requirements for such provision and therefore the request to secure such financial contributions would be dealt with at reserved matters stage once the type of dwellings have been agreed.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal for outline consent for up to 11 no. dwellings on the site has been considered in terms of the impact on the environment, heritage and the need to meet the Council's 5-year housing supply requirements. This is a finely balanced proposal, and the decision has to consider the harm verses the benefits.
- 10.2 It is considered that the proposed development would contribute towards the Council's 5-year housing supply and would have a less than substantial impact upon the setting of the Kingsthorpe Conservation Area, neighbour amenity, flood issues, biodiversity and highway safety.
- 10.3 Whilst the site is an open area of grazing land visually enjoyed by the public, it is not land that is publicly accessible. With appropriate landscaping and mitigation, the development can be carried out with minimal impact on the adjacent ecology.
- 10.4 The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies H1, BN1, BN2, BN3, BN5, BN8 & S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 and E26 of the Northampton Local Plan.

11 RECOMMENDATION

- 11.1 Approve, subject to conditions and S.106 agreement.

12 CONDITIONS

1. 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.

2. 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.

3. 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.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: SAR-322-PA2-002B, SAR-322-PA2-001D, Location Plan

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

5. Prior to the commencement of development, 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 development 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 S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan. Pre-commencement condition to ensure details are agreed in a timely manner.

6. Prior to the commencement of development, full details of the proposed surface treatment of all roads and access points, including their gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policies S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in

accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 7.

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

9. Prior to the commencement of development, full details of all external lighting shall be 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 Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

10. The development hereby approved shall be limited to a maximum of 11 dwellings to be served from the new access.

Reason: To secure a satisfactory standard of development and to accord with the terms of the planning application in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

11. Prior to the construction above damp-proof course level, a scheme for surface water drainage and on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason To prevent environmental and amenity problems arising from flooding.

12. Full details of electric vehicle charging points (1 per dwelling) for the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The approved charging points shall be provided on site in accordance with the approved details prior to first occupation of the development hereby approved.

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

13. Prior to the commencement of works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall indicate measures to mitigate impacts on ecology, trees, air quality, waste, noise and vibration, hours of operation and haul

routes to and from the site. Development shall be carried out in accordance with the CEMP.

Reason: To secure a satisfactory standard of development and protect residential amenities of the area in accordance with Policy S10, BN2 and BN9 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.



**West
Northamptonshire
Council**

Title: **Mill Lane. Kingsthorpe**

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Date: 24-08-2022

Scale: 1:1,250 @A4

Drawn: M Johnson

Planning Committee Report

| | |
|-----------------------------|--|
| Committee Date: | 6th September 2022 |
| Application Number: | WNN/2022/0173 |
| Location: | 64 - 72 Roe Road, Northampton |
| Development: | Conversion of existing Factory Building (Use Class B2) to 19no Self-Contained Flats for Supported Living (Use Class C2) and associated works including external alterations, formation of new vehicular access, creation of undercroft parking, stopping up existing access, creation of amenity space and partial demolition |
| Applicant: | Syed by Syed Ltd |
| Agent: | Hammond Town Planning Ltd |
| Case Officer: | Christopher Wentworth |
| Ward: | Abington and Phippsville Unitary Ward |
| Referred By: | Councillor D Stone and B Purser |
| Reason for Referral: | Inappropriate development, Overdevelopment, Lack of support staff, Lack of recreational space |

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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.

Proposal

The development proposal seeks planning consent for the change of use of an existing industrial building to provide 19 no. self-contained flats for Supported Living (Use Class C2). The proposal also includes the provision of external alterations to the existing building, the formation of new vehicular access, the creation of undercroft parking provision, the stopping up of an existing access, the partial demolition of a section of building and the creation of external amenity space at 64-72 Roe Road, Northampton.

Consultations

The following consultees have raised **objections** to the application:

- Cllr Stone.
- Cllr Pursar.

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

- Environment Agency
- Environmental Health
- Ecology
- Highways
- Police
- Archaeology
- Conservation
- Anglian Water
- Arboricultural Officer
- Highways England
- Construction Futures
- Development Management

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

- Town Council.

20 letters of objection have been received and 22 letters of 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
- Highway Safety
- Design and Layout
- Residential Amenity
- Loss of employment land

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 within the built-up area of Northampton in the Abington Ward. The site currently comprises a four storey Victorian factory building. To the Roe Road frontage, the building has three visible storeys, and four storeys to the rear elevation. The building is sited on the back edge of the pavement in Roe Road. At

ground floor to the front elevation there is a vehicular sized opening together with personnel doors and to the side elevations are large arched openings.

- 1.2 The building has remained in commercial use being last used by a printing business. The application site area is 618sq.m and the gross internal area of the existing building is 1493 sq.m. The footprint of the building fills the entire plot. Vehicular access to the site is via a vehicular passageway off Roe Road.
- 1.3 Existing residential property, in the form of two storey scale Victorian terraces, adjoin each side of the building. To the rear, the site adjoins an existing two storey factory building now converted to residential use. A further former factory building lies opposite the site also now converted to residential. The surrounding area is generally characterised by predominantly two storey terraced housing arranged in a close grain, relatively high density ordered street pattern.
- 1.4 The application site is within walking distance of a broad range of services and facilities including food stores and access to the public transport network and is located approximately 1.7km from Northampton town centre.

2 CONSTRAINTS

- 2.1 None relevant.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development proposal seeks planning consent for the change of use of an existing industrial building to provide 19 no. self-contained flats for Supported Living (Use Class C2). The proposal also includes the provision of external alterations to the existing building, the formation of new vehicular access, the creation of undercroft parking provision, the stopping up of an existing access, the partial demolition of a section of building and the creation of external amenity space at 64-72 Roe Road, Northampton.
- 3.2 The proposed use comprises of 19 no. flats that would provide supported living accommodation within a C2 use class. The accommodation would be occupied solely by young adults between 16 and 18 years of age. All of the residents will have previously been in the local authority care system. At age 16, the young adults are unable to remain in foster care and accommodation needs to be found and provided for them. The proposed site would seek to provide that independent accommodation. A responsible adult employed by AssistCare Ltd would be on site 24hrs a day. During the day, there would be two managers on site. The role of the managers is to provide care and support to the young adult residents, assisting with day-to-day living including nutrition and cleanliness. The overall objective, achieved through a partnership approach, including with social workers, is to provide good quality safe and supported accommodation for young adults that have passed through local authority care system, to prepare them for independent adult life beyond the age of 18.
- 3.3 The proposed accommodation comprises of 3 no. 1 bed units at ground floor level, 8 no. 1 bed units at first floor level and 7 no. 1 bed units (3 of which are duplex units into the roof space) and 1 no. 2 bed unit which is also a duplex unit into the roof space. This results in a total number of 19 no. units. The internal accommodation also

proposes a ground floor office, a storage room and an uncover space that leads to an external communal courtyard to the buildings side (northern) elevation.

- 3.4 Externally, the proposal also seeks to replace all existing windows to improve security and energy performance of the building and also seeks to provide 3 no. new windows at second floor level to the building's southern elevation (although it is noted that windows were previously located in the positions proposed but had been removed and bricked up), the removal of 4 no. windows and replacement with 4 no. in different positions to the building northern elevation at first and second floor level and the enlargement of 2 no. windows to the buildings rear (eastern) elevation.
- 3.5 Pedestrian and vehicular access into the residential accommodation would be made from a revised access point from Roe Road and would provide vehicle parking within the undercroft parking area comprising of 7 no. spaces and an area for cycle storage and refuse storage clear of the public highway.

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.

Development Plan

West Northamptonshire Joint Core Strategy (Local Plan Part 1)

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

- Policy BN5 – Historic Environment
- Policy BN9 – Pollution Control
- Policy H1 – Housing
- Policy H2 – Affordable Housing
- Policy S10 – Sustainable Development Principles

Northampton Local Plan (1997)– Saved Policies

- 5.3 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:
- Policy E20 – New Development

Material Considerations

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

- **National Policies**

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

Section 2 – Achieving Sustainable Development
 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

- **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 1 - Presumption in favour of sustainable development – Significant Weight.
- Policy 2 – Placemaking and Design – Moderate Weight.
- Policy 4 – Amenity and Layout – Moderate Weight.
- Policy 8 – Supporting Northampton Town Centre's role – Significant Weight.
- Policy 14 – Type and mix of housing – Moderate Weight.
- Policy 21 – Residential development on upper floors – Significant Weight.
- Policy 31 – Protection and enhancement of designated and non-designated heritage assets – Significant Weight.

Supplementary Planning Documents

- Northampton Parking Standards Supplementary Planning Document
- Planning Obligations Strategy Supplementary Planning Document
- Northamptonshire Parking Standards

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 | Position | Comment |
|-----------------------|-----------------|---|
| Town Council | Support | Welcomed by town council. Believed to be a benefit by increasing capacity for |

| | | |
|------------------------|--------------------------------------|--|
| | | people I need to supported accommodation in Northampton. |
| Ecology | No objection, subject to condition. | To secure bird check prior to works commencing. |
| Highways | No objection, subject to condition. | To secure site layout by condition. |
| Police | No objection, subject to comments. | The proposal should include crime prevention measures. |
| Environmental Health | No objection, subject to conditions. | Construction/demolition hours. Air quality mitigation. Construction Environmental Management Plan Land contamination |
| Conservation | Comment | Replacement windows should be more sympathetic to the building. |
| Environment Agency | No comment to make. | |
| Archaeology | No objection, subject to condition. | Written scheme of investigation. |
| Anglian Water | No objection, subject to condition. | Foul water condition. Surface water management condition. |
| Arboricultural Officer | No objection. | |
| Highways England | No comment to make. | |
| Construction Futures | Comment received. | Social training contribution – £1,330 |
| Development Management | No objection, subject to comment. | Libraries contribution – £3,344 |
| Cllr Stone | Objection. | The proposal would result in appropriate development. The government and other agencies have advised that unregulated supported housing for young people is inappropriate. Looked after people should be given more support and placed in family settings. The size and nature of the proposal would result in an unbalanced community and lack of community cohesion. Large generation of waste would adversely impact existing public highway. Lack of communal space would lead to congregating on street. |
| Cllr Purser | Objection. | Whilst I support accommodation project for care leavers, I am very concerned about some of the design elements of this proposal given that this accommodation will be for young people |

| | | |
|--|--|--|
| | | <p>between the ages of 16 and 21. All of these young people will have particular needs and especially for support and advice and will need leisure and recreational facilities. The flats themselves look well designed. However, I am concerned about the following:</p> <ol style="list-style-type: none"> 1. The lack of space for Support Staff to meet with and support residents. 2. The lack of social space within the accommodation for young people to meet each other without inviting each other into their own rooms. 3. The lack of a gym/recreational area. 4. Space to store bicycles for up to 19 people. <p>Additionally, I am concerned about space to store refuse as it is important not to add to the waste collection problems on Roe Road.</p> |
|--|--|--|

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 20 no. objections received raising the following comments:

- Concerns that proposed parking would not be made available.
- Will staff and visitors park?
- Proposal will attract anti-social behaviour.
- Window detailing is inappropriate.
- A missed opportunity to improve area.
- The proposed use would operate 24/7 whilst the current commercial activities do not.
- The proposal would result in loss of privacy from existing and proposed windows to the side and front elevations.
- Insufficient levels of parking onsite.
- Insufficient refuse store for level of accommodation.
- Internal layout should not provide studies which could be used as bedrooms.
- Lack of social/amenity space.
- No details of ecological or environmental standards have been put forward.
- Concerns are raised over the management company.
- The area already suffers from existing parking issues.
- Adverse impacts to nearby residents during construction.
- The internal living accommodation proposed is not sufficient to aid health and wellbeing to residents.
- The proposal would change the character of the road.
- Residents should be home by 10.30pm.
- Residents should not have cars.
- The proposal would result in more litter.

- The increase in residents will result in an increase in noise.
- The provision of the carpark access will adversely impact upon the visual appearance of the building.
- The proposal represents overdevelopment.
- No provision for disabled access.
- The cumulative impact of this development (and others in the area) would adversely impact on the local area.

