



PLANNING AGENDA

Tuesday, 1 September 2020

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

5:00 pm

Members of the Committee

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

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

Chief Executive

George Candler

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



PLANNING COMMITTEE

AGENDA

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

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

Who can speak at Planning Committee meetings?

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

How do I arrange to speak?

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

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton, NN1 1DE, Democratic Services (Planning Committee)

by email to: democraticservices@northampton.gov.uk

When do I speak at the meeting?

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

How long can I speak for?

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

Other important notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.

- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Your attendance is requested at a meeting to be held:

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

on Tuesday, 1 September 2020

at 5:00 pm.

AGENDA

- 1. APOLOGIES**
- 2. MINUTES**
(Copy herewith)
- 3. DEPUTATIONS / PUBLIC ADDRESSES**
- 4. DECLARATIONS OF INTEREST/PREDETERMINATION**
- 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**
- 6. LIST OF CURRENT APPEALS AND INQUIRIES**
Report of Head of Planning (copy herewith)
- 7. OTHER REPORTS**
 - (A) RECENT CHANGES TO PLANNING LEGISLATION, THE PLANNING FOR THE FUTURE WHITE PAPER AND CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM**
 - (B) N/2020/0368 - DEED OF VARIATION OF SECTION S106 OBLIGATIONS ASSOCIATED WITH AGREEMENTS DATED 7 OCTOBER 1992 AND 23 SEPTEMBER 1997 RELATING TO THE BUILDING EXCLUSION ZONE AND LANDSCAPE CONTROL ZONE. LAND RELATING TO SWAN VALLEY**
 - (C) N/2020/0898 - APPLICATION FOR A VARIATION TO THE S106 AGREEMENT TO ALLOW THE OPEN SPACE TO BE TRANSFERRED INTO THE OWNERSHIP OF WOOTTON PARISH COUNCIL. OPEN SPACE, WOOTTON FIELDS, WOOLDALE ROAD**
- 8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**
- 9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**
- 10. ITEMS FOR DETERMINATION**
(Copy of addendum attached)

- (A) **N/2020/0353 - A MIXED USE DEVELOPMENT, INVOLVING A REAR SIDE ROOFTOP EXTENSION FOR 2 NEW OFFICES (USE CLASS B1) AND 5 SELF CONTAINED RESIDENTIAL FLATS (USE CLASS C3) B AND C, 102A ABINGTON STREET**
- (B) **N/2020/0458 - VARIATION OF CONDITIONS 2, 15, 16, 19, 24, 27, 28 AND 30 OF PLANNING PERMISSION N/2018/0277 (DISTRIBUTION CENTRE (USE CLASS B8) INCLUDING RELATED SERVICE ROADS, ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING BUND AND ASSOCIATED WORKS) TO MODIFY THE HEIGHT AND WIDTH OF UNIT 1, TO ALTER THE PARKING AND TO ADD A STAFF EXERCISE TRAIL, AND VARIATION OF CONDITIONS 3, 4, 6, 7, 8, 9, 20, 21 AND 22 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. MILTON HAM FARM, TOWCESTER ROAD.**

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

- (A) **N/2020/0489 - REPLACEMENT OF BROWN FRAME WINDOWS WITH WHITE FRAME WINDOWS**

N/2020/0489	1 - 6 Rainsborough Crescent
N/2020/0490	9 - 20 Rainsborough Crescent
N/2020/0491	25 - 30 Rainsborough Crescent
N/2020/0492	6 Newstone Crescent
N/2020/0493	18-23 Newstone Crescent
N/2020/0494	1 - 6 Knaphill Crescent
N/2020/0495	12 - 17 Knaphill Crescent
N/2020/0498	23 - 28 Knaphill Crescent
N/2020/0499	31 - 36 Knaphill Crescent
N/2020/0500	39 - 44 Knaphill Crescent
N/2020/0501	4 - 9 Crickley Crescent
N/2020/0502	17 - 22 Crickley Crescent
N/2020/0503	22 - 27 Arrow Head Road
N/2020/0504	28 - 33 Arrow Head Road

- (B) **N/2020/0648 - DEMOLITION OF EXISTING LOCK-UP GARAGES AND DEVELOPMENT OF 2NO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING. GARAGE 1 LOCK UP GARAGES, STENSON STREET**

13. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

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

PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

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

This page is intentionally left blank

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 7 July 2020

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

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

1. APOLOGIES

None.

2. MINUTES

The minutes of the meeting held on 19th May and 9th June would be brought to the next Planning Committee.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

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

N/2019/0840

Sam Rumens
Councillor Larratt
Andrew Palmer
Srivani Vuppala

N/2020/0128

Caroline Mayes

N/2020/0133

Caroline Mayes

N/2020/0399

Robin Brown
Mohammed Azhar
Councillor Hallam
Andrea Feeney
Adrian Kearley

N/2020/0509
Steve Ingram

N/2020/0514
Councillor Flavell
Nick Stephens

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor King declared a predetermination in respect of items 10a and 10b and advised that she would leave the meeting during these items.

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

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

Councillor B Markham advised that he had received email representations in support of, and in objection to in respect of items 10c and 10e but stated that he was not predetermined.

Councillor Kilby-Shaw advised of a personal interest in respect of item 8a as a resident of Kingsthorpe but stated that he was not predetermined.

Councillor Choudary declared a disclosable and pecuniary interest in respect of 8a and advised that he would leave the meeting for this item.

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

At the Chair's invitation, Councillor Larratt addressed the Committee and explained that he had attempted to email a request to Democratic Services to speak at the meeting against item 8a, but the email was not received.

The Chair agreed to allow Councillor Larratt to address the Committee in reference to item 8a.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. She explained that 3 appeals had been dismissed by the Inspector, having first been refused by officers under delegated powers. Regarding 5-11 Horseshoe Street, the Inspector agreed with planning officers that the proposed extension was too large and would be detrimental to the setting of the Listed Building. The Inspector also agreed with planning officers regarding 5 St Michaels Mount, who had initially refused the application based on concentration grounds. Regarding 8 Bostock Avenue, the Inspector agreed with officers and upon a day-time site visit, found that parking was nose-to-tail and

concluded that the situation would be significantly worse during the evening, and that the proposal would increase conflict and affect highway safety.

Members discussed the report.

RESOLVED:

That the report be noted.

Councillor Choudary left the meeting at this juncture.

7. OTHER REPORTS

None.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

(A) N/2019/0840 - THE CONSTRUCTION OF NEW ROADS (NORTHAMPTON NORTH WEST RELIEF ROAD) ON LAND SOUTH OF THE A5199 NORTHAMPTON ROAD BETWEEN THE BRAMPTON HEATH GOLF CENTRE AND THE RIVER NENE, INCLUDING TWO NEW ROUNDABOUTS AND LINKS BRIDGING OVER THE RIVER NENE TO BRAMPTON LAND AND OVER THE NORTHAMPTON LOOP OF THE WEST COAST MAINLINE TO CONNECT WITH THE DALLINGTON GRANGE DEVELOPMENT. LAND OFF A5199, NORTHAMPTON ROAD

The Development Management Team Leader submitted a report to the Committee. Members' attention was drawn to the addendum which contained additional comments from a 3rd party and Northamptonshire Badger Group; they had been forwarded to NCC for consideration. The Committee were informed that the scheme had been amended slightly from a previous application that it was consulted on in December 2019; the boundaries of the site to the south-west and north-east had been expanded. To the west of the site, where several smaller drainage ponds had been proposed, now one large pond was proposed along with a raised embankment to the south of the pond. Two new roundabouts were proposed at Sandy Lane and Brampton Lane; the Sandy Lane roundabout was approximately 40m east compared to the previous application and both roundabouts had been redesigned to increase the flow of traffic. Two bridges were proposed over the railway line and the River Nene. The Committee heard that the NPPF stated that a development should only be refused on highway grounds if it would have an unacceptable highway safety impact or have a severe impact on road networks. A revised transport assessment had been submitted based on updated modelling details which advised that regarding the North West Relief Road (NWRR), there would be a reduced volume of traffic by 2031 (on junctions listed in paragraph 7.6 of the report). Several offsite mitigation measures were proposed (listed at paragraph 7.7 of the report). The transport assessment acknowledged that there could be junctions that may be adversely affected; whilst no mitigation was proposed at this stage, potential mitigation measures could be considered in the future. In respect of air quality, Environmental Health had been consulted directly by NCC who were in the process of reviewing the information, however, their initial comment was that the submitted modelling did appear to be acceptable; whilst there would be initial exceedances in air quality levels, by approximately 2029 there would be no exceedances. Ecology reports had identified several species on the site including bats, badgers, barn owls and otters. The NCC

Ecologist has been consulted by the County and will respond directly to them in respect of ecology matters and appropriate mitigation. In terms of drainage, the relevant bodies had been consulted directly by NCC and information would be reviewed to ensure there was no increased flood risk.

Sam Rumens, County Councillor for Kingsthorpe North and representative of Whitehills and Spring Park Residents Association (WASPRA), spoke against the application and advised that the proposal would provide small improvements in places and much larger problems in others and stated that the mitigations were unrealistic. He noted that none of the junctions would become free flowing as a result of the development. He implored the Committee to object to the application in its current form, until a more ambitious plan came before them with a longer view of how it could benefit the town.

Councillor Larratt spoke against the application and stated that WASPRA had undertaken a significant amount of work alongside the Council in respect of the proposal, none of which appeared in the report. Councillor Larratt considered the proposal a bypass for the Bramptons and further stated that any problems alleviated in Northampton would simply be pushed farther down the road. And explained that residents' views had been ignored and that it did not represent the thorough work carried out by WASPRA.

In response to questions, Councillor Larratt commented that the proposal was a poor substitute for the Northern Orbital Road which he believed to be the best solution for congestion in the town's outskirts.

The Chair introduced Andrew Palmer and Srivani Vuppala, agents on behalf of the applicant, and invited the Committee to ask any technical questions of them. In response to a question, Mr Palmer advised that several locations were looked at regarding the Brampton Lane roundabout, but none were taken forward as preferred that avoided the roundabout being located on the disused railway line. He explained that numerous initial studies were carried out in respect of the Northern Orbital Road in previous years, but the NWRR was taken forward as a scheme after funding for the Northern Orbital Road was not forthcoming. The Committee further heard that traffic counts carried out by WASPRA and the applicant, when compared to each other, were consistent; this led to further work on the traffic assessment which was added to the transport assessment addendum and recently submitted transport assessment update. In response to a question relating to cycle routes, Ms Vuppala confirmed to the Committee that a permanent cycle route already existed along the length of the road.

Members discussed the report.

RESOLVED:

That Northampton Borough Council raise **NO OBJECTION IN PRINCIPLE** subject to the following:

- 1) Northamptonshire County Council seeking an appropriate level of mitigation with due regard to comments received from relevant consultees and conditioning any planning permission accordingly in respect of impacts arising

from the development on the local highway network including the promotion of active travel and sustainable transport modes, air quality, flood risk and drainage, biodiversity, noise, and impacts on amenity, particularly during the course of construction; and

- 2) Northamptonshire County Council give due consideration to the impacts of the proposed development on the Safeguarded Former Transport Route identified in Policy C3 of the West Northamptonshire Joint Core Strategy and Policy 30 of the emerging Northampton Local Plan Part 2, and to ensure that the development does not delay or compromise the allocation and delivery of the Northampton North Orbital Road.
- 3) Northamptonshire County Council are strongly urged to promote the development of the Northampton North Orbital Route in order to achieve the highway improvements required from both schemes and maximise the highway benefits in their entirety.

Councillors Golby and King left the meeting at this juncture.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

10. ITEMS FOR DETERMINATION

(A) N/2020/0128 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 8 OCCUPANTS. 51 ST MATTHEWS PARADE

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained additional comments made by the applicant. It was noted that the application came before the Planning Committee at the May meeting and was deferred to allow the applicant to work with officers to reduce the number of occupants. As a result of these negotiations, a bedroom has been replaced by a living room and the number of occupants has been reduced from 10 to 8. It was also noted that should the application be approved, the concentration of HMOs in a 50m radius would be 2%.

The Chair confirmed that the Public Speaker on the item had identical statements to read out in respect of items 10a and 10b; for the sake of expediency the Chair asked Ms Mayes to speak once and for the Committee to consider her statement in respect of items 10a and 10b.

Caroline Mayes, a local resident, spoke against the application and stated that whilst the revised application alleviated some of her concerns, previous issues still needed consideration. She advised that a garage linked to the property was being used to dismantle cars; this business was not licensed. She asked that the application be refused until current problems were resolved.

Members discussed the report.

RESOLVED:

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

(B) N/2020/0133 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) FOR 8 OCCUPANTS. 53 ST MATTHEWS PARADE

The Principal Planning Officer submitted a report to the Committee. Members' attention was drawn to the addendum which contained additional comments made by the applicant. The Committee heard that the application was considered alongside the previous application at the last Planning Committee and was also deferred for the same reason. The applications were almost identical; however the toilets and bathrooms were laid out differently. It was noted that should the application be approved, the concentration of HIMOs in a 50m radius would be 4%.

In response to a question, the Committee heard that the provision of bathrooms within the property complied with planning and licensing guidance adopted by the Council.

Members discussed the report.

RESOLED:

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

Councillor McCutcheon left the meeting at this juncture.

Councillor King re-joined the meeting.

(C) N/2020/0399 - DEMOLITION OF EXISTING BUNGALOW AT 486 KETTERING ROAD AND REDEVELOPMENT OF SITE TO PROVIDE NEW CARE HOME (CLASS C2) ARRANGED OVER PART TWO AND PART THREE STOREYS TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE AND NEW ACCESS FROM KETTERING ROAD. 486 - 492 KETTERING ROAD

The Principal Planning Officer submitted a report to the Committee including further objection received and explained that buildings on site had been demolished and cleared to make way for the development and that an existing bungalow onsite would also be demolished to allow for the development. The proposal, a 56-bed care home, would have a similar set back from the road to the neighbouring property to the south and would step forward to the north. The development would comprise 3 blocks served by 1 access point at the request of the Local Highway Authority. The number of occupants was initially proposed at 66 but the numbers were reduced to try and improve the parking situation. The care home would include various facilities such as a hair salon and cinema room for use by occupants and all bedrooms would be en suites. Members' attention was drawn to the addendum which contained a summary of 5 further letters of objection and to an additional statement from a local resident in support of the application that was received following the publication of the Addendum.

Robin Brown, a local resident, spoke against the application and commented that he objected to the size of the development and lack of parking. Mr Brown contested

several paragraphs in the report including 7.5, 7.8 and 7.13. He noted that the new proposal was almost 3 times larger than that previously approved. Regarding parking, Mr Brown stated that the provision of 19 spaces was insufficient and suggested that any overflow would block Kettering Road and the surrounding streets. He advised that refuse collection vehicles would need to reverse 32m into the site, exceeding the recommended distance which could affect the safety of service users and other elderly people in the area.

Councillor Hallam, in his capacity as the Ward Councillor, spoke against the application and commented that local residents were supportive of the principle of the continued use of the site for elderly accommodation and care, however they had concerns around the proposed development's design which would have an overbearing effect. The continuing increase of traffic along Kettering road was also a concern. Councillor Hallam asked that the Committee defer their decision to allow further discussion to take place between the planning consultant, officer and local residents

Mohammed Azhar, a local resident, spoke against the application and voiced concern around the scale and design of the proposal, the increase in traffic generated and privacy. He noted that waste storage for the site would be located close to neighbouring properties and suggested that it be moved to an area of the site not adjacent to residential properties.

Andrea Feeney, Operations Manager for Avery Healthcare, spoke in favour of the application and commented that the care homes operated by Avery Healthcare in Northampton had good ratings with the CQC. She advised that access to outdoor spaces was essential for the wellbeing of residents. Local companies would be used as suppliers for the care home. There was high demand for placements with care homes run by the company which had close links with the relevant authorities. The site would be run by a general manager alongside a team of dedicated and experienced staff, including full-time gardeners and maintenance staff.

In response to questions, Ms Feeney explained that approximately 15-20 staff members would be on site at any time

Adrian Kearley, the agent on behalf of the applicant, spoke in favour of the application and commented that the proposal would address a pressing need for purpose-built care accommodation for elderly people in the area. Up to 55 jobs would be created, and additional jobs during the construction stage. It would have a positive impact on the Council's housing supply; where people may seek to downsize, larger family homes in the area would become available. Mr Kearley noted that the scale of the proposed development was as small as possible whilst remaining commercially and operationally viable. The development would drop down to 2 storeys where adjacent to residential buildings. Where close to the properties on Squires Walk the proposal would be 2 storeys and a separation distance of 10m from the boundary and an overall separation distance of 24m to the nearest property. Following meetings with immediate neighbours, the height of the boundary fencing was proposed to be higher and boundary landscaping strengthened. Mr Kearley advised that in Avery's experience elsewhere, the provision of 20 parking spaces would fully meet their needs and noted that there had been no objections from the Local Highway Authority.

In response to questions, the Committee heard that following extensive consultation with neighbours and the Ward Councillor, the scale of the development had been significantly reduced. The previous care home had a maximum capacity, including extensions over the years of 40+ residents, however it was noted that the care home was not purpose-built.

Members discussed the report.

It was noted that Councillor Choudary joined the meeting mid-way through the item so would not take part in the vote.

RESOLVED:

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

At this juncture Councillor B Markham left the meeting and Councillor Choudary re-joined the meeting.

(D) N/2020/0509 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR 5 OCCUPANTS (USE CLASS C4). 50 MANFIELD ROAD

The Principal Planning Officer submitted a report to the Committee and explained that the basement was currently being used as a bedroom; this would be converted to a kitchen which was considered acceptable due to the large windows featured. A previous application for a HIMO for 7 occupants had been refused due to parking capacity, the access from a loft bedroom to the basement kitchen and a convoluted route to the bin store. It was noted that the loft bedroom had been removed, an easier access to the bin store created, and the number of proposed occupants reduced to reduce parking need. It was noted that the application complied with the Council's recently adopted SPD on HIMOs and that should the application be approved, the concentration of HIMO properties in a 50m radius would be 5.8%.

Steve Ingram, the applicant, spoke in favour of the application and commented that he owned and managed 2 HIMOs currently, and that he had worked with planning officers and considered feedback from the previous refusal and made amendments to his application.

Members discussed the report.

RESOLVED:

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

(E) N/2020/0514 - PROPOSED REMOVAL OF HORSE CHESTNUT TREE (UNDER TREE PRESERVATION ORDER 069). 1A BILLING ROAD

The Development Manager submitted a report to the Committee. Members' attention was drawn to the addendum which contained representations from the County Ward

Councillor and additional objections from local residents, also a correction in that the tree's canopy did not overhang into a neighbouring property. An arboricultural report was submitted alongside the application to remove the tree which stated that fungal growth and infection had weakened the stability of the tree and would result in possible catastrophic failure of the tree's base. Whilst it was difficult to ascertain when the tree might fall, it was clear that it was in a poor and declining condition. The Council's Tree Officer provided a statement which agreed with the arboricultural report to recommend the tree's removal. A condition was included to ensure that the tree be replaced with another heavy standard of an appropriate species, also protected with a TPO.

Councillor Flavell, in her capacity as the Ward Councillor, spoke against the application and commented that the application mentioned a "danger to the public" which was not mentioned in the Tree Officer's report. She further commented that Building Control had confirmed that the retaining wall did not pose a danger to the public; she asked that the Committee defer their decision and request that an independent survey be undertaken, noting that the applicant had declined to do so.

In response to questions, the Committee heard that applications to maintain the tree had been submitted in the years following the TPO being granted in 1990 but no works had been carried out since then.

Nick Stephens, a local resident, spoke against the application and advised that should the tree be removed, the subsequent subsidence would cause damage to his property and suggested that the Council would be liable for any damage to his property. He noted that there had been over 100 objections to the application but no messages of support for the removal of the tree had been received.

In response to questions, the Committee heard that subsidence was a risk associated with extraction of moisture from soil; subsidence would only occur if the soil was not allowed to rehydrate and given that the soil had a high concentration of free-draining sandstone, it was not envisaged that this would be an issue. The proposed replacement tree would be approximately 3.5m high. In 2001, an application was submitted to remove the tree which was refused, however this subsequent application and the addition of the arboricultural report, supported by the Council's Tree Officer showed that it was no longer safe to retain. No Capital Asset Value assessment had been carried out; it was explained that the Tree Officer felt that public health and safety should take precedence over public amenity. It was further explained that the TPO Regulations did not allow for more than a 1-for-1 replacement of protected trees. The Tree Officer advised that due to the way in which works were carried out prior to the implementation of the TPO, should any remedial works be carried out to reduce the canopy at this stage, there was a risk that its energy reserves would deplete, further weakening the tree.

Members discussed the report.

RESOLVED:

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

Councillors Lane, M Markham and Bottwood left the meeting at this juncture.

11. ITEMS FOR CONSULTATION

None.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2020/0244 - INSTALLATION OF BRICK BUILT BIN ENCLOSURES ADJACENT TO 1-23 STONEHURST. 1 STONEYHURST

The Development Manager submitted a report to the Committee. The application sought approval for the construction of brick-built bin enclosures for 3 Euro bins and dropped kerbs to serve the apartment block.

Members discussed the report.

RESOLVED:

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

(B) N/2020/0541 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION N/2019/0387 (DEMOLITION OF 18NO DOMESTIC LOCK UP GARAGES AND CONSTRUCTION OF 2NO NEW BUILD UNITS) TO AMEND UNITS POSITION. LOCK UP GARAGES, CARDIGAN CLOSE

The Principal Planning Officer submitted a report to the Committee. It was noted that the application was approved by the Planning Committee in June 2019; a sewer easement had been discovered under the site and so there was a need to shift the proposed dwellings 3 metres to the south-west. It was noted that no alterations were proposed to the design or layout of the properties.

Members discussed the report.

RESOLVED:

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

The meeting concluded at 8:28 pm

NORTHAMPTON BOROUGH COUNCIL

PLANNING COMMITTEE

Tuesday, 28 July 2020

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

1. APOLOGIES

Apologies for absence were received from Councillors Bottwood and Choudary.

