



PLANNING COMMITTEE: 17th March 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0030

LOCATION: The Former Silver Cornet Public House site, 21 Welland Way

DESCRIPTION: Variation of Conditions 2 and 5 of Planning Permission N/2018/0476 (Erection of 14no. 3 bedroom dwellings with parking) to amend threshold level access to Plots 1-6 only

WARD: Kings Heath Ward

APPLICANT: Tameer Construction Ltd
AGENT: Fox Architectural Design Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Part 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 principle of residential development for the site for up to 14 dwellings is considered acceptable and would contribute towards the Council's 5-year housing supply. The development would result in the reuse of a derelict brownfield site with associated social, economic and environmental benefits. As part of a balanced assessment, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies SA, S1, S3, S10, H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

- 2.1 Planning application N/2018/0476 for the development of 14 no. 3-bed dwellings was approved by the Planning Committee in September 2018. Development works on site have commenced.
- 2.2 The application proposes to vary Conditions 2 and 5 of planning permission N/2018/0476 to amend the threshold level of units 1-6. The rest of the development remains unchanged as previously approved.

3 SITE DESCRIPTION

- 3.1 The application site is located on the corner of South Oval and Welland Way on the Kings Heath Estate. The site was formerly occupied by the Silver Cornet Public House, however this has since been demolished and the site had remained derelict for over 11 years until development commenced on application N/2018/0476. The site is bounded by Welland Way to the north, South Oval to the east, an unnamed access road that leads to the rear of the adjacent residential flats to the south and Park Walk, a pedestrian walkway that links Park Crescent East and Park Square, to the west. Beyond Park Walk is Kings Heath Park. The site slopes upwards in a western direction. The surrounding area primarily consists of residential accommodation of a variety of scales and types.

4 RELEVANT PLANNING HISTORY

- 4.1 N/2018/0476 – Erection of 14no 3 bedroom dwellings with parking – Approved 05/09/2018

5 PLANNING POLICY

5.1 Statutory Duty

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

5.2 National Policies

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

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

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

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

Paragraph 124 - Good design is a key aspect of sustainable development.

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

Paragraph 178 – Ground conditions and pollution.

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

5.3 West Northamptonshire Joint Core Strategy (2014)

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

Policy SA: Presumption in Favour of Sustainable Development

Policy S1: 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 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)
Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC Highways** – No comments to make on application.

6.2 **NBC Assets** – No objection to the proposed changes.

7 **APPRAISAL**

Principle of development

7.1 The principle of the development has been established within permission N/2018/0476.

Design and impact upon the host property and street scene

7.2 The application proposes to alter the level access for units 1-6 along the western boundary of the site. As approved, the dwellings are provided with a level threshold consisting of a platform and paving laid to fall towards the public footpath. The application proposes to alter this to a stepped access to a level platform. The proposed dwellings would be set at a slightly higher finished floor level, resulting in the dwellings being set higher than previously approved. The maximum increase in height would be approximately 0.425 of a metre.

7.3 It is considered that the proposed addition of stepped accesses to units 1-6, and the minimal increase in height, would not significantly alter the character and appearance of the approved dwellings nor that of the street scene, and the units would remain set lower than neighbouring properties. It is considered that the proposed alterations would be acceptable in design terms.

Amenity

7.4 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.

7.5 The proposed alterations to the dwellings would not impact upon the living conditions of future occupiers or neighbouring properties from that previously approved, with the alteration in height being minimal and with the proposed dwellings remaining lower than neighbouring properties.

Parking and highway safety

7.6 NCC Highways have been consulted on the proposed alterations to units 1-6 and have raised no comment.

- 7.7 Since the approval of application N/2018/0476 the Northampton Parking SPD have been adopted. This SPD requires the provision of EV charging points at a rate of 1 per dwelling. With this application forming a new planning application, it is reasonable to now require the provision of 1 charging point per dwelling, and this will be required through condition.

