

COMMITTEE UPDATE

Northampton UDA Planning Committee

13th July 2010

Agenda Item 4:

Application number: 10/0027/FULWNN

Applicant: Lagan Homes

Address: W Pearce & Co Ltd, Wellingborough Road, Northampton, Northamptonshire, NN3 9BG

Description: Partial demolition of Pearce Leather Works and outbuildings with remaining building to be office use. Erection of new screen wall to enclose retained part of building and alterations to business area parking. Construction of 126 dwellings (including conversion of existing Power House to 6 units), associated highway works, public open space, landscaping and ancillary works.

Report Corrections/Additions

Reasons for granting (Page 2) – within the last paragraph remove references to East Midlands Regional Plan. Also any other references within the report to the East Midlands Regional Plan to be removed. This is pursuant to the Government's announcement on the 6th July 2010 to revoke the Plan with immediate effect.

Paragraph 2.1 (page 2) – replace the figure 116 with 120;

Paragraph 4.1 (page 5) – The application for listed building consent was approved 8th July 2010;

Paragraph 4.2 (page 5) – The number of 3 bed houses is 62 rather than the stated 65;

Paragraph 5.4 (page 7) – The East Midlands Regional Plan has been revoked with immediate effect and the policies are no longer relevant to the consideration of this application.

Paragraph 9.61 (page 31) – With regard to community engagement, Lagan Homes have confirmed that they did a presentation to Billing Parish Council on 24th March 2010.

The Environment Agency

Following an amended flood risk assessment, the EA are prepared to withdraw their outstanding objection subject to the imposition of five conditions concerning surface water drainage, foul drainage, contamination remediation, restriction on use of soakaways and unsuspected contamination. Conditions relating to contamination have already been included, namely conditions 11, 12, 13 and 14 within the report. The following three additional conditions and notes are therefore to be added.

1. *Development shall not begin until a scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.*

The scheme shall also include:

- *Full detailed surface water calculations to ensure adequate surface water drainage facilities on site*
- *An assessment of overland flood flows.*
- *Details of how the scheme shall be maintained and managed after completion.*

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

2. *No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.*

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

Note:

In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. A review may be required depicting how the infrastructure operates within environmental limits and in light of forecast demand for these facilities.

3. *No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.*

Reason: Soakaways can increase the likelihood for contaminants to migrate, therefore soakaways should not be located in potentially contaminated ground and further investigation may be required in any areas that are proposed to contain soakaways.

Note:

Of concern is the elevated concentration of hydrocarbons detected in the surface water downstream sample. We consider that particular attention should be paid to further surface water monitoring and assessment.

It is noted that the reports are now four years old and that the quantitative risk assessment for controlled waters is now out of date (version 2.2 is used but the risk assessment is now version 3.1). We consider that the risk assessment should be updated if necessary.

PPG27 'Installation, Decommissioning and Removal of Underground Storage Tanks' states that tanks that are unlikely to be used again should be removed. We consider that removal of all of the underground tanks on-site where feasible will allow comprehensive assessment of the ground conditions in the areas that contain these tanks. Validation samples should be collected from the base and sides of the excavations and chemical concentrations should be compared to calculated remedial targets, to determine if risk is posed by residual contaminants. Based on the results, further assessment or remediation may be required.

It is also noted that an abstraction borehole is present on site. We consider that if this borehole is not going to be used the licence should be revoked and the borehole should be appropriately decommissioned. This is because it may potentially be a pathway for contaminant migration to underlying more vulnerable water bearing strata.

Any further work should be done in accordance with CLR11 'Model Procedures for the Management of Land Contamination'.

Natural England

Following the submission of the species survey reports Natural England do not raise an objection but request conditions regarding mitigation proposals e.g. bat boxes, retention of mature trees and restriction on works during the breeding birds season.

Officer Response: A condition has been included requiring the submission of a Green Infrastructure and Conservation Management Plan. An additional condition should be attached as follows:

No works shall take place involving the removal of trees/hedgerows during the bird breeding season (beginning of March – end of August) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the impact upon breeding birds during construction of the development hereby approved.

Section 106 Viability Work

The viability appraisal by CBRE is substantially complete, the outstanding information being the anticipated commercial value achieved through the re-use of the listed building as offices. Once complete officer's will consider how this impacts upon the section 106 as proposed, in securing all reasonable financial contributions.