2. MINUTES

The minutes of the meeting held on 19th May 2020 and on 9th June 2020 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED:

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

N/2019/1277

Councillor Davenport
Councillor Walker
Councillor Roberts
Pete Stanton
Sally Jones
Peter Frampton
Anna Swift

N/2020/0424

Richard Gartside

N/2020/0458

Andy Lord
Jonathan Best

N/2020/0589

Councillor Stone
Kalam Mohammad

N/2019/0755

William Jacobs

N/2020/0257

Jonathan Evans

4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Kilby-Shaw advised of a personal and disclosable pecuniary interest in respect of item 7a, as a Ward Councillor, but that he was not predetermined and would keep an open mind when considering the item.

The Chair, Councillor Oldham advised of a personal and disclosable pecuniary interest in respect of item 10c, as a Ward Councillor, but that he was not predetermined and would be open minded when considering the application.

Councillor M Markham declared a personal and disclosable pecuniary interest in respect of items 12a and 12b, as a board member for Northampton Partnership Homes. Councillor M Markham advised that she would leave the meeting before these items were presented and take no part in the discussion.

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

There were none.

6. LIST OF CURRENT APPEALS AND INQUIRIES

The Development Manager submitted a List of Current Appeals and Inquiries on behalf of the Director of Planning and Sustainability. She explained that 7 decisions had been made since the last meeting, 4 appeals had been allowed as outlined in the report and 3 appeals had been dismissed. A further update would be provided at the next meeting.

RESOLVED:

That the report be noted.

7. OTHER REPORTS

There were none.

(A) N/2020/0667 - APPLICATION FOR A VARIATION TO THE S106 AGREEMENT TO AMEND MORTGAGEE CLAUSE. UNIVERSITY OF NORTHAMPTON PARK CAMPUS, BOUGHTON GREEN ROAD

The Development Management Team Leader presented the report and explained that the application was a request to vary the Section 106 Agreement to amend the mortgagee exclusion clause in the Section 106 Agreement dated 19 December 2018 relating to an outline consent at the former Northampton University Park Campus at Boughton Green Road, which was currently being redeveloped for residential use. Members were advised that the amendment primarily related to lending and funding requirements and did not in themselves affect the required provision of affordable housing on site.

Members discussed the application.

RESOLVED:

That the Committee **AGREE** to vary the Section 106 Agreement in accordance with the Recommendations as set out in paragraphs 1.1 and 1.2 of the report.

8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS

There were none.

9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS

There were none.

10. ITEMS FOR DETERMINATION

- (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**

Councillor King joined the meeting at this juncture.

The Principal Planning Officer presented the report for the development land at Lancaster Way and explained the application was for an amendment to approved scheme N/2012/0909 to slightly alter the layout of the development, amend house types, reduce the number of garages, and to alter the wording of conditions to be in accordance with details now submitted. It was advised that the levels of the site had been closely looked at on an individual plot basis to ensure that there was not an unacceptable impact upon neighbouring amenity. Plots 112 and 122 were highlighted as improvements to neighbouring amenity through the use of hipped roofs. It was advised that EV charging had been added to the development. An explanation of the development in connection with ecology and flooding was provided. A private right of way across the site was also explained alongside changes to the open space on site.

At the Chair's invitation, Ward Councillor for Far Cotton and Delapre, Councillor Walker addressed the Planning Committee and addressed his concerns regarding flooding and the drainage of the site.

The Chair then invited Councillor Davenport to address the Planning Committee. Councillor Davenport expressed her concerns with the development and urged Committee Members to reconsider the development. Concerns regarding flooding and foul water were reiterated.

Councillor Roberts, Ward Councillor for Delapre and Briar Hill, was then invited to address Planning Committee. Councillor Roberts highlighted concerns with the development not being built in accordance with the approved plans, the private right of way, a substation not being in the plans, that no occupation should occur until all conditions are completed, contamination issues, drainage issues, and biodiversity concerns. In response to a question from Committee it was advised that concerns

with the development had been raised to the Planning Department but it was not considered that the responses had been realistically considered.

At the Chair's invitation, local resident Pete Stanton addressed the Planning Committee. He queried the foot connection that was in a previous application between Leah Bank and the new estate and questioned as to why the police had deemed as dangerous. He hoped the footway would be instated as it would benefit many residents.

Then the Chair invited Sally Jones to address the Planning Committee as a representative for the Northamptonshire Badger Group. Concern was raised with the layout and the impact upon badgers, that work should stop until the badgers are given all they need, and that the development may result in the loss of badgers on the site. Ms Jones urged for further conditions to be included for the protection of badgers currently on the site. In response to a question from Committee it was advised that the proposed conditions for the badgers were welcomed but despite these the badgers would need more space and a reduction in the number of plots was needed.

At the Chair's invitation, Peter Frampton, the agent for the site, addressed the Committee. It was outlined that the road layout resulted in the need to amend the scheme, that conditions were in place to control flooding and foul water, that there are conditions for the protection of badgers, and that there was a vitally important need for housing. In response to questions from Committee it was advised that the application was supported by specialist assessments and consultees responses do not raise concerns, and that the protection of badgers after construction is covered by Natural England and the requirement for licences.

Then the Chair invited, Anna Swift, Consultant Ecologist on behalf of the developer to address the Planning Committee. Ms Swift highlighted that the artificial badger set had been deemed appropriate by Natural England in July and having been monitored she confirmed that they found badgers were in use of this. Ongoing monitoring and badger surveys were in place and badger proof fencing could be installed to prevent digging in residents' gardens and movement corridors could be provided. In response to questions from Committee it was advised that fruiting trees and shrubs could be provided in the open space and corridors on the northern and eastern boundaries. Councillor King left the meeting at this juncture.

The Principal Planning Officer provided clarification on points raised with regards to there being no objection to the scheme from the LLFA, that there was not a link to Leah Bank, that the substation was not in the plans as it was not part of the application, that there are conditions on contamination, that there are conditions on badgers in line with NCC Ecology requests, and that the badger corridors and planting referred to by Ms Swift are not within the application boundary.

The Committee Members then questioned the Principal Planning Officer and it was advised that with regards to badgers, licences had been obtained from Natural England for previous closures and they would need further licences for any further closures, that the development is not CIL liable, that the link to Leah Bank was not within N/2012/0909 and the Police do not want this link due to crime issues, that open space has altered from the previous approval and that enforcement issues

were not a consideration for this application. It was further advised that conditions had been reworded to ensure that they complied with the reasonability tests for conditions.

Members discussed the report.

RESOLVED:

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

(B) N/2020/0424 - EXTENSION OF EXISTING DETACHED GARAGE TO CREATE SELF CONTAINED ANNEXE INCLUDING RAISING RIDGE HEIGHT, INSTALLATION OF EXTERNAL STAIRCASE AND DORMER (RETROSPECTIVE). 7 LAUREL VALLEY

Councillor King rejoined the meeting at this juncture.

The Development Management Team Leader presented the report and referred Members to additional 3rd party comments received in the Addendum. It was explained that the application was a retrospective application for the extension of existing detached garage to create a self-contained annexe including raising ridge height, installation of external staircase and dormer. The application had been amended to remove an existing first floor side elevation window to remove overlooking of a neighbouring property.

At the Chair's invitation, Richard Gartside addressed the Planning Committee as the applicant. He apologised to the committee for undertaking work without prior permission and advised he was not aware they needed to apply for planning permission.

Members discussed the report.

RESOLVED:

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

(C) N/2020/0458 - VARIATION OF CONDITIONS 2, 15, 16, 19, 24, 27, 28 AND 30 OF PLANNING PERMISSION N/2018/0277 (DISTRIBUTION CENTRE (USE CLASS B8) INCLUDING RELATED SERVICE ROADS, ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING BUND AND ASSOCIATED WORKS) TO MODIFY THE HEIGHT AND WIDTH OF UNIT 1, TO ALTER THE PARKING AND TO ADD A STAFF EXERCISE TRAIL, AND VARIATION OF CONDITIONS 3, 4, 6, 7, 8, 9, 20, 21 AND 22 TO BE IN ACCORDANCE WITH DETAILS SUBMITTED. MILTON HAM FARM, TOWCESTER ROAD

The Principal Planning Officer presented the report and explained the application was for the variations of conditions for the Milton Ham Farm, Towcester Road. This

was to enlarge Unit 1, to re-arrange parking, to add a staff exercise trail, and to alter conditions to be in accordance with details submitted. It was explained that whilst unit 1 was 30 metres wider and 0.5 of a metre higher, this was not considered to have an unacceptable impact upon neighbouring amenity of the character and appearance of the area and would not appear significantly different from the previous approval. Members were pointed towards the Addendum.

At the Chair's invitation, Andy Lord addressed the Planning Committee as a representative for the adjacent landowner to the application site. He expressed concerns regarding storm water outfall onto the adjacent site and asked for clarification on conditions 20 and 22, to ensure there were no conflicts with a private legal agreement between the parties.

At the Chair's invitation, Jonathan Best addressed the Planning Committee as the planning consultant for the application. It was advised that the warehouse development accords with the allocation for the site, the enlargement provides a more efficient use of the site, that the design has previously been accepted, that the S106 would remain unchanged, that the drainage scheme has been adapted from the previous approval and that a S106 matching the previous is required. In response to questions from Committee it was advised that the concerns from a neighbouring property regarding drainage had only just been raised, and that the roundabout existing to provide access to the site was as previously approved.

The Principal Planning Officer in response to questions clarified that there was no objection to the development from the Lead Local Flood Authority.

The Head of Service clarified that Committee cannot consider private legal agreements when assessing planning applications.

Members discussed the report.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the finalisation of a S106 agreement; with amended conditions 2, 4, 6 and 7 in the addendum and reasons as set out in the report.

(D) N/2020/0536 - ADJUSTMENT OF FENCE LINE ALONG KESWICK DRIVE TO MAKE IT 2M CLOSER TO PAVEMENT TO INCREASE SIZE OF BACK GARDEN. 2 LANERCOST WALK

Councillor B Markham left the meeting.

The Development Management Team Leader presented the report and explained the application was for the adjustment of the fence line along Keswick Drive to make it 2m and 4.87m closer to the pavement to increase the size of back garden. The Development Management Team Leader explained that the scheme had been amended to ensure appropriate visibility splays and the proposed repositioning of boundary fencing would not have an undue detrimental impact on the appearance and character of the surrounding area.

Members discussed the application.

RESOLVED:

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

(E) N/2020/0558 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 12 CRANSTOUN STREET

The Development Manager presented the report and explained the application was for the conversion of 12 Cranstoun Street from a dwelling house into a House in Multiple Occupation for 4 persons. The concentration would be 4.4% and no objection received from NCC Highway as it is a parking permit zone area.

Members discussed the report.

RESOLVED:

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

(F) N/2020/0589 - CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS. 18 TALBOT ROAD

Councillor B Markham rejoined the meeting at this juncture.

The Development Manager presented the report and explained the application was for the conversion of 18 Talbot Road from a dwelling house into a House in Multiple Occupation for 4 persons. The concentration would be 7% and no comment received from NCC Highway.

At the Chair's invitation, Councillor Stone addressed the Planning Committee as the Ward Councillor for Castle and expressed her concern for the number of Houses in Multiple Occupancy on Talbot Road. She felt with the Covid-19 pandemic, these houses were problematic and caused problems for people self-isolating and highlighted the sanitary issues of having multiple occupants share a small space.

At the Chair's invitation, the agent Kalam Mohammad, addressed the Planning Committee and offered assurance that the house would be completed to a high standard and he would work with the letting agents to ensure regular inspections and health and safety standards were adhered to.

Members discussed the application and felt the basement lounge may be potentially turned into another bedroom and highlighted this as a condition to the Planning Officers.

RESOLVED:

That the application be **APPROVED** subject to the conditions and reasons as set out in the report, with additional Condition 5 to restrict use of basement as a bedroom.

(G) ITEMS FOR DETERMINATION

11. ITEMS FOR CONSULTATION

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

(A) N/2019/0755 - CONVERSION AND ADDITION OF TWO NEW UPPER FLOORS INCORPORATING FENESTRATION CHANGES AND ALTERATIONS TO EXTERNAL FAÇADE TO CREATE 122NO APARTMENTS FOR SOCIAL HOUSING AND ALTERATIONS TO LAYBY AND NEW CROSSING POINTS AND FOOTWAYS TO GREYFRIARS. BELGRAVE HOUSE, GREYFRIARS

The Principal Planning Officer introduced the report and explained the proposal was for the conversion and addition of two new upper floors incorporating fenestration changes and alterations to external façade to create 122 new apartments for affordable housing, and alterations to the layby, new crossing points and footways to Greyfriars. The building would include floor to ceiling double glazing, vertical feature panels, clock design features, and roof top solar panels and raised planters. It was noted that the application had been amended to seek to improve the access arrangements to the property. In addition, it was explained that whilst the proposal would include a new pedestrian entrance to the adjoining multi-storey car park, the car park does not form part of the application and the proposal comprises a zero-parking scheme. Photographs from various viewpoints across the town including extracts from the applicant's Townscape Visual Impact Assessment were shared with Members. It was also explained that the scheme had been subject to an independent viability assessment, which found that the development would not be deliverable if financial contributions for infrastructure were sought. Members' attention was drawn to the Addendum, which sets out that the applicant had changed the details of the vertical feature panels and as result amendments to Condition 8 and 10 were proposed.

Members discussed the report and commented on how the apartments were of a high-quality standard and would be welcomed in the town. They hoped that residents would be allocated parking spaces in the Greyfriars car park so that the issue of parking would be resolved.

RESOLVED:

That the application be **APPROVED IN PRINCIPLE** subject to the completion of a S106 agreement; with amended Conditions 8 and 10 as set out in the Addendum and the conditions and reasons as set out in the report.

(B) N/2020/0257 - CHANGE OF USE OF COMMUNITY HALL (USE CLASS D1) TO DWELLINGHOUSE (USE CLASS C3), WITH DROPPED KERB FOR WHEELCHAIR ACCESS ONLY AND ALTERATION TO WINDOWS AND

**DOORS
SENIOR CITIZENS COMMUNITY ROOM
HINTON ROAD**

Councillor M Markham left the meeting at this juncture, having declared an interest earlier in the meeting.

The Principal Planning Officer introduced the report and explained the proposal was for the change of use of the property from a community room to a single dwelling with three bedrooms, a large bathroom, kitchen and living room with associated alterations to windows and new boundary treatments. Off-road parking would be provided within the existing car park.

Members discussed the report.

RESOLVED:

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

13. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at Time Not Specified

This page is intentionally left blank

Planning Service

Director of Planning and Sustainability: Peter Baguley



List of Appeals and Determinations – 1st September 2020

Written Reps Procedure

Application No.	DEL/PC	Description	Decision
N/2019/0803 APP/V2825/W/20/3249179	DEL	Demolition of existing property and erection of 13no new flats and associated 15no car parking spaces at 104 Semilong Road	AWAITED
N/2019/1193 APP/V2825/W/20/3247668	DEL	Change of Use from Car Repair Shop (Use Class B2) to Martial Arts Studio (Use Class D2) at 69 Bunting Road	AWAITED
N/2019/1259 APP/V2825/D/20/3248407	DEL	Single storey rear extension (Retrospective) at 123 Southampton Road	AWAITED
N/2019/1425 APP/V2825/D/20/3246616	DEL	Single storey rear extension, loft conversion with dormers and detached garage- part retrospective at 25 Beechwood Road	AWAITED
N/2019/1511 APP/V2825/W/20/3250888	DEL	Conversion of a terrace property into 2no flats at 24 Clare Street	AWAITED
N/2019/1524 APP/V2825/W/20/3248396	DEL	Erection of detached single storey dwelling at 47 Beech Avenue	AWAITED
N/2019/1550 APP/V2825/W/20/3247195	DEL	Extensions and alterations to create 6no apartments at 33 Harlestone Road	AWAITED
N/2020/0034 APP/V2825/D/20/3253305	DEL	New outbuilding attached to side of dwelling together with new boundary treatment to side (Part Retrospective) at 26 Villa Way	AWAITED
N/2020/0083 APP/V2825/D/20/3251078	DEL	Single storey side extension at 91 Broadway East	AWAITED
N/2020/0099 APP/V2825/W/20/3254573	DEL	Garden room extension at 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0100 APP/V2825/Y/20/3254574	DEL	Listed Building Consent Application for garden room extension for 1 Frosts Court, High Street, Wootton	AWAITED
N/2020/0113 APP/V2825/W/20/3254880	DEL	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants at 69 Moore Street	AWAITED
N/2020/0227 APP/V2825/W/20/3254653	DEL	Change of use of existing dwelling (Use Class C3) to part dwellinghouse with hairdressing studio (Sui Generis) at 110A Harlestone Road	AWAITED
N/2020/0251 APP/V2825/W/20/3253575	DEL	Outline Planning Permission for erection of 4no dwellings with all matters reserved except access at Land and Lock Up Garages, Barry Road	AWAITED

Public Inquiry

None

Hearings

None

Enforcement Appeals

None

Tree Preservation Order (TPO) Appeals

None

The Address for Planning Appeals is:

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

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

Local Government (Access to Information) Act 1985

Background Papers

The Appeal Papers for the appeals listed

Author and Contact Officer:

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

This page is intentionally left blank



PLANNING COMMITTEE: 1st September 2020

DEPARTMENT: Planning Service

DIRECTOR: Peter Baguley

REPORT TITLE: Recent Changes to Planning Legislation, the Planning for the Future White Paper and consultation on Changes to the Current Planning System

1. RECOMMENDATION

- 1.1 That the Committee **NOTE** the recent changes to Planning Legislation below and the proposals contained in the Planning for the Future White Paper.

2. BACKGROUND

- 2.1 In response to the challenges posed by COVID-19 and to ensure that the planning system can continue to operate effectively and support the recovery, the Government has published a series of changes to planning legislation, including temporary measures intended to help businesses and construction sectors, to get back to work safely and quickly.
- 2.2 The Business and Planning Bill received Royal Assent on 22 July 2020 which became the Business and Planning Act 2020. This new Act includes changes as detailed below
- 2.3 On 6 August 2020, the Government published a White Paper on Planning for the Future proposing significant changes to the Town and Country Planning system in England. The White Paper is a consultation document so its proposals will not come into effect yet and could be modified if and when they become law. The deadline for responses to the White Paper is 29 October 2020.
- 2.4 Alongside the White Paper, the Government also published consultation on changes to the current planning system with the aim of improving its effectiveness prior to the implementation of any changes that might result from the proposals contained in the White Paper. The deadline for responses to this consultation is 1 October 2020.

3. LEGISLATIVE CHANGES

Extension of Planning Permissions (and Listed Building Consents)

- 3.1 Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.

- 3.2 Unimplemented planning permissions with time limits for implementation which passed between 23 March 2020 and 19 August 2020 are also restored and the time limit extended to 1 May 2021, subject to Additional Environmental Approval being granted.
- 3.3 Additional Environmental Approval process – applicants must explain in writing what Environmental Assessments were undertaken before and provide an environment report containing explanation why circumstances haven't changes. No statutory requirement to consult with statutory consultees. Deemed consent if no decision made within 28 days. There is a right of appeal against refusal.

Permitted Development Rights

- 3.4 The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 introduce a new permitted development right which allows for the construction of new dwellinghouses on detached purpose-built blocks of flats by allowing an upward extension. The right is subject to obtaining prior approval from the local planning authority. This came into force on 1 August 2020. The following issues can be considered as part of the Prior Approval process:
- transport and highways impact of the development;
 - air traffic and defence asset impacts of the development;
 - contamination risks in relation to the building;
 - flooding risks in relation to the building;
 - the external appearance of the building;
 - the provision of adequate natural light in all habitable rooms of the new dwelling houses;
 - impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
 - whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State.
- 3.5 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 allows existing houses to be extended to provide more living space by constructing additional storeys. This came into force on 31 August 2020.
- 3.6 The Order also introduces permanent permitted development rights to allow the construction of up to two additional storeys on free standing blocks and on buildings in a terrace that are houses or in certain commercial uses, and in mixed uses with an element of housing, to create additional self-contained homes. Existing homes, whether detached, semi-detached or in a terrace, will also be able to extend upwards to create new homes or additional living space. The right applies to houses built since 1 July 1948 and 28 October 2018. The right is subject to obtaining prior approval from the local planning authority.
- 3.7 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.3) Order 2020, introduces a new permanent permitted development right to allow for the demolition of certain types of buildings and replacement build as residential to create new homes, while allowing for local consideration of key planning matters. This will apply to vacant and redundant free-standing buildings that fell within the Classes B1(a) offices, B1 (b) research and development, B1 (c) industrial processes (light industrial), and free-standing purpose-built residential blocks of flats (Class C3).
- 3.8 To provide that the right applies to buildings that are vacant and redundant and are no longer suitable for modern use, the right will apply to those built before 1 January 1990. The right provides for the new residential building to be up to 7 metres higher than the old to

accommodate up to two additional storeys to provide additional homes, with a final overall maximum height of 18 metres. The right is subject to obtaining prior approval from the local planning authority. This came into force on 31 August 2020.

Use Class Order Reform

3.9 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which will come into effect from 1 September 2020 and amend the Town and Country Planning (Use Classes) Order 1987, which the following changes:

- Creation of a new **Class E** "Commercial, Business and Service" Use Class. This would subsume the existing Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), and Class B1 (Business) Use Classes.
- Creation of a new **Class F1** "Learning and Non-residential Institutions" and includes any non-residential use for the "provision of education, for the display of works of art (otherwise than for sale or hire), as a museum, as a public library or public reading room, as a public hall or exhibition hall, for, or in connection with, public worship or religious instruction, as a law court".
- Creation of a new **Class F2** "Local Community" uses. These are listed in the regulations as "a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where the shop's premises cover an area not more than 280 metres square, and there is no other such facility within 1,000 metre radius of the shop's location". They also include: "a hall or meeting place for the principal use of the local community, an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms, an indoor or outdoor swimming pool or skating rink".
- The changes allow such uses to change to another use within the particular Class without planning permission.
- Exemptions include any "public house, wine bar, or drinking establishment", "drinking establishment with expanded food provision, hot food takeaways, live music venues, cinemas, concert halls, bingo halls and dance halls". These uses would be classed as Sui Generis and planning permission will be required for changes into or from these uses.