Levels

- 7.8 The application also proposes to amend Condition 5. Condition 5 required details on levels, which was agreed on the 16th December 2019. It is now proposed to alter the levels. Units 7-14 would be lowered by 0.3 of a metre. Units 1 and 2 would be raised 0.425 of a metre, units 3 and 4 would be raised 0.365 of a metre, and units 5 and 6 would be raised 0.285 of a metre. The proposed alterations to levels are minimal and are considered acceptable.

8 CONCLUSION

- 8.1 To conclude, the principle of residential development for the site for up to 14 dwellings is considered acceptable and would contribute towards the Council's 5-year housing supply. The development would result in the reuse of a derelict brownfield site with associated social, economic and environmental benefits. As part of a balanced assessment, it is considered that the proposal would have an acceptable impact upon the character and appearance of the surrounding area, neighbouring amenity and highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework, Policies SA, S1, S3, S10, H1, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16-20-P-L (Site Location Plan), 16-20-P-201 Rev A, 16-20-P-210, 16-20-P-233, 16-20-P-234, 16-20-P-213, 16-20-P-214 Rev A, 16-20-P-215 Rev A, 16-20-P-216, 16-20-P-217 Rev B, 16-20-P-218 Rev B, 16-20-P-220, 16-20-P-221, 16-20-BR-230.

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

2. Within two months of the date of this decision a desktop study, including a site walkover, in respect of possible contaminants within the site, and a site investigation report, shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

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

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

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

4. The levels for the development shall be implemented in accordance with plan 16-20-BR-401 Rev D.

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

5. The development shall be undertaken in accordance with the following materials: Bricks - Wienerberger Terca Harvest Buff Multi; Roof tile - Redland Double Roman Breckland Brown; Anthracite grey windows, doors, cladding and grey rainwater gutters.

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

6. The boundary treatments shown within plan 16-20-BR-403 Rev A shall be implemented prior to the first occupation of the buildings hereby permitted and retained thereafter.

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

7. All planting, seeding or turfing shown within plan 16-20-BR-401 Rev B shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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 all trees, shrubs, plants, hedges 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 Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

8. The external lighting shown within plan Plan16-20-BR-404 shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the appearance of the locality, residential amenity and crime prevention in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

9. The parking spaces and manoeuvring areas shown on the approved plans shall be constructed prior to the occupation of the dwellings hereby approved and retained thereafter.

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

10. No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy submitted with the application.

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

11. Prior to the first occupation of any of the dwellings hereby permitted, the vehicular access to the rear parking court shall be fitted with automatic electronic gates, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the

method of hanging the gates and the associated closing mechanisms. The approved scheme shall be retained thereafter.

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

12. 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 enlargement shall be erected to the dwellings hereby permitted.

Reason: In the interests of residential amenity and to prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan and Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

13. The secure and covered bicycle parking approved within plan 16-20-BR-401 Rev A under application N/2018/0476 shall be provided on site in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy.

14. Notwithstanding the details submitted, the first and second floors side elevation windows to Unit 7 shall be glazed with obscured glass to level 3 or higher of the Pilkington Scale of privacy or equivalent as may be agreed in writing by the Local Planning Authority before the development hereby permitted is first occupied and thereafter retained in that form at all times.

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

15. Full details of the security measures to be incorporated into the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance the approved measures, which shall be in place before the occupation of the residential accommodation hereby approved.

Reason: To ensure a satisfactory standard of accommodation is provided in the interests of the amenity of occupants in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and/or re-enacting that order with or without modification), no fences, hedges, gates, walls or any other means of enclosure shall be erected without the prior written consent of the Local Planning Authority, other than those expressly authorized by this permission.

Reason: In order to define the permission and to safeguard the visual amenities of the occupiers of dwellings in the vicinity in accordance with Policy E20 of the Northampton Local Plan.

17. The development shall be undertaken in full accordance with the Construction Environment Management Plan by AGM Construction Services Limited received 10/02/2020 and agreed under planning application N/2018/0476.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework.

