

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE GUILDHALL ON TUESDAY, 15 DECEMBER 2009 AT 6:00 PM.

**D. KENNEDY**  
**CHIEF EXECUTIVE**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
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) A.  
HOLDEN  
X 8466
7. OTHER REPORTS  
None
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS  
None
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS
- .... (A) N/2009/0676- PEDESTRIAN AND CYCLE BRIDGE OVER THE RIVER NENE AND GRAND UNION CANAL AT BANBURY LANE B.  
CLARKE  
X 8916  
Report of Head of Planning  
(copy herewith)  
**Ward: West Hunsbury**
- .... (B) N/2009/0902- DEMOLITION OF TWO GARAGE BLOCKS AND DEVELOPMENT OF EIGHT AFFORDABLE HOUSES AND ASSOCIATED WORKS AT LOCK- UP GARAGES ON WOODSIDE WAY B.  
CLARKE  
X 8916  
Report of Head of Planning  
(copy herewith)  
**Ward: Spencer**
10. ITEMS FOR DETERMINATION  
An Addendum of further information considered by the Committee is attached.

- .... (A) N/2009/0868- DROPPED KERB AND VEHICULAR CROSSOVER AT 53 KENMUIR AVENUE G. WYATT  
X 8912
- Report of Head of Planning  
(copy herewith)
- Ward: Kingsley**
- .... (B) N/2009/0871- APPLICATION FOR CERTIFICATE OF LAWFUL USE OF DWELLING HOUSE AS A HOUSE FOR CHILDREN (CLASS C3) AT 6 KINGSLEY ROAD J. MOORE  
X 8345
- Report of Head of Planning  
(copy herewith)
- Ward: Kingsley**
- .... (C) N/2009/0885- TWO STOREY SIDE EXTENSION AT 13 THORNBY DRIVE J. MOORE  
X 8345
- Report of Head of Planning  
(copy herewith)
- Ward: Kingsthorpe**
- .... (D) N/2009/0895- PROPOSED SINGLE STOREY REAR EXTENSION AT 140 BEECH AVENUE
- Report of Head of Planning  
(copy herewith)
- Ward: Eastfield**
11. ENFORCEMENT MATTERS
- None
12. APPLICATIONS FOR CONSULTATION
- .... (A) N/2007/1570- OUTLINE APPLICATION FOR 625 DWELLINGS OF MIXED TYPE & TENURE, PRIMARY SCHOOL & COMMUNITY RESOURCE CENTRE, LOCAL CENTRE FACILITIES INCLUDING SHOPS (CLASS A1), FINANCIAL & PROFESSIONAL SERVICES (CLASS A2), RESTAURANT/CAFE (CLASS A3), DRINKING ESTABLISHMENT (CLASS A4), HOT FOOD TAKEAWAY (CLASS A5), STRUCTURAL PUBLIC OPEN SPACE WITH ASSOCIATED ACCESS, PARKING, GROUND WORKS, INFRASTRUCTURE, LANDSCAPING & ACCESS AT LAND AT PINEHAM NORTH, BANBURY LANE R. BOYT  
X 8724
- Report of Head of Planning  
(copy herewith)
- Ward: West Hunsbury**

..... (B) N/2009/0910- DEMOLITION OF EXISTING BECTIVE WORKS & JEBEZ HOUSE & THE ERECTION OF 155NO RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING & UNDERGROUND CAR PARK BETWEEN BECTIVE ROAD & YELVERTOFT ROAD. (APPLICATION TO REPLACE EXISTING PLANNING PERMISSION REF: WN/2006/0028, DATED 1.11.2006, IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION)

B.  
CLARKE  
X 8916

Report of Head of Planning  
(copy herewith)

**Ward: St David**

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.”

## **SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

<TRAILER\_SECTION>  
A6157

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 17 November 2009

**PRESENT:** Councillor Collins (Chair); Councillor Meredith (Deputy Chair);  
Councillors Church, J. Conroy, Golby, Lane, Malpas, Mason,  
Matthews and Woods

#### 1. APOLOGIES

An apology was received from Councillor M Hoare.

#### 2. MINUTES

The minutes of the meeting of the Committee held on 27 October 2009 were signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** (1) That Messrs Pepper and Dutfield be granted leave to address the Committee in respect of Application No N/2009/0536 – Application to Permanently Divert Public Footpath KL10 (Part) at the Former British Timken Works (Meeting Lane).

(2) That Mrs Lane and Councillor Meredith be granted leave to address the Committee in respect of Application No N/2009/0800 – Proposed Two Storey Side Extension at 28 Barley Hill Road.

(3) That County Councillor Legg and Councillor Garlick be granted leave to address the Committee in respect of Application No N/2009/0731 – Erection of Class A1 Food Retail Store and Associated Parking at 582-592 Wellingborough Road.

#### 4. DECLARATIONS OF INTEREST

1. Council Meredith declared a personal and prejudicial interest in respect of Application No N/2009/0800 as representing a constituent who was objecting to the application.

2. Councillor Woods declared a personal interest in respect of Application No N/2009/0813 in so far as the WNDC, of which he was a Board member, was part funding the scheme.

3. Councillor Mason declared a personal interest in respect of Application No 2009/0536 as a member of the Ramblers Association.

4. Councillors Church and Woods declared a personal interest in respect of Application No 2009/0731 as Board members of WNDC.

5. Councillor Church declared a personal and prejudicial interest in respect of Application No 2009/0813 as the application concerned the regeneration aspect of his Portfolio.
6. Councillor Malpas declared a personal interest in respect of Application No 2009/0536 as being known to one of the speakers.
7. Councillors Malpas and Golby declared a personal interest in respect of Application No N/2009/0731 as being known to one of the speakers.

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

None.

**6. LIST OF CURRENT APPEALS AND INQUIRIES**

The Head of Planning submitted a report and noted that in respect of Application No N/2009/0365 an Inspector had allowed the appeal despite the Highways Authority having raised an objection. He also reported that an Inspector had allowed the appeal in respect of Application No N/2009/0285 but that an Inspector had dismissed the appeal in respect of Application No N/2009/0430.

**RESOLVED:** That the report be received.

**7. OTHER REPORTS**

None.

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(A) N/2009/0536 - APPLICATION TO PERMANENTLY DIVERT PUBLIC FOOTPATH KL10 (PART) AT THE FORMER BRITISH TIMKEN WORKS (MEETING LANE)**

The Head of Planning submitted a report in respect of Application No N/2009/0536 and referred to the Addendum which attached a plan showing both the existing and proposed diverted route of the footpath, letters of support from residents of Holmleigh Close and Rose Villa Farm and representations in support of the proposal from Northamptonshire Police.

Mr Pepper, the Chair of Duston Parish Council, stated that he was also speaking on behalf of a majority of Duston residents. He commented that the present alignment of

the footpath was an ancient right of way and he understood that the footpath was not actually within the former British Timken land. He believed the proposal to change the route of the footpath was a shameful act, a wrong use of the Council's powers and that residents would not gain from it. He commented that the footpath was on the edge of the historic core of the village and a vital part of the Conservation Area. He hoped that the Committee would reject the proposal. He commented that the Parish Council would consider what further action it could take if the Committee did not refuse to resolve to make the Order. In answer to a question Mr Pepper commented that the footpath had existed for at least one hundred years.

Mr Dutfield, the resident of 3 Rose Villa Farm, commented that he owned several properties in the vicinity and was also speaking on behalf of two other residents. He noted that the footpath had been identified in the original planning application for the redevelopment of the site as being too narrow for modern purposes. He commented that the footpath could not be lit and that rubbish and leaves and other debris collected along it. He believed that the current positioning of the footpath posed a security risk to the existing properties and he supported its proposed diversion. In answer to a question, Mr Dutfield commented that his own property dated from approximately 1945 and the other properties from the early 1990s.

The Head of Planning noted that the footpath was within the planning application site boundary and that planning permission for the redevelopment of the site had already been granted. The diversion of the footpath was as a consequence of the redevelopment. The Borough Solicitor advised that the effect of the redevelopment on this public right of way would have been a material consideration and WNDC would have, therefore, considered the acceptability of the alternative route in recommending the planning application for approval. The issue that the Committee needed to consider was whether the diversion of the footpath was necessary to enable the development to take place. In answer to a question, the Head of Planning noted that the existing footpath would be broken up and the land it occupied assimilated into the gardens of the properties to be constructed within the development.

The Committee discussed the application.

**RESOLVED:** That an order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of a proposal to permanently divert part of the public footpath KL10 at the former British Timken Works (Meeting Lane) as shown for identification purposes on the plan attached to the report and Addendum.

**(B) N/2009/0800 - PROPOSED TWO STOREY SIDE EXTENSION AT 28 BARLEY HILL ROAD.**

The Head of Planning submitted a report in respect of Application No N/2009/0800 and referred to the Addendum, which amended paragraph 2.2 of the Committee report, so that the revised proposal now included the setting back of the front elevation and a reduction in height. The Head of Planning noted that the proposal now met the concerns set out in the refusal by the Committee on 22 September 2009.

Councillor Meredith asked the Committee to reject the application and commented that the existing properties, which were mainly bungalows, had been originally designed to

have garages added to them and not major extensions. The neighbours had no objection to a garage extension. He believed that the effect of the extension would be to dominate the neighbour's property and, despite being amended, would still look out of character with the area. He believed that there were issues of light for the neighbours and requested that the Committee should keep the area as had been originally conceived. In answer to questions, Councillor Meredith indicated that he believed that the extension would extend to the boundary fence between the two properties and, as far as he was aware, there were restrictive covenants in respect of extensions being built.

(Councillor Meredith left the room in accordance with his earlier declaration of interest.)

Mrs Lane, in referring to a recent article in the Chronicle & Echo about the new lighting scheme in the Market Square, commented that she just wanted daylight in her bungalow during the daytime. She considered the revisions that had been made to the scheme were only minimal and that the extension would still be overbearing and affect light to her property. She commented that her conservatory was used for eating and reading and was the lightest part of their property. She commented that the bungalow was mainly dark, as it was situated on the north side of Barley Hill Road. In answer to a question, she commented that her conservatory measured approximately ten foot by nine and would be approximately seven foot from the extension end wall.

The Head of Planning advised the Committee that the current revised proposal had to be considered in the light of the reason given for refusal on 22 September 2009 which had not included loss of amenity to the neighbour.

The Committee discussed the application

Councillor Woods proposed and Councillor Lane seconded, "That the application be refused on the grounds of residential amenity to the residents of the neighbouring property in that the proposal would be contrary to Policies E20 and H18 of the Northampton Local Plan".

Upon a vote the proposal was lost.

**RESOLVED:** That approval be given to the application subject to the conditions set out in the report as by reason by its siting, design and scale the proposed extension would maintain the character and appearance of the locality, whilst preserving the level of residential amenity for adjoining residents. The proposal therefore complies with Policies E20 and H18 of the Northampton Local Plan and the Supplementary Planning Guidance – Residential Extension Design Guide.

(Councillor Meredith rejoined the meeting.)

## **11. ENFORCEMENT MATTERS**

### **(A) E/2009/449 - BREACH OF PLANNING CONTROL AT 55 KINGSLEY ROAD.**

The Head of Planning submitted a report and referred to the Addendum, which made it clear that the Borough Solicitor should be authorised to issue an Enforcement Notice.



The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use at 55 Kingsley Road from ancillary driveway to driveway and vehicle sales forecourt with a compliance period of two months.

**(B) E/2007/697 - BREACH OF PLANNING CONTROL AT 7 AUGUSTA AVENUE.**

The Head of Planning submitted a report in respect of E/2009/697 and referred to the Addendum that set out a revised recommendation making it clear that the Borough Solicitor be authorised to issue a Enforcement Notice.

The Committee discussed the report.

**RESOLVED:** 1. That the Borough Solicitor be authorised to issue an Enforcement Notice requiring compliance with Condition (2) of the planning consent granted by the Planning Inspectorate in an appeal decision dated 15 January 2009 (Reference APP/2825/A/08/2080988) with a compliance period of two months.

2. That in the event that the requirements of the Enforcement Notice are not met within the prescribed period, the Borough Solicitor be authorised to instigate prosecution proceedings and/ or the Head of Planning be authorised to carry out the works in default and the cost be recharged to the owner.

**(C) E/2009/699 - BREACH OF PLANNING CONTROL AT 59 HOLLY ROAD.**

The Head of Planning submitted a report in respect of E/2009/699 and referred to the Addendum, which made it clear that the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the garage and revise the description of the breach of planning control.

The Committee discussed the report.

**RESOLVED:** That the Borough Solicitor be authorised to issue an Enforcement Notice in respect of the unauthorised change of use of the dwelling and associated land at 59 Holly Road from use as a dwellinghouse with ancillary garage to use as a dwellinghouse and vehicle repair garage with a compliance period of two months.

## **12. APPLICATIONS FOR CONSULTATION**

**(A) N/2009/0731 - ERECTION OF CLASS A1 FOOD RETAIL STORE AND ASSOCIATED PARKING AT 582 – 592 WELLINGBOROUGH ROAD.**

The Head of Planning submitted a report in respect of Application No N/2009/0731 and referred to the Addendum that set out an adjusted comment in respect of a requirement for a more robust sequential assessment, a revised approach to control use to “a limited assortment discounter” and to revise the response to WNDC

accordingly and making further comments in respect of the provision of car parking, times of deliveries and the need for a pedestrian crossing within the store's car park. In answer to a question it was noted that the application site did not fall within the Weston Favell Conservation Area.