3.10 The detailed Use Classes changes are enclosed as **Appendix 1**.

Construction Site Hours

3.11 Section 74B of the Town and Country Planning Act 1990 provides a temporary, fast track deemed consent route for developers to apply to local planning authorities to vary existing conditions, or the details submitted under a condition, that limit construction site working hours. Local authorities have 14 calendar days to consider such applications. This came into force from 28 July 2020.

3.12 If an application is approved, this will temporarily amend planning restrictions on construction working hours until 1 April 2021, unless either another earlier date has been requested by the applicant or is decided upon by the local planning authority, with the agreement of the applicant. Where the planning authority is considering a different end date to that in the application, it is recommended that the developer and planning authority respond promptly to one another to reach an agreement prior to the 14 days determination deadline.

3.13 If the local planning authority does not determine the application within 14 days (excluding public holidays), the revised working hours are deemed to have been consented to and

construction can take place in accordance with these new hours. There is right of appeal against refusal.

Community Infrastructure Levy (CIL) Deferral

- 3.14 The Community Infrastructure Levy (Coronavirus) (Amendment) (England) Regulations 2020 CIL charging authorities a discretion which is applicable for a limited time (in certain prescribed circumstances and if it is considered appropriate) to defer CIL payments, to disapply late payment interest and surcharge payments; and to credit interest already charged to developers. The regulations came into force on 22 July 2020.

Pavement Licenses for Outdoor Seating

- 3.15 A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. This is a streamlined process to allow businesses to secure these licences in time for the summer and, where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2021. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people. A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence.
- 3.16 Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

4. IMPLICATIONS OF LEGISLATIVE CHANGES FOR THE LOCAL PLAN PART 2

- 4.1 The introduction of the new Class E "Commercial, Business and Service" use class is reflective of the broader recognition nationally that a wider variety of land uses needs to be allowed in town centres such that they can adapt and regenerate in the face of changes in shopping habits and the way town centres are used. The new Class E adds to flexibility. However, the combination of such a wide range of different land uses into one use class, with the attendant lack of control over how the use of a property could change from, for example, a shop and to a light industrial use without planning permission could not have been anticipated. It could make it more challenging to plan for the appropriate supply and mix of land use in appropriate places, which is fundamental to achieving sustainable development.
- 4.2 The Northampton Local Plan Part 2 Proposed Submission Round 2 (LPP2), which is currently out for public consultation, also takes considerations of how the town centre is used into account and is more flexible about changes of use in the town centre than the Central Area Action Plan. This is reflected in LPP2 Objective 3 which seeks to drive the regeneration of the town centre where people have access to commerce, leisure and culture, heritage, wide ranging employment opportunities and retail options. Policy 8 supports this objective and also emphasises the importance of housing and digital connectivity in the town centre.
- 4.3 For the LPP2, the principal impact of the new Class E will be on Policy 19 – New Retail Developments and Retail Impact Assessment. In situations where units in the town centre have remained vacant for 12 to 18 months and the units have been effectively marketed, this policy supports changes of use to alternative main town centre uses (retail, leisure, entertainment (including cinemas, restaurants, bars, pubs, nightclubs, casinos, health and

fitness centres), offices, arts culture and tourism, but these changes would still have needed to be subject to a planning application. However, because Class E incorporates many of these types of use, in many instances, planning permission would no longer be required, so changes could, from 1st September, happen more quickly.

- 4.4 Within the Primary Shopping Area of the town centre, LPP2 Policy 19 also seeks to prevent the loss of Class A1 shop uses within a frontage unless the alternative town centre use proposed contributes to the vitality and viability of the town centre. The effect of the new Class E will be that many such changes (if for other Class E uses) will not require planning permission, so they can happen anyway. In such circumstances, the only influence that the Council could potentially have is if the proposed new use requires Licensing.
- 4.5 Because the reform to the Use Classes Order also has the effect of abolishing the Class A5 hot food takeaway use class and makes takeaways a sui generis use, LPP2 Policy 20 - Hot Food Takeaways will need to be slightly amended to remove reference to Class A5.
- 4.6 The Examination in Public of the Local Plan for the London Borough of Brent is scheduled to take place in September. It is understood that the Inspector appointed for that Examination has questioned the town centre policies in that plan in the light of the changes to the Use Classes Order, particularly Class E. It is logical to assume that a similar stance could be adopted by an Inspector after the LPP2 is submitted to the Secretary of State.
- 4.7 Whilst the intention behind the Use Class Order reform is mainly to facilitate the regeneration of town centres in the face of unprecedented changes in the way town centres are being used, it must be remembered that this reform applies everywhere. A perhaps unintended consequence of the new Class E is that there could be a significant loss of control on development proposals outside town centres. One potential implication could be that gymnasiums or light industrial units in out of town locations could be turned into shops without planning permission. If this were to happen, it would run counter to the sequential approach to the location of shops (town centre first, then edge of centre) that has been a cornerstone of planning policy nationally since the 1990s. This has the potential to have the negative effect of further reducing retail footfall in the town centre.

5. PLANNING FOR THE FUTURE – GOVERNMENT WHITE PAPER

- 5.1 The Ministry of Housing, Communities and Local Government has published the White Paper on Planning for The Future on 6 August 2020. This will be subject to 12 weeks public consultation expiring on the 29 October 2020.
- 5.2 The White Paper proposes fundamental changes to the planning system. The paper acknowledges that the planning system is central to providing quality homes and places where people want to live and work; combating climate change; improving biodiversity and supporting sustainable growth. In seeking to meet these challenges, the White Paper proposes changes to the planning system to make it fit for purpose and make land available in the right places for the right forms of development.
- 5.3 The government actively encourages sustainable, beautiful, safe and useful development rather than obstructing it. The proposed recommended changes, as summarised below, seeks to achieve a simpler, faster and more predictable system.

Simplify the role of Local Plan

- 5.4 The role of the Local Plan is proposed to be simplified to focus on identifying land under three categories:

- i) Growth Areas – suitable for sustainable development where outline planning permission will be automatically secured.
 - ii) Renewal Areas – suitable for some development such as gentle densification.
 - iii) Protected Areas – where development is restricted.
- 5.5 Local Planning Authorities will be allowed to identify sub-areas within the growth areas for self and custom-built homes.
- 5.6 The Local Plan should set clear rules rather than general policies for development and shall be prepared in no more than 30 months.
- 5.7 This is a fundamental change of emphasis for the role of Local Plans, marking a move to zoning sites for development rather than allocating them. For Growth and Renewal Areas, the Plan will have to set out acceptable land uses, heights and densities. Because the Local Plan is where planning permission is granted in outline or principle, the zonal approach could have the impact of making the development industry focus even more than it currently does on the preparation of the Local Plan, which is potentially in tension with the aspiration of achieving a new Local Plan within 30 months.
- 5.8 The form of the Local Plan is likely to change significantly. It is proposed that Local Plans become much shorter and fully digital with interactive mapping and text which will be produced in a compatible form across England.
- 5.9 The White Paper proposes a single statutory sustainable development test for Local Plans which would:
- replace the tests of soundness;
 - replace the sustainability appraisal that normally accompanies Local Plans; and
 - allow for the replacement of the test of deliverability with an indication that a range of suitable sites have been allocated for development.
- 5.10 Alongside this, it is proposed that the duty to co-operate be abolished and that some other arrangements will be put in place to ensure that cross-boundary issues are dealt with.
- 5.11 The White Paper proposes that Local Plans should identify sites sufficient to create ten years' supply of housing, business and community facilities. There will be nationally-set binding housing need targets that Local Plans will have to incorporate. The White Paper proposes that this would obviate the need for local authorities to have a five years' supply of housing sites, but that local planning authorities would still be held to account by the continued requirement to pass the Housing Delivery Test.
- 5.12 Future Local Plans could also look significantly different because the White Paper proposes, among a series of options, that a standard list of development management policies will be set nationally, so Local Plans would only contain development management policies that are "specific development standards" relating to local circumstances.

Changes to the Development Management System

- 5.13 As sites identified in the Local Plan as Growth Areas would have outline planning permission in principle, detailed planning permissions could be obtained in three different ways:
- i) Through a reformed reserved matters application process;
 - ii) Local Development Order linked to masterplan/design codes which will be made parallel to the preparation of Local Plan; or

- iii) For exceptionally large sites, through Development Consent Order under the Nationally Significant Infrastructure Projects.

5.14 For Renewal Areas, consent can be obtained in three ways:

- i) Pre-specified form of development whereby consent will be given automatically;
- ii) Fast planning application process with reference to the National Planning Policy Framework; or
- iii) Local and Neighbourhood Development Order.

5.15 In Protected Areas, development proposals will come forward as through existing planning application process.

Decision Making Process

5.16 Applications should be determined within 8- or 13-weeks firm deadline with no provision of extensions of time. Planning fee should be refunded if LPA fail to determine applications within time limit. Deemed consent will be given if applications are not determined within time limit.

5.17 Validation of application should be integrated with submission and key information requirement will be reduced. There should be a digital template for planning notices.

5.18 National data standard for smaller applications should be created and standard planning statement should have no more than 50 pages.

5.19 Development such as schools, hospitals and GP surgeries will be delivered quickly.

5.20 If applications were refused and successful at appeal, LPA will automatically rebate the planning fee.

Design Codes

5.21 The White Paper emphasises the importance of place-making and good design delivering places that endure, protect and enhance the environment and support efforts to combat climate change. It proposes a new role for Homes England in facilitating these efforts. A National Design Code and National Model Design Code will be produced, including revision to Manual For Streets.

5.22 Local guides and codes are prepared wherever possible, through working with neighbourhood planning groups. Design codes should only be given weight if it can be demonstrated that local community input has been secured.

5.23 Design Codes and masterplanning are proposed to be the main mechanisms for designing new development in Growth Areas and Renewal Areas. It is proposed that these could be set out in Local Plans, Supplementary Planning Documents or Neighbourhood Plans.

5.24 There is an aspiration in the White Paper that new homes should produce 75-80% less CO₂ than the current housing stock and that it should be capable of becoming fully carbon zero without further retrofitting.

Building Better, Building Beautiful Commission

5.25 A Building Better, Building Beautiful Commission to be created, with the principle of “fast track for beauty”. If proposal complies with pre-established principles of what good design

looks like (informed by community preferences), applications will be expedited through the planning process.

5.26 Development should be fast tracked in three ways:

- i) NPPF will be updated to support schemes that comply with local design guides and codes;
- ii) Within growth area, masterplan and site-specific design code as a condition of the permission in principle and details of which should be in place prior to detailed proposals coming forward;
- iii) Permitted development rights to be widened and replicable forms of development to be approved easily and quickly. Prior Notification approval from LPA to ensure design is right for the context.

Heritage and conservation

5.27 The White Paper acknowledges that current arrangements for conservation areas and listed buildings have worked well but considers that they need to be reviewed to respond to new challenges such as the need mitigate and adapt to climate change. Accordingly, it proposes that the planning framework for conservation areas and listed buildings will be updated to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and to address climate change.

Planning for Infrastructure

5.28 Community Infrastructure Levy (CIL) and Section 106 will be combined into one "Infrastructure Levy". This will be a flat rate, value-based charge and set nationally, either at a single rate or at area-specific rates. It should be charged on a final value of development, based on the applicable rate at the point planning permission is granted and levied at the point of occupation.

5.29 The Infrastructure Levy should include a value-based minimum threshold, below which the levy is not charged, to prevent low viability development become unviable.

5.30 There is an alternative option – Infrastructure Levy could remain optional and set up by LPAs.

5.31 As there is no S106 agreement, affordable housing delivery should be through in-kind on site, working with a nominated Register Provider (RP). The RP can purchase the dwellings at a discount rate and the difference between the discounted rate and the market value will be subtracted from the liability for Infrastructure Levy, which the White Paper states should provide an incentive to provide more affordable housing.

5.32 There will be more freedom for LPAs to spend the levy. It is also envisaged that Councils can borrow against Infrastructure Levy revenue to forward fund infrastructure.

5.33 The White Paper also raises the possibility that certain types of permitted development could be liable for the new Infrastructure Levy. This could include office to residential conversions or rebuilds.

Neighbourhood Plans

5.34 Neighbourhood planning is set to continue in its current form, because it encourages local communities to work proactively, for example with design codes. The government will be looking to see if there would be a benefit in allowing neighbourhood plans to be focused on

smaller areas, such as groups of streets and also how they can be made more digital, in the same way as proposals for Local Plans.

Other Proposed Changes

- 5.35 To improve public engagement and the public can use smartphones to give views of Local Plan and Design Codes.
- 5.36 Environmental Impact Assessment (EIA) and mitigation process will be quicker and easier to understand.
- 5.37 Each LPA should have a Chief Officer for design and place making.
- 5.38 To ensure and set efficiency energy standards including safety.
- 5.39 Planning fees will continue to be set nationally.
- 5.40 LPAs should be subject to a new performance framework.
- 5.41 Planning enforcement powers and sanctions should be strengthened.
- 5.42 Planning should be digitalised in terms of plan making and application process.

6. CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM

The standard method for assessing housing numbers in strategic plans

- 6.1 The Changes to the Current Planning System consultation proposes a change to the standard method for assessing local housing need, which defines the housing requirement that Local Plans have to set for each local planning authority area. The government introduced the standard method in 2018 with a view to ensuring that a net additional 300,000 dwellings per year are built in England. The method has been changed slightly to ensure that past under-delivery does not lead to a lowering of housing requirements in future. It now takes into account the size of the existing housing stock in a given area. Any changes that in the Planning Practice Guidance that result from this consultation will have an impact on the future Local Plans for West Northamptonshire. Because the current housing requirement for Northampton is set out in the adopted West Northamptonshire Joint Core Strategy, this proposed change is not expected to have an impact on the emerging Local Plan Part 2.

Delivering First Homes

- 6.2 The government is proposing that a minimum of 25% of onsite affordable housing provided at new developments should be First Homes (which is a scheme to provide first time buyers with new homes at a 30% discount against market value). The consultation sets out a number of options for how this could be achieved in the context of existing Local Plan policies with transitional arrangements where Local Plans have been prepared under the current system. Plans submitted to the Secretary of State within six months of this provision coming into force would not have to incorporate policies about First Homes, so this should not affect the emerging Local Plan Part 2. As with other types of affordable housing, First Homes will be exempt from Community Infrastructure Levy.

Supporting small and medium-sized developers

- 6.3 As a way of supporting small and medium-sized developers and to stimulate economic recovery, this consultation proposes for new housing developments, the threshold for

seeking affordable housing contributions should be increased from 10 dwellings to 40 or 50 dwellings for a time-limited period until the economy recovers.

- 6.4 If the Government decides to go through with this approach, it would be implemented by way of a Written Ministerial Statement in the Autumn.

Extension of the Permission in Principle consent regime

- 6.5 Currently, local planning authorities have powers to grant Permission in Principle for housing-led development on sites allocated on brownfield land registers and also for developments of fewer than 10 dwellings. The first stage of this route involves establishing whether site is suitable in principle for development, then a second stage (technical details consent) takes place when detailed development proposals are assessed, and conditions are attached. This Council has not chosen to exercise these powers.
- 6.6 The consultation proposes that, in future, regulations should be changed to allow for Permission in Principle to be sought on housing-led developments of 10 or more dwellings. It is envisaged that this would assist small and medium-sized developers, by reducing their up-front planning costs and provide more certainty about the principle of developing the site.
- 6.7 Because of regulations on Environmental Impact Assessment, this change in the Permission in Principle regime would only apply to sites of up to five hectares or 150 dwellings. It would also not be suitable for sites where there is a probability or risk that the project is likely to have a significant effect on a European site. This is particularly pertinent in Northampton because of the Upper Nene Valley Gravel Pits Special Protection Area, part of which is within the borough.

7. CONCLUSION

- 7.1 The legislative changes set out in paragraphs 3.1 to 3.16 above have either come into effect already or are about to. Changes to the Use Classes Order, in particular, will have a significant impact on the Council's Development Management service, potentially reducing the number of planning applications received.
- 7.2 For the Local Plan Part 2, the introduction of Use Class E could have a significant impact on some key policies. It is appreciated that this change has been made in order to increase flexibility of uses in town centres to ensure their continued survival, adaptation and re-purposing. This is in the same spirit as policies in the Local Plan Part 2 and also the Town Centre Masterplan. However, there are concerns about possible unintended consequences, such as the possibility that new retail could be provided in unsustainable locations by the conversion of buildings in other Class E uses without planning permission. Officers will watch closely what happens with the Brent Local Plan to see how this change is considered by the Local Plan Inspector.
- 7.3 These legislative changes have been made very quickly and it is not inconceivable that these changes could be reversed or further altered on the basis of how they operate in practice.
- 7.4 As regards the White Paper, this report sets out officers' initial impressions concerning some most important and potentially far-reaching changes to the Town and Country Planning system in England proposed since 1947. Further analysis will be done by the planning community over the coming weeks - the Royal Town Planning Institute intends to hold regional round table White Paper briefings for officers in the near future.
- 7.5 Much of the necessary detail about how the White Paper's proposals would work is lacking at this stage, and many of the proposals present a set of options rather than a definite way

forward. For these changes to occur, it is clear that there will need to be primary and secondary legislation and significant changes to the National Planning Policy Framework. More detailed guidance will be needed on matters including design, heritage, climate change and ecology, for example.

- 7.6 One of the key areas that will need to be dealt with by the Government is the transitional arrangements for moving from the current planning system to the new one. It is important that ongoing work on Local Plans, such as this Council's Local Plan Part 2, is not caused to stall in the expectation that the new system will make important changes. For Northampton, the emerging Local Plan Part 2 sets the context for development to 2029. It allocates sites for new development and factors in some important national and local considerations such as climate change and public health, which it would be undesirable to lose because of a policy hiatus nationally.
- 7.7 The White Paper does not set a timetable for when any legislative changes will take place, but it is considered that the legislative process might start early in 2021. Officers will draft this Council's response to the White Paper in due course, taking into account any further information that emerges over the coming weeks.
- 7.8 The consultation on changes to the current planning system seeks to put in place a number of changes prior to the introduction of any changes made as a result of the White Paper and covers some of the same themes. Officers will reflect on any likely local implications specific to Northampton and draft the Council's response to this consultation in due course.

8. LEGAL IMPLICATIONS

- 8.1 As set out in the report.

9. SUMMARY AND LINKS TO CORPORATE PLAN

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



7a appendix -use
classes guide.docx

This page is intentionally left blank

Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020	Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another shop	A1	F.2	Hotels, boarding and Guest Houses	C1	C1
Shop	A1	E	Residential institutions	C2	C2a
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Café or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui Generis	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui Generis	Clinics, health centres, creche, day nurseries, day centres	D1	E
Office other than a use within Class A2	B1a	E	Schools, non residential educations and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D2	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui Generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage and distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same use class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021

The new use classes comprise

Class E (Commercial, business and service uses).

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0368

LOCATION: Unit 420, Cob Drive

DESCRIPTION: Deed of variation of Section S106 obligations associated with agreements dated 7 October 1992 and 23 September 1997 relating to the building exclusion zone and landscape control zone - Land relating to Swan Valley

WARD: Upton Ward

APPLICANT: Addleshaw Goddard LLP
AGENT: N/A

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Legal Agreements dated 7 December 1992 and 23 September 1997 to amend defined areas of the landscape buffer and building exclusion zones subject to landscaping being considered on a plot by plot basis, taking account of the impact on the ecology and noise attenuation measures to protect properties in the area.
- 1.2 That the Borough Secretary and Monitoring Officer in consultation with the Director of Planning and Sustainability be given delegated authority to agree the amended wording of the landscape buffer and building exclusion clause and relevant definitions and any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 The application relates to a request to vary two S106 agreements completed in 1992 and 1997. The S106 agreements contain obligations on the landowner to provide landscaping buffer and building exclusion zones around the entire site. The variation would enable the regularisation of areas where encroachment into the buffer zones have taken place. The rest of the landscape buffer will remain in place.

- 2.2 The purpose of the building exclusion buffer zones appear to have been included to minimise the visual impact of the development, in particular from views of the M1 motorway.

3 SITE DESCRIPTION

- 3.1 Swan Valley commercial area is located in the southern part of the Borough and is bounded by the M1 Motorway, to the north and east of the site is Banbury Lane and Pineham residential developments. The majority of the commercial units have been developed as Class B8 warehouse uses, although more recently alternative proposals have been approved, including a car dealership.
- 3.2 The development is reaching its final stages, with only a few plots left to be developed.

4 PLANNING HISTORY

- 4.1 90/0732 this was subject to the obligations set out in a S106 agreement completed on 7 December 1992.
- 4.2 N/1997/340 approved 23 September 1997 a section 106 agreement was entered into in relation to the varying the 1992 Agreement (1997 Agreement).
- 4.3 Following a meeting between the Local Planning Authority and the applicant, a letter giving pre-application advice by planning officer was sent dated 5 May 2015. This states:

“The section 106 agreement from the original permission for Swan Valley includes provision for a landscape buffer surrounding the boundary of the entire site, restricting the form of development which can come forward within this 50m zone (first 20m prevents any building, next 30m restricts development to hard standing only). These zones were put in place back in the mid 1990s when it was not clear what the exact neighbouring uses of Swan Valley might be. In 2014, we recognise that these protection zones may no longer serve a purpose and result in the potential for development of the remaining plots being compromised.” It continues *“Alternatively, any new application for full or outline planning permission could be submitted, which ‘infringe’ these zones if required and the legal agreement could be varied on a site by site basis, to reflect this, so long as an allowance for suitable boundary treatments and scheme landscaping is still made.”*

Officers accepted informally that the requirement for the site wide landscape buff was no longer practicable and did not serve any specific planning purpose as far as the how the development site has been developed overtime as a whole.