7.2 There have been 22 no. letter of support received raising the following comments:

- Provide opportunities for future residents.
- Flats for young people is a great idea.
- We need to look after them and not push them away.
- We need places like this to help people who need supported living.
- Rather have occupied building rather than empty.
- Good to have investment in Abington.
- Converting a building rather than demolishing is supported.
- There is a need for residential accommodation in the area.
- Better use of the building for flats.
- Excellent location close to parks and shops.
- The applicant has been in touch and answered all my questions.
- Large industrial should be moved to more appropriate areas.

8 APPRAISAL

Principle of Development

- 8.1 The proposed development would create an additional 19 no. units of residential accommodation within a sustainable location. The authority is currently unable to demonstrate a five-year housing land supply, and therefore the tilted balance assessment is engaged. The development proposal would make a contribution to addressing this continuing need, which is considered to be of benefit a view shared by the Town Council.
- 8.2 National planning policy seeks to significantly boost the supply of homes and highlights the significant contribution that windfall sites can make to addressing housing need noting in particular the statement that Council's should: Support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. The proposal is a windfall site, making a contribution to housing need and therefore the proposal is entirely consistent with paragraph 69 of the NPPF.
- 8.3 The Council has adopted the Specialist Housing Supplementary Planning Document and the purpose of the SPD is primarily to identify the need for specialist housing for vulnerable people. The SPD confirms a need for 76 no. specialist housing units per annum. The SPD also acknowledges that specialist housing can come forward through development on windfall sites with suitable access to services and facilities. In this case, the proposal would provide 19 no. units of specialist residential accommodation specifically for younger adults who are transitioning from the foster care system to fully independent living and would fall under a C2 use class. Furthermore, policy H1 of the Core Strategy seeks to ensure that new development provides an appropriate mix of dwelling types and it is considered that the proposal would fulfil the objectives of this policy.

- 8.4 It is note that concerns have been raised regarding the need for such accommodation and that government and other agencies have advised that unregulated supported housing for young people is inappropriate and that looked after people should be given more support and placed in family settings. They go on to state that the size and nature of the proposal would result in an unbalanced community resulting in a lack of community cohesion. Whilst the concerns are noted the government has stated that they are committed to *“making sure we have a care system which offers a range of care and support options that not only reflect the varying and diverse needs of our children, but also flexes as children get older and their needs change. We continue to need dedicated foster carers and excellent children’s homes, but now, more than ever it is clear that we must also have high quality semi-independent homes, which offer the right level of support to help older children prepare for their first steps into adulthood, when they are ready for it”*. The proposal has been put forward on this basis.
- 8.5 Saved policy H6 of the Local Plan supports new residential development in the primarily residential areas of the town providing that it is at an appropriate scale and density. The application site is located within a primarily residential area and given the re-use of an existing building at a density that reflects the close grain high density urban pattern of the area, the proposal is also consistent with recent conversion schemes and it is considered that the proposal meets the objectives of saved policy H6.
- 8.6 Policy E1 of the Joint Core Strategy looks to retain existing employment sites so as to help support a vibrant and successful local economy. It also goes on to state that changes of use to other non-employment uses, such as the current residential proposal, should be resisted unless the site is no longer economically viable for employment purposes, there is a clear conflict with adjoining units, or it release would offer significant benefits to the local area. In this case, the application site is currently in use for industrial purposes as a printing business with associated storage use. The applicant has indicated that the printing business continues to operate from another more suitable site within the town maintaining and increasing its employment base there.
- 8.7 The application also includes submitted evidence from the current occupier, Futureprint – which outlines that they consider that the existing building due to its traditional design, relationship to existing residential properties and access and parking challenges, is not a continued suitable location for the expansion of the printing business, hence the relocation to another site on an industrial estate within the town. The evidence also goes on to state that there have been occasional complaints in respect of vibrations generated by the industrial activities undertaken on site which has been reaffirmed by Cllr James Hill. Given that the site is an isolated industrial unit within a predominantly residential area, it is considered that there is a clear conflict with adjoining residential units and that its release would offer significant benefits to the local area in terms of the removal of adverse amenity issues, a view shared by local residents.

Design and Appearance

- 8.8 The proposal seeks to make limited external changes to the building. The main changes relate to the front elevation that faces onto Roe Road. The existing commercial access doors would be removed and an open fronted access to the ground floor level parking area would be provided with an open gated boundary. In addition, a new front door to the building would be provided for residents use and all windows (to all elevations) would be replaced with uPVC windows that the applicant

has indicated would seek mirror the existing slim framed metal units. Whilst the building is not listed or located within a conservation area it is considered that the building itself, a former footwear factory, is of local significance and contributes positively to the streetscene and on this basis it is appropriate to consider the building as a non-designated heritage asset. Whilst no objection has been raised, the conservation officer does state that they consider that the replacement windows should be more sympathetic to the building given that the proposed window replacement would alter the appearance of the building. Whilst uPVC windows are not considered to be unacceptable, it is considered appropriate to attach a condition to secure full details of external windows and doors prior to their installation so as to ensure an appropriate standard of development.

Highway Matters

- 8.9 Owing to the sustainable location of the development, it is considered that the proposal would not result in any harm to the traffic system and no objections have been received from the Highway Authority in this regard other than to secure the submitted site layout by planning condition. It is noted that concerns have been raised within objections received that the proposal would give rise to increased levels of parking provision in the surrounding streets where high parking levels already exist. However, the proposal as submitted seeks to provide 7 no. spaces on site for staff and visitors along with cycle storage for staff and residents. It is anticipated given the C2 use class of the proposal and the specialist nature of the accommodation as proposed that residents would not drive (indeed some residents would not be of a sufficient age to acquire a driver's licence). Furthermore, the applicant has indicated that it would be a requirement of any lease/tenancy agreement that residents do not own a car and finally, it is considered that the proposed use would generate less vehicle movements and parking demand associated with an open B2 use class consent for industrial purposes. On this basis, it is considered that the proposal is acceptable addition in this regard.

Residential Amenity

- 8.10 The application site is located within the Abington Park area of Northampton to the east of Northampton Town Centre. The area is predominantly residential in nature with a variety of housing types found within Roe Road itself, albeit the prevailing form of residential development are two storey terraced dwellings. The proposed change of use would make use of an existing industrial building that is of a larger scale than the terraced dwellings that it is attached too on both sides but is of a similar age to the surrounding housing stock from the late 19th century.
- 8.11 The proposal would result in the partial demolition of the northern elevation of the building (the side elevation facing onto the rear garden of no. 74 Roe Road. This would provide a further 3.5m (approx.) setback from the building's side elevation to the garden boundary. This would result in the provision of an external courtyard area for future resident of the building and is considered to be an improvement upon the existing situation whereby the side elevation wall is pushed back 3.5m further away from the residential side boundary with a 2m high brick wall maintained along the boundary.
- 8.12 To the northern elevation the existing windows would be replaced and repositioned at first and second floor levels with the removal of a window at ground floor level to provide the courtyard area. The rationalisation of the windows at the upper levels would result in 1 no. additional window at first floor level. However, all windows would be smaller than the windows currently in situ and it is considered that the glazed area

proposed would be of a similar level to the existing situation. Furthermore, when assessed with the increased set back from the site boundary with no. 74 it is considered on balance that the proposed window placement would not give rise to a significant increase in overlooking or loss of privacy.

- 8.13 To the front (western) elevation, whilst the windows would be replaced with new units, no new openings are proposed at the first and second floor levels. Concerns have been raised by local residents that the use of these windows for residential purpose would result in an increase in overlooking and loss of privacy. However, these would be exiting openings facing onto the public realm. Furthermore, the nearest windows to the front elevation are on the opposite side of Roe Road at a distance of approx. 12m. On this basis it is not considered that the proposal would give rise to such issues in this case.
- 8.14 To the rear (eastern) elevation the number of windows would remain unchanged other than two no. windows (1 no. at first and 1 no. at second floor levels) being reduced in size to serve a bedroom and stairwell. It is not considered that the proposal would give rise to increased levels of overlooking through the provision of existing window openings.
- 8.15 To the southern elevation, facing towards no. 62 Roe Road, the main portion of the building's side elevation is set back from the existing boundary by approx. 2.8m. whilst the two 'bookends' of the southern elevation form the sites boundary with no. 62 Roe Road. This would remain unchanged as a result of the proposal. At present there are existing windows at ground, first and second floor levels. However, at second floor level three large windows that were previously in situ have previously been removed (bricked up). The proposal seeks to reinstate these window openings to provide light and outlook to the second-floor residential accommodation (comprising of (kitchen/living room accommodation). The proposal also seeks to provide 3 no. additional smaller windows (1 no. per level) that would serve a bedroom at ground floor level and communal circulation space at the upper levels.
- 8.16 Concerns have been raised by local residents that the proposal would give rise to increased levels of overlooking resulting in a loss of privacy, with particular reference to residents who live alongside the site (i.e. no's 62 and 74 (and beyond)). The proposal as submitted does include a number of new windows at second floor level on the southern elevation. However, these were windows that were previously located on the building. The majority of windows to the building are already in place and therefore in this regard the proposal would not result in increased levels of overlooking or loss of privacy. It is noted that at second floor level to the southern elevation that increased levels of overlooking would be made from the living rooms of the two upper floor units to that elevation. However, given the height of these windows (minimum of 8m from ground level) and the existence of existing windows at lower levels of the building, the additional windows would give rise to longer distance views of the surrounding area and it is not considered that these windows would result in significant levels of overlooking when viewed in conjunction with exiting window treatments.
- 8.17 It is also noted that concerns have been raised regarding noise, general disturbance and overlooking as a result of the buildings change of use, regardless of the provision of existing and proposed window treatments. At present the site benefits from an existing B2 use class which covers the site for general industrial purposes, which currently is used as a printing operation. The authorised use allows the building to be used for a wide variety of industrial purposes which could be far more intensive than what is currently undertaken on site given that the building is a satellite site for the

current business's operations. In addition, the building is not subject to hours of use so whilst it operates during office hours presently, any change of use proposal is assessed on the full extent of current use ability (i.e. worst case scenario). On this basis it is considered that the proposed residential use would not give rise to levels of overlooking or noise and disturbance over and above the existing authorised use on site and it is the authorities view that the proposed residential use within a residential area is more appropriate.

- 8.18 Environmental Health have been consulted on the proposal and have raised no objection to the proposed change of use other than to request the imposition of planning conditions to secure a construction management plan which would also secure appropriate hours for demolition and construction works, details on land contamination and remediation given that some demolition works and ground works are proposed to an existing industrial site and for provision of air quality mitigation measures. Such an approach (other than the air quality mitigation condition) is considered appropriate and will ensure that noise levels and odour from adjacent commercial uses do not adversely impact upon future occupants of the residential accommodation. The request for an air quality mitigation condition is not recommended in this case as such measures, including cycle storage and EV charging points are covered by other conditions.
- 8.19 The proposal would provide a main pedestrian entrance to the proposed residential accommodation from Roe Road along with a separate vehicular access gate that would provide access to the ground floor parking area. A further set of double doors would provide access through to the courtyard space. Access to all apartments can be made from each entrance although it is envisaged that security access provision would be made so that only residents can access the building, a comment raised by Northamptonshire Police. It is considered appropriate to secure such details, including CCTV and door entry systems by planning condition.
- 8.20 The proposed scheme also proposes ground floor level accommodation or both refuse storage and cycle storage. It is noted that such provision is to take place within the same area (next to the access gates) although it is not clear whether this is sufficiently sized to provide the requisite levels of refuse storage for the 19 no. units along with cycle storage for 23 no. cycles (to mirror the number of bedrooms). Given that there is also other space available within the ground floor layout it is considered appropriate to secure refuse and cycle storage details by planning condition. Such details would ensure that residents are able to access the site independently without reliance upon the private car whilst also ensuring that the proposal does not result in refuse/waste adversely impacting upon the immediate streetscene and local residents.
- 8.21 The proposed scheme is assessed in relation to the nationally described space standards which provides minimum space standards for overall residential unit sizes along with minimum bedrooms sizes. In this case all of the proposed residential units would meet or exceed the minimum space standards for either 1 bed/1 person units (37sq.m or more) or 2 bed/3 person units (61sq.m or more) which is welcomed. It is noted that a one of the units comprises of 2 no. bedrooms. Whilst this is unusual within a C2 use class development, the applicant has explained that residents may reside there as family units (i.e. siblings, those who have previously resided together, etc.) and therefore such accommodation has been put forward for such scenarios. The outlook to the residential units is considered to be acceptable with sufficient outlook achieved to all units.