Northamptonshire County Council

The County Highways Officer has requested amendments to the proposals comprising the provision of mobility parking spaces, alterations to the turning heads, removal of doors to front of car ports, minor alterations to junctions within the development, amended driveway width to four plots, condition regarding gates and provision of pedestrian visibility splays. Suggest a condition to secure an amended layout.

Officer Response – To revise the recommendation to include an addition requirement for the submission of an amended layout plan prior to the determination of the application, that addresses the comments of the County Highways Officer on behalf of the Highway Authority.

Agenda Item 5:

Application number: 09/0096/FULWNN

Applicant: Aldi Stores Ltd.

Address: 582-592 Wellingborough Road, Northampton, NN3 3JB.

Description: Erection of a Class A1 Food Retail store and associated car parking.

Background information

On 6 July 2010 the Secretary of State announced the revocation Regional Strategies with immediate effect. Therefore the reasons for approval and conditions should delete reference to the Regional Strategy.

The Chief Planner at Communities and Local Government provided clarification points on the impact of the revocation of Regional Strategies. Of most relevance in this instance is the advice given on "Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?". The answer given "No. Local authorities must continue to have regard to PPS4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning application for retail, leisure and other main town centre uses."

Taking account the information provided with the revocation of the Regional Strategy the recommendation of approval of the proposal would not change.

Environmental Statement – The application has been screened on whether it required an Environmental Statement under the Town and County Planning (Environmental Impact Assessment) Regulations 1999, as amended by the Town and County Planning (Environmental Impact Assessment (Amendment) Regulations 2006 (SI 2006/3295). It was concluded a Environmental Statement was not required.

Report Corrections/Additions

Page 1 Paragraph 1.1 – The second bullet point be amended to read “The conditions set out in this report including any additional conditions or amendments to the draft conditions or amendments to the draft conditions as the Director of Planning Services may consider appropriate to secure an acceptable form of development;”.

Page 7 Paragraph 10.1 The following information was missing from this paragraph, on this application we displayed seven site notices and consulted 355 properties. From this we received 59 contributions of these 38 were supporting statements, 20 objections and one neutral representation.

Page 15 Paragraph 11.45 – in the second sentence 20% should read 30%.

Page 21 Paragraph 11.100 – No reference is made to a physical barrier within the design and access statement hence the need to secure such a feature by condition.

Page 26 Amendment to condition three to read 3) Prior to the commencement of development a Sustainability Strategy, detailing a method of achievement of BREEAM ‘Very Good’ for the development, and the provision of on-site renewable energy to meet a minimum of 10% of the developments overall energy needs and mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within a period of 3 months from the first occupation of the development a post construction assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the approved Sustainability Strategy.

Reason: To ensure the delivery of a sustainable development in accordance with the guidance contained in PPS 1: Delivering Sustainable Development and Planning and Climate – Supplement to Planning Policy Statement 1.

Page 26 - Amendment to condition 5 to include reference to a barrier being in place to secure the car park with the details to be agreed by the Local Planning Authority.

Additional responses received

Northamptonshire County Council – 8 July 2010

The Stage 1 road safety audit report submitted on the 25 June 2010 was noted by the County Council. A revised drawing based on a suggested design by the County Council is awaited. The technical audit that would be part of the Section 278 works process would assess the need for any changes noted in the safety audit report further to a planning approval and it outlined that points would need to be clarified through this process..

Northampton Borough Council – 6 July 2010

The Council raises no objections to the amendments as shown on drawing number R06A54-002, but would request that NCC Highways be consulted on the application to ensure that a satisfactory impact on highway safety can be secured. Northampton Borough Council would also wish to emphasise that the observations made to WNDC on the 19th January 2010 still hold and would request that these matters are addressed during the determination of any application and any legal agreement.

Officer observation – The observations made on the 19th January have been secure through condition.

Supporting comment – from local resident- 8 July 2010 - support this application, provided the appearance of the unit is in keeping with the surrounding area and that vehicles leaving the site do not cause an excessive increase in traffic through Weston Favell village.

Objection – from local resident – 11 July 2010 – concerns regarding the traffic generation from the store and the ability of the road pattern within the village to cope with this. There are concerns that the shops in Birchfield Road and Broadway East may close. Two or three lock up shops or shops with flats above would be a good thing.