County Councillor Legg, as the County Councillor for the Weston Division, commented that the site was a former garage and that the proposal only took in half of the site. He assumed that the other half of the site would be left derelict. He did not consider that Aldi was really a convenience store and felt that there was a missed opportunity for local retail units. In answer to a question, it was noted that Aldi were proposing housing on the remainder of the site.

Councillor Garlick commented that the Wellingborough Road, at this point, formed the boundary between Headlands and Weston Wards. He was in favour of the application, with the proviso that certain conditions were in place. He welcomed a suggestion for a pedestrian crossing within the site but his main concerns were that the development would not damage the viability of the town centre and that the quantity of non-convenience goods were controlled. He referred to the recent closure of the Post Office and shop in Weston Favell village and commented that residents would welcome a local facility. A more sympathetic design to fit in with the area would be welcomed.

The Head of Planning noted that consideration had been given to suggesting that the application be withdrawn from the meeting but it was noted that WNDC would be considering it soon. It was up to WNDC to be satisfied that the sequential test had been met.

The Committee discussed the application.

**RESOLVED:** That, in addition to the other matters raised in the Addendum, the Council should raise strong concerns regarding the following:

1. Before the application is determined, the applicant should carry out a rigorous sequential investigation of District and Local Centre sites due to reservations over the proposed retail use in this location. Furthermore, the applicant should be required to provide further justification as to why Northampton Town Centre should not form part of the sequential investigation. On receipt of this information, the Borough Council would wish to be reconsulted and have the opportunity to report to its Planning Committee prior to the application being determined.
2. That the design of the proposed store does not fully take into account the high quality of design and general character of development in the vicinity of the site. WNDC is therefore requested to seek amendments to the design of the proposed development to improve the appearance of the proposals in their own right and to better respond to the site's context on what is a prominent and well-used route to and from the town. The setting of the proposed development could also be enhanced through the provision of an improved landscaping scheme. Such an approach is supported through PPS 1 and Policy 2 of the Regional Plan and Policy E20 of

the Northampton Local Plan. On receipt of this information, the Borough Council would wish to be reconsulted and have the opportunity to report it to its Planning Committee prior to the application being determined.

**(B) N/2009/0813 - CONSTRUCTION OF 82 BERTH MARINA (SUI GENERIS) FOR MIXED LEISURE USE (76 BERTHS) AND RESIDENTIAL USE (6 BERTHS) AND ASSOCIATED WORKS AT MARINA SITE BECKETS PARK, BEDFORD ROAD.**

Councillor Church left the meeting in accordance with his declaration of interest.

The Head of Planning submitted a report in respect of Application No N/2009/0813 and referred to the Addendum, which noted the correction by the applicant of the depth to which the lake was to be dug out. The Head of Planning noted that WNDC would be discussing this application during the evening and it was understood that a decision to approve the application would be delegated to WNDC officers, subject to any comments that the Committee would wish to make.

The Committee discussed the application.

**RESOLVED:** (1) That the Head of Planning express the Committee's concern that the WNDC should be considering an application before the Council's observations could be made.

(2) That the Council supports the proposed development subject to WNDC being satisfied as to the arrangements for emergency services access to the marina and subject to the following decisions:

- That suitable tree and root protection condition/s be applied to ensure the appropriate safeguards for existing trees on the site for the reasons of conserving ecology and visual appearance of the area.
- An appropriate planning condition be applied following on from the initial desktop archaeology statement in the application submission to ensure finds are identified and recorded correctly.
- Conditions controlling environmental factors including the requiring for a noise assessment, lighting details and refuse storage proposals should be applied to any approval.
- Natural England and the Local Wildlife Trust must be satisfied with the ecological impacts of development and be content that the mitigation strategy of improving Abington Local Wildlife Site as compensation is a proportionate and acceptable method of overcoming the loss of habitats proposed.

<TRAILER\_SECTION>

The meeting concluded at 21.00 hours

**Directorate:** Planning and Regeneration  
**Head of Planning:** Susan Bridge



The Address for Planning Appeals is  
 Mr K Pitchers, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeal decisions can be viewed at -  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)  
 Local Government (Access to Information) Act 1985  
 Background Papers  
 The Appeal Papers for the appeals listed.

Author and Contact Officer  
 Mr Gareth Jones, Development Control Manager  
 Telephone 01604 838999  
 Planning and Regeneration  
 Cliftonville House, Bedford Road,  
 Northampton, NN4 7NR.

### List of Appeals and Determinations – 15<sup>th</sup> December 2009

#### Written Reps Procedure

Application	Del/PC	Description	Decision
<b>NEW IN</b> <b>N/2009/0156</b> APP/V2825/A/09/2115516/NWF	DEL	Variation of condition number 5 of Planning Permission N/2002/0530 to allow use as Hot Food Takeaway at 38A Main Road.	
<b>N/2009/0197</b> APP/V2825/A/09/2106367/NWF	DEL	Change of use from Post Office (A1) to Take Away (A5) including extraction flue at Booth Ville Post Office, 3 Booth Lane North.	
<b>N/2009/0202</b> APP/V2825/A/09/2111538/WF	DEL	Proposed extension & conversion of existing garage to create new 1 bed dwelling with associated parking at Land to the rear of 115 Fairway.	
<b>N/2009/0285</b> APP/V2825/A/09/21/0386/NWF	DEL	Change of use of part of car park to accommodate car washing and valeting facility including storage container at Homebase, Weedon Road. (RETROSPECTIVE)	<b>ALLOWED</b>
<b>N/2009/0290</b> APP/V2825/A/09/2113034/NWF	DEL	Proposed two-storey side and rear extensions and change of use to 4no. individual flats at 48 Greenfield Avenue.	

<b>N/2009/0430</b> APP/V2825/D/09/2114051	DEL	Retention of rear dormer. (as amended by revised plan received on 24th June 2009) at 17 The Fair Oaks.	<b>DISMISSED</b>
<b>NEW IN</b> <b>N/2009/0468</b> APP/V2825/A/09/2115868/NWF	DEL	Proposed erection of 2no. 1 bed apartments on land rear of 80 Hastings Road.	
<b>NEW IN</b> <b>N/2009/0679</b> APP/V2825/A/09/2115372/WF	DEL	Retention of satellite dish at 19 Scholars Court.	<b>WITHDRAWN</b>
<b>Hearing Procedure - NONE</b>			
<b>Inquiry Procedure - NONE</b>			
<b>Enforcement - NONE</b>			



**NORTHAMPTON**  
B O R O U G H C O U N C I L

**PLANNING COMMITTEE:** 15<sup>th</sup> December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APPLICATION** N/2009/0676:  
Pedestrian and cycle bridge over the River  
Nene and Grand Union Canal  
Land at Upton Valley East, Northampton

**WARD:** West Hunsbury

**APPLICANT:** Northampton Borough Council

**REFERRED BY:** Head of Planning  
**REASON:** Northampton Borough Council Application

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 APPROVAL** subject to conditions and for the following reason:

The proposal would enhance access to the Upton Country Park, which would contribute to the promoting more sustainable means of transport. It has been demonstrated that the proposal would not unduly impinge upon the character and appearance of the locality and would not adversely impact upon the ecology of the location or increase flood risk. The proposal therefore complied with Policies E20 and L17 of the Northampton Local Plan and PPS9 and PPS25.

### **2. THE PROPOSAL**

#### **2.1** The applicant has applied for planning permission to erect a new footbridge, which would link the footpath that runs parallel to Upton Valley East to those paths and rights of way within the Country Park to the north of the River Nene and the Northampton Arm of the Grand Union Canal. The bridge would have a span of 86m and a width of 1.6m. The proposal would have railing on each side of 2m in height. The bridge is to be constructed from metal works.

### **3. SITE DESCRIPTION**

- 3.1 The application site is located adjacent to Upton Valley East and the River Nene and the Northampton Arm of the Grand Union Canal. The area to the south of the application site has been developed for a combination of residential and commercial purposes. To the north of the site is the Upton Country Park, which is mainly in agricultural uses but contains a number of footpaths, cycle ways and bridleways. To the north of the Country Park is the Upton residential development. The proposed bridge is to be sited in the area where the River Nene and the Northampton Grand Arm of the Grand Union Canal are at their closest points. The area is located within Flood Zone 3, which indicates that the site has a higher probability of flooding.

### **4. PLANNING HISTORY**

- 4.1 N/2005/1141 – Flood attenuation reservoir including embankments, wall and culverts, landscaping and ancillary works - Approved

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS9 – Biodiversity and Geological Conservation  
PPS25 – Planning and Flood Risk  
PPG13 –Transport

#### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

#### **5.4 Northampton Borough Local Plan**

E20 – New Development  
E19 – Implementing Development  
E40 – Planning and Crime  
L1 – Existing residential spaces  
L16 – River Valley objectives

#### **5.5 Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

### **6. CONSULTATIONS / REPRESENTATIONS**



- 6.1 **Building Control Access Officer (NBC)** – No objections, but can foresee problems if barriers were to be installed as this would impede wheelchairs and mobility scooters from using the bridge.
- 6.2 **Outdoor Environment Manager (NBC)** – No objections.
- 6.3 **Environment Agency** – No objections, subject to suitable conditions requiring that the development is carried out in accordance with the submitted Flood Risk Assessment.
- 6.4 **British Waterways** – No objections.
- 6.5 **Wildlife Trust** – No objections, provided that the recommendations contained within the ecological assessment are carried out.
- 6.6 **Highways Authority (NCC)** – The footbridge would provide a much needed and safe link between the Banbury Lane and Upton areas. It will also complement other enhancements to be made within the area. It is insisted that the bridge be constructed without any barriers as this may restrict access to users, such as those with disabilities. The bridge is to be built to adoptable standards.
- 6.7 **Northamptonshire Police Crime Prevention Design Advisor** – Objecting to the proposal on the grounds that it would generate increased levels of crime and anti-social behaviour within Upton and increase motorcycle nuisance within the Country Park. The bridge will provide a link between Briar Hill (which experiences a number of motorcycle related problems) and Upton that is not covered by CCTV.
- 6.8 **Community Safety Manager (NBC)** – endorses the comments of the Crime Prevention Design Advisor.

## 7. APPRAISAL

### Design and Access

- 7.1 The proposed bridge is of a design that would not form an incongruous feature when viewed from the predominantly open character of the Upton Country Park. This is because its design would ensure that the bridge would not be readily viewed from outside of the immediate vicinity of the location. Furthermore, a bridge is a landmark that is often associated with river and canal locations and therefore this relationship is one that can be reasonably expected. Furthermore, the green colour will ensure that the proposal would 'blend' with its surroundings and would be consistent with other bridges over the River Nene and Grand Union Canal. Therefore, given suitable materials it is considered that the proposal complies with the requirements of Policy E20 of the Northampton Local Plan and PPS1.
- 7.2 The bridge has been designed with a gradient that would ensure that it

is easily used by cyclists or people with disabilities. Such an approach would ensure that the proposal assists in the promotion of recreational activity within the Upton Country Park through greater accessibility to the various footpaths, cycleways and bridleways as well as promoting more sustainable transport methods. This can be exemplified through the bridge forming part of the national cycle network. This enables the proposed development to comply with Policy L16 of the Northampton Local Plan, which requires that developments within this area support the objective of providing and enhancing leisure and recreational facilities.

- 7.3 The proposed bridge has also been designed to meet the requirements of British Waterways and the Environment Agency in terms of ensuring that the proposal has adequate clearance from the river and canal, as reflected in the responses of these consultees. This means that the proposal would not hinder the existing recreational activities that take place within the applications site and the proposal can be seen as an enhancement of the recreational facilities on offer.
- 7.4 With reference to the advice of the Wildlife Trust and subject to a condition to ensure compliance with the ecological assessment, the scheme would not impact upon the recognised ecological value of the River Nene Valley, the Northampton Arm of the Grand Union Canal and the Upton Country Park. The proposal therefore complies with PPS9 in this respect.

#### Impact on Flooding

- 7.5 Due to site's riverside location, the likelihood of the proposal increasing the risk of flooding is of significant importance. However, a satisfactory flood risk assessment has been submitted and a condition is proposed that will ensure that the development is carried out in accordance with this assessment. The development has passed the sequential test required by PPS25 and can be considered to be a water compatible development as it would support waterside recreational and leisure pursuits. Furthermore, no objections to the scheme have been received from British Waterways or the Environment Agency.

#### Crime and anti-social behaviour

- 7.6 Concerns have been raised regarding the potential impacts on crime and levels of anti-social behaviour as result of motorcycles using the bridge. Policy E40 of the Local Plan requires that all developments pay sufficient regard to minimising opportunities for such anti-social activity. It is recognised that these problems could be alleviated through the installation of motorbike barriers. However, this approach would hinder a number of groups, such as cyclists and people with pushchairs or with disabilities, from using the bridge and by extension the Country Park.

- 7.7 As a result of this situation, it is necessary to weigh the advantages of the scheme in terms of promoting greater leisure activities and sustainable travel against any impact arising from potential from anti-social behaviour or crime. On balance it is considered that the benefits of the scheme as well as the role it can play in assisting in the development of the Upton Country Park outweigh the fear of crime in this instance. Moreover, the applicant has confirmed that if it proved necessary to do so in the future motorbike barriers could be installed on the bridge.