- 8.22 The proposal would also provide a limited amount of external amenity space (approx. 50sq.m) in the form of a courtyard area. This would allow an area for residents to sit outside away from the public realm whilst also providing an undercover area in times of inclement weather. Concerns have been raised regarding the lack of such provision or the limited amount of provision made. In this case, the authority has no set minimum space requirements for such provision. However, it is considered that the provision made is of a usable size and accessible form each residential unit and is acceptable in this regard.

Other Matters

- 8.23 The proposal represents a change of use of an existing building and does not seek to provide any further built development outside of what is already found on site. The application has been assessed by Anglian Water who has raised no objection but has requested the imposition of conditions to secure drainage details for both foul and surface water drainage. Whilst foul water drainage is considered appropriate given the intensification of the use proposed, it is not considered necessary to impose the surface water condition given that no further built development is proposed over the existing situation.
- 8.24 The authorities Archaeologist has been consulted on the proposal and has raised no objection subject to the imposition of a planning condition to secure a written scheme of investigation given the proposed ground works and demolition works. Such a condition is considered necessary and reasonable in this case.
- 8.25 The authorities Ecologist has been consulted on the proposal and has raised no objection subject to the imposition of a planning condition to secure a pre-site check for nesting birds. Such a condition is considered necessary and reasonable in this case.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development, subject to conditions, would provide specialist accommodation for young people to help contribute to the different housing needs across the Borough and the Council's five-year housing land supply. On balance, the proposal would not give rise to significant harm upon highway safety or neighbour amenity that would significantly and demonstrably outweigh the benefits. The development is therefore in general conformity with the requirements of the National Planning Policy Framework; Policies S1, S7, S10, S11, C2, H1, H5, BN1, BN2, BN7, and BN9 of the West Northamptonshire Joint Core Strategy; and Policies E20 and H29 of the Northampton Local Plan.

10 RECOMMENDATION / CONDITIONS AND REASONS

- 10.1 Approve, subject to conditions.

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.

Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SE/1399/6, SE/1399/5b, SE/1399/4c, SE/1399/3d

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

Use

3. The premises shall be used for supported living for young people (16–21-year-olds) and for no other purpose (including any other purpose in Class C2 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).

Reason: In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority.

Ecology

4. No works to or demolition of structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works or demolition commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

Boundary Details

5. Prior to the first occupation of any of the dwellings hereby permitted the vehicular access from Roe Road shall be fitted with automatic electronic gates. The details of which shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of hanging the gates and the associated closing mechanisms. The approved scheme shall be retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

Materials

6. The external walls and roof of the extension/altered exterior walls shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

Bicycle Parking/Storage

7. Prior to the first occupation of the development hereby approved, the cycle storage details as outlined on drawing reference SE/1399/3d shall be implemented in full and retained thereafter.

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

Lighting

8. 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 Northamptonshire Joint Core Strategy.

Drainage

9. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority.

Reason To prevent environmental and amenity problems arising from flooding.

CEMP

10. Prior to the commencement of development (including demolition) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction. The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:

- 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 demolition and construction work
- control of noise and/or vibration
- measures to control overspill of light from security lighting

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution.

EV Charging

11. Full details of electric vehicle charging points for the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The approved charging points shall be provided on site in accordance with the approved details prior to first occupation of the development hereby approved.

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

Crime Prevention

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

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

Footpaths

13. All existing vehicle crossovers shall be reinstated to footway and full details of which shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out prior to the development being first brought into use.

Reason: In the interests of highway safety in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy

Contamination

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

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

15. 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.

16. 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.

17. 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.

18. 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 (Q2c above – to be substituted with the correct condition number), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (Q3c above – to be substituted with the correct condition number), 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 (Q4c above – to be substituted with the correct condition number).

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.

Archaeology

19. 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 Policy BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details



**West
Northamptonshire
Council**

Title: **64 - 72 Roe Road**

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Planning Committee Report

Committee Date: 6th September 2022

Application Number: WNN/2022/0180

Location: 26 Clare Street, Northampton

Development: Change of Use from Commercial Property (Sui Generis) to 5 Flats (Use Class C3)

Applicant: Acca Land Group

Agent: Architectural Services

Case Officer: Jonathan Moore

Ward: Castle Unitary Ward

Referred By: Councillor D Stone

Reason for Referral: Overdevelopment, Size of Units and Lack of any Outside Area

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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.

Proposal

Permission is sought for the Change of Use from Commercial Property (Sui Generis) to 4 one bedroom and one two bedroom Flat (Use Class C3) No external extensions are proposed to the building. There would be provisions of bin and cycle stores to the rear.

Consultations

The following consultee has raised an **objection** to the application:

- Town Centre Conservation Area Advisory Committee (TCCAAC)

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

- Environmental Health
- Police
- Highways
- Conservation

No neighbour letters of objection have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the West Northamptonshire Joint Core Strategy, adopted Local Plan, Emerging 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 appearance and character of the conservation area
- Residential amenity
- Effect on neighbouring amenity
- Parking and Highway safety
- Security
- Flood Risk
- Other issues

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 site consists of a 2-storey terraced commercial unit including a first floor element over a vehicular access fronting Clare Street and a 2-storey building within the rear yard adjacent to the side and rear boundary with an open outbuilding along the rear boundary. The surrounding area predominantly comprises tightly packed terraces with a mix of residential interspersed with some commercial uses. The site is also located in the Boot and Shoe Quarter Conservation Area. The building is not listed and is currently vacant. The building has been vacant for at least 7 years. The rear of the site is very overgrown with vegetation.

2 CONSTRAINTS

- 2.1 The application site is within the Boot and Shoe Quarter Conservation Area.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development is for a Change of Use from Commercial Property (Sui Generis) to 5no Flats (Use Class C3), the proposal also includes associated bin and cycle stores

to the rear yard. The extension to the building that formed part of the previous application has been omitted from the scheme.

- 3.2 The proposal is for conversion to one and two bedroom flats only with two flats being provided in the main building fronting Clare Street and one in the single storey rear building and two in the existing two storey rear outbuilding.

4 RELEVANT PLANNING HISTORY

- 4.1 The following Planning History is considered relevant to the current proposal:

| Application Ref. | Proposal | Decision |
|------------------|--|--------------------------------|
| WNN/2021/0639 | Conversion of Commercial Unit to 7no One Bedroom Flats, including new building work to Ground First and Second Floor | Refused under delegated powers |

The application was refused for the following reasons:

- The application site comprises a building that is in a prominent location and makes a positive contribution to the street scene and the Boot and Shoe Quarter Conservation Area. The proposed additional storey fronting Clare Street by virtue of its lack of visual sub-ordination, height and mass in relation to adjacent buildings would create an incongruous and visually discordant addition that fails to preserve or enhance the character and appearance of the conservation area. In addition, the resultant position of the upper floor windows on the front elevation of the extension would create a visually asymmetrical and incongruous form of development in relation to the lower floor openings detrimental to the appearance of the existing building and character and appearance of the conservation area. This would be contrary to the aims of the National Planning Policy Framework, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy and Policies E20 and E26 of the Northampton Local Plan.*
- The development would result in inadequate light and outlook for habitable rooms to Flats 4, 6 and 7 and, due to the open nature of the development, inadequate privacy for proposed occupiers of ground floor habitable rooms for the development as a whole, with particular loss of privacy to Flats 4 and 6 in respect of overlooking between proposed habitable room windows due to their proximity. This is contrary to the requirements of Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.*
- The site comprises a backland development where there is a lack of natural surveillance from Clare Street. The applicant has failed to demonstrate that the proposal is able to provide satisfactory arrangements for designing out crime in terms of landscaping, space for private amenity areas for each unit and measures to provide a secure environment for proposed occupiers. This is contrary to the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and Planning out Crime Supplementary Planning Guide.*
- Due to its height, scale and proximity to the rear of numbers 24 Clare Street and 2 and 4 Overstone Road, the proposed flat 7 would have a visually overbearing and overshadowing effect on these neighbouring properties to the*

detriment of the amenity of these neighbouring occupiers and contrary to the aims of the National Planning Policy Framework, Policy H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

The current proposal is an amended scheme reducing the total number of flats from 7 to 5 in an attempt to address previous refusal reasons. The extension to the main building has now been omitted.

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.

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

5.2 Development Plan

- West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies S10, BN5, BN7, BN9, H1, H5
- Northampton Local Plan (1997)– Saved Policies H23, E20, and E26

5.3 Material Considerations

National Planning Policy Framework (NPPF)

- Paragraph 104 Transport
- Paragraph 130 Design and residential amenity
- Paragraph 197 Conservation

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

- 5.4 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).

- 5.5 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 Place Making and design- moderate weight

Policy 4 Amenity- moderate weight

Policy 31 Heritage- significant weight

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

Local Highways Standing Advice

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.

| | |
|---|---|
| Highways | The property in question is within a Permit Zone and therefore all parking in the vicinity is controlled. The LHA holds the right to restrict the number of permits administered to any property as it sees fit. This may result in the number of permits being limited and there is no guarantee that every resident within the revised property will be issued with a permit. |
| Northants Police | Consideration to be given to security of doors and windows and cycle sheds. |
| Town Centre Conservation Area Advisory Committee | Object to original proposal for loss of traditional timbers windows to upvc, considered needs to be given to providing variety of house types. |
| Environmental Health | No objection subject to consideration given to contamination, noise, refuse |
| Conservation | <p>The application is a revised proposal in which a previously proposed second floor addition to the former house has been deleted.</p> <p>It is obviously positive that they are now proposing to retain the historic timber doors to the frontage. If this is the case there would be unlikely to be an objection to the proposed development from impact on conservation area perspective, but it is agreed that it does feel like over-development. There would be additional concerns in relation to parking, bin storage etc (which have an indirect impact on conservation area), but probably the proposal is not sufficient to warrant a reason for refusal on heritage grounds.</p> |
| Cllr Danielle Stone | Object on grounds of severe over-development that will add pressure to area, not acceptable to provide such small units with no outside sitting area. |

7 RESPONSE TO PUBLICITY

No neighbour comments received

8 APPRAISAL

Main issues

- 8.1 The main issues to consider are the principle of residential development, design and effect on the appearance and character of the Boot and Shoe Quarter conservation area, amenity, parking, security and flood risk.

Principle of residential conversion

- 8.2 The site is located in a predominantly residential area interspersed with commercial uses. The principle of providing residential development is, therefore, accepted on this site and would contribute to the Council's 5 Year Housing Supply. In addition, if permitted the proposal would bring a vacant site back into active use which according to the applicant has been vacant for over 7 years.

Design and impact on appearance and character of the Boot and Shoe Quarter Conservation area

- 8.3 The site lies in the heart of the Boot and Shoe Quarter Conservation Area. The application relates to an end-of-terrace house with what would have been workshops to the rear; the adjacent property at the corner of Clare Street and Overstone Road is a more substantial three-storey house/factory typical of street corner locations and reflects the pattern of development within the area. The Boot and Shoe Quarter Appraisal and Management Plan describes the Conservation Area as follows:
- Houses and industrial buildings in close and harmonious proximity in tightly-knit urban streets together illustrating the nature and history of development of the industry and its modest functionality.
 - Factories, specialist industrial buildings, workshops and terraced houses of the workers share common building dates, palate of building materials, and the closest possible proximity to one another.
- 8.4 Paragraph 197 of the National Planning Policy Framework (NPPF) states that: In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.5 The Council's Conservation Officers objected to the original proposal and comments that on the amended scheme that proposed timber windows are considered acceptable and the removal of the upward extension would be a significant improvement on the conservation area. in terms of the overall scheme concerns remain that it may be overdevelopment however on balance the impact would not be sufficient to justify refusal. The proposal is a significant improvement to the original submission and is a reduced scheme that assists in addressing previous heritage concerns. Refusal reason one on the last application is addressed.