- 4.4 An application was approved in respect of Plot 420 on N/2017/1310, at that time discussions took place regarding the variation of the agreements, but a formal request for the variation of the legal agreement was not submitted.
- 4.5 Planning Application N/2019/1020 was approved on 7 November 2019, also for Plot 420 and as the developer now wishes to implement that planning permission, a Deed of Variation to the aforementioned S106 agreements is now being sought.
- 4.6 More recently, N/2020/0470 is a reserved matters application relating to land at Tithe Barn Way, a commercial development that lies substantially within both the building exclusion zone and the area of landscape control. This application has not been determined at the time this report is prepared. However, there is little scope for this site to be developed without encroachment into these zones, to reduce impact on the setting of the barns at Lodge Farm, a Grade II Listed Building, and providing a viable development on this part of the site.

5 PLANNING POLICY

5.1 **Statutory Duty**

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

6 **National Policies**

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

Paragraph 7 – There are three dimensions to sustainable development giving rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development.

Paragraphs 19 and 20 - relate to the need to support economic growth and meet the development needs for business.

6.2 **West Northamptonshire Joint Core Strategy (2014)**

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

Policy SA – Presumption in favour of sustainable development

Policy BN9 – Planning for pollution control

S10 – Sustainable Development Principles

BN2 – Biodiversity

BN3 – Woodland/ Trees

BN7 – Development and Flood risk

E1 – Existing Employment Areas

INF1 – approach to infrastructure delivery

INF2 – contributions to infrastructure requirements

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

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

E20 Design of new development

7 **CONSULTATIONS/ REPRESENTATIONS**

7.1 None.

8 **APPRAISAL**

8.1 On 7 October 1992, a S106 Legal agreement was entered into in relation to the Property and was subsequently varied by the two supplemental agreements. Clause 6.3.1 of the 1992 Agreement imposed obligations on the Developer to maintain a special landscaping scheme which extended

for 50m from (i) the top edge of the west bank of Wootton Brook and the Canal, (ii) the top edge of the south east bank of Wootton Brook tributary, (iii) the centreline of the hedgerows bounding Banbury Lane; and (iv) the north boundary of the M1 widening corridor.

- 8.2 Clauses 3.1 and 3.4 of a separate 1997 Agreement imposed obligations on the Developer to restrict construction in the area subject to a landscaping scheme and the construction of any building that in the opinion of the Council was not adequately screened from the motorway.
- 8.3 The remaining obligations in the 1992 and 1997 Agreements will still remain in full force.
- 8.4 The applicant originally sought the Council to agree that the obligations relating to the landscape buffer, as the applicant considers they no longer serve a planning purpose. However, during the course of discussions with the applicant, it became clear that in particular for Plots 100, 200 300, 500 there has been an encroachment of the Special Landscape Control Zone and rather than removed the buffer entirely, given the works that have taken place, it seems reasonable to amend the plan attached to the S106, to regularise these areas.
- 8.5 Recent changes in government guidance requires local authorities to seek a biodiversity gain on such developments. It is considered that this request still allows for negotiation for such gain, considering the ecology of the area as it is now, rather than from the limited information that was submitted with the original proposal in 1992.
- 8.6 The proposal does not remove any of the existing landscaping that has been either approved as part of any planning permissions yet to be developed, or landscaping incorporated as part of any of the phases that have been completed, it just affects further phases that have yet to be granted detailed approval.
- 8.7 In respect of the building exclusion zone, since the original s106 was completed, the site is better screened from the M1, due to the trees on the southern boundary being more established. It is therefore considered that the variation to the boundary of this designation and the landscape control zone in this area, would not result in significant harm.

9 CONCLUSION

- 9.1 The obligation set out in the 1992 and 1997 Section 106 Agreements relating to the landscape buffer is considered to be an onerous obligation on the developer and future occupiers. The Council are keen to see the development completed in a timely manner and facilities completed and occupied to serve the local community around the local centre.
- 9.2 It is considered that in this instance, the proposed amendment to the areas around the developed plots 100, 200 300, 500 as indicated on the submitted drawing is acceptable, subject to landscaping being considered on a plot by plot basis, taking account of the impact on the ecology and noise attenuation measures to protect any residential properties in the area.

10 BACKGROUND PAPERS

- 10.1 N/2020/0368.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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



This page is intentionally left blank



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0898

LOCATION: Open Space Wootton Fields, Wooldale Road

DESCRIPTION: Application for a variation to the S106 agreement to amend agreement to allow the open space to be transferred into the ownership of Wootton Parish Council

WARD: Nene Valley

APPLICANT: David Wilson Homes
AGENT: DFA Law

REFERRED BY: Director of Planning and Sustainability
REASON: S106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

- 1.1 That the Committee **AGREE** to vary the Section 106 Agreement dated 6th March 1992, to allow the amendment to Clause 9 and relevant definitions in the Agreement as set out in the report, to allow the land to be transferred to Wootton Parish Council on a freehold basis.
- 1.2 That the Borough Secretary and Monitoring Officer in consultation with the Director of Planning and Sustainability be given delegated authority to agree the amended wording of the said clause and relevant definitions and any consequential amendments as are considered necessary.

2 THE PROPOSAL

- 2.1 Application for a variation to the S106 agreement to amend agreement to allow the open space to be transferred into the ownership of Wootton Parish Council on a freehold basis.

3 SITE DESCRIPTION

- 3.1 The development that is referred to as Wootton Fields is bounded by Wooldale Road, Newport Pagnell Road, Water Lane and development off Curtlee Hill in Wootton.

- 3.2 The land that this application relates to specifically lies adjacent to Wooldale Road towards the southern part of Wootton Fields. It is an area of grassed open space and has been the subject of fly grazing over a number of years.
- 3.3 It is intended that land is to be transferred to Wootton Parish Council through the obligations in the S106 agreement and once in their control, the Parish Council will be in a better position to manage access arrangements and maintenance of the land.

4 PLANNING HISTORY

- 4.1 There are there legal agreements associated with the development in Wootton Fields:
- 6 March 1992 which is the original agreement for the Wootton Fields development and include offsite highway works (relating to the Quinton Link road), balancing lagoons, open space maintenance contributions and the pocket parkland (adjacent to the Perimeter Road/Wooldale Road);
 - 25 February 1998 which agreed to the relocation of the school site; and
 - 5 April 2006 which related to financial contributions from the developer to Wootton Parish Council in respect of open space (towards the cricket square, MUGA, recreation ground and pocket park off Curtlee Hill).

5 PLANNING POLICY

5.1 Statutory Duty

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

6 National Policies

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

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

Section 5 - Housing Supply

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

6.2 West Northamptonshire Joint Core Strategy (2014)

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

Policy S1 - The Distribution of Development

Policy S3 - Scale and Distribution of Housing Development

Policy S10 - Sustainable Development Principles

Policy H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable housing
Policy RC2 - Community Needs
Policy BN2 - Biodiversity
Policy BN9 - Planning for Pollution Control
Policy INF2 - Contributions to infrastructure requirements

6.3 Northampton Local Plan 1997 (Saved Policies)

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

Policy E20 – New development

7 CONSULTATIONS/ REPRESENTATIONS

7.1 Prior to the application being submitted, correspondence had taken place with the Clerk for Wootton Parish Council, who has confirmed that the Parish Council agree to the variation of the S106 agreement.

8 APPRAISAL

8.1 The original S106 agreement for the Wootton Fields development was completed on 6 March 1992. Clause 9 of the agreement related to land, known as Pocket Parkland, which was intended to be tidied up and seeded during the first available planting season, within 6 months of the completion of the dwellings on Wootton Fields. Following this, the owners of the land, now David Wilson Homes, were to transfer the land to Wootton Parish Council in the form of a 50-year lease.

8.2 Discussions have been taking place between David Wilson Homes and Wootton Parish Council since 2004 and the land transfer was nearing completion. The S106 agreement requires the land to be transferred on the basis of a 50-year lease between the Parish Council and David Wilson Homes. More recently, discussions have been taking place between the two parties for the land to be transferred on a freehold basis.

8.3 The S106 agreement does not indicate the future status of the land past 50 years, but it is clear that the land was not intended to be transferred to the Local Authority.

8.4 Both parties are agreeable to the land being transferred as freehold, but a Deed of Variation to the S106 agreement will be required to allow this to happen and to give comfort to both parties that the Council will not take enforcement action against any breach of the S106 agreement, in respect of this clause.

8.5 There is a financial contribution from the developer to the Parish Council, associated with the maintenance of the land. The Borough Council is not required to be involved in those discussions; however, it is noted that those dialogue has been taking place and both parties have appointed legal advice in which to progress this.

9 CONCLUSION

9.1 Given that both parties are in a position to progress the land transfer, it is considered that this is a reasonable request to allow the long-term management of the land, for the benefit of the residents of Wootton. It is recommended that this is a reasonable request which should not be withheld.

10 BACKGROUND PAPERS

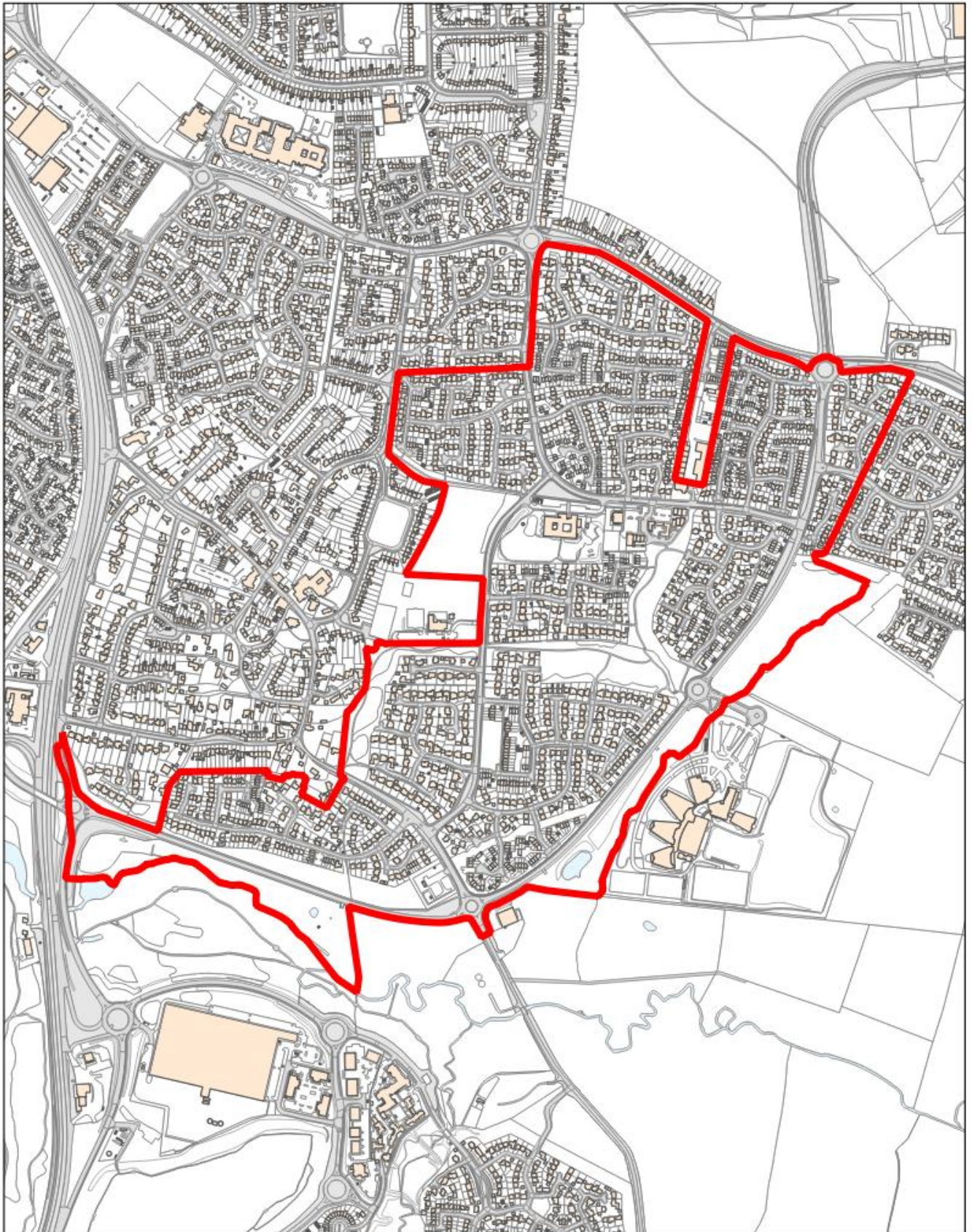
10.1 N/2020/0898.

11 LEGAL IMPLICATIONS

11.1 There are no financial or legal implications for Northampton Borough Council arising from this proposal.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Wootton Fields**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 17-08-2020

Scale: 1:9,000

Drawn by: -----

This page is intentionally left blank



Addendum to Agenda Items Tuesday 1st September 2020

7. OTHER REPORTS

Item 7a

Recent Changes to Planning Legislation, the Planning for the Future White Paper and consultation on Changes to the Current Planning System

No update.

Item 7b

N/2020/0368

Deed of variation of Section S106 obligations associated with agreements dated 7 October 1992 and 23 September 1997 relating to the building exclusion zone and landscape control zone

Land relating to Swan Valley

No update.

Item 7c

N/2020/0898

Application for a variation to the S106 agreement to allow the open space to be transferred into the ownership of Wootton Parish Council

Open Space, Wootton Fields, Wooldale Road

No update.

10. ITEMS FOR DETERMINATION

Item 10a

N/2020/0353

A mixed use development, involving a rear side rooftop extension for 2 new offices (Use Class B1) and 5 self contained residential flats (Use Class C3) B And C, 102A Abington Street

Item **WITHDRAWN** from agenda.

Item 10b

N/2020/0458

Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted

Milton Ham Farm, Towcester Road

A neighbour letter has been received in support of the amendment as a neighbour whose land would be affected by the drainage system.

Milton Malsor Parish Council raise no comment on the application.

12. NORTHAMPTON PARTNERSHIP HOMES APPLICATIONS

Item 12a

N/2020/0489 1 - 6 Rainsborough Crescent
N/2020/0490 9 - 20 Rainsborough Crescent
N/2020/0491 25 - 30 Rainsborough Crescent
N/2020/0492 6 Newstone Crescent
N/2020/0493 18-23 Newstone Crescent
N/2020/0494 1 - 6 Knaphill Crescent
N/2020/0495 12 - 17 Knaphill Crescent
N/2020/0498 23 - 28 Knaphill Crescent
N/2020/0499 31 - 36 Knaphill Crescent
N/2020/0500 39 - 44 Knaphill Crescent
N/2020/0501 4 - 9 Crickley Crescent
N/2020/0502 17 - 22 Crickley Crescent
N/2020/0503 22 - 27 Arrow Head Road
N/2020/0504 28 - 33 Arrow Head Road

Replacement of brown frame windows with white frame windows

No update.

Item 12b

N/2020/0648

Demolition of existing lock-up garages and development of 2no semi-detached dwellings with associated parking

Garage 1 Lock Up Garages, Stenson Street

No update.



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0353

LOCATION: B and C, 102A Abington Street

DESCRIPTION: A mixed use development, involving a rear side rooftop extension for 2 new offices (Use Class B1) and 5 self contained residential flats (Use Class C3)

WARD: Castle Ward

APPLICANT: MSA Properties
AGENT: LMR Designs

REFERRED BY: Councillor D Stone
REASON: Inappropriate and intrusive development

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposed development would, subject to conditions, represent an acceptable land use contributing to the Council's 5-year housing land supply. The proposal would not have undue impact upon neighbour and visual amenity and would not adversely impact on the St Giles Conservation Area or the setting of the adjacent Listed Buildings. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies H1, S10 and BN5 of the West Northamptonshire Joint Core Strategy; Policies 1 and 11 of the Northampton Central Area Action Plan, and the St Giles Conservation Area Appraisal and Management Plan.

2 THE PROPOSAL

- 2.1 A mixed-use development, involving a rear side rooftop extension for 2 new offices (Use Class B1, which will become Class E on 1st September 2020) and 5 self-contained residential flats (Use Class C3).
- 2.2 The supermarket floor is to remain unaltered this is at street level to Abington Street, but has a basement on the rear elevation.

- 2.3 The office floor, above the supermarket, is to be occupied as two open plan offices and a one bedroom flat, with kitchen/lounge.
- 2.4 The first floor would comprise of a one bed and a two-bedroom flats, both with separate kitchen/lounge and bathroom. To the rear they would have an amenity area comprising of a roof terrace.
- 2.5 The second floor would comprise of two one-bedroom flats, again with a kitchen/lounge, bathroom and roof terrace.
- 2.6 The main bedrooms and kitchen/lounges are to be on the rear elevation and look towards St Giles Churchyard.

3 SITE DESCRIPTION

- 3.1 The premises are located towards the end of Abington Street and is currently occupied as a Supermarket on the ground floor, having previously been occupied as a furniture shop. At first and second floor are offices. The supermarket also has a basement area, which leads to the loading bay area at ground level to the rear.
- 3.2 Surrounding the premises are a number of retail, drinking and fast food outlets and is also close to the Radio Northampton studio. St Giles Terrace to the south west of the site, includes some residential properties as well as commercial.
- 3.3 The property is located close to St Giles Conservation Area. The rear of the unit is visible from the Church of St Giles churchyard, a Grade 1 Listed Building, but the existing building is substantially screened by the William and Patricia Venton Centre (Age Concern), which is in a central location of the space behind Abington Street, York Road, St Giles Terrace and the Churchyard.
- 3.4 The access and parking for the supermarket and the proposed residential units is taken from the access road that serves the day care centre, which is accessed from York Road. Whilst a right of access for the retail unit is known, certificate B has been served as the extent of the right of access was uncertain and this will be a separate issue for the applicant to carry out due diligence to ensure his rights in this respect.

4 PLANNING HISTORY

- 4.1 Historic applications on the site have indicated that the upper floors of the property have been used for residential previously:
 - 1969 – change of use of flat to offices - approved.
 - 1975 – change of use from residential to offices (first and second floors) – approved.
 - 1979 – development of site for shop - approved
 - 2014 – new shop front – approved.
- 4.2 N/2016/0475 - Change of use from Retail (A1) to mixed use of retail and restaurant/cafe and install extraction flue. Approved 08/07/2016 but this has since expired.
- 4.3 N/2016/0476 - Erection of 6no. two bed flats located on the roof of the ground floor and associated car parking and install extraction flue. Withdrawn.
- 4.4 N/2019/0440 - Mixed use development for 2no new offices (Use Class B1) and 5no self-contained residential flats (Use Class C3), including rear/side rooftop extension with access from York Road. This application was approved on 08/08/2019. Although approved, due to an error on the plans, the approved scheme is unable to be implemented in the form approved.

5 PLANNING POLICY

- 5.1 **Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, Northampton Central Area Action Plan (2013).

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

6 National Policies

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

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

Section 5 - Housing Supply

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)

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 requires the Council to take a positive approach that reflects a presumption in favour of sustainable development and that proposals should be determined in accordance with the development plan.

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

6.2 Northampton Central Area Action Plan 2013

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

Policy 1: Promoting Design Excellence

Policy 11 – Town Centre Boundary

Policy 15 – Office and business uses
Policy 16 – Central Area Living

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

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

Saved Policy E26 – new development to preserve or enhance character and appearance of conservation areas. This has been partly replaced by Policy 1 of the CAAP.

6.4 **Supplementary Planning Documents**

St Giles Conservation Area appraisal
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 7.1 **NBC Public Protection** Officers have raised no objection to the proposal, although further information relating to noise and odour are required. A condition is also required relating to refuse and in line with the Council's low emission strategy.
- 7.2 **NCC Highways and Access** has raised objections to the use of the commercial access for residential traffic. The proposal contravenes the Northamptonshire Highways Development Strategy with regards shared drives. The Highway Authority objects to the application.
- 7.3 **Northamptonshire Police** following the submission of additional plans advice is given in respect of security measures associated with the entrance. Concerns have been expressed regarding the proximity of the cycle parking. Whilst no objection to the use is raised, unauthorised colonisation of the internal spaces, communal corridors and stairwells should be robustly addressed.
- 7.4 **NBC Conservation Section** No objection. The proposal is a revised scheme to extend above the ground floor to the rear of 102 Abington Street. The proposed stepping of the extension will reduce the impact on views from St Giles churchyard and from within Conservation Area and the setting of the grade II listed group of buildings at 1-8 St Giles Terrace compared to the previous proposal. Consider the impact to be acceptable.
- 7.5 **Town Centre Conservation Area Advisory Committee** have not raised objections to the proposal subject to appropriate facing materials being used.
- 7.6 **Anglian Water** has referred to its standing guidance relating to consultations with the authority. The applicant is required to check for any assets of Anglian Water that cross the site.
- 7.7 **Councillor Stone** – called in the application on the grounds of inappropriate and intrusive development that will impact negatively on the street scene and neighbours.
- 7.8 Three representations have been received from adjacent landowners. The comments raised relate to the following concerns:
- Loss of sunlight to courtyard/dining area
 - Impact on kitchen extraction system
 - Consideration needs to be given to disruption during construction
 - Insufficient detail to determine the application (Note: amended plans have subsequently been submitted)

- Impact on window to flat 3 of the adjacent property, reducing evening light
- Loss of privacy to flat 1 from balcony
- Concern about design, height incorrectly shown.
- Impact on elderly people visiting the William and Patricia Venton Centre
- Note that two previous schemes have been rejected (Note: one was refused the other was approved)
- Parking provision on site
- Entrance to offices is narrow and this would result in additional footfall
- Concern about noise

8 APPRAISAL

Principle of Development

- 8.1 The site is located in the Town Centre where Policy 16 of the CAAP allows for residential uses comprising 1 or 2 bedroom apartments. As such, and subject to the considerations below, the principle of residential use is acceptable and would contribute towards the Council's 5-year housing supply.