## **8. CONCLUSION**

- 8.1 In conclusion, it is considered that an acceptable design has been proposed for the footbridge, the construction of which would enable the continued use of the River Nene and the Northampton Arm of the Grand Union Canal for recreational activity, whilst promoting leisure activity and sustainable transport within the Upton County Park. It is recognised that there is a concern that the development may increase anti-social behaviour / crime, however, this consideration is outweighed by the many benefits offered by the proposal.

## **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 shall be carried out in accordance with the submitted Flood Risk Assessment (Revision B, dated the 11<sup>th</sup> November 2009).  
Reason: For the avoidance of doubt and to ensure that the development does not pose an unacceptably high flood risk in accordance with PPS25.
3. The development shall be carried out in accordance with the submitted ecological assessment (entitled Banbury Lane, Northampton Ecological Assessment and dated August 2009).  
Reason: For the avoidance of doubt and to ensure a satisfactory impact upon ecology in accordance with PPS9.
4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be treated in a green colour (reference: RAL6002).  
Reason: In the interests of visual amenity in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 None.

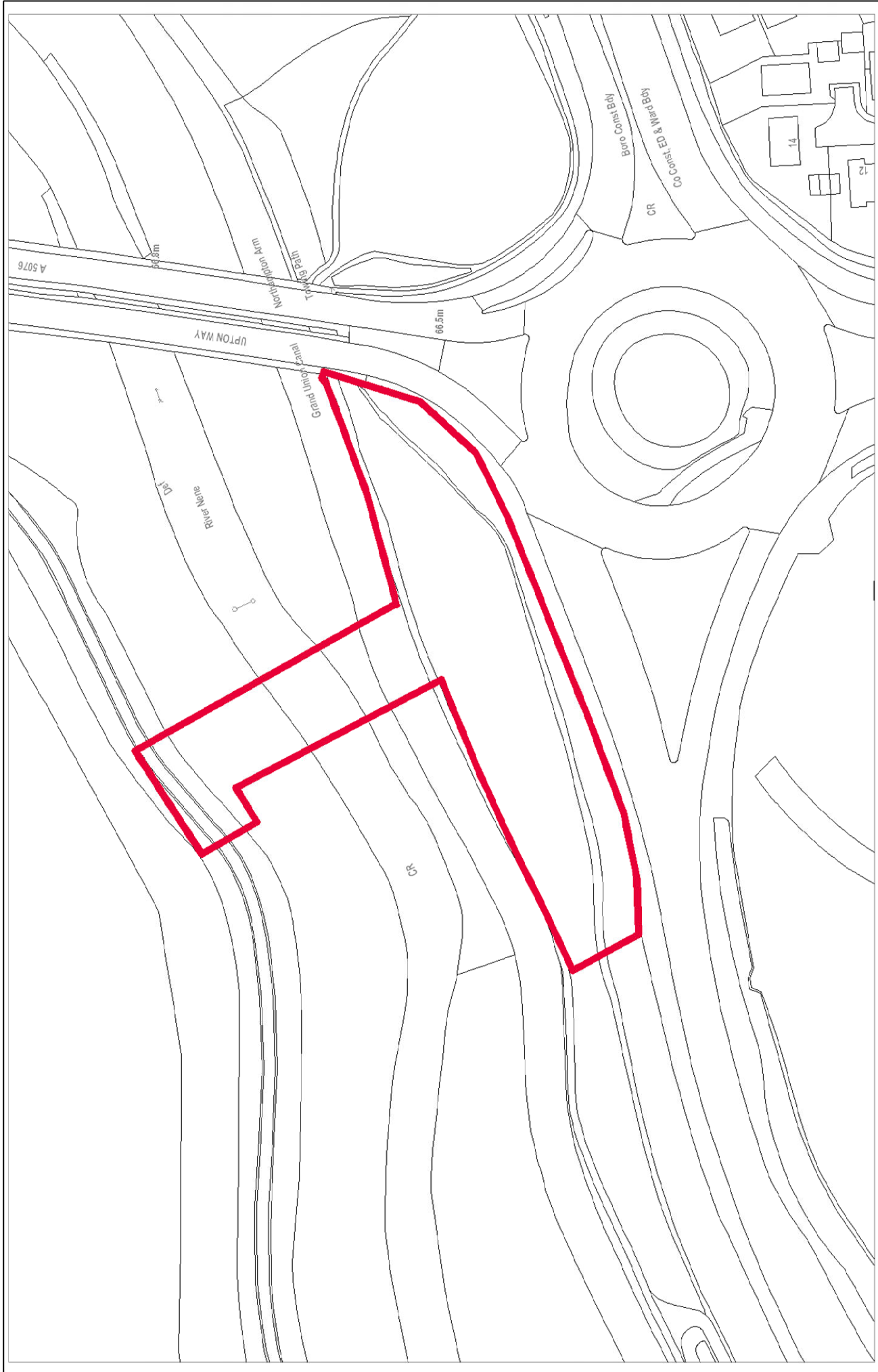
## **11. LEGAL IMPLICATIONS**

11.1 None.

## **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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	26 Nov 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	27 Nov 09



	<p><b>Jon Martin</b> 3rd December 2008 11:29 Planning C/Os Loc Plan</p>	<p><b>Title</b> <b>Banbury Lane Pedestrian &amp; Cycle Bridge</b></p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APPLICATION:** N/2009/0902  
Demolition of two garage blocks and  
development of eight affordable houses and  
associated works  
Garage court at Woodside Way / Brookside  
Meadows, Kings Heath

**WARD:** Spencer

**APPLICANT:** Northampton Borough Council  
**AGENT:** Baily Garner LLP

**REFERRED BY:** Head of Planning  
**REASON:** Northampton Borough Council Application

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposal would result in the enhancement of the character and appearance of the area through the removal of an unattractive and disused garage court. The proposal would secure a satisfactory level of amenity for the future occupiers of the proposed and existing dwellings and would not detrimentally impact upon highway safety or other interests of acknowledged importance. The proposal therefore complies with Policies E20, E40 and H6 of the Northampton Local Plan and PPS1, PPS3 and PPG13.

**2. THE PROPOSAL**

2.1 The applicant seeks planning permission to erect eight two-storey dwellings on an existing garage courtyard site. The proposal

comprises three four-bedroom houses and five four-bedroom houses arranged in three pairs of semis and two detached houses. The site also includes the provision of 16 car parking spaces with access via Brookside Meadows.

### **3. SITE DESCRIPTION**

- 3.1 The application site is in Kings Health and is identified as a residential area within the Local Plan. The surrounding area is characterised by low-rise domestic properties the majority of which date from the middle of the 20<sup>th</sup> Century.
- 3.2 The site has been used as a communal garage court, although this has become disused in more recent times. Demand for car parking for the existing properties is currently being satiated through on street parking in conjunction with a number of private domestic driveways that have been installed at a number of dwellings.
- 3.3 The site is reasonably flat in nature as has residential properties in close proximity to the northern, western and southern boundaries. A footpath is located adjacent to the southern boundary. Towards the east, there is an area of greenspace.

### **4. PLANNING HISTORY**

- 4.1 None relevant.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS 3 – Housing  
PPS 23 – Planning and Pollution Control  
PPG 13 – Transport  
PPG 24 – Planning and Noise

#### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

#### **5.4 Northampton Borough Local Plan**

E19 – Implementing Development  
E20 – New Development

E40 – Planning and Crime  
H6 – Housing Development within Primarily Residential Areas  
L1 – Development on Open Space

- 5.5 **Supplementary Planning Guidance**  
Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

## 6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Housing Strategy (NBC)** – Support this application for new affordable housing as it will provide eight family social rented homes, helping to ease the high housing need that we currently have in the town. It will also see the regeneration of an under-utilised garage site, which has a prominent position within the surrounding residential area. Creating these units will help prevent anti-social behaviour and meets one of the emerging Housing Strategy priorities to improve the quality of neighbourhoods.
- 6.2 **Public Protection (NBC)** - No objection to the principle of the proposal. However as the land has been used as a garage area and as it is in an area of Northampton where the geology is associated with elevated levels of naturally occurring arsenic it is recommended that any approval should be subject to a condition requiring an appropriate desk study, site investigation, contamination risk assessment and any necessary remedial works.
- 6.3 **Northamptonshire Police Crime Prevention Design Advisor** – Given the context of the area, the main areas of concern are the boundary treatments of the site in that they are not overly ‘defensible’ and the creation of a car parking court, which is secluded. This may not be attractive to the future occupiers of the development.
- 6.4 The application was advertised by site notice and 33 notification letters were posted. At the time of preparing this report no responses had been received although the consultation period was ongoing. Therefore, any representations will be reported to the Committee by means of the addendum. The officer’s report and recommendation is based on the material considerations know at the time of drafting the report and may be subject to reviewed with reference to any further representations.

## 7. APPRAISAL

### Principle of Development

- 7.1 Given that the site represents previously developed land located within an existing residential area as defined by the Local Plan, it is considered that the principle of developing this site for residential purposes is acceptable. In addition, it would appear that demand for



the garages within the existing courtyard has been steadily reducing. Moreover, it is recognised that the proposal would deliver eight affordable family houses for which there is an established need. This is consistent with the aims of PPS3 – Housing and the 2007 West Northamptonshire Housing Market Assessment.

- 7.2 The site is currently in a somewhat dilapidated state and owing to the existing estate/road layout, occupies a reasonably prominent site. Therefore, its redevelopment can be seen as an opportunity the visual amenity and character of the site and its immediate environs.

### Design

- 7.3 The footprints of the proposed dwellings are of a little larger than the general scale of the houses in the surrounding area. However, the development would be visually separate from the other dwellings within the vicinity due to its position set back from Brookside Meadows and would also be viewed within the context of the more modern development to the south of the site. As such, although the design of the proposed houses is distinct it is not considered to be incongruous to the character of the nearby townscape. It should also be borne in mind that the design, height and pitch of the roofs of the proposed houses have been influenced by the desire to promote more environmentally sustainable energy sources.
- 7.5 The proposal would result in the loss of a small portion (approx 190m<sup>2</sup>) of an existing public green space. The proposed development has been laid out to address this green space adjacent to the entrance to the development thereby improving the overall urban design of the locality and increasing level of natural surveillance thereby encouraging appropriate use of this space. The scheme also proposes additional landscaping to further increase the attractiveness of this area of green space. On this basis, it is likely that the development would enhance the setting of this open space that the proposal is consistent with the objective of Policy L1 of the Northampton Local Plan.
- 7.6 Policy E40 of the Northampton Local Plan and the SPG – Planning Out Crime requires a consideration of the likely impacts on crime and anti-social behaviour. Given that the garage site is currently the focal point for such undesirable activities, overall it is considered that the creation of additional residential accommodation could go some way to alleviating these issues by taking away the courtyard use and by the much improved natural surveillance offered by the proposed use and layout. Nonetheless, the proposed layout would result in the creation of a small private communal park area at its western end and given its position there is some potential for this parking area may not create an area for antisocial activity. The layout of this part of the site has been largely dictated by requirement to maintain an existing right of vehicular access across the site to the rear of a house which abuts the western boundary. In response to this the applicant has introduced additional

side elevation windows to living rooms and bedrooms of the two proposed houses which abut this area thereby providing overlooking.

- 7.6 Concerns have also been raised by Northamptonshire Police's Crime Prevention Design Advisor with regards to the height of boundary treatment around the edges of the site. It is recommended that increasing the height of these from 1.1m to 1.4m would provide a greater deterrent for those looking to enter the site in an unauthorised manner and would provide a stronger distinction between the public realm of the footpath to along the southern boundary and the private communal space to the front of the proposed houses. As this would not unduly impact upon the character of the locality, it is considered that such an approach is appropriate and would assist in making the development comply with Policies E20 and E40 of the Northampton Local Plan. A condition is proposed, which would require the details of such treatments to be submitted and approved by the Local Planning Authority.

#### Highways

- 7.7 Although it is proposed to provide 16 on-site car parking spaces, it is considered that this is not excessive given the nature of the proposed development. The site has been design to ensure that the layout has a satisfactory level of visibility for both motorists and pedestrians. The turning head is also sufficient to enable large vehicles to manoeuvre and enter and leave the development in a forwards direction.
- 7.8 The proposal would result in the loss of 45 car parking spaces currently offered by the garage courtyard. However, the applicant has produced a study into the demand for garage provision within the Kings Heath area, which also assess the relative merits of all of the garage sites in the area. Although a small demand for garages has been expressed within the Kings Heath area, this demand is substantially smaller than the number of vacant units across the area. As a result of this, it is considered that the development of this site for residential accommodation would not result in the displacement of parked vehicles into the public domain as this would be absorbed by existing garage capacity in the vicinity.
- 7.9 Furthermore, of the three main garage sites within the Kings Heath area, the application site has been the rated the worst. The survey assessed criteria including crime levels, state of repair and demand. As a result of this, it is considered that it being redeveloped for housing would not lead to any significant highways implications.

#### Impact on Neighbouring Properties

- 7.10 By reason of the proposed layout, it is considered that there would be suitable separation distances between the existing buildings and those that are the subject of this application. As a result of this arrangement,

it is considered that there would be sufficient light and privacy available to the occupiers of the existing dwellings. It is recognised that the dwelling, which is located on plot six is in close proximity to the northern boundary of the site. However, given the design, orientation and position of this dwelling (some 27m from the nearest house to the north), it is not considered that it would have any undue impact on neighbour amenity.