Residential amenity of future occupiers

- 8.6 In assessing the living conditions of future occupiers, the proposal needs to be considered against Saved Policies H23 the Northampton Local Plan and Policy H1 of the Joint Core Strategy.
- 8.7 Policy H23 specifies that planning permission will not be granted for the conversion to flats with a combined ground and first floor area of 100 square metres or less and with a frontage of less than 4.7 metres. Policy H1 of the Joint Core Strategy can be afforded more weight in decision making given that it is a more up to date development plan policy; criteria (f) relates specifically to the living conditions provided for future occupiers.
- 8.8 In respect of the provision of adequate outlook and light for proposed occupiers, the proposal would not provide sub-standard accommodation with all habitable rooms being served by windows of reasonable proportions and outlook. Although the outlook from the two storey building at the rear is not ideal being positioned against the flank wall of the adjacent property, there would still be adequate residential amenity and a refusal is not justified that could be sustained at appeal.
- 8.9 Notwithstanding this, the Government published National Space Standards in 2015 for new build development, setting out minimum floor space that is required depending on the number of bedrooms and occupants. Some Local Authorities have adopted the Government's National Space Standards as part of their local plan policies, which assist in assessing residential planning applications. As these have not been adopted by this authority, they can only be used as a "guide" in assessing whether any accommodation has a satisfactory level of amenity. The National Space Standards advises that one bedroom properties require 39 square metres floor space for one person or 50 square metres minimum for two. The application proposal is considered compliant.
- 8.10 Whilst it is acknowledged that the National Space Standards have not been adopted by the Council, Policy H1 of the Joint Core Strategy is of relevance requiring regard to be given to the living conditions of future occupants. Concern has been raised on over-development however considering that the scheme is an improvement from before then this is not a reason for refusal with all rooms have sufficient internal accommodation/ space.

Effect on living conditions of adjoining neighbours

- 8.11 The lawful use as a commercial building would have generated significant comings and goings in its own right. The proposed conversion is likely to generate activity throughout the day to the front and rear of the site as well. In terms of outlook, privacy and light, due to the separation to surrounding occupiers the proposal is considered to be acceptable with adequate relations being retained. Officers have some concern that the two storey building at the rear would impact on residential living conditions of adjacent single storey unit and the existing adjacent neighbours on either side however as this is an existing building it is considered that the effect would be no worse than is at present. The proposal accords with Policy H1 of the JCS and E20 of the Adopted Local Plan.

Parking and Highways

- 8.12 Parking is provided on street in permits controlled by the Local Highway Authority . The site is also close to the central area of Northampton and within 10 minutes walk of Abington Street and close to bus stops near the town centre. For this reason it is considered that the site is in a sustainable location and even in the absence of off road parking it would be unreasonable to object to. The proposal complies with the aims of the NPPF. Highways raise no objection,

Security and Crime Prevention

- 8.13 The Council's SPG on Planning out Crime sets down principles for designing out crime which is also reflected in Policy S10 of the JCS and the aims of the NPPF. Police have commented on need to consider security of door and windows and cycle sheds which can all be agreed by condition for further details to be agreed prior to occupation of development. Refusal reason 3 on the previous application has been adequately addressed.

Development and Flood Risk

- 8.14 The site lies in a low risk flood zone as defined by the Environment Agency Flood Maps. For this reason it is considered that there is a low probability for the potential for flooding associated with the development. Drainage is normally also considered under Part H of the Building Regulations. The proposal complies with Policy BN7 of the JCS.

8.15 Other matters

Environmental Health comment on need for refuse storage which is to be secured by condition.

Conditions for contamination are considered unnecessary given that the proposal is for conversion work only. In terms of noise, the site is surrounded mainly by residential uses and road traffic noise in the area is reasonably limited therefore no requirement for such restrictions.

9 FINANCIAL CONSIDERATIONS

- 9.1 CIL is not payable as the proposal would not lead to creation of new additional residential floor space.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal is weighed against local and national policy and it is considered that the proposal would have an acceptable impact on the conservation area, visual and residential amenity, security, flood risk and highway safety and is recommended for approval with the conditions as below.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 Detailed recommendation here and full list of conditions and reasons here

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: 21/2538/233, 03B, 04C, 06B, 07B, 200C.

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

Refuse storage

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

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

Cycle storage

- 4) 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 Policy H1 of the West Northamptonshire Joint Core Strategy.

Security

- 5) Prior to the occupation of the first flat, full details of security measures including external lighting, doors and window design shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of security to comply with Policy S10 of the Joint Core Strategy.

Limit number flats

- 6) The development hereby approved shall be used as a maximum of 5 flats only with the number of bedrooms as per the approved plans.

Reason; In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

Landscaping

- 7) 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 Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

Landscaping

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

Reason; In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan



**West
Northamptonshire
Council**

Title: **26 Clare Street**

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Planning Committee Report

| | |
|----------------------|---|
| Committee Date: | 6 th September 2022 |
| Application Number: | WNN/2022/0650 |
| Location: | Land Rear Of 84 to 86, Lower Thrift Street, Northampton |
| Development: | Construction of a pair of semi-detached offices (Use Class E) and associated parking area |
| Applicant: | Mr S Partridge |
| Agent: | Hammond Town Planning Ltd |
| Case Officer: | Christopher Wentworth |
| Ward: | Abington and Phippsville Unitary Ward |
| Referred By: | Councillor B Purser |
| Reason for Referral: | The use is not compatible in a residential area |

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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.

Proposal

The development seeks planning consent for the construction of a pair of semi-detached offices (Use Class E) with an associated parking area to the rear of 84-86 Lower Thrift Street, facing onto Elizabeth Street. The proposed office building would be single storey in nature with a pitched roof, two doors and two windows to the front elevation and two rooflights to the Elizabeth Street elevation. The building would measure 8.6m wide, 7m deep and 2.4m high to the eaves and 6m high to the ridge. 3 no. parking spaces are proposed to the front of the building accessed from Elizabeth Street.

Consultations

The following consultees have raised **objections** to the application:

- Highways
- Cllr Robert Purser

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

- Tree Officer
- Conservation
- Ecology
- Environmental Health
- Police

1 no. letter of objection have been received and zero letters of 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
- Highway Safety
- Residential Amenity
- Visual Impact

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 three single storey garages accessed from Elizabeth Street that are used for the storage of building and building maintenance equipment. It is neighboured by single storey garages to both sides and is located to the rear of terraced dwellings at Nos. 84 and 86 Lower Thrift Street. Elizabeth Street includes a number of single storey garages and outbuildings to the east side, with a primary school and community centre to the west.

2 CONSTRAINTS

- 2.1 None relevant.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development seeks planning consent for the construction of a pair of semi-detached offices (Use Class E) with an associated parking area to the rear of 84-86 Lower Thrift Street, facing onto Elizabeth Street. The proposed office building would be single storey in nature with a pitched roof, two doors and two windows to the front elevation and two rooflights to the Elizabeth Street elevation. The building would measure 8.6m wide, 7m deep and 2.4m high to the eaves and 6m high to the ridge. 3 no. parking spaces are proposed to the front of the building accessed from Elizabeth Street.

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal on site although it is noted that there is relevant planning history on a nearby site which is outlined below.
- 4.2 Site to rear of 74-76 Lower Thrift Street – N/2020/1285 for demolition of existing garages (storage) and erection of a new single storey office building – Refused by LPA and appeal allowed by Planning Inspectorate.

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) – Policies
 - Policy S1: The Distribution of Development
 - Policy S10: Sustainable Development Principles
 - Policy BN2: Biodiversity
 - Policy BN7: Flooding
 - Policy BN9: Planning for Pollution Control
- Northampton Local Plan (1997) – Saved Policies
 - E20 – Design of New Development.

5.3 Material Considerations

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

- 5.4 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.
- Policy 2 – Design and Placemaking.
- Northampton Parking Standards Supplementary Planning Document

- Northamptonshire Parking Standards

Material Considerations

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 | Position | Comment |
|------------------------|--------------------------------------|---|
| Highways | Objection | Following standards have not and cannot be met. - Vehicle to Vehicle Visibility. - Vehicle to Pedestrian (and Vice Versa) Visibility. |
| Environmental Health | No objection, subject to conditions. | - Ground Contamination. - CEMP. - Noise – Plant and Machinery. - Construction Hours. |
| Police | No objection. | Recommended that all doors and windows meet the requirements of a recognised security standard such as PAS24:2016 and are 3rd party accredited products. The offices should benefit from a fit for purpose intruder alarm. |
| Arboricultural Officer | No objection. | |
| Conservation | No objection. | |
| Ecology | Comments. | Given the nature of the site and surrounding land use it is unlikely to be of significant ecological value |
| Cllr Purser | Objection | Call in request – Not compatible with the residential use of this area. Previous applications for building offices in this area have previously been rejected. |

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.

There have been two objections received raising the following comments (summarised):

- Gravestones are present on this site.
- The site fronts an increasingly rare survival of old cobbled road on Elizabeth Street.
- Elizabeth Street is being used regularly in term time as one of the main entrances to/from Vernon Terrace School. It is therefore subject to more than a

'very low intensity of use' identified in the application's Planning Statement and highways related correspondence. As such the advice received regarding highway safety issues should be reviewed.

- Office use would be new but not unwelcome in principle subject to being of appropriate design and with the imposition of appropriate conditions.
- Some concern has been expressed that offices might in due course be converted to residential use. Please therefore attach a condition in the event consent is granted, preventing such use.
- The height and quality of the design should also be greatly improved in order to benefit local amenity, appearance and character.
- A condition defining appropriate operational hours of use of the offices would also be appropriate.

8 APPRAISAL

Principle of Development

- 8.1 The application site is located in a residential area, albeit with a number of public facing community uses located directly opposite site, e.g., School and Health Centre. Saved Local Plan Policy B22 does allow for small businesses uses outside of identified business areas providing there is no conflict with neighbouring land uses. In this respect, the definition of a B1 use (and subsequently Class E (g) (i) details that the use can be carried out in a residential area without detriment to the amenity of that area. As such, no objections are raised to the principle of the proposed development subject to an assessment of other material considerations as outlined elsewhere in this report.
- 8.2 Whilst the application does not benefit from planning history associated with a similar use, it is noted that an adjacent site to the rear of 74-76 Lower Thrift Street for demolition of existing garages (storage) and erection of a new single storey office building has been previously been dealt with by the LPA. In this case, the authority refused planning consent on the basis that the proposed single storey office building would represent an isolated and visually prominent and incongruous feature in the streetscene that would be detrimental of the character and appearance of the area. The applicant subsequently appealed the refusal of planning consent and the appeal was allowed.
- 8.3 The inspector concluded that there is a mix of uses and types of property in the vicinity of the site and that previous appeal decisions refer to the site and its surroundings as having a back-land character without an active built-up frontage and that it does not follow that the site is inherently unsuitable for development. Furthermore, they commented that the proposal's potential to create a more active frontage would be a positive contribution to the quality of Elizabeth Street. It is considered that this is a material consideration in the assessment of the current application.

Character of Area

- 8.4 Saved Policy E20 of the Local Plan seeks the design of new development to reflect the character of its surroundings and is in conformity with the NPPF which advises that planning should always seek to secure high quality design and ensure that developments add to the overall design quality of the area.

- 8.5 The application site is located to the eastern side of Elizabeth Street which has a backland character without an active built up frontage, and includes secondary residential structures such as garages, outbuildings, and rear boundary treatments that are set to the rear of gardens serving the terraced houses that front Lower Thrift Street, as noted in the appeal decision for the 2021 planning application for a site at 74-76 for similar development proposal.
- 8.6 The proposal would replace an existing domestic style garage block and introduce a single storey office building that would have two windows and a recessed entrance fronting the street and two roof lights to the front elevation within the pitched roof. Whilst the proposal would be untypical with adjacent garage buildings, the development would be small, low and of simple form and in this regard similar to a row of garages. As such, the proposal is considered acceptable in this regard.