Design

- 8.2 The layout proposed comprises:
- The office level above the shop – to create two offices with 1 x 1 bedroom flat with a floor area of 63.6sqm.
 - The first floor with 1 x 1 bedroom flat (47.2sqm) and 1 x 2 bedroom flat (91.6sqm).
 - The second floor with 2 x 1 bedroom flats (54.9sqm and 31.2sqm).
 - All flats have kitchen/lounges and bathrooms.
 - All flats have a balcony area, which look towards St Giles Churchyard.
- 8.3 The floors are stepped back into tiers to lessen the impact on the conservation area and would have a flat roof. The materials will be Kingspan cladding panel, aluminium windows, anthracite grey. There would also be glass balustrades.
- 8.4 Access to the flats is from Abington Street, which is an existing entrance and a shared access with the offices. To the rear of the building, is a secure cycle and bin store area, which is accessed via York Road.
- 8.5 The intention is to provide a management company who will be responsible ensuring that maintenance and refuse are kept in order.
- 8.6 Whilst the development is of a modern design, there are a variety of materials in this location and it is considered that the design will not adversely impact on the visual amenities of the area and street scene in line with Policy S10 of the JCS.

Impact on the Conservation Area and Listed Buildings

- 8.7 The area is close to the St Giles Conservation area, which includes a number of Listed Buildings, St Giles Terrace (which is in office use) being the closest. The application does not propose any alterations to the front elevation.
- 8.8 The rear elevation is visible from St Giles Churchyard and currently the rear elevation is dominated by a large flat roofed area, covering the shop and basement. The proposal seeks to construct a tiered three storey extension above this area.

- 8.9 A number of properties along this section of Abington Street have been the subject of extensions and alterations to form flats. This particular property has a large area of flat roof, and it is considered that this will give a softer edge to this elevation, by providing a second active frontage.
- 8.10 The existing flat roof elevation on this property, is quite prominent from the churchyard and the conservation area. The scheme proposed a tiered elevation with glass fronted balconies which step back as the height increased, is considered to reduce the impact on the churchyard of St Giles Church.
- 8.11 No objections have been raised by the Conservation Officer or the Conservation Area Advisory Committee.
- 8.12 It is considered that this would not significantly adversely impact on the appearance of the conservation area or the setting of the Listed Buildings including St Giles Church. The proposal is considered to meet the requirements of H1, S10 and BN5 of the JCS and the objectives of Policy E26 of the Northampton Local Plan.

Impact on surrounding residential properties

- 8.13 This part of Abington Street has been the subject of several applications for conversions/extensions to form flatted development.
- 8.14 The adopted planning policies for the area encourage the use of the upper floors of commercial buildings for residential purpose. The NPPF also encourages residential living in town centres to encourage the vitality of town centres. It is therefore relevant to consider the impact of the proposed and existing residential accommodation.
- 8.15 The upper floors and rear of 104 Abington Street adjacent to the application site comprise of the conversion of building to 6no 1 and 2 bed apartments alongside a two-storey extension over existing walkway to rear. The development has been recently completed and occupied. Access is from Abington Street and they sit above an existing restaurant.
- 8.16 The nearest flat is apartment 1, which would be a 2 bedroomed flat with a mezzanine floor. The windows on the back of the property would serve a lounge and bedroom. Above the lounge would be bedroom 2. This room would be only served by two rooflights either side of the pitched roof.
- 8.17 Apartment 4 of this development would have windows fronting Abington Street. The approved plans for this flat indicate a rooflight above the shower room, but no windows to Bedroom 1. On the ground floor at no. 104 is the bin store and a porch.
- 8.18 A comparison has been made between the existing flats and the proposed. It is considered that whilst there may be some overshadowing of the courtyard in terms of daylight, the courtyard will only be affected by the evening sun, although it is already overshadowed by the rear section of no. 104 itself. This is primarily an outside dining area for the restaurant, although it is understood that residents may use this area at certain times.
- 8.19 In terms of the windows to the first floor, again this would only be affected by the evening sun. It is acknowledged that there will be some loss of light to the smaller roof light of bedroom 2 of flat 1 but given the pitch of the roof, the larger rooflight would only experience some overshadowing.
- 8.20 The objector has referred to loss of privacy to flat 1 from the balcony. The nearest flat with no. 102A would be flat 1. The levels of this balcony would be below the existing boundary wall between nos. 102A and 104. Flat 2 on the first floor of no. 102A, has a bedroom closest to the boundary, with no balcony. There is a balcony proposed to the rear of the kitchen/lounge, but any overlooking of the balcony from no. 102 would be at an obscure angle and there would still be sufficient private area for future occupiers of flat 2.

- 8.21 Given the relationship between nos. 102A and 104, it is considered that there is unlikely to be significant loss of daylight or sunlight, arising from this proposal which would justify grounds for refusal, given the tiered nature of the design and the history of the site.
- 8.22 One of the letters of objection referred to concerns about the proposal blocking ventilation systems to these flats. At the time of the officer's visit, it was not clear where these ventilation vents were located. The approved drawings were reviewed, and the ventilation vents are indicated to be located on the opposite side of the outrigger that lies on the boundary. There is no planning requirement in respect of ventilation on this wall in respect of these flats, and it is therefore considered that this is a civil matter to be dealt with through the Party Wall Agreement, rather than a planning matter.
- 8.23 In respect of the proposal for the flats associated with nos.98-100 Abington Street (Burger King), on the opposing side of the application site, the majority of the windows on the side elevation, which would look towards the proposed flats, serve hallways, rather than habitable rooms. The rooms which are bedrooms would overlook the service yard, rather than the building.
- 8.24 It is considered that the separation distance between the two structures, along with the tiered nature of this application, would not result in a significant loss of daylight or outlook to the proposed flats.
- 8.25 In terms of the existing properties on York Road and St Giles Terrace, it is considered that the distance and the uses of the buildings are such that the proposal would not result in significant adverse harm on the amenities of these properties.
- 8.26 It is therefore considered that the proposal meets the requirements of Policy S10 of the JCS and Policy 1 of the CAAP.

Noise

- 8.27 The Environmental Health Officer (EHO) has raised concerns about the level of background noise in the area and the impact on the future occupiers of the flats. The day care centre has an air conditioning unit located on the elevation nearest to this property. This has previously been identified as a potential source of noise, odour and disturbance by the EHO.
- 8.28 Abington Street is predominantly pedestrianised, and any traffic noise would come from the York Road/Wellingborough Road junction. Within the comments, the EHO has referred to plant (ventilation and extraction) that may be located in the vicinity.
- 8.29 A noise report was carried out for the previous application, which was undertaken during the winter period and the EHO has noted that during the summer period these systems can work harder and longer in order to control the temperature of buildings. Given the current situation, where the restaurants, community and other town centre uses are not fully operational, it would not be appropriate to carry out a further survey at this time.
- 8.30 The Venton Centre (Age Concern), is situated to the rear of the site, is a normally a weekday centre only with no evening activities, so vehicle movements, extraction systems and general noise and disturbance are considered to be minimal during the normally hours where protection is sought.
- 8.31 The flats are screened from activities in Abington Street by the existing building, which it is considered would reduce the majority of noise and disturbance, particularly during the evening.
- 8.32 It has been agreed with the EHO that these matters can be addressed through a suitably worded condition, requiring a more robust noise assessment covering not only external noise but also internal noise.

- 8.33 The EHO had considered the impact of an office use in close proximity to the flats and an hours of use condition was considered, however, given that this would only apply to part of the building, it was considered this was not reasonable. The applicant will be required to ensure that the soundproofing meets the required standards for residential occupancy.

Odour

- 8.34 In respect of odour, there are some hot food outlets in the vicinity which would operate extraction equipment. The nearest is the Venton Centre (Age Concern community facility), which operates during the daytime only and for a relatively short part of the day.
- 8.35 As with the issue of noise, the Venton Centre offers limited services over a short space of time. The main purpose is to offer elderly clients somewhere to go for a shower, hairdressing and social activities. During the day a hot meal will be offered. It will be during the lunchtime period that the area may incur some odour.
- 8.36 This has been discussed with the EHO and it is considered that this is a relatively short period of time during the working week only and is unlikely to result in significant harm.
- 8.37 The other source of odour that could occur in the area, would be associated with Burger King. This is a relatively new addition to this area, having previously been operating as a public house. As a result of the planning approval for the change of use, further information of the extraction system and flue was required to assess impact on residential use. This was been subsequently agreed following consultation with the Public Protection Team.
- 8.38 Following consultation with the EHO, a request for an odour assessment was sought. The applicant responded that whilst a survey had not been carried out, there was no noticeable odour at the time of his visit. In addition, it was noted that recent applications that had been approved in this area, had not been subject to such an assessment, including the application for residential units above Burger King.
- 8.39 It was further noted that the extraction system associated with Burger King was a relatively new installation. Going forward any odour on this type of system, is more likely to be associated with maintenance of the system, rather than the design. Given that the flats referred to above, that have yet to be implemented have been considered with this use in mind, it is difficult to justify a stricter approach in terms of this application.
- 8.40 A further source of odour may be associated with the restaurant behind no. 104 Abington Street, Nuovo. There are already recently constructed flats to the rear and upper floors of this unit and to date, no complaints have been received regarding the extraction system associated with the restaurant and the relationship of the existing flats.
- 8.41 Following a discussion with the EHO prior to the determination of the last application, it was considered that in the interests of maintaining a consistent approach, this would not be pursued, given that the two sources of potential odour were managed either by time or maintenance. It would therefore be unreasonable to request a condition in respect of this proposal.

Highways, access and Parking

- 8.42 The land surrounding the Venton Centre is in private ownership. A right of access is given over the land for deliveries to the supermarket. During the course of the application, it was advised that Certificate B and notice no 1 was served on the owners of the Venton Centre. The applicants believe that they would be able to implement any consent and provide parking and cycle storage on the area that is currently used for deliveries.
- 8.43 The Local Highway Authority (LHA) has objected to the use of shared use of the access for commercial and residential purposes. No objection was raised on the previous application subject

to a condition requiring the submission of a CEMP. Other properties along York Road already use this entrance to access parking areas to the rear for both residential and office type uses.

- 8.44 Given that this is a sustainable location, both in terms of access to amenities, services and transport connections, it is reasonable to presume that not all the occupants would own cars. For this type of development parking would not be insisted on, however, the addition of parking is a bonus. It is therefore considered that for the level of vehicle movements that this development would generate, the LPA would not be able to justify a reason for refusal on highway grounds.
- 8.45 The Venton Centre operate a number of minibuses, which are stored on the site and are used during the day to collect clients. Parking for these vehicles appears to be on an ad-hoc basis, on land adjacent to the loading bay for the supermarket and to the side of the centre.
- 8.46 If a right of access exists, it will be for the two parties to ensure that both parties have clear access, rather than something that the LPA or LHA would police.
- 8.47 Whilst an element of parking provision is proposed, the property is located in a sustainable location, close to local facilities and public transport hubs. In this instance, whilst the LHA would not necessarily insist on parking provision on site, however the parking provision proposed on site is considered appropriate.
- 8.48 It is considered that the proposal meets the criteria set out in Policy S10 of the JCS and Policy 1 of the CAAP.

9 CONCLUSION

- 9.1 It is considered that the proposal would not adversely impact on the amenities of the area, and would add to the vibrancy and vitality of this part of the Town Centre and contribute to the Council's five year housing land supply and is therefore recommended for approval.
- 9.2 The proposed development would, subject to conditions, represent an acceptable land use and would not have undue impact upon neighbour and visual amenity. In addition, it is considered the proposal would not adversely impact on the St Giles Conservation Area of the setting of the adjacent Listed Buildings. The proposal is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy; Policies 1 and 11 of the Northampton Central Area Action Plan, and the St Giles Conservation Area Appraisal and Management Plan.

10 CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 018-062-001D, 018-062-002E, 018-062-003C, 018-062-004B, 018-062-005B, 018-062-007E and 018-062-0011A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.
3. Development shall not commence on any phase of development until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not be limited to the following:
 - a) the management of traffic during construction: to address site access, routes within site kept free from obstruction, wheel washing, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;
 - b) location of access points for site traffic during development;

- c) detailed measures for the control of dust during the construction phase of development;
- d) details of any temporary lighting;
- e) hours of working and deliveries.

The development should be carried out in accordance with the approved document.

Reason: In the interests of surrounding amenity and highway safety in accordance with the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

- 4. Prior to the commencement of development, details of all proposed external facing materials and balconies shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

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

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

- 6. Full details of all security measures to be incorporated into the development, including secure access from Abington Street and security for the proposed cycle storage area 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 residential accommodation hereby approved.

Reason: To ensure a satisfactory standard of development in the interests of the amenities of future occupiers, in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- 7. Notwithstanding the submitted details, prior to the occupation of the development hereby permitted full details of a sound insulation and ventilation scheme to protect the development from sources of internal and external noise shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

- 8. The car parking spaces as shown on drawing no. 018-062-005 Rev B shall at all times be reserved for the parking of vehicles by residents and staff of the development hereby permitted.

Reason: To ensure a satisfactory standard of development and to ensure that adequate parking facilities are maintained in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

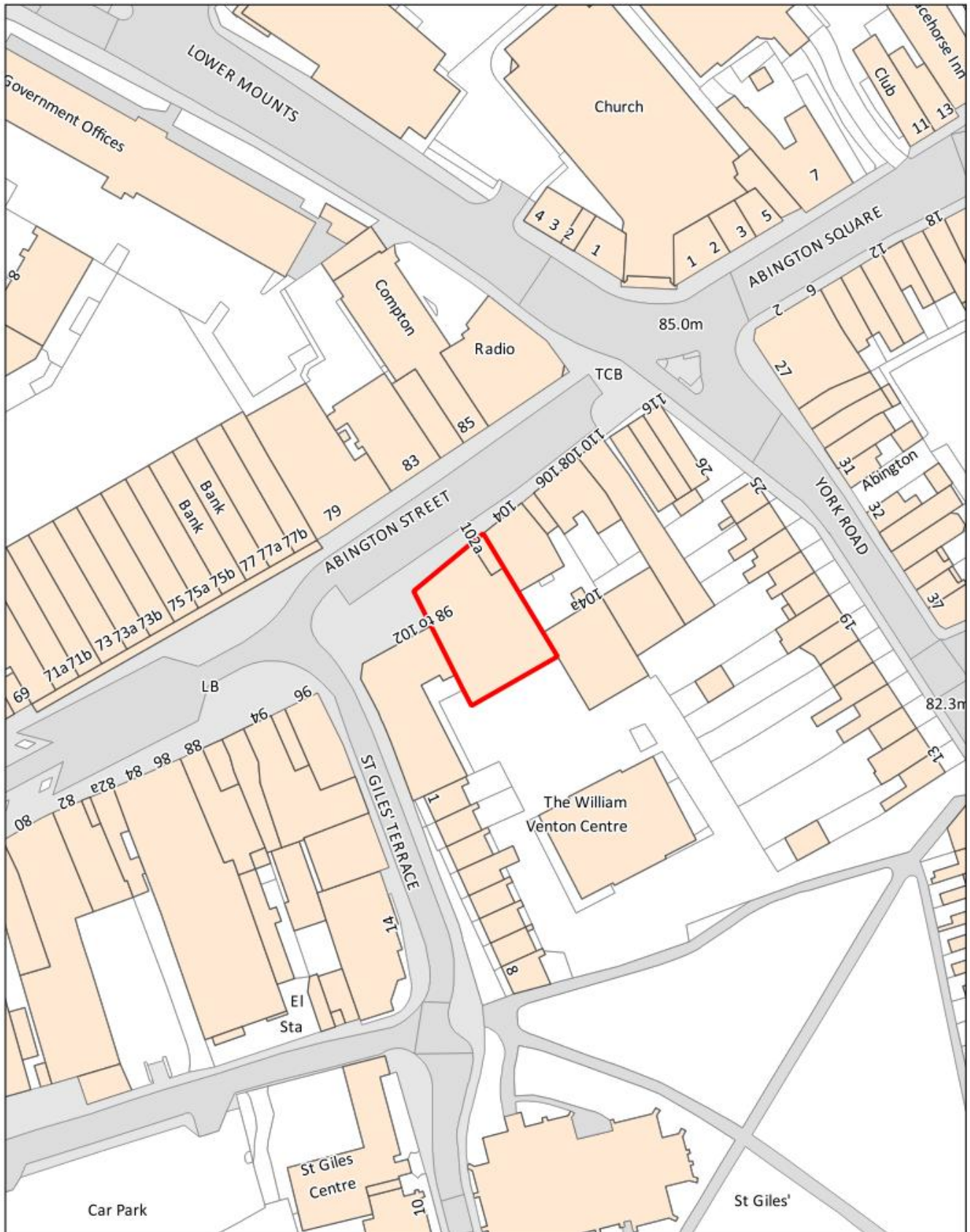
11.1 N/2020/0353.

12 LEGAL IMPLICATIONS

12.1 The development is CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **102a Abington Street**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 25-06-2020

Scale: 1:1,000

Drawn by: -----



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0458

LOCATION: Milton Ham Farm, Towcester Road

DESCRIPTION: Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted

WARD: West Hunsbury Ward

APPLICANT: Firethorn Development Limited
AGENT: Montagu Evans

REFERRED BY: Director of Planning and Sustainability
REASON: Major application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a Section 106 Agreement to secure the following planning obligations:

- i) Enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;
- ii) The submission and agreement of a management and maintenance strategy for the site's bunding, and for the development to operate in accordance with the agreed details;
- iii) The provision of construction worker training places, and a financial payment towards the operation of the scheme; and
- iv) The Council's monitoring fee subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The planning conditions below and for the following reason:

The proposed development would represent a suitable use of this site and is of a suitable design. In addition, the proposed development would contribute towards employment provision within Northampton and have no significant adverse impact upon the amenities of nearby residential properties and adjacent open space. Subject to the securing of items of mitigation relating to drainage, landscaping and transport, it is considered that the development would be in accordance with the requirements of the National Planning Policy Framework; Policies BN5, S1, S7, S8 and S10 of the West Northamptonshire Joint Core Strategy; and Policies B5 and 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 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 This application was Approved in Principle by Members of the Planning Committee on the 28th July 2020 subject to the completion of a S106 application. The application is being brought back to Committee as following the Approval in Principle of the scheme, the applicants have altered the drainage system for the site to overcome concerns raised at the Committee meeting. As the S106 was not signed, the application has not yet been determined and so can be re-considered.
- 2.2 The proposed amendments from the previous Approved in Principle scheme by Committee Members is to alter a proposed sewer/swale into a pipe on the eastern side of the development. This Committee Report will focus only on this change with the complete report from the 28th July Committee provided at **Appendix 1**.

3 SITE DESCRIPTION

- 3.1 The application site consists of a site that has previously contained a combination of farm buildings, which have since been demolished. The remainder of the site is land that has previously been farmed and is currently undeveloped. Notwithstanding this, a very significant proportion of the application site has been historically allocated for commercial development.
- 3.2 The boundaries of the application site are currently marked by a combination of hedges, fences and some trees. Beyond the southern boundary is the M1 motorway, which is separated from the site by an embankment. The western site boundary is adjacent to the A43 and A5123 dual carriageway. It is a notable feature that the roundabout on this road (which also provides access to the Pineham and Swan Valley areas, Junction 15a of the M1) features a spur that was designed to serve the application site when it came forward for development.
- 3.3 The immediate vicinity of the northern and eastern boundaries feature open space. Of additional note is that there are playing fields located to the north east of the site. Beyond these are a number of residential dwellings and a crematorium.
- 3.4 Whilst the application site does not feature any significant variations in topography, it is notable that the general site level currently slopes downwards in an easterly direction.

4 PLANNING HISTORY

- 4.1 88/0085 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Non-determination Appeal Withdrawn

- 4.2 88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
- 4.3 88/1656 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.4 89/1007 – Single office building – Outline Application – Dismissed on Appeal
- 4.5 91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
- 4.6 97/0166 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.7 98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
- 4.8 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
- 4.9 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
- 4.10 N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – Outline – Dismissed on appeal
- 4.11 N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
- 4.12 08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
- 4.13 08/0275/FULWNN – Erection of seven commercial/industrial buildings (B1], B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Approved
- 4.14 N/2012/0291 – Application to extend time limit for implementation of Planning Permission 08/0275/FULWNN for erection of seven commercial/industrial buildings (B1, B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Refused.
- 4.15 N/2015/0335 – Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and serving arrangements, car parking, landscaping bund and associated works – Refused, and dismissed on appeal.
- 4.16 N/2018/0277 - Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works – Approved 06/03/2019.

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

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

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 - development should encourage pedestrian and cycle movements and facilitate access to high quality public transport, creating safe, secure environments and enabling the provision of low emission vehicles in safe, accessible and convenient locations.

Section 12 - Achieving well-designed places

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

Paragraph 163 - ensuring development does not increase flood risk

Paragraph 165 - incorporating sustainable drainage systems in major developments

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. Policies of particular relevance are:

Policy BN1 – Creation of green infrastructure

Policy BN2 – Biodiversity

Policy BN3 – Woodland enhancement and creation

Policy BN5 – Historic environment and landscapes

Policy E1 – Existing employment areas

Policy S1 – Distribution of development

Policy S7 – Provision of jobs

Policy S8 – Distribution of jobs

Policy S10 – Sustainable Development Principles

Policy INF1 – Approach to infrastructure delivery

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 policies are material to this application:

Policy E20 – New development

Policy B5 – Development policies for commercial development

Policy B9 – Landscaping at Milton Ham

Policy B11 – Development at Milton Ham

5.5 Supplementary Planning Documents

6 CONSULTATIONS/ REPRESENTATIONS

Comments on the amendment received are summarised as follows:

- 6.1 **Local Lead Flood Authority** – The proposed changes are acceptable.

7 APPRAISAL

Alterations to condition wording

- 7.1 At the 28th July 2020 Committee, Members Approved In Principle this development subject to the following four conditions on surface water drainage:

19. The surface water drainage scheme for the site as shown within the Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be implemented in accordance with these details before the development is first occupied.

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

20. The surface water maintenance plan identified within Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

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

21. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0. These shall include:

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

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

22. No hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C.

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

- 7.2 Following Planning Committee on the 28th July 2020, the following amended documents have been received showing an alteration of a swale to a pipe on the eastern side of the site:

102(1) Rev D, 102(2) Rev F, 103 Rev D, and Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B.

- 7.3 The Lead Local Flood Authority have been consulted on these amendments and advise that the changes are acceptable. It is therefore proposed to alter the above 4 conditions to be in accordance with the amended plans and Flood Risk Assessment.