### Ground Conditions

- 7.11 It is recognised that the site has been previously used as garaging and therefore there is the potential of contaminants occurring within the ground. Therefore, in order to ensure any such occurrences are satisfactorily managed, a condition is suggested which would require a study to be carried out and a remediation strategy agreed. This would ensure that the proposal complies with the requirements of PPG23 – Planning and Pollution Control.

## **8. CONCLUSION**

- 8.1 It is considered that the principle of the proposed development is acceptable given the context of the surrounding area as a residential area and bearing in mind that the site is previously developed land. The scale of the proposed development is considered to be complementary to the character of the area and due to its design would not detrimentally impact on the residential amenities of neighbouring occupiers while providing a suitable environment for occupiers of the proposed development. Subject to suitable conditions, it is considered that any adverse impacts of the scheme could be successfully mitigated.

## **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. 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 E20 of the Northampton Local Plan.

3. Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

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

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

6. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

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

7. No development shall take place until a scheme specifying all surface treatments has been submitted to and approved in writing by the Local Planning Authority.

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

8. Unless otherwise agreed in writing by the Local Planning Authority, no additional windows shall be installed in the northern elevation of dwelling to be situated on Plot 6.

Reason: In the interests of residential amenity and to secure a satisfactory level of privacy in accordance with Policy E20 of the Northampton Local Plan.

**10. BACKGROUND PAPERS**

10.1 None.

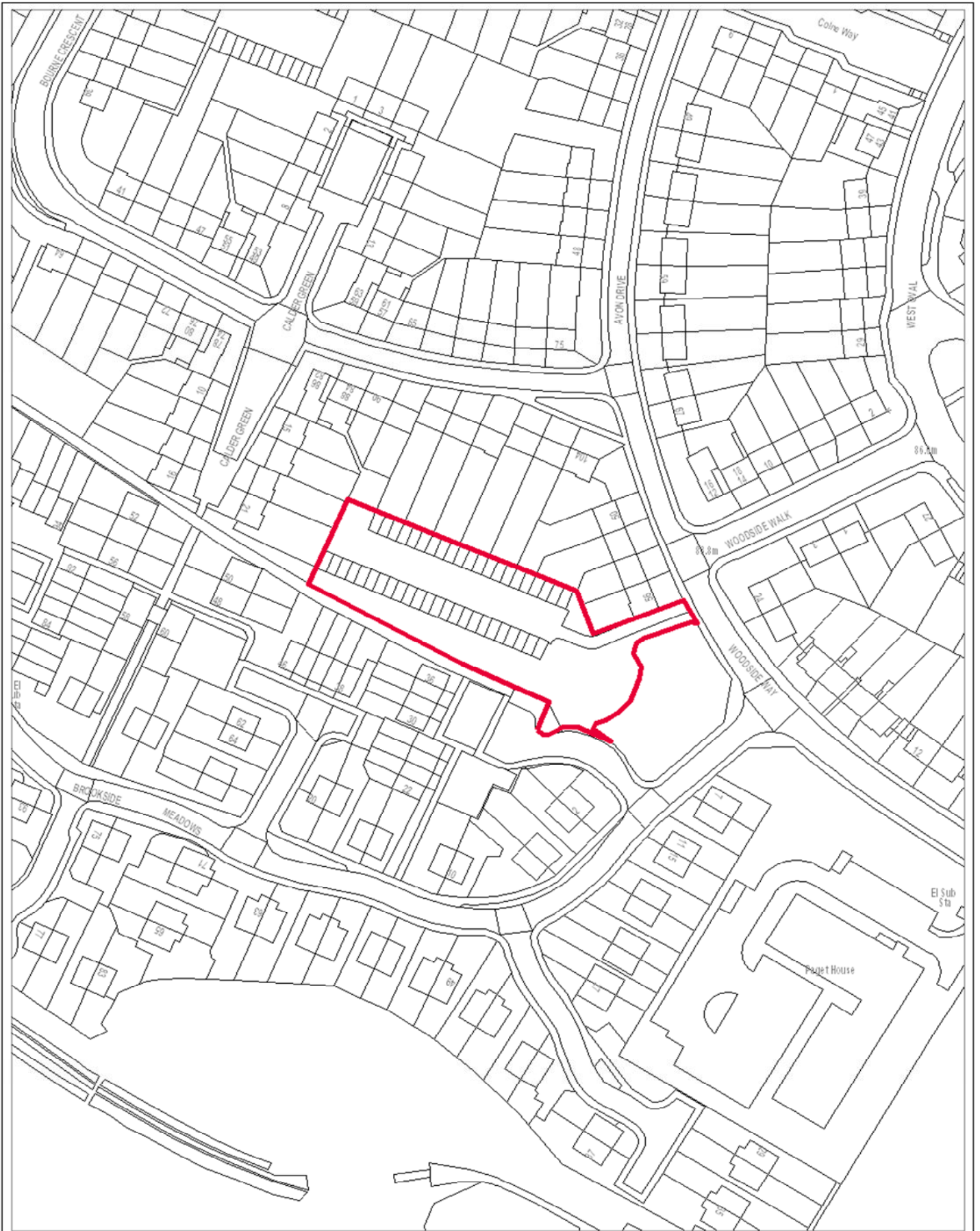
**11. LEGAL IMPLICATIONS**

11.1 None.

**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

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	26 Dec 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	1 Dec 09



Drawn: Jon Martin  
Date: 3rd December 2009  
Scale: 1:1250  
Use: Planning  
Type: Location Plan

Title  
**Lock up garages - Woodside Way**

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**NORTHAMPTON  
BOROUGH COUNCIL**  
Planning Committee

## Addendum to Agenda Items 15<sup>th</sup> December 2009

### Northampton Borough Council Applications

ITEM		
9	A	<p>N/2009/0676 - Pedestrian and cycle bridge over the River Nene and Grand Union Canal at Banbury Lane.</p>
		<p>An amendment to Paragraph 2.1, the proposed bridge would have a width of 3m and not 1.6m as stated in the report.</p> <p><b>Cllr Paul Varnsvery</b> – Support the officer's recommendation to approve this application. The bridge is a key component of the foot and cycle path networks in the area and will bring much-needed improvements to what has for many years been a flawed provision alongside the southbound carriageway of Upton Way.</p> <p>With regards to the comments from Northamptonshire Police's Crime Prevention Design Advisor, illegal use of motorcycles is already prevalent along the more direct route of Duston Mill Lane, from its junction with Hunsbury Hill Avenue, into Sixfields. This route is also not covered by CCTV. I therefore find the advisor's comments puzzling.</p>

# ITEM 9B

**N/2009/0902 Demolition of two garage blocks and development of eight affordable houses and associated works at lock up garages on Woodside Way.**

The scheme has been amended subsequent to the preparation of the Committee report. The width of the dwelling on Plot 1 has been reduced by 600mm. The dwellings on Plots 2 and 3 have been reduced in projection by 400mm.

An amendment to Paragraph 2.1. The proposal is for 5 three bedroom dwellings and 3 four bedroom dwellings.

**NCC Highways** - The replacement shared cycleway / footway along the eastern boundary of the site up to Woodside Way is to be shown as 3m wide on the Proposed Site Plan, which can be secured via a condition. The landscaping also needs to allow for good visibility.

Improvements to cycleway routes and safety in the area would be requested, in particular under the 'safer routes to school' policy. In addition a request should be made for improvement of the cycleway route from the end of the cycleway at the garages access, along Woodside Way to St Mary's RC Primary School. Improvements to the cycleway signage would also be included. It is requested that an additional path be constructed across the amenity green space. The position of dwelling 2 needs to be amended to allow a 2.4m by 2.4m visibility splay to allow for reversing vehicles.

Officer's Response to these comments:

A proposed condition has been included within the report, which requires a landscaping scheme. In assessing any such scheme, it will be necessary to consider the impacts of visibility. An additional condition is proposed to require details of the proposed cycleway/footpath to be submitted and approved by the Local Planning Authority. Recommended wording is:

Full details of the proposed cycleway/footpath, which shall have a minimum width of 3m, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the dwellings hereby permitted being first occupied and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with PPG13 – Transport.

Although the request from NCC Highways has been noted in terms of securing upgrades to the cycle way to St Marys Primary School. It is considered that this fails to follow the requirements for Circular 05/05, which requires that Section 106 matters must pass certain test including the requirements being necessary to making the proposed development acceptable in planning terms and must be fairly and reasonably related in scale and kind to the proposed development. Given the limited scale of the development proposed, with reference to Circular 05/05 it is not considered reasonable to make such a requirement.



It is considered undesirable to request revisions to the amenity green space to provide an additional path. However, a condition is proposed, which would secure upgrades to the pavement adjacent to Brookside Meadow. This has been discussed and agreed in principle with the Highway Authority officer. Suggested wording is:

No development shall take place until a full scheme for the upgrading the pavement adjacent to Brookside Meadow has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the local planning authority the development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with PPG13 – Transport.

It is recognised that concerns have been raised regarding the visibility splays for Plot 2. This matter can be overcome through slight revisions to the location of this dwelling. Therefore, it is requested that the determination of this application be delegated to the Head of Planning in order for this matter to be addressed via minor alterations to the positioning of the units concerned.

ITEM		Items for Determination	
10	A	N/2009/0868 - Dropped curb and vehicular crossover at 53 Kenmuir Avenue.	
	B	N/2009/0871 - Application for Certificate of Lawful Use of dwelling house as a house for children (class C3) at 6 Kingsley Road.	<p>Additional objection received from 120 St Georges Avenue on grounds that there are already too many commercial uses in the area.</p> <p>Applicant's son Mr Lowell has submitted a letter with the application in support of their personal circumstances summarised as follows:-</p> <p>The property has been the family home for 45 years and it is their intention to remain there.</p> <p>He has sold his house in Duston and the extension is needed to enable elderly mother and disabled brother to live together with Mr Folwell.</p> <p>The property is used as a family home and the applicant proposes to use existing bricks from the demolished garage to harmonise with the locality.</p> <p>Applicant is very keen that the personal circumstances of the family be considered as it would have an enormous effect on the lives of many people.</p>
	C	N/2009/0885 - Two storey side extension at 13 Thornby Drive.	

	<p><b>D</b></p> <p>N/2009/0895 - Proposed single storey rear extension at 140 Beech Avenue.</p>	
<p><b>ITEM</b></p> <p><b>Applications for Consultation</b></p>		
<p><b>12</b></p> <p><b>A</b></p>	<p>N/2007/1570 - Outline application for housing (625 dwellings of mixed type and tenure), primary school and community resource centre (1.35ha), local centre facilities (0.7ha) including shops (Class A1), financial and professional services (Class A2), restaurant/café (Class A3), drinking establishment (Class A4), hot food takeaway (Class A5), structural public open space (5.45ha) with associated access, parking, ground works, infrastructure, landscaping and access on Land at Pineham North Banbury Lane. (WNDC consultation)</p>	<p>Cllr Paul Varnserry – endorses comments in para 1.4 of the committee report regarding concerns about peak hour vehicle congestion and safety around the proposed primary school. He asks members to consider guiding WNDC to take into consideration the lessons learned at St Luke's, St Crispin Drive, Upton. <b>Officer advice – the incorporation of these views is at members' discretion.</b></p> <p>Paragraph 1.4 should commence 'In addition to securing a robust Travel Plan including suitable public transport provision, – then 'movement corridors .....</p>

	<p style="text-align: center;"><b>B</b></p> <p><b>N/2009/0910</b> - Demolition of existing Bective Works and Jebez House and the erection of 155no. Residential units with associated landscaping and underground car park at Bective Works &amp; Jebez House Site, Between Bective Road &amp; Yelvertoft Road. (application for new planning permission to replace existing planning permission ref: WN/2006/0028 dated 1/11/2006, in order to extend the time limit for implementation). (WNDC Consultation)</p>	<p>An additional recommendation is to be added to those listed in Paragraph 1.3, in that WNDC are to be requested to ensure Section 106 Agreement contributions are made to cover the requirements of the 2009 Parks and Open Space Strategy for Northampton and the 2007 WNDC Planning Obligation Strategy.</p> <p>Following consultations with NBC Conservation, the applicant is to be informed that a separate application for Listed Building Consent to demolish Jebez House is to be submitted to Northampton Borough Council as the proposal would impact upon the character and setting of the Grade II Listed Enterprise House. Concerns are raised regarding the impact upon the setting of the Listed Building at Enterprise as a result of the scale of the western elevation.</p> <p>Representations have been received from the occupier of 47a Newington Road stating support for the principle of the development; however, concern is expressed regarding the use of Harborough Road by cyclists. Furthermore, concern is expressed regarding the quality of the cycle storage. It is requested that a cycle audit is carried out in order to lead to a review of the Section 106 Agreement.</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** N/2009/0868  
 Dropped curb and vehicular crossover  
 53 Kenmuir Avenue, Northampton

**WARD:** Kingsley

**APPLICANT:** Mr. G. Hickling

**REFERRED BY:** Head of Planning  
**REASON:** Council-owned property

**DEPARTURE:** No

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposal is not considered detrimental to highway or pedestrian safety and is in accordance with advice received from the Highway Authority and the aims and objectives of PPG13 - Transport.

**2. THE PROPOSAL**

2.1 Permission is sought for the installation of a vehicular access with dropped kerb.

**3. SITE DESCRIPTION**

3.1 53 Kenmuir Avenue is a mid-terrace house located on a busy connector road. The front of the property has been block paved for vehicle parking.