Amenity

- 8.7 Saved Policy E20 of the Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The proposed building would back onto the rear garden of 84-86 Lower Thrift Street and would have a single storey scale with a similar height to the existing garage block it would replace, albeit with a pitched roof more akin to the main dwelling houses on Lower Thrift Street. The offices would each have a rear yard area. Whilst two ground floor windows are proposed to the rear elevation (no rooflights are proposed), it is considered that the proposal would not have an overbearing or overshadowing impact on the gardens of 84-86 Lower Thrift Street or result in a loss of privacy to those dwellings. There are no residential properties directly opposite the front of the site.
- 8.8 Turning to the proposed use of the new building, as set out above, the definition of an office use (previously B1 use and now Class E(g)(i)) details that it can be carried out in a residential area without detriment to the amenity of that area. Environmental Health has been consulted on the proposal and has raised no objection in this regard subject to securing conditions to control noise/disturbance associated with the construction works and maximum noise levels associated with any plant and machinery on site (e.g. air conditioning, refrigeration units, etc.). Given that the proposal directly abuts the gardens of residential properties, it is considered that such conditions would be reasonable should planning permission be forthcoming.

Highway Impacts

- 8.9 The Parking Standards seek 1 parking space per 30sqm floor area for offices which would equate to 2 parking spaces for the proposed offices. However, the existing storage unit would also generate a parking requirement under the Standards and the site occupies sustainable location close to the Wellingborough Road Local Centre and Northampton Town Centre.
- 8.10 The local highway authority has been consulted on the proposal and have objected on the basis that the proposal is not able to provide Vehicle to Vehicle Visibility and Vehicle to Pedestrian (and Vice Versa) Visibility based upon pre-set standards for a 30mph road. Whilst the provision of pedestrian splays are technically possible, this would result in the number of parking spaces being reduced to two rather than three, with both spaces being 2.5 metres wide rather than the modern 3m wide which is not considered to be appropriate in this case. Furthermore, the vehicle to vehicle spays of 4.3m by 2.4m are not possible by reason of the presence of the flanking buildings.

- 8.11 However, this part of the road in Elizabeth Street has an informal cobbled surface giving the appearance of a shared surface area. The cobbled section serves three existing lock-up garages and an occasional rear service access to the school grounds. The cobbled section, assuming the lock ups are visited daily, therefore has a very low intensity of use and the two office units would not materially increase that very low use.
- 8.12 Furthermore, the cobbled section is a dead end, and often experiences parked vehicles associated with the school, although the main entrance to the school is off Vernon Terrace. The dead end/cul-de-sac nature of the road, its narrow width, informal surfacing and parked vehicles means that vehicle speeds are very low and necessarily decelerating on the approach to the 90-degree bend in Elizabeth Street and the terminus of the street adjacent to the school which lies just 17m from the site. On this basis, it is considered that there is no justification for applying the normal intervisibility splays applicable for a 30mph road in this case.
- 8.13 Moreover, the application site is located on the eastern side of the road with no footpath present. On the basis that pedestrians are likely to share the same cobbled space with slow moving vehicles, and given again, the dead end/cul-de-sac circumstances, it is not considered necessary to secure normal pedestrian splays in this case. As such, it is considered that objections cannot be sustained to the proposed development on parking or highway safety grounds.

Other Matters

- 8.14 The submission includes the provision of a tree survey report from RGS Arboricultural Consultants dated July 2022 which has assessed the application site. The authorities arboricultural officer has also been consulted on the proposal who has assessed the tree survey and raises no objection and comments that the report provides a good analysis of the single tree on site, and recommends its removal regardless of any development activity, a conclusion that they then endorse.
- 8.15 It is noted that comments have been received during the consultation process which state that a number of Tombstones are located on site, with photographs of some provided. The site has no previous planning history for use as a graveyard and as such this query was relayed to the applicant. They have confirmed that the site has previously been occupied by a stonemason (albeit a long time ago given the overgrown nature of the site) who undertook work on the site and that the gravestones are remnants of that activity rather than associated with the burial of human remains.
- 8.16 Environmental Health whilst raising no objection have requested the imposition of planning conditions associated with ground contamination investigations which is considered appropriate given the commercial type activities undertaken previously on site.
- 8.17 The proposed office building would fall under the general use Class E (previously B1) which allows a variety of uses including retail, restaurants, day nursery, etc. without the need for a change of use planning application. In this case it is considered appropriate to restrict the use of the proposed building to that of offices only, specifically Class E(g)(i), this would then allow the authority to assess the suitability of the building for other uses that may impact upon residential amenity (such as noise, odour), highway safety and general servicing arrangements (refuse) of the building given the constrained nature of the site and close proximity to residential dwellings.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development proposal is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 To conclude, whilst it is considered that objections cannot be sustained to the principle of the proposed development or in respects of the residential amenity or parking implications of the proposal, the introduction of a single storey office building into an area with a residential area would not result in an unacceptable impact to the character and appearance of the area and is therefore considered appropriate in this regard.

11 RECOMMENDATION / CONDITIONS AND REASONS

- 11.1 Approve, subject to conditions.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SE/1437/1 and SE/1437/2.

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

3. Prior to the first occupation of the development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with saved policy E20 of the Northampton Local Plan.

4. The parking and turning, loading and unloading space shown on the submitted plan shall be laid and marked out prior to the development being first brought into use and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with Policy 2 of the West Northamptonshire Local Plan (Part 2).

5. 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.

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. This is a pre-commencement condition to ensure timely submission of details.

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5, 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 (Q4c above – to be substituted with the correct condition number).

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. A scheme shall be first submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. Prior to the commencement of development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the following matters:

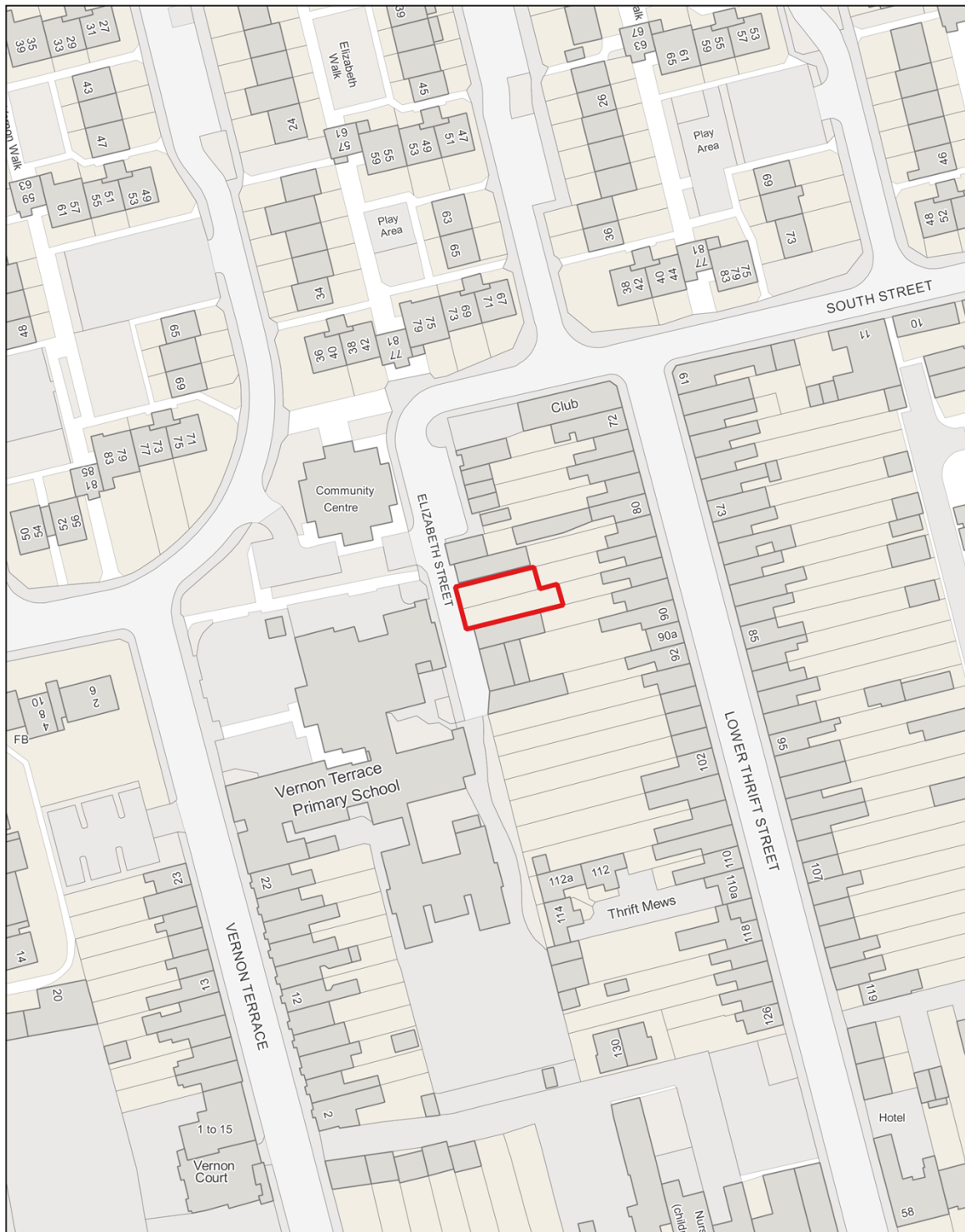
- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles including wheel wash facilities if required;
- 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;
- hours of demolition and construction work;
- control of noise and/or vibration.

The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The premises shall be used for offices and for no other purpose (including any other purpose in Class E(g)(i) 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).

Reason: In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Saved Policy E20 of the



**West
Northamptonshire
Council**

Title: **Land rear of 84 to 86 Lower Thrift St**

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Planning Committee Report

Committee Date: 6th September 2022

Application Number: WNN/2022/0707

Location: 68 Bostock Avenue, Northampton

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

Applicant: Mr Convey

Agent: Archi-tec Architectural Design

Case Officer: Adam Walker

Ward: Abington and Phippsville Unitary Ward

Referred By: Councillor B Purser

Reason for Referral: Overdevelopment of the site, impact on parking, detrimental to the local community

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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.

Proposal

Permission is sought for change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for 5 occupants.

Consultations

The following consultees have raised **objections or concerns** with the application:

- Northamptonshire Police
- Northampton Town Council
- Councillor Bob Purser

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

- Private Sector Housing

Five letters of objection 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
- Standard of living conditions and neighbour 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 relates to a two storey, mid-terrace dwellinghouse. There is a two storey outrigger to the rear that has a single storey, lean-to element on the back. The property comprises of a living room, dining room, kitchen and WC on the ground floor with three bedrooms and a bathroom provided on the first floor. The property has an enclosed garden area to the rear.
- 1.2 The site lies within a residential street of similar type properties and is within easy walking distance of the Local Centre on Wellingborough Road.

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 Planning permission is sought for change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for 5 occupants.
- 3.2 The existing living room and the dining room would be converted into bedrooms. The three existing bedrooms on the first floor would be retained.
- 3.3 A shower room would be formed on the ground floor (replacing a pantry) and the downstairs WC would be retained. The existing bathroom on the first floor would be

made smaller to enable an adjoining bedroom to be enlarged slightly and the bath would be replaced with a shower.

- 3.4 Shared communal space would be provided within the kitchen area only.
- 3.5 A cycle store is proposed within the rear garden, which would provide space for 5 bicycles. A bin storage area would also be provided within the rear garden.
- 3.6 It is also proposed to make an alteration to a ground floor window in the rear elevation. The existing large dining room window would be removed, and the opening walled up and a smaller window formed in its place.

4 RELEVANT PLANNING HISTORY

- 4.1 The proposal was subject to a formal pre-application enquiry (WNN/2022/0043). This sought advice on the concentration of HiMOs within a 50m radius of the site. The advice provided at pre-application stage was that the proposal would not exceed the 10% maximum threshold for concentration of HiMOs within a 50m radius of the site (as of April 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.