8 CONCLUSION

- 8.1 The proposed development represents an appropriate land use and would enable a long allocated site to be brought forward for development. The development would also generate employment opportunities that would be beneficial to the overall economy of Northampton. Subject to conditions and the legal agreement as described previously, the proposal would not lead to significant adverse impacts upon the character and appearance of the surrounding area, neighbour amenity, the highway system, ecology, and flood risk.

9 CONDITIONS

1. The development hereby permitted shall be begun before 7th March 2022.

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: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, F0014 Rev A, P0008 Rev B, 0009 Rev A, 0010 Rev A, 0011 Rev A, F0021 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

Reason: For the avoidance of doubt and to ensure consistency with the Planning

3. The development shall be carried out in accordance with the phasing details within plan 17206 P0018 Rev B.

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.

4. The development shall be undertaken in full accordance with Construction Environmental Management Plan T919 – Rev D dated 20/07/2020 and tracking drawing P0031 Rev A.

Reason: To minimise the impact of the development during the construction phase in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. The development shall be undertaken in full accordance with the Written Scheme of Investigation (WSI) prepared by Albion Archaeology, dated 23/01/2020 reference 2019/142 Version 1.1.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. The levels of the development shall be undertaken in full accordance with plans 101 Rev C and 107 Rev B.

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

7. The materials to be used on the development hereby approved shall be in full accordance with plans F0014 Rev A, F0021 Rev A, Oyster Grey RAL 7035, Pure Grey RAL 000 50 00, Slate Grey RAL 7012, White RAL 9003, and Goosewing Grey RAL 7038.

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.

8. The boundary treatments within plan 17206 P0014 Rev D (which for the avoidance of doubt, do not include the acoustic fence referenced in Condition 26) shall be provided in full accordance with this plan prior to the first occupation of the units hereby approved and retained thereafter.

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

9. The hard surfacing shown in plan 17206 P0016 Rev B shall be provided in accordance with the plan prior to the first occupation of the units hereby approved and retained thereafter.

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

10. Notwithstanding the details submitted, full details of a scheme for at least 33 electric car charging points, including at least 6 rapid charging units, (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the 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).

11. Notwithstanding the details submitted, full details of a bus shelter 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 interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

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

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

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

Reason: In the interest of creating a safe and secure form of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted, full details of bat and bird roosting boxes (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of ensuring a satisfactory impact on ecology, in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy. Decision Notice

15. All planting, seeding or turfing as shown on drawings 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E 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 S10 of the West Northamptonshire Joint Core Strategy

16. Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 Rev F shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

17. Notwithstanding the details submitted, and within three months from the first occupation of each phase of the development, a full Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

18. The development hereby permitted shall be carried out in accordance with the access details as shown on drawing 14-T130_06, as amended through the Detailed Design and Road Safety Audit, which shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

19. The surface water drainage scheme for the site as shown within the Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D, 102(2) Rev F and 103 Rev D shall be implemented in accordance with these details before the development is first occupied.

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

20. The surface water maintenance plan identified within Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D,

102(2) Rev F, and 103 Rev D shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

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

21. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B. These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

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

22. No hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment Revision B: August 2020 reference R-FRA-20528-01-B, Flood risk assessment appendices, and plans 102(1) Rev D, 102(2) Rev F, 103 Rev D.

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

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

24. The development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Strategy' reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2, which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

25. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any construction works taking place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

26. The acoustic fence within plan as agreed within plan P0017 Rev A shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter.

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

27. The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LA_r,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

28. The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB LA_{max} between 2300 and 0700 hours.

ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.

iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LA_{max} between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

29. The level of noise emitted from plant shall be at least 6 dB(A) below the existing background noise level (as measured at representative positions of the nearest dwellings, as a free field) of 40 dB LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

30. The offices as shown on drawing 17206 P0002 Rev F shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of the National Planning Policy Framework.

Informative

1. The application is advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

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



PLANNING COMMITTEE:	28th July 2020
DEPARTMENT:	Planning Service
DIRECTOR OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2020/0458
LOCATION:	Milton Ham Farm, Towcester Road
DESCRIPTION:	Variation of Conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted
WARD:	West Hunsbury Ward
APPLICANT:	Firethorn Development Limited
AGENT:	Montagu Evans
REFERRED BY:	Director of Planning and Sustainability
REASON:	Major application requiring Section 106 Agreement
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.2 APPROVAL IN PRINCIPLE subject to:

1.1.1 The prior completion of a Section 106 Agreement to secure the following planning obligations:

- v) Enhanced access to public transport provision in order to mitigate the traffic and environmental impacts of the scheme;
- vi) The submission and agreement of a management and maintenance strategy for the site's bunding, and for the development to operate in accordance with the agreed details;
- vii) The provision of construction worker training places, and a financial payment towards the operation of the scheme; and
- viii) The Council's monitoring fee subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The planning conditions below and for the following reason:

The proposed development would represent a suitable use of this site and is of a suitable design. In addition, the proposed development would contribute towards employment provision within Northampton and have no significant adverse impact upon the amenities of nearby residential properties and adjacent open space. Subject to the securing of items of mitigation relating to drainage, landscaping and transport, it is considered that the development would be in accordance with the requirements of the National Planning Policy Framework; Policies BN5, S1, S7, S8 and S10 of the West Northamptonshire Joint Core Strategy; and Policies B5 and 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 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 The application proposes to vary conditions 2, 15, 16, 19, 24, 27, 28 and 30 of Planning Permission N/2018/0277 (Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works) to modify the height and width of Unit 1, to alter the parking and to add a staff exercise trail, and variation of conditions 3, 4, 6, 7, 8, 9, 20, 21 and 22 to be in accordance with details submitted.
- 2.2 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 238 metres wide, 95.28 metres deep and 16 metres to ridge height. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout.
- 2.3 It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.
- 2.4 The proposal also includes the variation of the wording of conditions which required information to be submitted, to instead be in accordance with details that have been provided within this application.

3 SITE DESCRIPTION

- 3.1 The application site consists of a site that has previously contained a combination of farm buildings, which have since been demolished. The remainder of the site is land that has previously been farmed and is currently undeveloped. Notwithstanding this, a very significant proportion of the application site has been historically allocated for commercial development.
- 3.2 The boundaries of the application site are currently marked by a combination of hedges, fences and some trees. Beyond the southern boundary is the M1 motorway, which is separated from the site by an embankment. The western site boundary is adjacent to the A43 and A5123 dual carriageway. It is a notable feature that the roundabout on this road (which also provides access to the Pineham and Swan Valley areas, Junction 15a of the M1) features a spur that was designed to serve the application site when it came forward for development.
- 3.3 The immediate vicinity of the northern and eastern boundaries feature open space. Of additional note is that there are playing fields located to the north east of the site. Beyond these are a number of residential dwellings and a crematorium.

3.4 Whilst the application site does not feature any significant variations in topography, it is notable that the general site level currently slopes downwards in an easterly direction.

4 PLANNING HISTORY

- 4.1 88/0085 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Non-determination Appeal Withdrawn
- 4.2 88/0086 – Proposed Corporate Office Park (Class B1 use), Business Support Centre, Conference Centre and Hotel, Residential and Leisure – Outline Application – Refused
- 4.3 88/1656 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.4 89/1007 – Single office building – Outline Application – Dismissed on Appeal
- 4.5 91/0025 - Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approved
- 4.6 97/0166 – Corporate Office Park (Class B1 use) Business Support Centre, Conference Centre and Hotel, Residential and Leisure Development – Outline Application – Approval in Principle, Legal Agreement not Finalised
- 4.7 98/0077 – Development of Land to provide Office and Leisure Use – Outline Application – Undetermined
- 4.8 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – Withdrawn
- 4.9 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – Refused, dismissed on appeal
- 4.10 N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – Outline – Dismissed on appeal
- 4.11 N/2006/0582 – Erection of B1(a)(c), B2 and B8 units with associated parking, service yards and landscaping – Undetermined
- 4.12 08/0160/FULWNN – Engineering Works to include Ground Modelling, Creation of Landscaping Bunds, Drainage, Roads, Attenuation Lake and Infrastructure Landscaping – Approved
- 4.13 08/0275/FULWNN – Erection of seven commercial/industrial buildings (B1], B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Approved
- 4.14 N/2012/0291 – Application to extend time limit for implementation of Planning Permission 08/0275/FULWNN for erection of seven commercial/industrial buildings (B1, B2 and B8), two office buildings (B1), two hotels (C1), two car showrooms (sui generis) and countryside park with associated infrastructure, parking and servicing, landscaping and drainage (including attenuation lake) – Refused.
- 4.15 N/2015/0335 – Redevelopment comprising a new distribution centre (Use Class B8) including related service roads, access and serving arrangements, car parking, landscaping bund and associated works – Refused, and dismissed on appeal.

- 4.16 N/2018/0277 - Distribution Centre (Use Class B8) including related service roads, access and servicing arrangements, car parking, landscaping bund and associated works – Approved 06/03/2019.

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

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

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 - development should encourage pedestrian and cycle movements and facilitate access to high quality public transport, creating safe, secure environments and enabling the provision of low emission vehicles in safe, accessible and convenient locations.

Section 12 - Achieving well-designed places

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

Paragraph 163 - ensuring development does not increase flood risk

Paragraph 165 - incorporating sustainable drainage systems in major developments

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. Policies of particular relevance are:

Policy BN1 – Creation of green infrastructure

Policy BN2 – Biodiversity

Policy BN3 – Woodland enhancement and creation

Policy BN5 – Historic environment and landscapes

Policy E1 – Existing employment areas

Policy S1 – Distribution of development

Policy S7 – Provision of jobs

Policy S8 – Distribution of jobs

Policy S10 – Sustainable Development Principles

Policy INF1 – Approach to infrastructure delivery

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 policies are material to this application:

Policy E20 – New development

Policy B5 – Development polices for commercial development

Policy B9 – Landscaping at Milton Ham

Policy B11 – Development at Milton Ham

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Northampton Parking SPD 2019

Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Highways England** – No comment to make.

6.2 **NCC Highways** – No objection to the proposed amendments.

6.3 **NCC Ecology** – No comments to make.

6.4 **NCC Archaeology** – No comment. Proposal does not impact on area of archaeological mitigation.

6.5 **NBC Public Protection** – Details provided for conditions 6, 8, 27, and 28 acceptable. Air quality assessment accepted. EV charging should be provided. No objection to proposed lighting scheme.

6.6 **Northamptonshire Police** – No objection to increase in height of unit 1 and inclusion of staff exercise trail. Lighting meets minimum secure by design requirements. No control over public access to the car parking and so CCTV will need to cover employee car parking and exercise trail. All fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

6.7 **Environment Agency** – No comment.

6.8 **Local Lead Flood Authority** – Sufficient information provided for conditions 19 and 20.

6.9 **West Hunsbury Parish Council** – object. Increased size and scale are detrimental to local amenity and out of scale with proposed landscaping and bunding and larger than inspector indicated as acceptable in previous dismissed appeal. Concern regarding proposed attenuation tanks and flood risk from this. Increase in size of building would result in more surface run-off into Wootton Brook and maintenance of this should be considered within conditions. Concerns regarding pollution from noise, vehicles, materials and light, and traffic congestion and lack of pedestrian access to the site.

6.10 35 letters have been received from 22 neighbouring properties. 20 of these raise objections to the application, with 2 raising observations. The concerns raised can be summarised as follows:

Design

- Approved building was too large and increase of unit 1 is unacceptable.
- Increase in height will be noticeable within West Hunsbury.
- Increase in warehouse and industrial sprawl around town and loss of green space and agricultural land.
- Same size as that previously refused for being too big.
- Extra rack space could be made by altering slope of roof.
- Width increase makes building more obtrusive.

- Shouldn't be allowed to apply to make it larger.
- Eyesore at entrance to town.

Neighbouring Amenity

- Noise and light pollution from building which bund will not block out.
- Air pollution.
- Impact of noise on Crematorium and playgrounds.
- Health impact on neighbouring residents.

Crime

- Don't want access for workers or construction through Shelfleys Park due to safety concerns.
- Exercise trail may be used by others and vandalised.

Highways

- Parking level has increased drastically within plans with associated large increase in traffic and pollution (noise and air).
- Don't want lorries using Towcester Road off Mere Way to access site – should be limited to M1.
- Lower speed limit should be introduced to road to Northampton.
- Impact on traffic in area.

Flooding

- Concern regarding flood attenuation tanks as they are a maintenance issue.
- Concern regarding details of attenuation tanks and whether LLFA have agreed these.
- Concern regarding flood risk from development and this may be exacerbated on neighbouring sites if this site is not maintained correctly.
- Condition requested requiring neighbouring ponds to be dredged to facilitate run-off.

Bund

- Bunding should be increased to accommodate increased size of building.
- Concern with bund shape.
- Want bund to cover building – be higher.
- Request building is horizontal and bunding is horizontal and not dropping over its length.

Other

- Want all conditions to remain.
- Request plan showing current proposal overlaid with all previous refusals dismissed at appeal.
- Question whether previous approval complied with Inspectors comments and the current amendment makes this worse.
- Concern application submitted during a lockdown.
- Property values will decrease.

7 APPRAISAL

Principle of development

- 7.1 The principle of the development has been established under application N/2018/0277. This identified that the site had been allocated within the Local Plan for Classes B1, B2 and B8 purposes, and had been established within a public inquiry in respect of refusal of the 2015 permission that the site was suitable for Class B8 purposes. It was also identified that the proposal complied with policy S7 of the core strategy which sets out a requirement for the provision of 28,500 jobs within the West Northamptonshire area during the plan period of 2008-2029; policy S8, which identifies that the bulk of this new job growth would take place within Northampton through the renewal and regeneration of employment sites and through the development of industrial land; and policy E1, which states that existing and allocated employment sites would be retained for commercial purposes, including those falling within Class B8 of the Use Classes Order.
- 7.2 The principle of the development has been established within application N/2018/0277 and is accepted.

Design

- 7.3 The application proposes to enlarge the approved Unit 1. Unit 1 was approved at 208 metres wide, 95.28 metres deep and 15.5 metres to ridge height. It is proposed to alter the building to be 30 metres wider and 0.5 of a metre higher. As a consequence of the enlargement of Unit 1, there would be an amendment to the parking layout. It is also proposed to add a staff exercise trail to the site, which would be located on the eastern side of the site and comprise a circular route with exercise equipment positioned at intervals.
- 7.4 Concern was raised within neighbour letters that the proposed building is too large, that the height increase will be noticeable, that there are too many warehouses in Northampton with the loss of green space and agricultural land, and that it is an eyesore at the entrance to the town. It is also raised that the approved bund under the original application should be made larger.
- 7.5 The current application is a variation application to an approved scheme and it is only the alterations to this approval that are under consideration. It is considered that the proposed enlargement of the building would not appear substantially different to that approved under application N/2018/0277. The proposed building would be 30 metres wider, which would be visible from the northern and southern elevations, however the appearance would remain of a large warehouse. It is not considered that the increase in height of 0.5 of a metre has a significant impact upon the appearance of the building, with it retaining the appearance that would be expected from a Class B8 warehouse. A bund remains proposed, and section drawings indicate that the increase in height of the building will not have a significant impact upon the surrounding area with regards to appearance. Condition 6 requires further details on the levels of this bund.
- 7.6 Concern has been raised within neighbour letters that the revised building is similar to that previously refused on this site and the previous approval under N/2018/0277 was the limit in terms of size and bulk.
- 7.7 Application N/2015/0335 was refused and dismissed at appeal on the 3rd February 2017. This proposed a building of approximately 18.3 metres in height and a footprint of 46651m². The Inspector for this appeal identified that the proposal would result in a marked and permanent change to the landscape in the vicinity of the site which could not be mitigated by landscaping. It was outlined that this would erode the rural characteristics of the site and its contribution to the green area separating the town from the M1. It was also considered that the large bunds needed to screen the development would further the harm, being engineered features in the landscape.
- 7.8 It is the case that the refused scheme was significantly larger than that now proposed, being 18.3 metres in height and 46651m² in footprint whereas the current scheme under consideration for Unit 1 is 16 metres in height and 23226m² in footprint, plus 4886m² as approved for units 2 and 3, a total of 32998m² on the site. This is substantially less than that refused under application N/2015/0335. It is also the case that since the refusal there has been permission granted on this site for a development including Unit 1 at 15.5 metres in height and 20406m² in footprint, with a total of 30178m² floorspace on this site.
- 7.9 With the existing live permission on the site under application N/2018/0277 and with the increase in size not being disproportionate to this previous approval, it is considered that the enlargement of Unit 1 is acceptable in design terms.
- 7.10 The proposal includes alterations to the design of the car park as a result of the alteration in size of Unit 1. The altered layout is considered acceptable in design terms.
- 7.11 The proposal also includes the introduction of a staff exercise trail on the site. This is considered a positive of the scheme and is acceptable in design terms.

Amenity

- 7.12 Concern has been raised within neighbour letters as to the impact of the proposal on neighbouring amenity with regards to noise, light pollution, air pollution and the impact upon existing residents' health.
- 7.13 Application N/2018/0227 granted permission for the erection of three units on this site. Unit 1 is within the same location as this previous approval, however it has been extended 30 metres to the east and is also increased in height by 0.5 of a metre. The proposed building is located over 180 metres from the rear of the nearest residential property, and bunding remains proposed around the northern and eastern sides of the built development. There is also a good tree coverage to the south of Heronsford and Teal Close which helps screen the site from neighbouring properties on this road.
- 7.14 As within approval N/2018/0227, with the proposal being for warehousing, it is likely that the occupiers would operate on a continual basis. An updated noise assessment has been submitted in support of the application. This has been assessed by the Council's Environmental Health officers, and no objections have been raised to the development. Conditions attached to N/2018/0227 requiring the development to operate within agreed noise limits and the provision, and retention, of a suitable acoustic fence on top of the bund would be retained within this variation application.
- 7.15 By reason of the development likely to be operating on a continual basis, the issue of lighting is also of particular importance. Details of lighting have been submitted with this application and the Council's Environmental Health officer has raised no objection to these.
- 7.16 A Construction Environment Management Plan (CEMP) has also been submitted to regulate the construction of the development. This has again received no objection from the Council's Environmental Health officer however NCC Highways have not agreed the details and as such this condition will remain unaltered from application N/2018/0277.
- 10.1 The Council's Public Protection team have been consulted on this application and do not raise any concerns with the proposal. With this significant separation distance, existing trees, the proposed bunds, and with no objection from the Public Protection team, it is not considered that the proposal would have an unacceptable impact upon neighbouring amenity with regards to noise and light.

Parking and highway safety

- 10.2 Concern was raised within neighbour letters that the proposal would result in traffic problems through increases in parking levels. It was also raised that lorries should not be allowed to use Towcester Road off Mere Way to access the site and should be limited to the M1, and that a lower speed limit should be introduced on the road to Northampton.
- 10.3 The proposed development would utilise an existing spur from the roundabout serving as the junction between the A43 and the A5123 as approved under N/2018/0227 and no change is proposed to this.
- 10.4 Application N/2018/0277 included parking spaces for 320 cars and 41 HGV's. The amended proposal provides 332 car parking spaces and 41 HGV parking spaces. Under the NCC Parking Standards 326 parking spaces would be required for this development. As such there is an overprovision of parking on this site by 6 spaces.
- 10.5 Northamptonshire County Council Highways department have been consulted on this application and have raised no objection to the proposed amendments.
- 10.6 The development contains sufficient vehicle manoeuvring spaces and car parking. The provision, and retention, of these spaces would be controlled by condition. This is particularly necessary owing to the fact that it would not be possible for the surrounding road network to accommodate any form of on street vehicle parking.

- 10.7 Application N/2018/0277 includes an agreement within a Section 106 Agreement that secures funding towards the provision of public transport. This would be reiterated within this application.
- 10.8 Following the grant of application N/2018/0277 the Council has adopted a Parking SPD which requires 10% of parking spaces to be EV charging spaces, with at least 1 per every 10 disabled parking spaces. 1 rapid charging unit would also be required per 50 parking spaces. As such 33 EV charging points would be required, with 6 of these being rapid charging units. This would be secured through a condition.
- 10.9 With regards to neighbour comments, NCC Highways have advised that there are no objections to the scheme and have not raised any objections to the safety of the site due to speed limits on roads or the access. As such it is not considered that there is a highway safety issue resultant from this proposal.

Flood Risk

- 10.10 Concern has been raised within neighbour letters with regards to the flood risk of this site. This is due to the proposed flood attenuation tanks, the impact on neighbouring sites if these are not maintained properly, and the increase in surface water from the enlarged building flowing into neighbouring ponds.
- 10.11 It is a policy requirement that development does not increase flood risk either on the site, or elsewhere. The application has been accompanied by a flood risk assessment, drainage layouts and surface water maintenance details. The Lead Local Flood Authority have been consulted on these details and raise no objection. Conditions are attached to the permission requiring the development to be undertaken in accordance with the approved drainage scheme, maintenance scheme, and management strategy, and requiring a verification report.
- 10.12 With no objection from the LLFA to the proposed scheme, it is not considered that the proposal would result in an unacceptable flood risk and the submitted details are accepted.

Crime

- 10.13 Neighbour letters raised concerns regarding crime safety of this development. It was requested that there is no access for workers or construction through Shelfleys Park due to safety concerns. It was also raised that the proposed exercise trail may be used by others and vandalised.
- 10.14 As part of this application Northamptonshire Police were consulted and no objection was received. It was advised that CCTV would need to cover the exercise trail and entrance to the site, and this is covered by condition 13. No access is proposed to the site from Shelfleys Park.
- 10.15 Northamptonshire Police also advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 standard and be of steel construction with no external hardware and should be alarmed. This would be reminded through an informative.

Legal Agreement

- 10.16 Application N/2018/0277 was granted subject to a S106 Agreement which secured contributions towards construction training, public transport, and a monitoring fee and required details on landscape buffer, shift times, and a public transport strategy. This S106 Agreement does not have a clause tying it to any future variation applications and as such a new S106 Agreement is needed to make this application acceptable, subject to the same obligations as those agreed under application N/2018/0277. This has been agreed by the developer.