18. Full details of a minimum of 14 electric vehicle charging points (1 per unit) for the units hereby approved shall be first submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

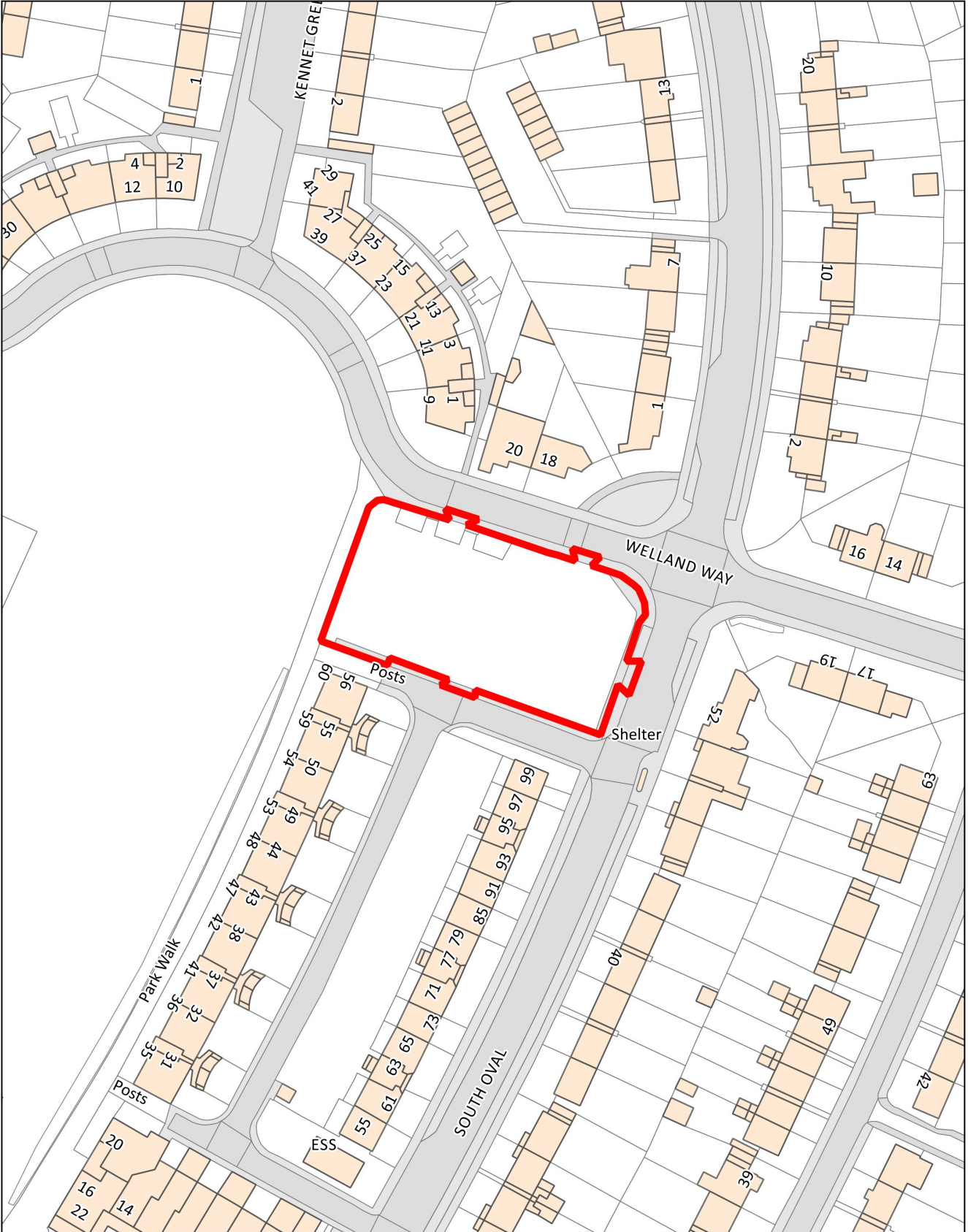
Reason: To ensure the provision of adequate facilities in accordance with the Northampton Parking Standards Supplementary Planning Document (2019).

10 LEGAL IMPLICATIONS

10.1 The development is CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Former Silver Cornet Public House site**

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

Date: 28-02-2020

Scale: 1:1,000

Drawn by: -----