Development Plan

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

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

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

Northampton Local Plan 1997 (Saved Policies) (NLP1)

- 5.3 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:
 - Policy E20 – Design for new development
 - Policy H30 – Multi-occupation within a single dwelling

Material Considerations

- 5.4 Below is a list of the relevant Material Planning Considerations:

- **National Policies**

The NPF 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:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking and Design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 7 – Flood risk and water management (Significant weight)
- Policy 15 – Delivering houses in multiple occupation (Significant weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

Supplementary Planning Documents

- Residential Extensions and Alterations Design Guide 2011
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019)

The HMO SPD details that proposals for HMOs 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 HMOs 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 | Position | Comment |
|--|--------------|--|
| Local Highway Authority | - | No comments received |
| Private Sector Housing | No objection | The bedroom sizes and kitchen facilities meet the required standard, and the proposed sanitary facilities are adequate. Suitable fire safety measures will need to be provided, with the level of fire protection to be determined by a separate fire safety assessment. |
| Northamptonshire Police | Concerns | It is likely that residents of the HiMO would have to park some distance from the property because of a lack of available on-street parking. Vehicles not under direct supervision from the dwelling they relate to are far more vulnerable to vehicle crime and parking overcrowding gives rise to neighbour disputes due to inconsiderate and boorish behaviour. |
| Northamptonshire Fire & Rescue Service | No objection | NFRS have no comments to make at this stage. |
| Northampton Town Council | Object | Highway concerns due to the close proximity to a school, the Wellingborough Road and insufficient parking already in the vicinity. Proposed HMO will have a considerable impact on parking in the vicinity and will also lead to the loss of a family house. All rooms within proposed HMOs should have their own toilet and shower room as standard, which this does not. |
| Refuse (Veolia) | - | No comments received |
| Cllr Bob Purser | Object | Please could I call this application into the Planning Committee on the grounds that it represents overdevelopment of this site and will add to parking problems in this area as well as being to the detriment of the local community. |

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 There have 5 representations received, which raise objections to the proposed development. A summary of the comments received is provided as follows:
- Parking is already a problem, particularly in the evenings when it is difficult to find a space to park and resulting in unsafe parking practices such as double parking and parking on corners.
 - There are too many HiMOs in the area as it is. Overconcentration of HiMOs leading to a loss of local character.
 - Not all HiMOs in the street are shown on the HiMO register, including No.44 which was granted planning permission for a 10 bed HiMO and is currently occupied as a HiMO.
 - A number of properties in the street are being converted into flats.
 - Existing HiMOs and flats place excess pressure on local infrastructure, particularly parking.
 - Existing HiMOs create issues with refuse/litter and noise nuisance and are associated with antisocial behaviour, which places a strain on the local community.
 - Loss of a family dwelling

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.
- 8.2 Policy H5 of the West Northamptonshire Joint Core Strategy (WNJCS) allows for HiMOs where the proposal would not adversely impact on the character of the area and the amenity of residential areas. Policy 15 of the emerging Local Plan Part 2 allows for new HiMOs provided the proposal does not result in an over-concentration of this type of housing, adequate space is provided for the occupiers, appropriate provision is made for refuse, cycle storage and parking and ground floor bedrooms are protected from flood risk. The Council's Houses in Multiple Occupation Supplementary Planning Document also sets out a series of principles for determining planning applications for HiMOs.
- 8.3 The principle of development is therefore considered to be acceptable, subject to assessment of the application against the aforementioned policies and guidance as set out below.

Area concentration

- 8.4 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HiMOs. Principle 1 of the SPD seeks to create, support and maintain a balanced, mixed and inclusive community and protect the neighbourhood and streetscene character. To help achieve this objective, it aims to avoid an over-concentration of similar uses in one locality and sets a maximum threshold of 10% of HiMOs within a 50m radius of any other HiMO (regardless of whether licensed or not). The SPD is up to date, having been adopted in November 2019, and it can therefore be afforded substantial weight in decision-making.

- 8.5 Policy 15 of the emerging Local Plan 2 relates to the delivery of HiMOs and reflects the HiMO SPD in terms of consideration of the concentration of HiMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HiMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. There have not been any proposed main modifications to this policy as part of the Local Plan 2 examination process and it is considered to carry significant weight.
- 8.6 Council records indicate that there are six existing licenced HiMOs within a 50m radius of the application site, although address records also indicate that one of these licensed HiMOs (83 Stimpson Avenue) has now been converted into flats under planning permission N/2019/0341.
- 8.7 Based on the methodology for the calculation of concentration as set out on the HiMO SPD, the proposed development would result in a HiMO concentration of 9.45% within a 50m radius of the application site. This calculation includes No.83 Stimpson Avenue as a registered HiMO, and therefore represents a very robust assessment.
- 8.8 One of the representations received states that not all HiMOs in the street are shown on the HiMO register, including No.44 Bostock Avenue which is currently occupied as a 10 bed HiMO. This particular property is identified on Council records as having planning permission for use as a HiMO and so would be included within area concentration calculations when assessing applications for new HiMOs. However, in this instance, No.44 falls outside of the 50m radius of the application site. There is no other evidence to suggest that there are any additional properties that should be included within the area concentration calculation for the proposal.
- 8.9 Given that the proposal is below the 10% threshold set out in the Council's adopted SPD in relation to the concentration of HiMOs, it is considered that the mixture of property types in this locality would maintain an acceptable balance. The application is therefore considered to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, Policy 15 of the emerging Local Plan Part 2, the HiMO SPD and the aims of the National Planning Policy Framework.

Size of the property and facilities for future occupiers

- 8.10 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 HiMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.11 The property is considered to be of sufficient size to provide an acceptable standard of amenity for future occupiers having regard to the standards set out in the HiMO SPD.
- 8.12 All the bedrooms exceed the minimum requirements for single occupancy, with the bedroom sizes falling within the upper bracket of the space standards (minimum 10 square metres). The bedrooms range in size from 10.8 square metres to 15.84 square metres. The size of the proposed kitchen facilities is more than double the minimum requirement for a two storey property with the size of bedrooms proposed.

The bathroom facilities also meet the required standards. Private Sector Housing have confirmed that the room sizes and facilities are adequate.

- 8.13 All habitable rooms as well as the kitchen would be served by windows which would afford adequate natural light, ventilation and an acceptable outlook.
- 8.14 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 5 people would be necessary in the event of any approval to ensure that the size and level of facilities remained appropriate for the number of occupiers.

Highways/Parking

- 8.15 The property does not have any dedicated off-street parking space. The HiMO SPD sets out a starting point of one on-plot car parking space per bedroom. This is consistent with the standard specified in the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019). The Houses in Multiple Occupation SPD sets out that where limited or no parking provision is proposed, the developer 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.
- 8.16 No parking beat survey has been submitted with the application however the site is within a sustainable location, being within 400m of the Wellingborough Road Local Centre and several bus stops that provide a regular service providing connections in different directions.
- 8.17 It is acknowledged that the area is heavily parked and residual parking capacity is likely to be very limited, especially in the evenings. This is confirmed by comments made within third party representations. It is also recognised that the proposal has the potential to increase parking demand over and above that generated by the existing three bedroom dwellinghouse and that the cumulative impact of other HiMO development and dwellings that have been converted to flats can have a significant impact on a local area.
- 8.18 Notwithstanding the above, the site is within a sustainable location and the concentration of HiMOs in this locality is within acceptable limits. As such, the application is in accordance with the HiMO SPD. Furthermore, previous planning applications for houses in multiple occupation within Northampton Borough have accepted that there is no evidence to support that all the residents would own cars. Under these previous applications, regard has been 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 or very limited parking is provided, considerable weight has been given to the sustainable location of the site. 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.
- 8.19 The HiMO SPD recommends that storage space should be provided which is accessible to cycle users. The Northamptonshire Parking Standards document (2016) indicates that for houses in multiple occupation, one cycle space should be provided

per bedroom. Storage for 5 bicycles is indicated within the rear garden area. A condition requiring full details of the proposed cycle storage would be necessary to ensure that appropriate provision is made for the secure storage of bicycles. The provision of appropriate cycle storage would also help to mitigate the potential impact on parking.

- 8.20 In summary, whilst it is likely that some future occupiers would own a car, the site's sustainable location and the on-site availability of secure cycle storage are factors that would be anticipated to appeal to persons dependent upon sustainable modes of transportation. When also factoring in that the property's use as a single dwellinghouse would generate its own parking demands, it is considered that the parking arrangements for the development are acceptable. The application therefore accords with Policy H5 of the WNJCS, saved Policy H30 of the Northampton Local Plan, the NPPF and the HiMO SPD in so far as these policies and guidance indicate that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Refuse

- 8.21 HiMOs are required to provide suitable refuse storage. The submitted plan indicates an area to the rear of the dwelling that is to be used for bin storage and this is considered acceptable. Bins would need to be transferred through the building for collection, which is the same arrangement for the existing dwellinghouse.

Amenity

- 8.22 The proposal is for a residential use of the property. There is no evidence to demonstrate that the proposal would generate any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues, could be justified.

Other matters

- 8.23 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. As such, there are not any significant concerns with flooding to the proposed ground floor bedrooms.
- 8.24 Northamptonshire Police have raised a concern with residents being forced to park some distance away from the property because of the high demand for on-street parking. The Police have commented that vehicles not under direct supervision from the dwelling they relate to are far more vulnerable to vehicle crime and parking overcrowding can give rise to neighbour disputes.
- 8.25 Whilst it is accepted that there may be instances where residents are forced to park some distance away from the property, this is no different to the established situation and it is not considered that this issue could be substantiated as a reason for refusal of planning permission.
- 8.26 Some minor external alterations are proposed which involve replacing a ground floor window in the rear elevation. The proposed works are very minor and would not have any significant impact on the appearance of the host building or the character of the surrounding area. A condition is recommended requiring the external materials to match the existing dwellinghouse.

8.27 The objections raised within the third party representations as well as the concerns of Northampton Town Council and the ward councillor are acknowledged, however, for the reasons set out in this appraisal it is not considered that the issues raised could be substantiated as reasons for refusal.

8.28 Northamptonshire Fire & Rescue Service have confirmed that they do not wish to raise any issues at this stage. Fire safety measures would be covered through a separate process outside of this planning application.

9 FINANCIAL CONSIDERATIONS

9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

10.1 The proposed development would not lead to an unacceptable concentration of HiMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would not have any significant and demonstrable adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring property. The property is of sufficient size to accommodate the level of occupancy 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, Policy 15 of the emerging Local Plan Part 2 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 listed below (and 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.

Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plan:

C121 – 2.

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

Occupancy

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.

Refuse Storage

4. The refuse storage shall be provided as shown on the approved plan prior to the first use of the property hereby permitted and retained thereafter.