Alterations to condition wording

Condition 3 - phasing

10.17 Condition 3 of N/2018/0277 outlines:

Prior to the commencement of development, a phasing plan for the implementation of the development shall be submitted to, and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

10.18 Whilst a phasing plan has been agreed under application N/2018/0277, this must be updated to show the revised scheme now proposed. Plan 17206 P0018 Rev B has been submitted which identifies that there is only one phase. This matches that agreed under application N/2018/0277. In line with this, it is considered appropriate to amend the condition to be in accordance with this plan.

Condition 4 - CEMP

10.19 Condition 4 of N/2018/0277 outlines:

Prior to the commencement of each phase of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

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

10.20 A CEMP has been submitted within this application reference T919-Rev B. Under application N/2018/0277 this CEMP has not been accepted due to NCC Highways concerns and as such it is not considered that this CEMP is acceptable for the revised scheme. As such it is not possible to amend this condition and it will remain worded as above.

Condition 6 – levels

10.21 Condition 6 of N/2018/0277 outlines:

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

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.'

- 10.22 It is essential that the levels of this site, including the bund, are acceptable. Insufficient information has been provided to ascertain this and as such this condition cannot be amended and will remain worded as above.

Condition 7 - materials

- 10.23 Condition 7 of N/2018/0277 outlines:

‘Prior to the commencement of each phase of the development, details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree such details in a timely manner.’

- 10.24 Under application N/2018/0277 the materials to be used in the development have been approved. With the plans approved being specific to the drawings, amended details are required for Unit 1 under this application. The applicant has provided details within plan 17206 P0006 Rev D of the materials for Unit 1, which match those approved under application N/2018/0277. It is considered that this condition can be amended to be in accordance with this plan and plans 17206 P0012 Rev B – Unit 2&3 Building Elevations & Section, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

Condition 8 – boundary treatment

- 10.25 Condition 8 of N/2018/0277 outlines:

‘Notwithstanding the details submitted and prior to the commencement of each phase of the development, full details of all boundary treatments (which for the avoidance of doubt, shall not include the acoustic fence referenced in Condition 26) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the phase and retained thereafter.

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

- 10.26 Under application N/2018/0277 details of boundary treatments have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0014 Rev D has been submitted which outlines boundary treatments to match those approved previously. It is considered that these details are acceptable and the condition can be amended to be in accordance with these details.

Condition 9 – hard surfacing

- 10.27 Condition 9 of N/2018/0277 outlines:

‘Notwithstanding the details submitted and prior to the commencement of each phase of the development, full details of the appearance of all proposed hard surfacing 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 phase and retained thereafter.

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

10.28 Under application N/2018/0277 details of hard surfacing have been agreed. However, with the size of the unit altering, the plans are required to be updated. Plan 17206 P0016 Rev B has been submitted. The details within this match that previously approved and it is considered that the condition can be updated to be in accordance with these details.

Condition 15 – landscaping

10.29 Condition 15 of N/2018/0277 outlines:

‘All planting, seeding or turfing as shown on drawings 06B, 07B and 08C 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 S10 of the West Northamptonshire Joint Core Strategy’

10.30 With the amendment of Unit 1, the plans referred to within condition 15 are required to be updated. Plans 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E have been submitted and NCC Ecology have advised that these are acceptable. It is considered that the planting scheme proposed is acceptable and as such the condition can be amended to refer to these updated plans.

Condition 16 – timetable for delivery of parking, roads and manoeuvring spaces

10.31 Condition 16 of N/2018/0277 outlines:

Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 D shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

10.32 With the amendment of Unit 1, the plans referred to within condition 16 are required to be updated. The plan number should be amended to 17206 P0002 Rev F, the amended site layout.

Conditions 19, 20, 21 and 22 – surface water drainage

10.33 Condition 19 of N/2018/0277 outlines:

‘Prior to any above ground works commencing, 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 in accordance with the Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

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

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

10.34 Condition 20 of N/2018/0277 outlines:

'Prior to any above ground works commencing, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

The scheme shall include:

- a) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- b) a site plan including access points, maintenance access easements and outfalls.
- c) maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- d) details of expected design life of all assets with a schedule of when replacement assets may be required.

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

10.35 Condition 21 of N/2018/0277 outlines:

'No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference R-FRA-9247M-01-0 Revision A, dated April 2018, prepared by JPP Consulting Ltd. These shall include:

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

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

10.36 Condition 22 of N/2018/0277 outlines:

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

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

10.37 Under application N/2018/0277 details have been agreed for conditions 19, 20 and 22. Amended details have been submitted with this application alongside an updated Flood Risk Assessment. The Lead Local Flood Authority have confirmed that the details submitted are acceptable for condition 19 and 20. The details submitted for condition 22 are also considered acceptable. As

such it is considered that these conditions can be re-worded to be in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C. Condition 21 must be updated to refer to the new Flood Risk Assessment.

Condition 24 – lighting

10.38 Condition 24 of N/2018/0277 outlines:

‘The development hereby permitted shall be implemented in accordance with the submitted external lighting strategy (reference 2764-18-171109, second issue, dated the 8th December 2017), which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.’

10.39 As part of this application a revised lighting strategy has been submitted ‘External Lighting Strategy’ reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2. Public Protection and Northamptonshire Police have confirmed that these revised details are acceptable. As such it is considered that the condition can be reworded to make reference to these amended details.

Conditions 27 and 28 – noise

10.40 Condition 27 of N/2018/0277 outlines:

‘The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LA_{r,T}. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.’

10.41 Condition 28 of N/2018/0277 outlines:

‘The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB LA_{max} between 2300 and 0700 hours.

ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.

iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LA_{max} between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment

Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.'

- 10.42 Following the revision of the proposal a Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020 has been submitted with regards to noise. Public Protection have advised that the findings of this are acceptable. As such it is considered that conditions 27 and 28 should be updated to include this new document in addition to the documents currently referred to within them.

Condition 30 – offices

- 10.43 Condition 30 of N/2018/0277 outlines:

'The offices as shown on drawing P0002 D shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of the National Planning Policy Framework.'

- 10.44 With the amended plan numbers within this application this condition must be amended to refer to the new plan – 17206 P0002 Rev F.

Other Matters

- 10.45 A neighbour letter raised concern that they want all conditions to remain. The application does not propose to remove any conditions, rather to alter the wording to be in accordance with updated details.
- 10.46 A neighbour letter raised concern that the applicants had not provided a plan showing the current proposal overlaid with all previous refusals dismissed at appeal. The applicants have provided a comparison plan showing that proposed against that previously approved and that dismissed at appeal under application N/2015/0335. This shows a good comparison of the recent relevant planning history. The Council cannot require the applicant to provide any further comparison plans as these are not required under the validation list.
- 10.47 Concern was raised that the previous approval N/2018/0277 should not have been allowed. Application N/2018/0277 has been granted and is a live permission on this site. As such this has significant weight in the assessment of this variation application.
- 10.48 Concern was raised that the application was submitted during a lockdown. There was no changes made to the Planning process restricting the submission of applications during lockdown. Site notices were still displayed and letters sent to neighbouring properties in accordance with the requirements of the Town and Country Planning Act.
- 10.49 Concern was raised that property values will decrease as a result of this proposal. This is not a material planning consideration.

11 CONCLUSION

- 11.1 The proposed development represents an appropriate land use and would enable a long allocated site to be bought forward for development. The development would also generate employment opportunities that would be beneficial to the overall economy of Northampton. Subject to conditions and the legal agreement as described previously, the proposal would not lead to significant adverse impacts upon the character and appearance of the surrounding area, neighbour amenity, the highway system, ecology, and flood risk.

12 CONDITIONS

1. The development hereby permitted shall be begun before 7th March 2022.

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: 17206 P0001 Rev E, P0002 Rev F, P0003 Rev B, P0004 Rev B, P0005 Rev B, P0006 Rev B, 0008 Rev A, 0009 Rev A, 0010 Rev A, 0011 Rev A, 0012 Rev A, DLA-1781-L-01 Rev D, 02-Rev D, 03-Rev E, 04-Rev E, DLA-1781-L19, 1781DLA L12, 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E, 11.

Reason: For the avoidance of doubt and to ensure consistency with the Planning

3. The development shall be carried out in accordance with the phasing details within plan 17206 P0018 Rev B.

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.

4. Prior to the commencement of each phase of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
 - i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.
 - vi) Measures to prevent mud being deposited on the surrounding highway.
 - vii) Hours in which development will take place.

The approved CEMP and measures contained therein shall be adhered to throughout the construction process.

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

5. The development shall be undertaken in full accordance with the Written Scheme of Investigation (WSI) prepared by Albion Archaeology, dated 23/01/2020 reference 2019/142 Version 1.1.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is a necessity in order to ensure that there is a neutral impact upon the amenities of surrounding properties.

7. The materials to be used on the development hereby approved shall be in full accordance with plans 17206 P0006 Rev D, 17206 P0012 Rev B, Goosewing Grey RAL 7038 (K), White RAL 9003 (A & M), Moorland Green RAL 100 60 20 (B), Meadowland RAL 100 80 20 (C), Hamlet RAL 9002 (D) and Alaska Grey RAL 7000 (L) (N) (P).

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.

8. The boundary treatments within plan 17206 P0014 Rev D (which for the avoidance of doubt, do not include the acoustic fence referenced in Condition 26) shall be provided in full accordance with this plan prior to the first occupation of the units hereby approved and retained thereafter.

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

9. The hard surfacing shown in plan 17206 P0016 Rev B shall be provided in accordance with the plan prior to the first occupation of the units hereby approved and retained thereafter.

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

10. Notwithstanding the details submitted, full details of a scheme for at least 33 electric car charging points, including at least 6 rapid charging units, (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the 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).

11. Notwithstanding the details submitted, full details of a bus shelter 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 interest of promoting sustainable transport in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

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

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

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

Reason: In the interest of creating a safe and secure form of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted, full details of bat and bird roosting boxes (including a timetable for implementation) shall be submitted to, and approved in writing by the Local Planning

Authority prior to the first occupation of the development. Development shall be carried out in accordance with the approved details, and be retained thereafter.

Reason: In the interest of ensuring a satisfactory impact on ecology, in accordance with the requirements of Policy BN2 of the West Northamptonshire Joint Core Strategy. Decision Notice

15. All planting, seeding or turfing as shown on drawings 06D, 07D planting proposal 2 of 4, 07D planting proposal 4 of 4, and 08E 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 S10 of the West Northamptonshire Joint Core Strategy

16. Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted, a timetable for the delivery of the vehicle parking, access roads, and manoeuvring spaces as shown on drawing 17206 P0002 Rev F shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

17. Notwithstanding the details submitted, and within three months from the first occupation of each phase of the development, a full Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

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

18. The development hereby permitted shall be carried out in accordance with the access details as shown on drawing 14-T130_06, as amended through the Detailed Design and Road Safety Audit, which shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

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

19. The surface water drainage scheme for the site as shown within the Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be implemented in accordance with these details before the development is first occupied.

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

20. The surface water maintenance plan identified within Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C shall be carried out in full accordance with these details prior to first occupation and at all times thereafter.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with the requirements of

Policy BN7 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

21. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment document reference Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0. These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

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

22. No hard-standing areas are to be constructed until the surface water management strategy works have been carried out in accordance with Flood Risk Assessment revision 0: April 2020 reference R-FRA-20528-01-0, Flood risk assessment appendices, and plans 102(1) Rev C, 102(2) Rev C, and 103 Rev C.

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

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

24. The development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Strategy' reference 3364-18-200409 Rev 03 dated 09/04/2020 by ESP, alongside plan 3364/E/100 Rev P2, which shall be retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

25. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any construction works taking place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

26. The acoustic fence within plan as agreed within plan P0017 Rev A shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter.

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

27. The development hereby permitted shall operate in accordance with the following operational ambient noise limits:

i) Where the existing background noise levels (measured at representative positions of the nearest dwellings, as a free field level) are below 40 dB LA90,T the noise levels generated from the development shall not exceed 45 dB LAr,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

ii) Where the existing background noise levels (measured at representative positions of the nearest dwellings in Teal Close and Heronsford, as a free field level) are equal to or above 40 dB LA90,T the noise levels generated from the development shall not equal or exceed 5 dB above the existing LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

The appropriate noise limit detailed above must be achieved, as a free field level, at positions representative of the facades of properties on Heronsford and Teal Close, to accord with the findings of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

Reason: In the interests of securing a neutral impact upon residential amenity in accordance with the requirements of the National Planning Policy Framework.

28. The development hereby permitted shall operate in accordance with the following operational short duration event noise limits:

i) Impulsive noise levels from loading and unloading activities on the site (excluding tonal reversing sounders) shall not exceed 61 dB LAmax between 2300 and 0700 hours.

ii) All fork lift truck vehicles shall be fitted with white noise reversing alarms.

iii) Noise levels from tonal reversing sounders used on site shall not exceed 45 dB LAmax between 2300 and 0700 hours (NB. This includes any penalties for specific noise penalties, as detailed in Appendix A of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017).

The appropriate noise limit detailed above must be achieved, as a free field level, at each hour in each position detailed in Schedule 17/0633/SCH1 of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 to accord with the conclusions of the submitted Noise Impact Assessment Reference 17/0633/R1, dated the 12th December 2017 and Memorandum by Cole Jarman reference 17/0633/M01 Rev 0 dated 16th April 2020.

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

29. The level of noise emitted from plant shall be at least 6 dB(A) below the existing background noise level (as measured at representative positions of the nearest dwellings, as a free field) of 40 dB LA90,T. (The assessment time period T will be 1 hour between 0700 and 2300 and 15 minutes between 2300 and 0700 hours).

Reason: In the interests of residential amenity in accordance with the requirements of the National Planning Policy Framework.

30. The offices as shown on drawing 17206 P0002 Rev F shall be used for purposes ancillary to the warehousing hereby permitted, and shall, at no time, form separate planning units.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of the National Planning Policy Framework.

Informative

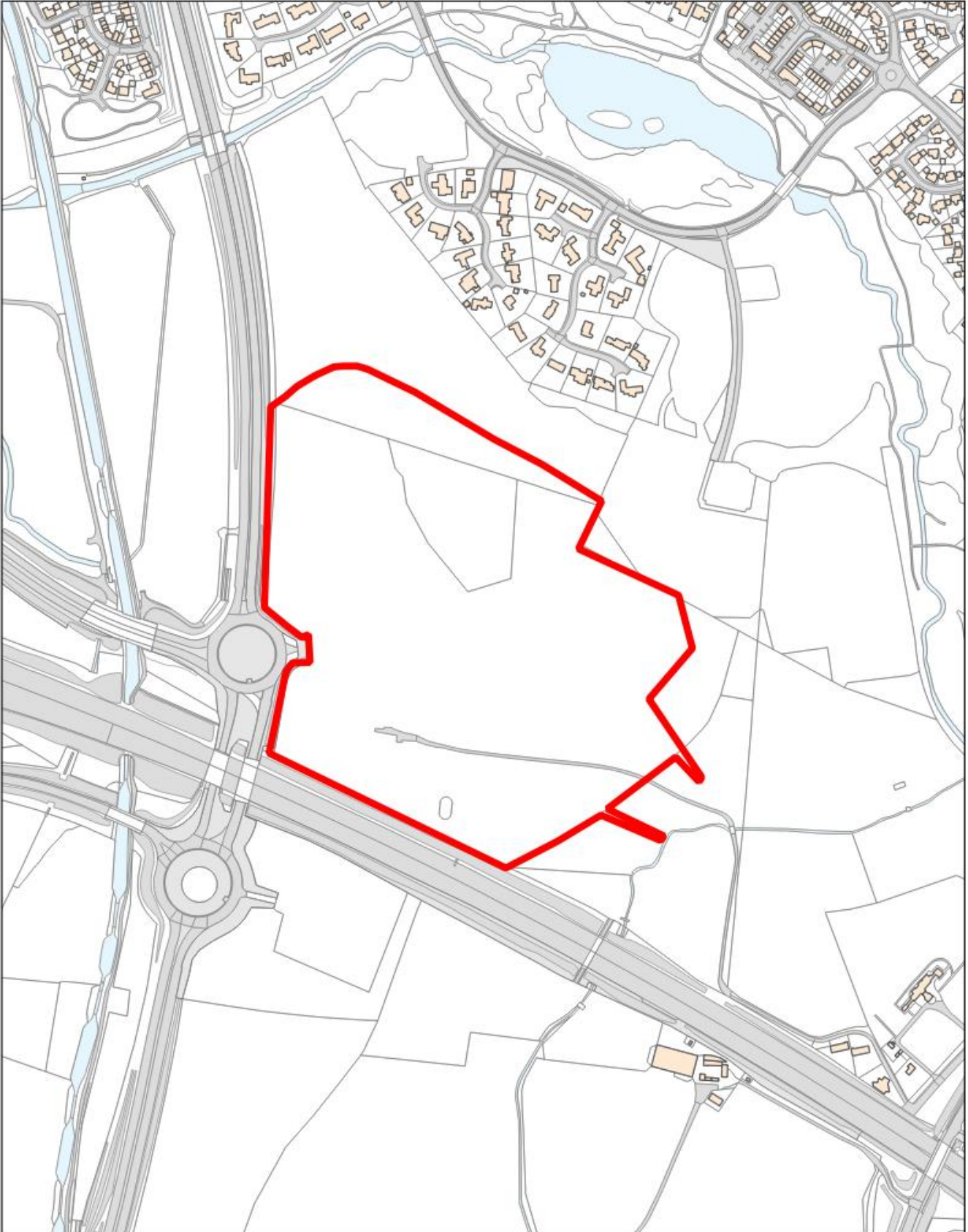
1. The application is advised that all fire exit doors should meet the requirements of LPCB LPS 1175 SR2 and be of steel construction with no external hardware and should be alarmed.

13 LEGAL IMPLICATIONS

- 13.1 The development is not CIL liable.

14 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Milton Ham Farm, Towcester Road.**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 17-08-2020

Scale: 1:5,000

Drawn by: -----

This page is intentionally left blank



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

**APPLICATION REF
 AND LOCATION:**

N/2020/0489	1-6 Rainsborough Crescent
N/2020/0490	9-20 Rainsborough Crescent
N/2020/0491	25-30 Rainsborough Crescent
N/2020/0492	1-6 Newstone Crescent
N/2020/0493	18-23 Newstone Crescent
N/2020/0494	1-6 Knaphill Crescent
N/2020/0495	12-17 Knaphill Crescent
N/2020/0498	23-28 Knaphill Crescent
N/2020/0499	31-36 Knaphill Crescent
N/2020/0500	39-44 Knaphill Crescent
N/2020/0501	4-9 Crickley Crescent
N/2020/0502	17-22 Crickley Crescent
N/2020/0503	22-27 Arrow Head Road
N/2020/0504	28-33 Arrow Head Road

DESCRIPTION: Replacement of brown frame windows with white frame windows

WARD: Delapre & Briar Ward

APPLICANT: Northampton Partnership Homes
AGENT: N/A

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** of all 14 planning applications in question, subject to the conditions as set out below and for the following reason:

The proposed new UPVC windows are of a scale and design appropriate to the building and surrounding area. It is considered that there would not be any undue impact on visual or residential amenity on the neighbouring properties. The proposal would be in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, saved Policy E20 of the Northampton Local Plan, the Council's Residential and Alterations Design Guide and advice within the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The 14 planning applications, all relate to properties in the Briar Hill area, seek permission for the replacement of the existing windows in all elevations of each building with new white UPVC windows of exactly the same size and design.

2.2 The applications relate to the following sites:

N/2020/0489 1-6 Rainsborough Crescent
N/2020/0490 9-20 Rainsborough Crescent
N/2020/0491 25-30 Rainsborough Crescent
N/2020/0492 1-6 Newstone Crescent
N/2020/0493 18-23 Newstone Crescent
N/2020/0494 1-6 Knaphill Crescent
N/2020/0495 12-17 Knaphill Crescent
N/2020/0498 23-28 Knaphill Crescent
N/2020/0499 31-36 Knaphill Crescent
N/2020/0500 39-44 Knaphill Crescent
N/2020/0501 4-9 Crickley Crescent
N/2020/0502 17-22 Crickley Crescent
N/2020/0503 22-27 Arrow Head Road
N/2020/0504 28-33 Arrow Head Road

3 SITE DESCRIPTION

3.1 The sites lie within Briar Hill to the south of the town in predominantly residential areas. The sites comprise blocks of flats ranging from two to three storeys and are constructed in brick with some wood cladding in parts with mostly brown UPVC window frames.

4 PLANNING HISTORY

4.1 None relevant.

5 PLANNING POLICY

5.1 Statutory Duty

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

6 National Policies

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

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

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

6.2 **West Northamptonshire Joint Core Strategy (2014)**

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

Policy S10: Sustainable Development Principles

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

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

E20 – New development.

6.4 **Supplementary Planning Documents**

Residential Extensions and Alterations Design Guide SPD 2011

7 **CONSULTATIONS/ REPRESENTATIONS**

7.1 None received.

8 **APPRAISAL**

Appearance and impact on the local area

8.1 The proposal is for external works to the front and rear of the property and will include the installation of new, white, UPVC windows. It is considered that the proposals will enhance the appearance of the property with more contemporary and unifying features.

8.2 The proposed works will enhance the appearance of the site and additionally improve the overall appearance of the surrounding area. There will be no detrimental impact on neighbouring properties in terms of overlooking or overshadowing. As a result of this, it is considered that the proposal is of an acceptable design and represents sustainable development in accordance with national and local planning policy and is therefore acceptable.

Residential amenity

8.3 The proposed works for replacement windows will not increase the glazed area of the windows and would have a neutral impact on the neighbouring properties.

9 **CONCLUSION**

9.1 The proposed works would enhance the external appearance of the properties and would have a neutral impact on the amenities of adjoining and nearby occupiers. The proposal would comply with the guidelines outlined in the NPPF, policy S10 of the West Northamptonshire Joint Core Strategy and saved policy E20 of the Northampton Local Plan.