**4. PLANNING HISTORY**

4.1 None relevant.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development

PPG13 – Transport

### **5.3 Northampton Borough Local Plan**

E20 – New Development

### **5.4 Supplementary Planning Guidance**

NCC Highways Standing Advice

## **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **NCC Highways** - Consultation response was received from NCC Highways, stating that the position of the crossover needs to be moved 0.7m towards no. 55 Kenmuir Avenue, in order to allow sufficient visibility for pedestrians, and that the lamp column will also need to be moved in order to be clear of the new crossover, to be placed at the rear of the footway next to the corner of the shared footpath with no. 55.

## **7. APPRAISAL**

- 7.1 The principal issue in determining this application is the effect the proposal would have on highway and pedestrian safety.
- 7.2 The property is set back from the highway by a distance of approx. 5.5m and hardstanding for two vehicles has already been constructed. A condition of the permission given for the hardstanding from NBC Housing was that a vehicular crossover be installed.
- 7.3 It is acknowledged that the proposed dropped curb is to be located on a busy classified highway, however, it is considered that the addition of one more dropped curb will not have a significant detrimental affect on highway safety, and as such the proposal is considered acceptable in principle.
- 7.4 In the interests of highway safety (particularly pedestrian safety), the proposed crossover is to be located to ensure adequate visibility splays, in accordance with the advice from the Highway Authority. This would also entail the repositioning of an existing lamppost.

## **8. CONCLUSION**

- 8.1 That the application be recommended for approval, subject to conditions, as the proposed crossover will have no detrimental impact on highway safety.

## **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. Notwithstanding the submitted plans, the position of the proposed vehicular crossover shall be in accordance with the attached plan and constructed to the approval of the Local Highway Authority.  
Reason: In the interest of highway safety and in accordance with PPG13 – Transport.
3. Prior to the first use of the proposed vehicular crossover, the lamp column shall be repositioned in accordance with the attached plan, to the approval of the Local Highway Authority.  
Reason: In the interest of highway safety and in accordance with PPG13 – Transport.

## **10. BACKGROUND PAPERS**

- 10.1 None

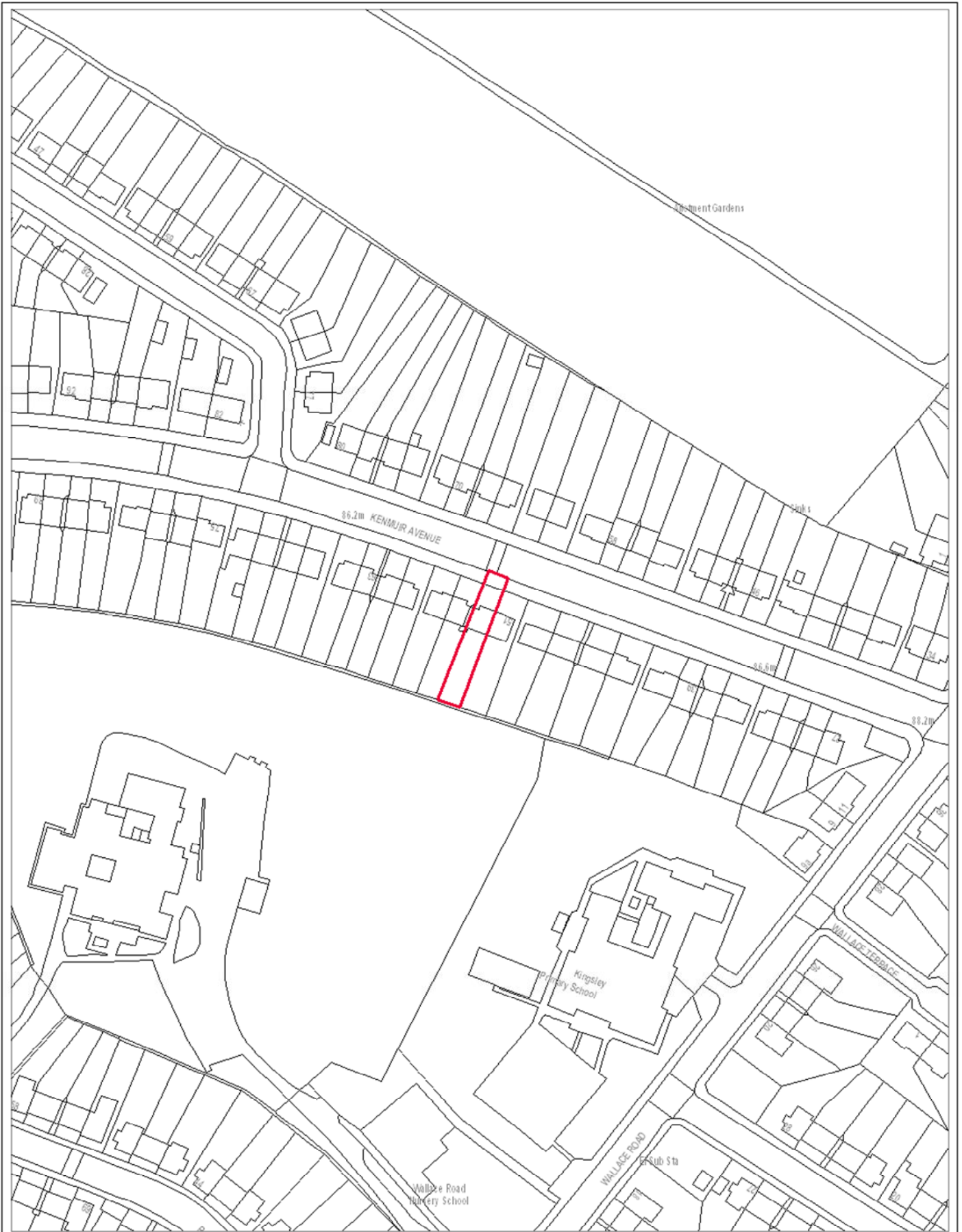
## **11. LEGAL IMPLICATIONS**

- 11.1 None

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

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.

Position:	Name/Signature:	Date:
Author:	Ellie Williams	23-Nov-09
Development Control Manager Agreed:	Gareth Jones	29 Nov 09



auth: Jon Martin  
 date: 2nd December 2009  
 scale: 1:1250  
 type: Planning  
 map: Site Location Plan

Title  
**53 Kenmuir Avenue**

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**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2009/0871 –LDC**                      **CERTIFICATE OF LAWFULNESS FOR USE  
OF DWELLINGHOUSE AS HOME FOR  
CHILDREN (CLASS C3)**

**WARD:**                                      **KINGSLEY**

**APPLICANT:**                              **REBOUND CHILDRENS SERVICES**  
**AGENT:**                                      **REBOUND CHILDRENS SERVICES**

**REFERRED BY:**                              **CLLR SIMPSON**  
**REASON:**                                      **QUERY WHETHER THIS IS CLASS C3**

**DEPARTURE:**                              **N/A**

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## **APPLICATION FOR DETERMINATION**

### **1. RECOMMENDATION**

**APPROVAL** for the following reason:

The Council is satisfied that the use of the building as described falls within Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

### **2. THE PROPOSAL**

2.1 This is an application for a Proposed Certificate of Lawful Development to use the dwelling as a home for children under class C3 of the Town and Country Planning (Use Classes Order).

2.2 The applicant is applying to use the property to care for children who may have suffered from abuse or neglect, disability, parental illness, family stress, dysfunction and / or poverty. There would be a maximum of 5 children under care / resident at any one time and a total of 6 to 10 would be catered for in any given year. The care would consist of a 24-hour rota which would be co-ordinated and managed to ensure

there is always a minimum of two carers providing emotional support, stable reliable bonds and guidance to the residents. One carer would be awake all night. The home would provide children with long-term family care. The children would be in touch with the community and be registered to attend suitable mainstream schooling to include the normal school day, attendance on school trips and homework.

### **3. SITE DESCRIPTION**

- 3.1 The property is situated on the Kingsley Road and is currently used as a dwellinghouse under Class C3 of the Town and Country Planning (Use Classes Order). The building is an attractive 3-storey house near the busy White Elephant junction.

### **4. PLANNING HISTORY**

- 4.1 Planning permission was granted in 1989 for use of the premises as conversion to 3 number flats. However, the applicant confirms that the most recent use of the property has been as a single dwellinghouse.

### **5. PLANNING POLICY**

- 5.1 As the application is to establish whether the proposed use would be lawful, planning policy is not material to its determination.

### **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 Referred to Committee by **Cllr Simpson** as there needs to be further discussion on whether the proposed use falls under Use Class C3 (Dwellinghouse) or C2 (Residential Institution).
- 6.2 As this application is for a Certificate of Lawfulness, no neighbour or consultees have been notified of the proposal on the basis that determination of the application is dependent on whether the proposed use requires planning permission and not an assessment of the planning merits of the proposed use.
- 6.3 Nonetheless **5 letters of objection** have been received from nos 10, 22, 64 and 66 Kingsley Road and Kingsley Park Garage. These letters raise a range of issues, predominantly relating to the planning merits of the proposal which are not material to the determination of the application of this type. One of the points raised, however, does relate to the character of the use which is of some relevance: *It is difficult to see how the use could provide the basis for a household as with a regularly changing rota none of the carers are likely to be in any family relationship.*

## 7. APPRAISAL

### Main issue and legislative background

- 7.1 The main issue to consider is whether the proposed use as a home for children would fall within the existing lawful use of the premises as a dwelling house under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). If it does then planning permission is not required and, regardless of the planning merits, a Certificate of Lawful Use must be granted. If it does not fall within Class C3 and the Council is satisfied that a material change of use would occur via the proposed change of use then the application should be refused.
- 7.2 A children's home type use would generally fall within class C2, although it is argued by the applicant that the use as described would fall within the same C3 use class as the lawful use of the existing house and that therefore no material change of use would occur.
- 7.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) provides that material change of use from one use to another within the same Use Class, as defined by the Order, does not represent 'development' and as such does not require planning permission. Use Class C3 is defined by the Order as a use of a dwellinghouse by:
- A single person or persons living together as a family; **or**
  - No more than 6 residents living together as a single household (including a household where an element of care is provided for residents).
- It is important to note that in order to be within class C3 the use must satisfy only one of these two criteria. The proposed use is considered against each of these categories a little later in this report.
- 7.4 Circular 03/2005 provides guidance on the interpretation and application of the Use Classes Order. Paragraph 71 relates to Class C3 and advises that premises can properly be regarded as being used as a single dwelling house where they are:
- A single self contained unit of occupation which can be regarded as being a separate planning unit distinct from any other part of the building containing them;
  - Designed for residential purposes - containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse; and
  - Used as a dwelling whether permanently or temporarily by a single person, family or more than one person living together like a family as a single household.
- 7.5 The guidance also emphasises that Class C3 not only includes families or people living together under arrangements for provision of care but also other groups of people not necessarily related to one another who chose to live together on a communal basis as a single household.

### **A single person or persons living together as a family**

- 7.6 The applicant maintains that the use of the dwelling would be entirely communal and that activities such as shopping would be undertaken as a family and that children would eat and live together as a single household with preparation of meals, washing up, household cleaning undertaken by the group as a household. Similarly, recreational activities such as trips to the cinema, shops and bowling would be undertaken as a family-like group.
- 7.7 It has been confirmed by the applicant that evenings and weekends would be spent as a family utilising a wide range of local amenities such as shops where food will be bought, cooked and eaten together.
- 7.8 In a court judgement in North Devon (2003) it was found that it was necessary for carers to live permanently within the building in order to form a single household.
- 7.9 A case in Croydon for 5 persons with learning difficulties. (January 2003) decided at appeal following refusal of an Lawful Use Certificate is also noteworthy. The Council argued that use class C3 did not embrace the proposed use as there would be one or two members of staff present during the day and one at night and they argued that this was not occupation by a single household but as a residential institution. The Inspector concluded that the use was a group home and not a care home and noted that residents and staff would share all facilities together and take meals together which would fall within class C3.
- 7.10 A more recent appeal case decided in Enfield from 2006 is also of relevance. In this case, the Inspector found that premises in question were in use as a dwellinghouse even though the use involved three staff on a shift system providing 24 hour cover, similar to the case under current consideration. The premises were occupied by four people recovering from mental health problems. The intention was to allow the residents to live a communal life as a single household, sharing a kitchen, lounge, dining area, toilet and bathroom.
- 7.11 In an appeal case decided in September 2006 in Wolverthampton it was found that the presence of rota staff was no different to a C3 dwelling where a dwelling was being used to accommodate children with emotional and behavioural difficulties. Care would be provided on a 24 hour basis and with staff rotated on shifts of eight hours. It was found that the day to day activity would be similar to that of a dwellinghouse and that the Inspector determined that this was not materially different from its use a C3 use and issued a Lawful Use Certificate accordingly.

- 7.12 It is also noteworthy that the current applicant obtained a Certificate of Lawfulness from the Council in March 2006 for use of 245 Abington Avenue as a single dwelling house for purposes of the same specification and character as the current application.
- 7.13 For the foregoing reasons, officers are satisfied that the nature and character of the proposed use can be properly described as *persons living together as a family* as a single household and as such the use falls within class C3 of the Use Classes Order.