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

Cycle Storage

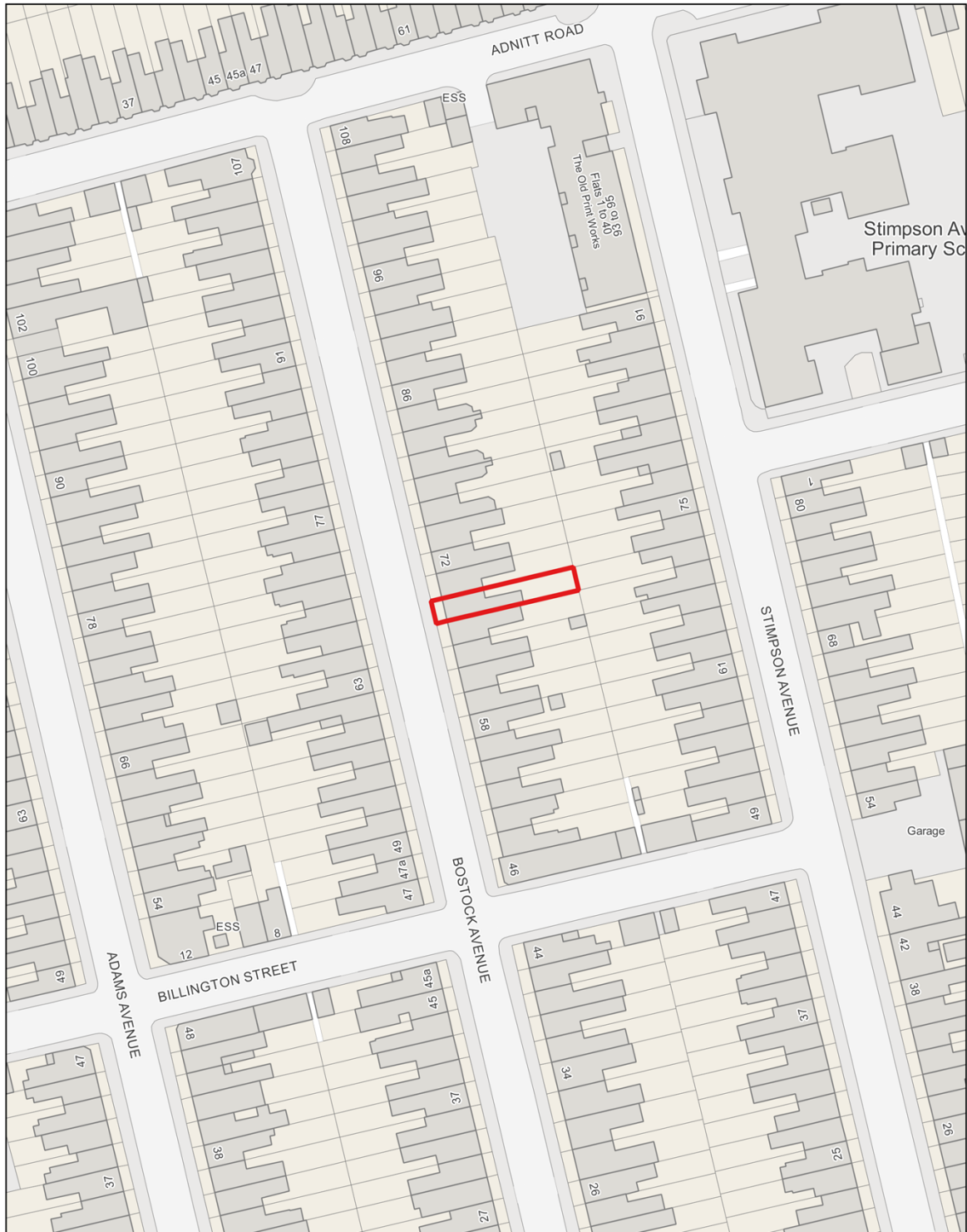
5. Notwithstanding the submitted information, full details for the provision of secure cycle storage for a minimum of five bicycles shall submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The approved cycle storage facilities shall be provided before the development is occupied and thereafter retained as such.

Reason: To promote sustainable modes of transport and in the interests of crime prevention and to accord with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

Materials

6. The facing materials used for the proposed alteration to the ground floor window in the rear elevation shall in all respects match the materials found on the existing dwellinghouse.

Reason: In the interests of visual amenity and to accord with Policy E20 of the Northampton Local Plan, Policy 2 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.



**West
Northamptonshire
Council**

Title: **68 Bostock Avenue**

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Planning Committee Report

| | |
|----------------------|---|
| Committee Date: | 6 th September 2022 |
| Application Number: | WNN/2022/0814 |
| Location: | Land to rear 17 North Western Avenue, Northampton |
| Development: | Demolition of existing garage structures and erection of two storey partially adaptable dwelling at rear of 17 North Western Avenue |
| Applicant: | Mr Nigel Berril |
| Agent: | Mr Stukeley James |
| Case Officer: | Adam Walker |
| Ward: | Kingsthorpe South Unitary Ward |
| Referred By: | Councillor C Hawes |
| Reason for Referral: | Considers there are no material reasons for refusal and the application should be considered by Committee |

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks full planning permission for the demolition of existing garage and erection of two storey dwelling to the rear of 17 North Western Avenue.

Consultations

The following consultees have raised **no objections** to the proposed development:

- Environmental Health
- Kingsthorpe Parish Council
- Northamptonshire Police

The following consultees are **in support** of the proposed development:

- Councillor Cheryl Hawes

The following consultees have raised **comments/observations** on the proposed development:

- Local Highway Authority

No public representations have been received to date.

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 and appearance of the area
- Living conditions of the future occupier/s
- Impact on neighbouring occupiers
- Parking and highway safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The proposed development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the plot boundaries. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policies E20, and H10 of the Northampton Local Plan and emerging policies 1 and 2 of the Northampton Local Plan Part 2.
2. The proposed development would represent a poor standard of accommodation due to the obscure glazing to the bedroom window which would not provide an acceptable outlook for a main habitable room. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and emerging policies 1, 2 and 4 of the Northampton Local Plan Part 2.

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 relates to part of the curtilage belonging to 17 North Western Avenue, Northampton. The property forms a large, detached dwelling located on the corner of North Western Avenue and Foxgrove Avenue.
- 1.2 The application site lies to the rear of the dwelling and comprises of a single storey double garage with a lean-to timber shed to one side and hard surfacing to the front. The garage is accessed from Foxgrove Avenue, where there is a double set of timber gates to the boundary. The site also includes some of the dwelling's existing garden area.

- 1.3 The site is located within a residential area. No. 61 Foxgrove Avenue borders the site to the south east and the rear garden of 19 North Western Avenue abuts the south western boundary.

2 CONSTRAINTS

- 2.1 There are no specific constraints.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 It is proposed to demolish the existing garage structures and erect a two storey dwelling.
- 3.2 The proposed dwelling would front onto Foxgrove Avenue and would comprise of a large garage, entrance space and storage area on the ground floor and an open plan living area and a bedroom with en-suite on the first floor. Parking space would be provided to the front of the dwelling and garden space to one side.
- 3.3 The dwelling would have a hipped roof and would be faced in a mixture of brick and render with tiles to the roof.
- 3.4 The proposal is described as a partially adaptable dwelling and includes a large integral parking area that would allow for wheelchair access around the parking space.

4 RELEVANT PLANNING HISTORY

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

| Application Ref. | Proposal | Decision |
|------------------|--|-----------|
| WNN/2022/0450 | Demolition of existing single storey garage and construction of new two storey dwelling | Withdrawn |
| WNN/2021/1084 | Demolition of existing single storey garage and construction of new two storey dwelling | Withdrawn |
| WNN/2021/0480 | New detached dwelling | Refused |
| N/2018/0689 | Games Room over existing double garage with WC below and connection path to existing house | Refused |
| N/2017/0863 | Demolition of existing garage and erection of a 2 storey building consisting of a garage to the ground floor and living accommodation above with external access staircase | Refused |
| N/2014/0152 | Erection of detached dwelling | Withdrawn |

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

West Northamptonshire Joint Core Strategy - Local Plan (Part 1) (LLP1)

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

- Policy SA – Presumption in Favour of Sustainable Development
- Policy H1 – Housing Density & Mix & Type of Dwellings
- Policy H4 – Sustainable housing
- Policy S1 – Distribution of Development
- Policy S3 – Scale and Distribution of Housing Development
- Policy S4 – Northampton Related Development Area
- Policy S10 – Sustainable Development Principles

Northampton Local Plan 1997 (Saved Policies)

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

- Policy E20 – Design
- Policy H10 – Backland Development

Material Considerations

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

- **National Policies**

The 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:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking and Design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 5 – Carbon reduction, sustainable design etc (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 14 – Type and Mix of Housing (Moderate weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

Supplementary Planning Documents

- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)

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.

6.2 Where consultation responses have not been received, the comments reflect those made by those consultees earlier this year in relation to an identical application (ref WNN/2022/0450) that was withdrawn in July 2022. Given that there has not been any material change in circumstances, the consultee responses remain relevant to the current application.

| Consultee Name | Position | Comment |
|-------------------------|-----------------|---|
| Local Highway Authority | Comment | The plans need to demonstrate suitable access width, visibility splays, access gradient, drainage, access surfacing and driveway length (minimum 5.5m). |

| | | |
|----------------------------|--------------|--|
| | | (Comments made in relation to WNN/2022/0450) |
| Environmental Health | No objection | Conditions recommended for contaminated land, a construction management plan and provision of an electric vehicle recharging point. |
| Kingsthorpe Parish Council | No objection | No objection. (Comments made in relation to WNN/2022/0450) |
| Northamptonshire Police | No objection | The dwelling addresses the street and has on plot parking. All doors and windows should meet the requirements of a recognised third party accredited security standard. (Comments made in relation to WNN/2022/0450) |
| Councillor Cheryl Hawes | Support | The applicant has attempted to comply with all the issues on the previously refused applications. Having spoken with the applicant and looked at the submitted plans and the previous applications, I am struggling to see any material planning reasons as to why this application should be refused. |

7 RESPONSE TO PUBLICITY

- 7.1 The publicity period expires on 5th September 2022. At the time of writing, no third-party representations have been received. Any responses received prior to the committee meeting will be reported within the committee addendum.

8 APPRAISAL

Background and planning history

- 8.1 As set out at paragraph 4.1, there have been several planning applications in recent years to form a two storey building on the application site, all of which have either been refused or withdrawn. The proposals have been for a new dwelling, a residential annex and an ancillary building to the main dwelling.
- 8.2 The most recent refusal was for a detached dwelling (WNN/2021/0480), which was refused on the following grounds:
- The development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the

plot boundaries and design of the front elevation which is dominated by an overly large garage door

- The adverse effect on the amenities of neighbouring properties due to visual dominance and overlooking
- The poor standard of accommodation due to the small size of the only window serving the proposed bedroom
- Detrimental impact on highway safety due to the inadequate driveway length to the front of the garage

8.3 The above application is a material consideration in the assessment of the current scheme.

8.4 An application was subsequently submitted for a new dwelling which sought to address the previous reasons for refusal (WNN/2021/0480). That application was withdrawn by the applicant earlier this year in light of concerns raised by officers with the impact of the development on the character and visual amenity of the street scene and the standard of amenity for the future occupier. A further application (WNN/2022/0450) for an identical form of development was then submitted and also withdrawn (application withdrawn July 2022).

8.5 The current proposal is identical to the two previously withdrawn applications.

Principle of Development

8.6 The application site is located within a residential area that forms part of the established urban area of Northampton and which is well served by existing services and facilities. The proposal is therefore compatible with the nature of the surrounding area and represents development in a sustainable location. The principle of the development is therefore considered to be in accordance with Policies S1 and S10 of the West Northamptonshire Joint Core Strategy.

8.7 The Council cannot currently demonstrate a five year housing land supply and the proposal would add to the supply of housing in Northampton, albeit on an extremely modest scale, and this weighs in favour of the application.

8.8 The proposal is described as a partially adaptable dwelling. It includes a large integral parking area that is designed to allow for wheelchair access around the parking space as well as an area that appears to be for use as a lift.

8.9 A dwelling that can be adapted in the future is consistent with the aims of Policies H1 and H4 of the Joint core Strategy as well as Policy H14 of the emerging Local Plan Part 2 in terms of supporting the delivery of a range of housing, including housing capable of meeting the changing circumstances of the occupiers over their lifetime.

8.10 The principle of development is therefore considered to be acceptable, subject to assessment of the matters detailed in the remainder of this appraisal.

Impact on the character and appearance of the area

8.11 Saved Policy E20 of the Northampton Local Plan places great importance on the quality of design of new developments and is in conformity with the NPPF, which advises that planning should always seek to secure high quality design. Policy 2 of

the emerging Local Plan relates to placemaking and the design of new development and it is considered that moderate weight can be afforded to this policy. Saved Policy H10 of the Northampton Local Plan states that planning permission for the development of residential backland will not be granted unless it can be shown that the siting and layout of the development will not be detrimental to the character and amenity of the locality.