10 **CONDITIONS**

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

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

2. The development shall be carried out in accordance with the submitted window details.

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

11 BACKGROUND PAPERS

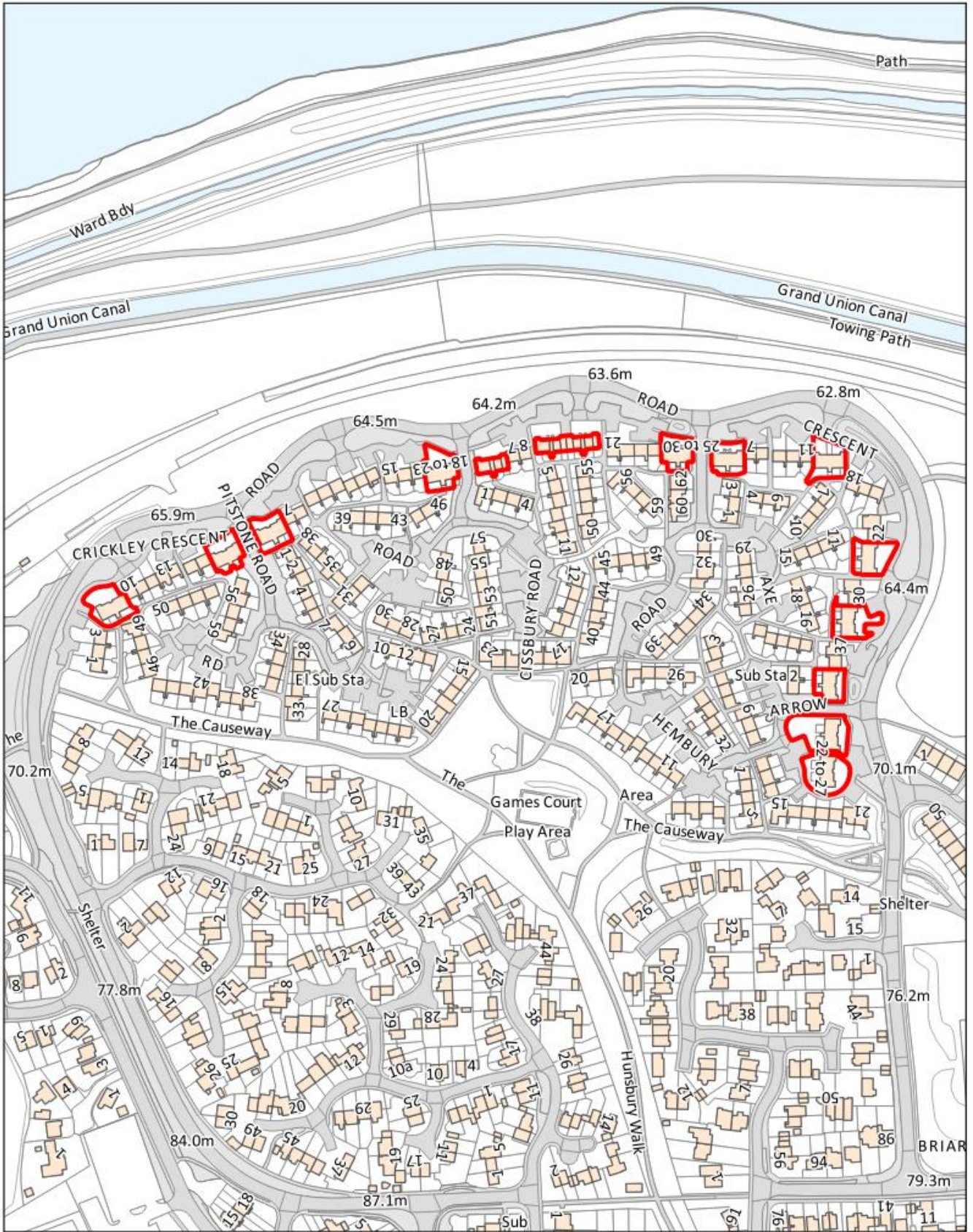
- 11.1 N/2020/0489 1-6 Rainsborough Crescent
- N/2020/0490 9-20 Rainsborough Crescent
- N/2020/0491 25-30 Rainsborough Crescent
- N/2020/0492 1-6 Newstone Crescent
- N/2020/0493 18-23 Newstone Crescent
- N/2020/0494 1-6 Knaphill Crescent
- N/2020/0495 12-17 Knaphill Crescent
- N/2020/0498 23-28 Knaphill Crescent
- N/2020/0499 31-36 Knaphill Crescent
- N/2020/0500 39-44 Knaphill Crescent
- N/2020/0501 4-9 Crickley Crescent
- N/2020/0502 17-22 Crickley Crescent
- N/2020/0503 22-27 Arrow Head Road
- N/2020/0504 28-33 Arrow Head Road

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Window replacements at various locations at Delapre & Briar**

© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655

Date: 17-08-2020

Scale: 1:2,725

Drawn by: -----

This page is intentionally left blank



PLANNING COMMITTEE: 1st September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0648

LOCATION: Garage 1 Lock Up Garages, Stenson Street

DESCRIPTION: Demolition of existing lock-up garages and development of 2no semi-detached dwellings with associated parking

WARD: St James Ward

APPLICANT: Northampton Partnership Homes
AGENT: Baily Garner

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

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

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

The proposal would contribute towards the Council's five year housing land supply and, as part of a balanced assessment, it is considered to be acceptable. As such, subject to conditions, no objections are raised with regards to the requirements of the National Planning Policy Framework, Policies S1, S10, H1, and BN9 of the West Northamptonshire Joint Core Strategy, and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of 25 garages and the erection of 2x2 bedroom dwellings with garages at ground floor level. 4 external parking spaces would also be provided.
- 2.2 The proposed building would be approximately 12.6 metres wide, 10.3 metres deep, and 9.77 metres to ridge height.
- 2.3 The application site is located within Flood Zone 3.

3 SITE DESCRIPTION

- 3.1 The application site comprises a garage court which is currently fenced off with no access to the existing garages on site. The site is located to the southeast of Farmfoods, a food shop, the building of which is located immediately up to the site boundary. To the south-west of the site is the car park for a public house. To the north-east, and over the road to the south-east are residential properties. The area is a mixture of commercial and residential properties.

4 PLANNING HISTORY

- 4.1 None

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

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

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

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

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places.

Section 14 – Climate change and flooding.

5.3 West Northamptonshire Joint Core Strategy (2014)

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

Policy S1 - The Distribution of Development

Policy S10 - Sustainable Development Principles.

Policy H1 - Housing

Policy BN7 - Flood risk

Policy BN9 - Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

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

Policy E20 - New Development (Design)

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Public Protection** – No objection. Request conditions on contamination, EV charging, boilers, and construction noise.
- 6.2 **Northamptonshire Police** – No objection. Happy with proposed trellis topping to fencing, advise that sheds should be secured, the development should comply with building control regulations, lighting should be provided, and landscaping to stop flytipping will be needed.
- 6.3 **NBC Arboricultural Officer** - No objection provided tree measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees are implemented and maintained to protect the trees from accidental harm during the works.
- 6.4 **NCC Highways** – No objections. Request condition requiring development to be undertaken in accordance with the submitted plans.
- 6.5 **Environment Agency** – Request conditions requiring development to be undertaken in accordance with the submitted flood risk assessment, that the ground floors shall be used for the purposes outlined and no habitable accommodation, and the removal of permitted development rights.
- 6.6 **Local Lead Flood Authority** – No comment.
- 6.7 Letters have been received from 1 neighbouring property. The comments can be summarised as follows:
 - Support demolition of garages and construction of 2 new dwellings – area has been hot spot for criminal activity.
 - Concern regarding drainage issues on site – existing drains blocked.
 - Would not want any trees to be removed.
 - Ask if house design will be similar to the surrounding houses.
 - Are garages wide enough to accommodate modern vehicles and will occupants use garage to park in or for storage. Removal of garage doors may assist in ensuring these are used.
 - Question which parts of the road will remain double yellow lines and how the parking behind the public house will be affected. (*Officer comment: The proposal does not alter the parking within the public house or existing parking restrictions*).
 - Question whether bollard partition in centre of street will remain. (*Officer comment: The proposal does not alter the existing bollard split in the street*).
 - Fox den potentially behind garages. (*Officer comment: Foxes are not a protected species and as such this is not a material planning consideration within the assessment of this application*).
 - Impact of houses on internet service. (*Officer comment: This is not a material planning consideration*).

7 APPRAISAL

Principle of development

- 7.1 The application site is in a residential area within the urban area of Northampton and therefore development of the site for residential purposes is acceptable in principle under Policy S1 of the Joint Core Strategy. It is also the case that the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable

development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute, albeit on a small scale, towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Flood Risk

- 7.2 The application site is located within Flood Zone 3, an area at high risk of flooding. In line with this, under the NPPF, a Flood Risk Assessment (FRA), Sequential Test and Exception Test are required within this application.
- 7.3 The submitted Sequential Test and Exception Test identify that the site is in need of re-development due to high crime issues within the vacant garage court, that affordable housing is needed, that the site is previously developed, and of remaining garage courts identified, all are already planned for development. The submitted Flood Risk Assessment identifies measures to ensure the development would not increase flood risk elsewhere.
- 7.4 The proposed dwellings have been designed to ensure that there is no habitable accommodation at ground floor level, with the ground floor forming garages only and with staircase access to the habitable accommodation as first and second floor. The proposal also reduces the level of hardstanding on this site through the creation of gardens and soft landscaping.
- 7.5 The Environment Agency have been consulted on this proposal and do not raise an objection subject to conditions requiring development to be undertaken in accordance with the submitted FRA, that the ground floors shall be used for the purposes outlined and no habitable accommodation, and the removal of permitted development rights. These are considered reasonable to attach.

Design

- 7.6 Saved Policy E20 of the Northampton Local Plan and Policy H1 of the Joint Core Strategy place 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. The application site comprises a garage court set in the middle of a residential estate and would comprise the re-use of brownfield land, which is encouraged under the NPPF.
- 7.7 The application proposes a pair of semi-detached properties. These properties would face side-on to the street scene with a depth of approximately 10.3 metres along the street scene. The building would have a width of approximately 12.6 metres and would have a ridge height of 9.77 metres. The proposed properties would be three storey in appearance, with habitable accommodation at first and second floors.
- 7.8 Stenson Street is largely characterised by terrace rows of two storey properties on the north-eastern half of the street, and commercial units on the south-western half of the street. Views of the large food store to the north-west are also easily visible. As such the character of the area is one of variety.
- 7.9 The application proposes a three storey building due to flooding issues, which is larger than characteristic of the residential properties in Stenson Street. Whilst of a larger character than the residential properties in Stenson Street, it is not considered that the size of the building would be unacceptable. This is due to the varied nature of the street scene with commercial properties and the large food store. It is also considered that the proposal would improve the appearance of the existing garage court, which is of a poor quality. As such, on balance, it is considered that the design of the proposal would be acceptable.

Amenity

- 7.10 Saved Policy E20 of the Northampton Local Plan, Policy H1 of the Joint Core Strategy and the NPPF all seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.11 To the north-west and south-west of the site are commercial properties. To the south-east of the site across Stenson Street is a terrace row of residential properties. The side elevation of unit 2 fronts Stenson Street and provides a door and window to a staircase at ground floor, a window to the staircase and two windows to a living room at first floor, and two windows to a bedroom at second floor. With these windows overlooking the street scene of Stenson Street and the front elevations of the terrace properties to the south-east, it is not considered that there would be an unacceptable overlooking issue between these properties. It is also not considered that the proposal would result in overshadowing or loss of light to these neighbouring properties, due to a separation distance of over 15 metres.
- 7.12 To the north-east of the application site are the rear elevations and gardens of a terrace row of residential properties fronting Greenwood Road. The front elevation of the proposed residential properties would face towards these existing properties, with two front doors and garage doors at ground floor level, two windows serving stairwells and two windows serving kitchen/diners at first floor, and two windows serving bedrooms and two windows serving dressing rooms at second floor. These windows are positioned approximately 27.5 metres from the rear elevations of properties on Greenwood Road, and 21.4 metres from the boundary for the rear gardens. The separation distance between these properties is considered sufficient to ensure that there would not be an unacceptable impact upon the neighbouring properties with regards to overlooking, overshadowing or loss of light.
- 7.13 In line with the above, it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity.
- 7.14 It is also the case that the proposed dwellings provide good size rooms with adequate light for future occupiers, alongside sufficient garden amenity space. Whilst the food shop building is up to the boundary of the site, the building has been positioned sideways on to this building to ensure that unit 1 is provided with acceptable living conditions.

Parking and highway safety

- 7.15 The Northamptonshire County Council Parking Standards and the Parking SPD seek 2 on plot parking spaces per dwelling for 2 bedroom properties. The proposal provides 2x2 bedroom properties. Two parking spaces are provided internally for each property within the garages, plus a further four parking spaces externally.
- 7.16 The application site as existing comprises a garage court with 25 garages, however this court is fenced off with no access to the area. As such the existing parking provision must be assessed as nil. The application proposes two dwellings with an overprovision of parking for these units at four spaces each, two within a garage and two externally.
- 7.17 Northamptonshire County Council Highways Department have been consulted on this application and have raised no objection to the scheme. In line with this, it must be considered that the proposal would not have an unacceptable impact upon parking or highway safety as a result of the development.
- 7.18 In line with the Council's Parking SPD, two electric vehicle charging points will be required as part of this development. This will be required through condition. Due to the flood risk of the area, these will need to be provided internally within the garages at a high level.
- 7.19 A neighbour letter raised concern as to whether the garages were wide enough for parking and whether they would be used for parking. The application also provides four external parking spaces for the new properties which is sufficient for the parking requirement for this development.

Crime

- 7.20 The Northamptonshire Police have been consulted on the proposal and raised no formal objection to the scheme, however it was recommended that the fencing to the proposed garden area has trellis topping to deter climbing. Details of the boundary treatments will be required through condition to ensure this.
- 7.21 Northamptonshire Police advise that the lighting scheme should be able to provide a uniform level of illumination with a minimum level of 0.2Uo. A condition requiring details of lighting will be attached.
- 7.22 The Police advise that the green space behind the cars should be heavily landscaped to prevent informal games of football or the dumping of fly tipped rubbish. A condition requiring details of landscaping will be attached.
- 7.23 The Police advise that the sheds within the rear gardens will need to be to a secured to a high standard, should have no windows, and internally should have a security rated anchor point for bikes/ Lawn mowers/strimmers etc. All new doors and windows should meet the requirements building control.

Trees

- 7.24 The Council's Tree Officer advises that there is no objection to the scheme provided the tree measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees are implemented and maintained to protect the trees from accidental harm during the works. A condition will be attached with regards to this.

Other considerations

- 7.25 The Council's Environmental Health Officer recommends a condition to address unexpected ground contamination should planning permission be forthcoming and it is considered reasonable to attach this.
- 7.26 In addition, the Environmental Health Officer suggests a condition on boilers, and an informative on construction hours. Matters relating to the energy efficiency of buildings are addressed under the Building Regulations and the site is not in an air quality management area such that it is not considered that it would reasonable to condition the boilers to be installed in the new properties. With respect to construction hours, the proposal is only for a small-scale development and there are controls under the Environmental Health and Highway legislations to address issues arising from such small construction site should they arise.

8 CONCLUSION

- 8.1 To conclude, the site is in an existing housing area within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The Council also cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development. In this instance, the proposal would comply with the development plan and would contribute towards the Council's housing supply with associated social and economic benefits. Furthermore, no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, it is recommended that planning permission is granted subject to conditions.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 31517-BGL-A1-00-DR-A-4200-P-01-D7 Rev 01, 31517-BGL-A1-XX-DR-A-1400-P-00-D7, 31517-BGL-A1-00-DR-A-1401-P-01-D7 Rev 02, 31517-BGL-A1-00-DR-A-1100-P-03-D7, 31517-BGL-A1-00-DR-A-1200-P-00-D7 Rev \.

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

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

Reason: In the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the submitted details, prior to the construction of the building hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site together with any other means of enclosure to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the new flats hereby permitted.

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

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

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

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

6. Prior to first occupation of the dwellings hereby approved, full details of the sheds shall be submitted to and approved in writing by the Local Planning Authority. The approved sheds shall be provided on site in full accordance with the submitted details prior to first occupation of the dwellings hereby approved.

Reason: To ensure the provision of adequate facilities in accordance with Policy S0 of the West Northamptonshire Joint Core Strategy.

7. The tree protection measures within the Tree Survey and Arboricultural Impact Assessment and Method Statement Report, dated April 2020, from MacIntyre Trees reference 1993_Fv1, shall be provided on site prior to any construction works commencing, and retained in accordance with the submitted details for the duration of the construction works on this site.

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

8. Full details of a minimum of 2 electric vehicle charging points (1 per unit) for the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted (these details shall be for charging points within the garages at a high level due to flood risk). Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

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

9. The new parking spaces shown on approved plan 31517-BGL-A1-00-DR-A-1100-P-03-D7 shall be constructed prior to the first occupation of the dwellings hereby approved and retained thereafter solely for the parking of vehicles.

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

10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

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.

11. The development shall be carried out in accordance with the submitted flood risk assessment (ref: DSA Ref 20/38741/05, Revision 02, dated 14th August 2020) and the following mitigation measures it details:

- Living and sleeping accommodation to be on the first and second floors only.
- Garages and lobby only on the ground floor (non-habitable accommodation).

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. The ground floor of the properties hereby approved shall be used as garage and lobby only as annotated on approved drawings 31517-BGL-A1-00-DR-A-1200-P-00-D7, and for no other habitable accommodation.

Reason: In accordance with the details of the application and to ensure that there is no sleeping or vulnerable living accommodation on the ground floor, in order to protect the inhabitants of the property from the risk of flooding in accordance with the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alteration/enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity, to reduce the risk and impact of flooding, and to prevent overdevelopment of the site in accordance with the NPPF, Policy E20 of the Northampton Local Plan and Policy H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the front (north-eastern) or side (south-eastern or north-western) elevations of the approved dwellinghouses.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H1 and BN9 of the West Northamptonshire Joint Core Strategy (2014).

15. Prior to the occupation of the development hereby approved, the existing access point shall be permanently closed (and the highway reinstated) in a manner to be approved in writing by the Local Planning Authority, and, notwithstanding the provisions of Class B of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 no further points of access shall be created thereafter.

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

16. Prior to first occupation, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

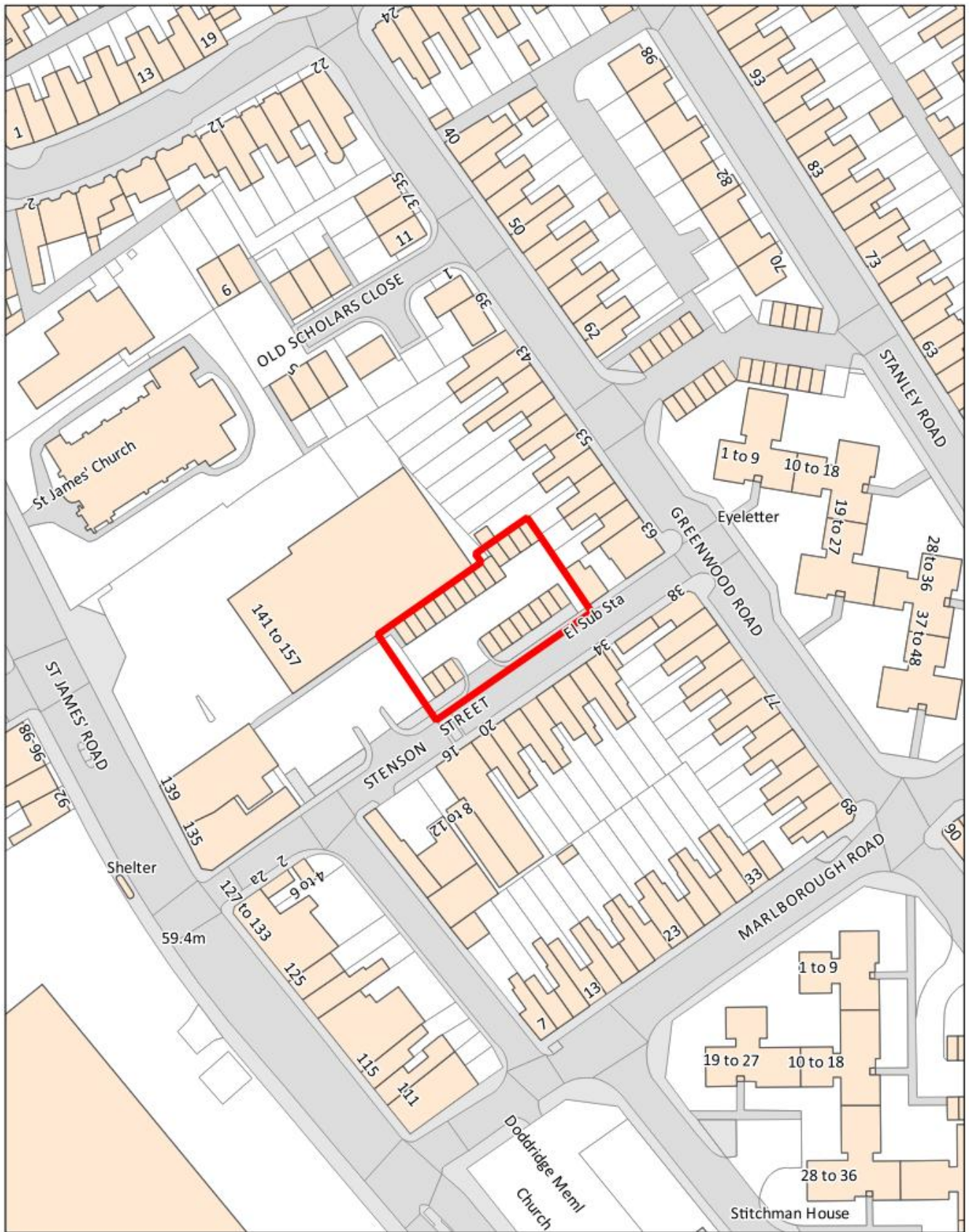
Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

10 LEGAL IMPLICATIONS

- 10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

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



 NORTHAMPTON BOROUGH COUNCIL	Title: Garage 1, LU garages at Stenson St.	Date: 17-08-2020
	© Crown copyright and database rights 2019 Ordnance Survey licence no. 100019655	Scale: 1:1,000
		Drawn by: -----