**No more than 6 residents living together as a single household**

- 7.14 It is proposed to house 5 children at the household cared for by a minimum of 2 carers. This total would therefore exceed the six-person limit as detailed in the second criteria of the Use Classes Order.
- 7.15 Many examples of case law have found that a breach of the six-person household did not trigger a material change of use.
- 7.16 One example was an appeal case from 2003 in Croydon where it was found that the fact that there may be more than a single member of staff on the premises during the day did not count against the maximum of 6 persons allowed by the C3 definition anymore than would a visiting cleaner or cook.
- 7.17 Circular 03/2005 notes that local planning authorities should include any residential care staff in the calculations of the number of people accommodated. However this contrasts with the judgment of the Sinclair case which found that staff providing care should not be counted. The circular goes on to say that even if the 6 person limit is exceeded it does not necessarily imply a breach of planning control as a material change of use may not occur.
- 7.18 A material change of use would only occur where the number of residents increases to a point where it can be said to intensify the use and thus materially change the character of the use of the property. The existing building has 3 storeys with 8 bedrooms. Given its size it seems reasonable to conclude that the proposed use as a home for 5 children and 2 carers would be no more intense or materially different to its potential use as a more conventional family home.
- 7.19 From the recent appeal decisions cited above, it can be concluded that even if the six person threshold is exceeded then this may not trigger a material change of use to C2 and can still be considered within class C3 of the Town and Country Planning (Use Classes Order).

## **8. CONCLUSION**

- 8.1 It is considered that the proposed use as a home for children falls within use class C3 of the Town and Country Planning (Use Classes Order) 1987 as amended and is therefore lawful. Moreover, if the decision-maker were to conclude that the proposed use does not fall within Class C3, with reference to the nature of the proposed use and the appeal cases identified in the report, it is reasonable to conclude that there would be no material change of use and as such planning permission is not required.

## **9. BACKGROUND PAPERS**

- 9.1 None.

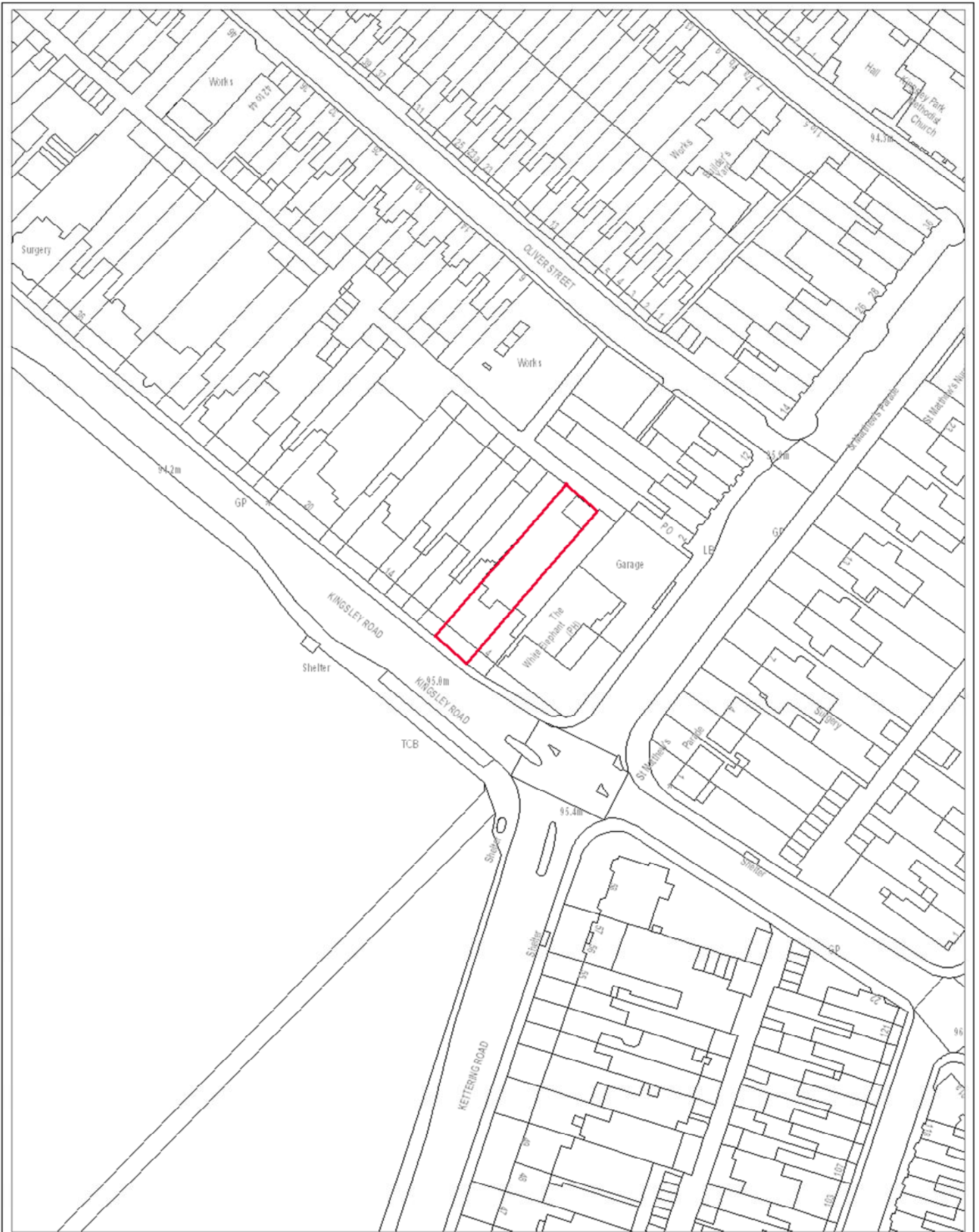
## **10. LEGAL IMPLICATIONS**

- 10.1 In the event that the application is permitted the Council as local planning authority would formally accept the proposed use as being lawful.

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 As the determination of the application is concerned exclusively with the lawfulness of the proposed use and the Council is not permitted to assess the planning merits of the case. Consequently there are no links to the Corporate Plan that are relevant to the determination of the application.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author: Planning Officer:</b>	Jonathan Moore	26 Nov 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	3 Dec 09



 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Iss: Jon Martin          Dt: 4th December 2009          Sc: 1:1250          Pt: Planning          Pn: Location Plan</p>	<p>Title  <b>6 Kingsley Road</b></p> <p>Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2009/0885- FULL**                      **TWO STOREY SIDE EXTENSION**  
**13 THORNBY DRIVE**

**WARD:**                                      **KINGSTHORPE**

**APPLICANT:**                              **MRS M FOLWELL**  
**AGENT:**                                      **TEW AND SMITH**

**REFERRED BY:**                              **CLLR BEARDSWORTH**  
**REASON:**                                      **TO ALLOW CONSIDERATION TO BE GIVEN**  
**TO THE PERSONAL CIRCUMSTANCES OF**  
**APPLICANT**

**DEPARTURE:**                              **NO**

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**APPLICATION FOR DETERMINATION**

**1. RECOMMENDATION**

**1.1 REFUSAL** for the following reason:

By reason of its siting and design, the proposed extension would infill an important visual gap between this property and the adjacent house number 15 Thornby Drive resulting in a form of development which would detract from the appearance and character of the streetscene and visual amenity of the locality and would be contrary to Policies E20 and H18 of the Northampton Local Plan and advice in the SPG "Residential Extensions Design Guide."

**2. THE PROPOSAL**

2.1 The proposal is for the erection of a two-storey side extension that would be located on the southern side of the property and would provide living room, bathroom and kitchen to the ground floor and two additional bedrooms above. The proposed development would be approximately 1m from the common boundary with adjacent number 15



Thornby Drive and would have a hipped roof.

### **3. SITE DESCRIPTION**

- 3.1 The applicant's property comprises a 2-storey semi detached dwelling constructed in red brick and located within a primarily residential area as defined by the Northampton Local Plan. The immediate area is characterised by two-story semi detached houses with visual gaps between them at first floor level. The property currently has a flat roof attached garage to the side. There is a private garden to the rear enclosed on 3 sides. To the rear is St Aidans Roman Catholic Church and the residence of the vicar associated with that building.

### **4. PLANNING HISTORY**

- 4.1 Planning permission was refused on 15 September 2009 (LPA reference N/2009/589) for a similar extension to the current submission for the same reason as recommended for the determination of the current application. The current scheme is for a slightly smaller extension than that previously refused. The main difference between the current submission and earlier refusal is that the number of additional bedrooms has been reduced and the width of the proposed extension reduced by 0.3m.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

#### **5.2 National Policies**

PPS1 – Delivering Sustainable Development

#### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

#### **5.4 Northampton Borough Local Plan**

E20 – New Development

H18 - Extensions

#### **5.5 Supplementary Planning Guidance**

Residential Extensions Design Guide 2002

### **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Councillor Beardsworth** has referred the application to Committee to

allow Members the opportunity to consider the particular circumstances and needs of the applicant and her extended family and how these necessitate the scale and design of the proposed extension.

## **7 APPRAISAL**

### Main issues

- 7.1 The principal considerations in this proposal are the impact on the character and appearance of the area and on the original dwelling and impact on amenity and living conditions of adjacent properties.

### Policy context

- 7.2 In determining planning applications of this type, Policy H18 of the Northampton Local Plan states that the design and appearance of an extension is of significant importance. Policy E20 also applies to extensions and encourages the design to adequately reflect the character and surroundings in terms of layout, siting, form and scale.

- 7.3 Advice contained within the Council's Adopted SPG on Residential Extensions (2002) emphasises that the spaces between buildings are often significant in defining the local character, particularly if the buildings form part of a uniform development. This can easily be destroyed by infilling the gap with an extension.

### Impact on visual amenity and the streetscene

- 7.4 The character of the street is defined predominantly by semi detached residential dwellings. The row of properties on which the applicant's house is situated is characterised by regular two storey semis with visual gaps between them at first floor level above existing garages.
- 7.5 Given this uniform pattern of development, if permitted the extension proposed would infill a visual gap thereby detrimentally affecting the defining the character of the streetscene. This would not only result in the loss of a space that contributes to local character but could also potentially set an undesirable precedent for other properties to do the same, gradually eroding the character of the area over time.
- 7.6 The scheme is very similar to an application (ref N/2009/589) at the property, which was refused earlier this year. The slight reduction in the width of the revised proposal of 0.3m compared to the refused scheme is not sufficient to overcome the negative impact of the proposal on the streetscene.
- 7.7 The proposed development would therefore be contrary to the intentions of Policies H18 and E20 of the Northampton Local Plan and advice in the SPG "Residential Extensions Design Guide."

### Other extensions

- 7.8 Although, there are other examples in the locality of side extensions, there are none that are directly comparable to the current scheme in terms of relationship with adjacent properties and design. Number 3 Thornby Drive, for example has a 2 storey side extension, however this was determined permitted in 1998 prior to the adoption of the Council's SPG on Residential Extensions in 2002 and has a very different relationship with the adjacent property to that of the current application.
- 7.9 Number 4 Thornby Drive obtained planning permission in July 2000 (ref N/2000/537) for first floor side extensions. However, this was also approved prior to the adoption of the SPG and is a detached property of different design to the current proposal.

### Impact on amenity and living conditions of neighbouring properties

- 7.10 The adjacent property to the south number 15 Thornby Drive has two first floor side facing windows facing towards the application property. Given the relationship, orientation and separation to these existing features and that the side windows on the proposed extension would be obscure glazed it is considered that the impact on that neighbour's amenity in terms of overlooking, overshadowing and overbearing would be limited.
- 7.11 As the building to the rear has no windows facing towards the applicants property it is considered that the impact on this development would be acceptable and the proposed extension would not result in any undue adverse loss of amenity to that development given the separation distance.

### Other considerations

- 7.12 In support of the application it has been submitted that the property has been the Folwell's family home for approximately 45 years and that the proposed extension is necessary to enable them to care for a disabled brother and elderly mother. The applicant wishes to stay in her current home and does not wish to move and it is important to them that this remains the case. If permission were to be refused for the proposed extension, they may be forced to move elsewhere.
- 7.13 Although officers are sympathetic to the applicant's circumstances, personal circumstances of individuals are rarely material planning considerations that can be taken into account when determining a planning application. In this case it is not considered that there are any special circumstances that should be weighted against the overriding Policy objections described above.

## **8. CONCLUSION**

8.1 It is considered that owing to the design and siting of the proposal, the extension would have an adverse impact upon the visual amenity of the locality and quality of the streetscene contrary to Development Plan Policy. Notwithstanding the personal circumstances of the applicant, there are no other material considerations that indicate that the application should not be refused.