- 8.12 The proposal is for a two storey dwelling fronting onto Foxgrove Avenue which would be located at the end of a row of two storey properties. This part of Foxgrove Avenue is characterised by semi-detached dwellings with some detached and terraced houses existing slightly further along Foxgrove Avenue. There is a gentle gradient to Foxgrove Avenue and the properties gradually step down towards the site, following the topography of the street.
- 8.13 The development would sit immediately adjacent to No.61 Foxgrove Avenue. This neighbouring property has been extended to the side and as result the dwellinghouse is almost up to the boundary with the application site. No.61 forms the end property in a row of three semi-detached properties, most of which have been extended to the side and this has reduced the physical separation between these dwellings.
- 8.14 The proposed dwelling would be set down in relation to No.61, reflecting the topography and character of the area. The general bulk and scale of the dwelling would also be in keeping with the existing street scene and the hipped roof would reflect the appearance of neighbouring properties, including No.61.
- 8.15 The proposal would however be very tight up against the rear boundary of the site, with the rear elevation being approximately half a metre from the garden of 19 North Western Avenue. The dwelling would also be separated from the boundary with No.61 Foxgrove Avenue by a similar distance, resulting in a very narrow separation distance between the proposed dwelling and the side elevation of No.61. Officers are of the opinion that this gives the dwelling a cramped appearance, and this is further exacerbated by the narrow garden for the proposal which lies to the side of the house and would be an uncharacteristic feature as properties in the surrounding area all have relatively long rear gardens.
- 8.16 It is considered that the dwelling's cramped positioning within its plot would give it the appearance of an obvious form of backland development which would fail to harmonise with the established character of the area and result in an incongruous addition to the street scene. This is exacerbated by its position at the end of the row of houses on the south western side of Foxgrove Avenue and its prominence when entering Foxgrove Avenue from the north west.
- 8.17 Certain elements of the proposal also do not meet high standards of design. The ground floor front elevation does not provide an active frontage to the street because it only contains an entrance door and a garage door, which is not the case with neighbouring properties because these have main windows on the ground floor level allowing for a sense of activity at street level. In addition, the north western elevation of the proposed dwelling forms a prominent gable end and this would be a blank wall with very little visual interest, although it is acknowledged that the side elevation of No.61 similarly lacks interest.
- 8.18 For the reasons outlined above, it is considered that the proposal would have a detrimental impact on the character and appearance of the area, contrary to Policy E20 of the Northampton Local Plan, emerging Policy 2 of the Local Plan Part 2 and guidance in the NPPF. Furthermore, it is considered that the proposed scheme has

not adequately addressed the first reason for refusal under application WNN/2021/0480.

Living conditions of the future occupiers

- 8.19 Saved Policy E20 of the Northampton Local Plan requires development to provide adequate standards of privacy, daylight and sunlight and Policy H1 of the Joint Core Strategy 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.
- 8.20 The proposed dwelling would have an internal floor area of approximately 62 square metres at first floor level which would provide open plan living space, bedroom with en-suite, staircase and space for a lift. The ground floor contains a garage, storage space and circulation/access areas.
- 8.21 As a one bed, two storey dwelling the size of the unit exceeds the Government's Nationally Described Space Standards (NDSS). The proposal is described as a partially adaptable dwelling and the plans that it is intended to be capable of being adapted for a wheelchair user. The NDSS clearly states that the minimum space standards are not adequate for wheelchair housing, meaning that this development may not be suitable as an adaptable dwelling. However, there is no requirement for this to be an accessible unit and given that it meets the general space standards it is considered that the proposal provides an acceptable amount of living space.
- 8.22 With regards to outlook and natural light for the dwelling, the open plan living area towards the front of the dwelling is provided with windows that would allow for an acceptable standard of amenity. However, the bedroom would be heavily restricted in terms of its outlook because the majority of the window would be fitted with obscure glazing, with only a small area of clear glazing at the top (1.7m above finished floor level). The reason for this is to avoid close overlooking of No.19 North Western Avenue and is a consequence of this being a cramped form of development. To protect the amenity of No.19, the glazing would need to be at the highest end of the privacy scale and by its very nature would not afford any kind of outlook that would normally be expected for a habitable room. This would significantly compromise the overall living conditions of the future occupier.
- 8.23 The limitations of the proposed bedroom are such that the development would not provide acceptable standard of living conditions and as such the application fails to accord with Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy, Policy 4 of the emerging Local Plan 2 and guidance in the NPPF. One of the previous reasons for refusal under application WNN/2021/0480 related to the suitability of the bedroom window and it is not considered that this previous reason for refusal has been adequately addressed.

Impact on neighbouring occupiers

- 8.24 The proposed dwelling would be to the rear of No.17 North Western Avenue, which forms a large, detached house. There would be no windows facing No.17 and as such there would be no overlooking issues. There were concerns with the previously refused application (WNN/2021/0480) in that the proposed dwelling would have a visually dominant impact on the occupiers of the existing dwelling. The separation distances involved with the current scheme are generally similar to application WNN/2021/0480. Nevertheless, as No.17 is within the ownership of the applicant, on balance it is not considered that the development would unduly prejudice the amenity of the occupiers of 17 North Western Avenue.
- 8.25 The proposed dwelling would be parallel to the rear garden of No.19 North Western Avenue, around 0.5m from the boundary. Although it would be located towards the rear part of the neighbour's garden, under the previously refused application (WNN/2021/0480) there were concerns that a two storey building would result in a substantial built form close to the boundary and this would have a visually dominant and overbearing impact on the garden. There were also concerns with direct overlooking of this neighbouring property. The current application has addressed the issue of overlooking because of the inclusion of obscure glazing to a height of 1.7m above finished floor level. Whilst officers retain some concerns with the impact of the bulk and mass of the building on the amenity of the neighbour's garden, on balance it is not considered that this would be so significant so as to justify a refusal on such grounds.
- 8.26 Turning to the impact on the neighbour at 61 Foxgrove Avenue, the proposed dwelling would be wholly to the side of this house, minimising the impact in terms of overshadowing or visual dominance. This neighbour has a side facing first floor window close to the boundary, which would essentially be blocked by the proposed dwelling. However, as a window serving a non-habitable room, the impact of this is considered to be acceptable. Whilst there would be some overlooking of the neighbour's rear garden, this is common in respect of side-by-side dwellings in a built-up urban area such as this.
- 8.27 On balance the impact of the proposed development on neighbouring occupiers is considered to be acceptable.

Parking and highway safety

- 8.28 The proposal provides two parking spaces - one parking space to the front of the dwelling and one in the garage. This complies with adopted standards in terms of the number of spaces.
- 8.29 Local Highway Authority Standing Advice requires a 5.5m set back from any garage door to avoid the potential for vehicles overhanging the footway, and one of the reasons for refusal under application WNN/2021/0480 was that the development failed to provide an adequate driveway length, and this was therefore deemed to be detrimental to highway safety. On assessment of the submitted plans, it is considered that the proposed development can provide an adequate driveway length.
- 8.30 Officers consider that the development is also capable of satisfying other requirements within the Standing Advice such as minimum access width, vehicle-pedestrian inter-visibility, gradient, drainage and surfacing.
- 8.31 A further consideration is that the site of the proposed dwelling is currently in use as garages for No.17 North Western Avenue. As a four bedroom dwelling, this would require three spaces, plus a visitor space. The driveway at the front of No.17 has

space for at least two vehicles and it is considered that additional space could potentially be provided with some minimal alterations. As such it is not considered that any objections could be sustained in respect of the impact on parking provisions for the existing property.

Other matters

- 8.32 Issues of potential land contamination could be adequately addressed through conditions.
- 8.33 The proposal includes provision of an electric vehicle recharging point within the garage, which would help to mitigate the impact of the development on air quality and climate change.

9 FINANCIAL CONSIDERATIONS

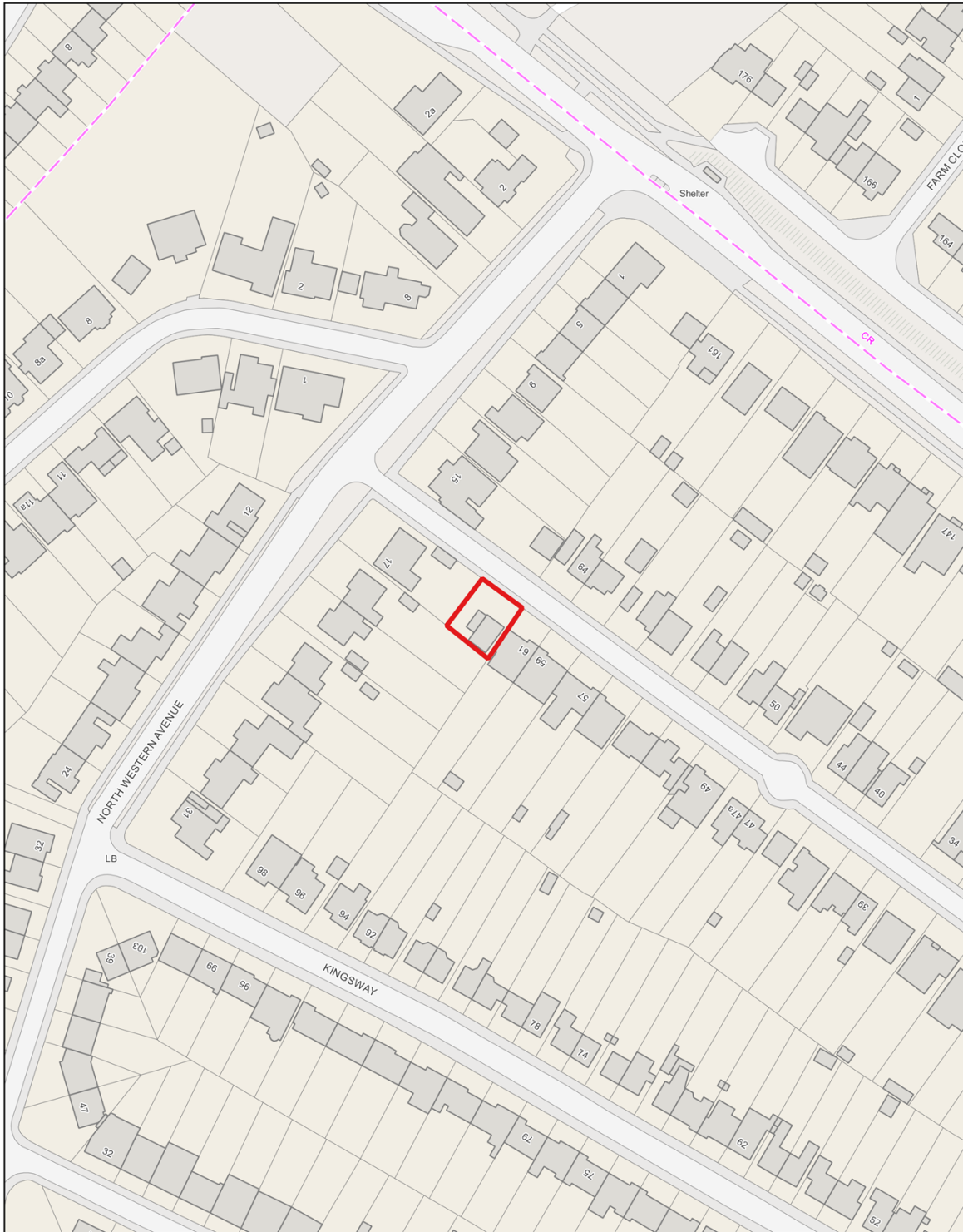
- 9.1 The development is CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal would provide new housing in a sustainable location and this represents a benefit. However, it is considered that the proposal would represent a cramped form of development which would appear out of keeping with the appearance of the street scene and would thus harm the visual amenity of the area. Furthermore, as a consequence of the cramped nature of the proposed dwelling, the standard of living conditions for the future occupier would be compromised because one of its main habitable rooms (bedroom) would not be provided within any meaningful outlook. On balance, the harm that would be caused to the visual amenity of the area and the prejudicial living conditions of the future occupier are considered to outweigh the benefits of the development.

11 RECOMMENDATION / REASONS FOR REFUSAL

- 11.1 The application is recommended for refusal for the following reasons:
1. The proposed development would represent a cramped and incongruous feature which would be out of keeping with the street scene due to its tight relationship with the plot boundaries. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policies E20, and H10 of the Northampton Local Plan and emerging policies 1 and 2 of the Northampton Local Plan Part 2.
 2. The proposed development would represent a poor standard of accommodation due to the obscure glazing to the bedroom window which would not provide an acceptable outlook for a main habitable room. The proposal is thereby contrary to guidance in the National Planning Policy Framework, Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Saved Policy E20 of the Northampton Local Plan and emerging policies 1, 2 and 4 of the Northampton Local Plan Part 2.



**West
Northamptonshire
Council**

Title: Land to rear 17 North Western Ave

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Date: 24-08-2022

Scale: 1:1,250 @A4

Drawn: M Johnson