## **9. BACKGROUND PAPERS**

9.1 None.

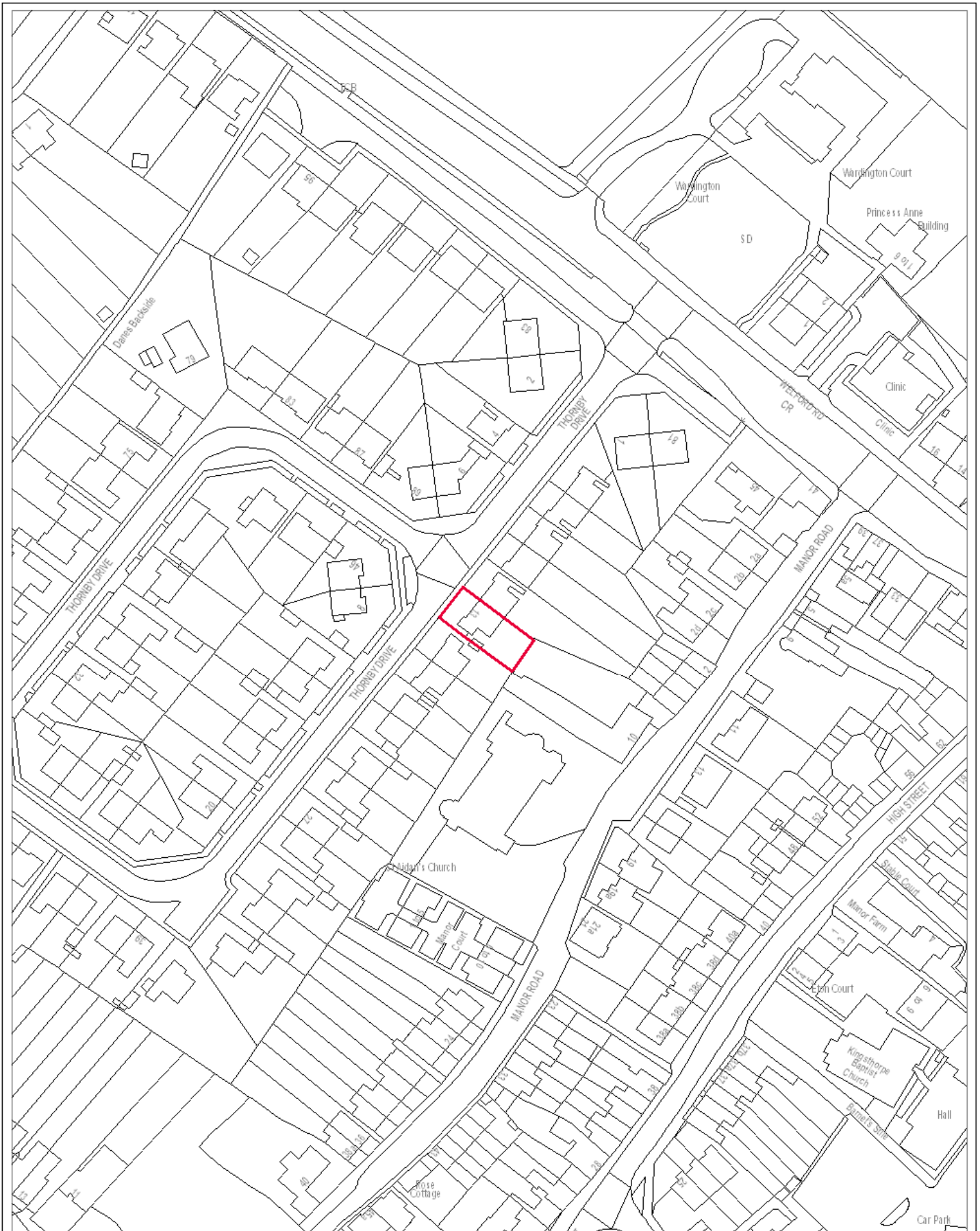
## **10. LEGAL IMPLICATIONS**

10.1 None.

## **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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Jonathan Moore	25 Nov 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	27 Nov 09



Inv: Jon Martin  
 Dt: 2nd December 2009  
 Scl: 1:1250  
 Proj: Planning  
 Desc: Ctte Location Plan

**Title**  
**13 Thornby Drive**

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**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APPLICATION:** N/2009/0895  
Proposed single storey rear extension  
140 Beech Avenue, Northampton

**WARD:** Weston

**APPLICANT:** Miss J Parke

**REFERRED BY:** Head of Planning  
**REASON:** Council Officer

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The siting and design of the extension is acceptable and will not be detrimental to visual or residential amenity in accordance with Policies H18 and E20 of the Northampton Local Plan.

**2. THE PROPOSAL**

2.1 It is proposed to erect a single storey rear extension 6.2m wide, 3.7m deep with a monopitch roof up to 4m high.

**3. SITE DESCRIPTION**

3.1 Terraced house with large rear garden.

**4. PLANNING HISTORY**

4.1 None relevant.

## **5. PLANNING POLICY**

### **5.1 Development Plan:**

Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan and unless material considerations indicate otherwise. The current Development Plan comprises the Regional Spatial Strategy, the Northamptonshire County Structure Plan and the Northampton Local Plan.

### **5.2 Local Plan Policy:**

E20 – New development  
H18 – Residential Extensions

### **5.3 National Policies:**

PPS1 – Delivering Sustainable Development

### **5.4 Supplementary Planning Guidance**

Residential Extensions Design Guide (2002)

## **6. CONSULTATIONS / REPRESENTATIONS**

6.1 None received.

## **7. APPRAISAL**

7.1 The design of the extension is acceptable with a monopitch roof, which will compliment the appearance of the existing dwelling.

7.2 The proposed extension would project only 0.7m beyond the length allowed for permitted development for terraced properties. No. 142 Beech Avenue has an existing single storey rear extension of 3.5m in length. This extension has windows in the side elevation facing the application site but as there is a separation distance of 1m and as there are windows in the rear elevation of that extension the impact on no. 142 property would be minimal. No. 138 Beech Avenue has a single storey side extension of 2.5m with no windows facing the application site. The relationship with the two neighbouring houses is considered acceptable and would not have a significant impact on either of the adjoining properties nos. 138 and 142 Beech Avenue.

7.3 A condition is recommended to prevent any windows from being installed on the side elevations. The Council has not received any objection to this proposal at the time of writing the report.

## **8. CONCLUSION**

8.1 The design of the proposed extension is acceptable and it will not have a detrimental effect upon the amenities of adjoining properties.

## 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 external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.  
Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the side elevation of the proposed extension without the prior written consent of the Local Planning Authority.  
Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

## 10. BACKGROUND PAPERS

- 10.1 None.

## 11. LEGAL IMPLICATIONS

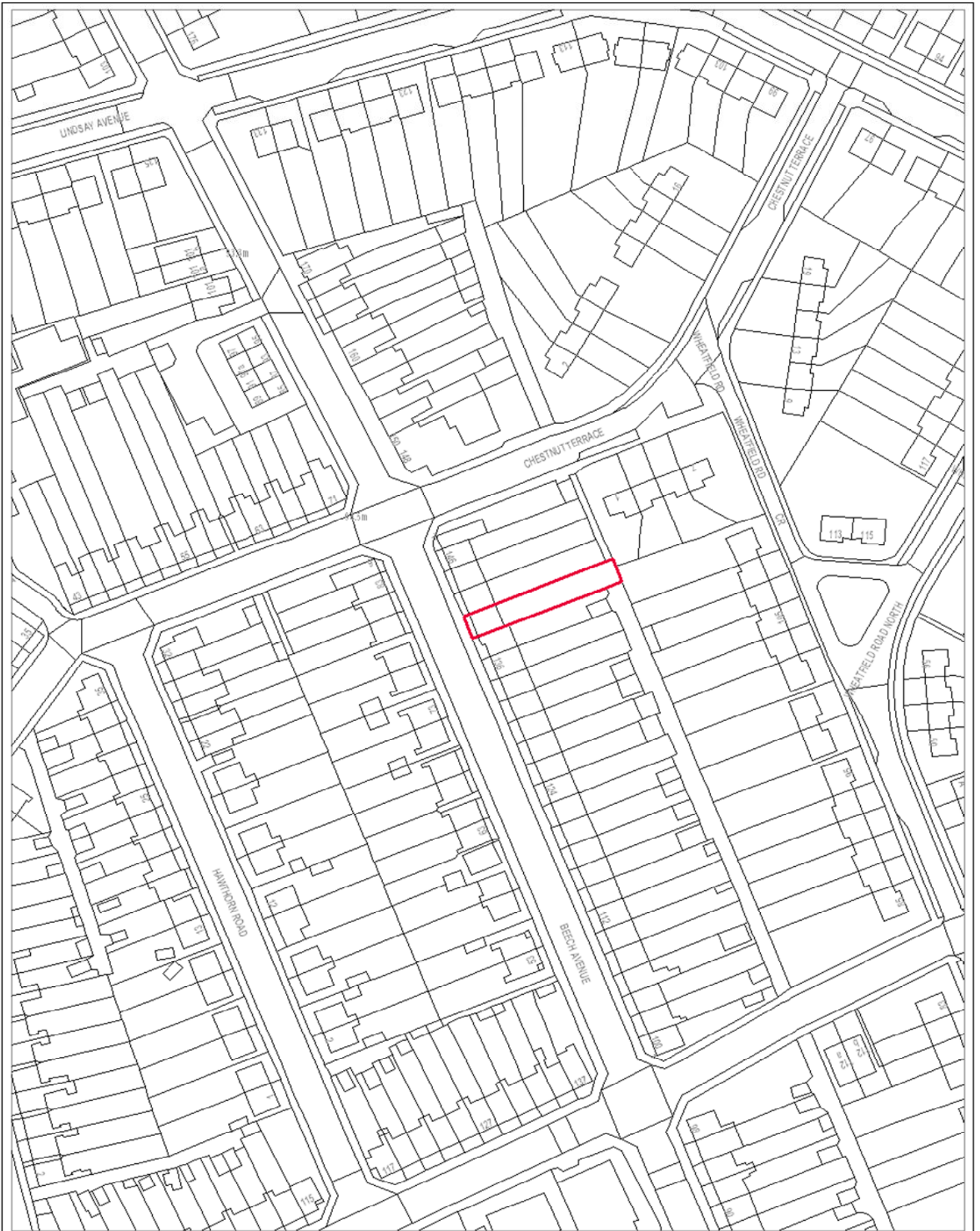
- 11.1 None.


## 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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Geoff Wyatt	25 Nov 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	27 Nov 09





 <p><b>NORTHAMPTON</b> BOROUGH COUNCIL</p>	<p>Auth: Jon Martin          Dt: 2nd December 2009          Scale: 1:1250          Dept: Planning          Title: Ctte Location Plan</p>	<p>Title  <b>140 Beech Avenue</b></p> <p>Produced from the 2009 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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**NORTHAMPTON**  
BOROUGH COUNCIL

**PLANNING COMMITTEE:** 15 December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** N/2007/1570  
Outline application for housing (625 dwellings), primary school and community resource centre (1.35ha), local centre facilities (0.7ha) including shops (Class A1), financial and professional services (Class A2), restaurant/café (Class A3), drinking establishment (Class A4), hot food takeaway (Class A5), structural public open space (5.45ha) with associated access, parking, ground works, infrastructure, landscaping and access  
Land at Pineham North, Banbury Lane.

**WARD:** West Hunsbury

**APPLICANT:** Prologis Developments Ltd  
**AGENT:** Holmes Antill

**REFERRED BY:** Head of Planning  
**REASON:** Major development consultation

**DEPARTURE:** No

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## **APPLICATION FOR CONSULTATION BY WNDC:**

### **1. RECOMMENDATION**

- 1.1 NBC does not object to the proposed development provided that the following measures are achieved:
- 1.2 Conditions relating to noise, construction management and decontamination are applied as laid out by NBC Public Protection (EHO) in their consultation responses.
- 1.3 10% of all dwelling units are to be constructed to NBC's mobility standard. 35% of all dwellings are to be affordable with 70% committed for social rented housing and 30% for intermediate

affordable housing. NBC must be involved in the negotiation of the S106 Agreement.

- 1.4 Movement corridors and general accessibility, including vehicular access to the primary school, must be suitably addressed for improvement by planning condition for the masterplanning stage of the planning process.
- 1.5 The open space provision overall is acceptable, but its subdivision by type of use and future maintenance must be agreed in consultation with NBC when masterplanning and reaching a legal agreement.
- 1.6 The retail permitted within the local centre shall be limited to a maximum of 500m<sup>2</sup> gross floorspace for convenience use and a maximum of 300 m<sup>2</sup> for other retailing in order to ensure the local centre responds to local needs and does not harm other recognised centre.

## **2. THE PROPOSAL**

- 2.1 The outline planning application seeks to establish the principle of a primarily residential development on a site of approximately 19 hectares in area in the south west district of Northampton known as Pineham Barns. The proposal consists of 625 dwellings (covering approximately 12.5 hectares), a primary school and community resource centre (covering 1.35 hectares), a local centre (0.7 hectares) including shops (Class A1), financial and professional services (Class A2), restaurant/café (Class A3), drinking establishment (Class A4) and hot food takeaway (Class A5), with structural public open space (covering 5.45 hectares) and associated access, parking, ground works, infrastructure, landscaping and access.
- 2.2 The application is supported by a design and access statement, environmental statement, flood risk assessment, energy impact assessment, and health impact assessment.
- 2.3 Only matters of the principle of development, scale, layout and access are for consideration at this stage.

## **3. SITE DESCRIPTION**

- 3.1 The site is located in the south west of Northampton in West Hunsbury Ward, part of the wider Pineham development area. It is a 19-hectare greenfield site that is currently used for farming.
- 3.2 The site and the surrounding area were allocated for development in the 1997 Northampton Local Plan. It is part of the comprehensive development of the South West District. Surrounding the site along its southern and western boundary are employment sites that have come forward for development as allocations proposed in the Northampton

Local Plan. These sites already have planning consent for employment use and have been largely built out and occupied.

- 3.3 Access roads have been constructed to link the employment sites with existing employment uses at Swan Valley and the Cross Valley Link Road (CVLR), which is now open. The site will be linked to these access roads at three points. The layout of the site shows the primary school and local centre as being located at the eastern end of the site.
- 3.4 The main roads through the site will be from the eastern end by the proposed primary school and local centre crossing the site towards the western side. Another road will spur off this road linking to the existing road network on the southern boundary of the site. The indicative plan shows that open space will be found throughout the residential areas in the remainder of the site. The northern and eastern boundary of the site is the Nene Valley Country Park.

#### **4. PLANNING HISTORY AND CONTEXT**

- 4.1 There is a significant planning history to this site dating back to before the saved 1997 Northampton Local Plan was originally adopted. Proposals for the development in the Pineham area were originally in the South Western District Plan. This document was never formally adopted, although the development proposals were taken forward in the Northampton Local Plan. Indeed the application site is allocated for a mix of residential and business use within Policy D14 of the Northampton Local Plan.
- 4.2 A development brief for the area, now known as Pineham North, was prepared by NBC in accordance with the Local Plan. NBC adopted the Pineham North Development Brief in February 2000. The development brief encouraged a mixed-use sustainable development. It also stated that the Borough Council would require the provision of a Local Centre/Business Support Centre to serve the needs of the proposed residential development and the adjoining business area.
- 4.3 In June 2000, Northampton Borough Council's Development Control Sub-Committee considered planning application N/1998/1010 for mixed housing and employment uses with support facilities at Pineham North. This included the site of the current application and a wider area. NBC supported the proposal, citing the allocation for housing in the Local Plan and the subsequent adoption of the Development Brief for the site. The Secretary of State called in the application in the light of the then recently introduced restrictions on the release of additional greenfield sites for housing contained in PPG3 Housing.
- 4.4 A Public Inquiry was held in September 2001. The Inspector refused the application on the grounds of prematurity, in that the release of additional greenfield land for housing was not justified in 2001 given the brownfield capacity within Northampton urban area at that time.

The Inspector also commented that a review of the South West district should be carried out to determine the planning potential of the area. In addition the Inspector said that the solution to develop the Cross Valley Link Road was worthy of further examination.

- 4.5 Halcrow on behalf of English Partnerships carried out a Strategic Planning Review in the period 2002-2004. The basis of the Review was the development of six individual self-sustaining communities across the South West district, of which Pineham was one. The Review went into greater detail about the nature of the employment proposals at Pineham and the residential area. It envisaged that Pineham would consist of the then proposed housing at Banbury Lane and the proposed mixed use development at Pineham North. The Review noted that the completion of the Pineham North residential site was seen as the most important of the proposed greenfield communities as it is physically removed from other communities and their supporting facilities. It went on to say that for the Pineham community to become self-sufficient at the earliest possible stage was of great importance.
- 4.6 NBC considered the South West District Review in June 2004 and adopted an interim planning guidance for the area based upon the findings of the Review. There was support for the employment and residential proposals at Pineham North. B8 and B1 employment uses were acceptable, with B8 uses to be located nearer to the M1 motorway and B1 uses closer to the proposed residential development forming a more neighbourly relationship.
- 4.7 A mixed employment uses application, N/2002/1676, was made to NBC in December 2002 for Pineham. The application was considered in the light of the integrated approach to housing and employment. A Zoning Plan for the site was considered showing the employment uses in relation to an anticipated future proposal for housing and community facilities. NBC approved the proposals, including the Zoning Plan in March 2006.
- 4.8 Subsequently, detailed proposals for the strategic infrastructure for the employment area at Pineham were submitted to West Northamptonshire Development Corporation and approved by them in November 2006. This infrastructure will also serve any future housing development and includes the provision of roads linking Pineham with Danes Camp Way and the southern end of the Cross Valley Link Road.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the East

Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

## 5.2 **National Policies:**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 9 – Biodiversity and Geological Conservation

Planning Policy Guidance 13 - Transport

Planning Policy Guidance 16 – Archaeology and Planning

Planning Policy Statement 23 – Planning and Pollution Control

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 - Flooding

## 5.3 **East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

Policy MKSM SRS Northamptonshire 1 – The Spatial Framework

Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area.

Provides a framework for growth around Northampton including showing housing growth figures of 1,450 new homes per year during 2006-11, rising to 1,775 new homes per year after that up to 2026.

## 5.4 **Northampton Borough Local Plan**

D14 – Pineham, business and housing

L20 – Managed countryside recreation: Upton Country Park

E1 – Landscape and open space

E2 – Riverside landscape

E6 – Greenspace

E11 – Hedgerows, trees and woodland

E12 – Hedgerows, trees and woodland

E17 – Nature Conservation

E18 – Nature Conservation value sites

E19 – Implementing development

E20 – New Development

E40 – Crime and vandalism

H7 - Housing Development Outside Primarily Residential Areas  
H14 - Residential Development, open space and children's play facilities  
H32 – Affordable Housing

## 5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

## 6. **CONSULTATIONS**

### **Internal**

#### **Housing Strategy:**

- 6.1 Require a minimum of 35% affordable dwellings on the development with a tenure split of 70% social rented housing and 30% shared ownership. There should be a balanced spread of these dwellings throughout the development with no more than 8 clustered together and each cluster to be separated from another. The dwellings will need to meet the Housing Corporation Design and Quality Standards.
- 6.2 The developers will need to work in partnership with one of NBC's approved RSLs to deliver the affordable housing.
- 6.3 There is a need for family rented accommodation. To help to meet this need the following indicative provision by housing type is suggested:

#### Social Rented

16 x 1 bed flats

30 x 2 bed flats

69 x 3 bed houses

23 x 4 bed houses

15 x 5 bed houses

#### Shared Ownership

13 x 1 bed flats

33 x 2 bed flats

20 x 2 bed flats

#### **Public Protection (Environmental Health):**

- 6.4 Comments as follows:

#### 6.5 **Hydrology**

The Environmental Statement section on Hydrology indicates that there is some groundwater contamination on the site. Conditions should be imposed to require an appropriate site investigation and contamination

risk assessment and if necessary remediation. Suggested wording for the conditions:

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

- 6.6 It is recommended that conditions are imposed to require the submission and implementation of a construction impact management plan – this should address the following issues: noise, dust, and spillage control.

Noise

- 6.7 Environmental Health has spoken to the consultants who prepared the Noise report. They have discussed with them that the model should allow for a greater increase in traffic over and above the 22% increase used in the modelling.

Also the Noise report indicates that some dwellings on the edges of the site may fall within a higher noise category due to their proximity to busier roads. Mitigation measures would be needed for these areas and the following condition wording is suggested:

“The applicant shall also submit for approval a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site.

Where noise protection measures for the site are impractical or do not reduce the NEC for all amenity areas, all facades or all floors of the proposed dwellings to NEC A the plan shall clearly indicate the site layout and the predicted NEC for all facades.

Where facades or floors do not fall into NEC A, a noise insulation scheme, which will require the provision of mechanical ventilation, shall be submitted for approval by the local authority and implemented prior to the properties being occupied.



- 6.8 The report also mentions the importance of the zoning of the business areas to protect the boundaries – i.e. by locating offices on the parts of the site nearest to housing – it is considered important that this is carried forward in the design process.

#### Air Quality

- 6.9 Environmental Health considered the Air Quality report to be inadequate for making a decision as to whether the development would require mitigation measures in its original submission. An Air Quality report as requested by the EHO was submitted in July 2009 under Regulation 19 of the EIA Regulations 1999 and is now considered acceptable.

#### **Parks and Open Spaces Support Services:**

- 6.10 The proposed provision for Open Space on the site will need to take into account the Open Space, Sport and Recreational Needs Audit report prepared for Northampton Borough Council. If the proposed Open Space is to be adopted and maintained by Northampton Borough Council the existing procedures for this process will need to be used and funding made available for long-term maintenance.

#### **Planning Policy (Open Space):**

- 6.11 For future Reserved Matters applications on this site the developers would need to provide Open Space broadly in accordance with the figures below subject to discussion with NBC. For the proposed development, based on the standards and calculations in the Open Space, Sport and Recreational Needs Audit report, 12.38 hectares of open space would be required. This could be made up of 5.33 hectares as on site provision and the remaining 7.05 hectares to be provided off site. Possibilities for off site provision include enhancing existing facilities at Hunsbury Hill Park and the River Nene Country Park that adjoins the northern boundary of the site.
- 6.12 On site, NBC would be seeking 5.33 hectares of open space to be made up of the following typologies with the suggested amount in brackets although this can be varied within the total on site contribution; amenity green space (2.15 ha), children and young people (0.36 ha) and Outdoor sports facilities (2.82 ha).

## **7. APPRAISAL**

### **Principle of Development**

- 7.1 The former call-in decision of the Inspector in 2001 dismissed residential development on the grounds that PPG3 Housing (at that time) encouraged brownfield residential development first and foremost and other sites were to come forward in Northampton that were both brownfield and sequentially preferable. A date of 2008 was suggested

by the Inspector and the Secretary of State as a time when Pineham North may need to be reviewed in housing delivery terms.

- 7.2 In the meantime, the development of the employment elements of Pineham and the associated infrastructure, principally roads, was duly proposed, approved and developed. Nearly all of these elements of Pineham are now developed and in use.
- 7.3 PPG3 Housing has now been superseded by PPS3 Housing, that has a different approach to housing delivery. The emphasis is now on the prompt delivery of housing and the onus is on the Local Planning Authorities to maintain a rolling 5 year supply of housing land. NBC's 2009 Annual Monitoring Report concludes that the Borough has an adequate 5-year housing land supply and includes the assumption that Pineham will deliver 325 units over the period to March 2014. In order to maintain the requisite 5 year housing supply in line with PPS3, it is necessary to facilitate the timely delivery of allocated sites such as this.
- 7.4 It is considered that the principle of the proposed local centre, along with the school, is an essential component of creating a more sustainable community, not only for future occupiers of this development but also the existing Banbury Lane community. It would also be a useful resource for employees of the businesses in the surrounding Pineham / Swan Valley area. In order to ensure that the local centre responds to genuine local needs and to protect the vitality and viability of existing recognised centres, it is recommended that retail unit size is limited to a maximum of 500m<sup>2</sup> gross floorspace for convenience use and a maximum of 300 m<sup>2</sup> for other retailing.

### **Design and Layout**

- 7.5 Detailed design is not for consideration at this stage, however the scale and general layout is a matter for analysis. The scheme includes:
- A parameters plan giving densities ranging from 35 units per hectare overlooking Nene Valley Country Park to 50 units per hectare in the inner zones of the site.
  - Access points are taken from existing roundabouts to the west and east and the site is bounded by B1 offices along its southern boundary.
  - A primary school is positioned on the eastern end of the scheme close to one of the roundabout entrances to the site to ensure easy access from nearby residential areas as the school has a greater catchment.
  - The highest residential development is proposed to be 3.5 storeys.
- 7.6 The indicative road layout is high-level but shows little development of core features, such as navigation landmarks and basic legibility and

this is considered a weakness, which should be addressed at the detailed design stage and controlled by condition.

- 7.7 It is of some concern that the amendments to this scheme have resulted in a primary school located next to the gateway roundabout to the area at the eastern extreme of the land. It is considered that this will result in an attractive location for car based school trips where access to the arterial roads is so easy. Again, this needs addressing through the design phases of reserved matter applications.
- 7.8 Although the site is inherently linked to the neighbouring employment areas, there is little integration of land uses to create mixed use areas. This is somewhat disappointing as this would result in more mixed and vibrant communities that could reduce journey lengths, allow for working close or at home and establish activity within the development throughout the day. With the lack of mixed use integration, it is considered inevitable that many future residents will rely on the motor car for transport, but this is a product of the spatial planning strategy when this land was allocated. With a strong travel plan and attractive links to surrounding land uses it is considered that the development can establish more sustainable travel patterns and mixed uses are not essential across the site. For these reasons, the proposal is considered acceptable in land use and movement terms in accordance with planning policy such as PPS1, PPS3 and PPG13.
- 7.9 In summary, it is considered that the height and scale of the buildings is appropriate to their location and respond to the landscape in which they are set. The density ranges proposed are acceptable in policy and guidance terms going from 35 per hectare close to the Nene Valley Country Park and 50 per hectare closer to the neighbourhood centre. At these densities an acceptable street layout and building layout including parking can be achieved in this suburban position. The parameters set out in the submission are a satisfactory base for the masterplanning of the development, but it is considered that the design process needs to address non-car movement, integration with surrounding land uses and producing coherent, attractive and legible movement corridors before developing a hierarchy of streets.

### **Environmental Health Issues**

- 7.10 After revised details were submitted in the summer of 2009 with regard to air quality, the NBC Public Protection Officer accepts the conclusion that the air quality impact of the operational phase of the development will be negligible.
- 7.11 Noise and land contamination issues have also been satisfactorily addressed in the environmental statement with the application, but there is still the need to control these matters through planning conditions for a noise control scheme and a desktop study of land contamination with remediation as necessary. Similarly, the Public

Protection Officer also recommends the use of a construction environmental impact management plan to deal with construction noise and dust generation which could be applied by legal agreement or condition as WNDC see fit.

### **Highways and Access**

- 7.12 As mentioned above, the access points to the site are somewhat predefined by the road infrastructure that has already been permitted and constructed around the boundaries of the site. Indeed the roundabouts concerned are already there and in operation albeit without the Pineham North entrances. These vehicular accesses are clearly the product of previous discussions and agreements with NCC as highway authority and are considered suitable.
- 7.13 The on site highway structure is less developed and the present proposed arterial route is of some concern in urban design terms as highlighted earlier in this report. It is considered that this problem is not insurmountable and can be tackled at the masterplanning stage. The position of the primary school so close to distributor roads is also of concern as it will inevitably encourage car borne school trips. Suitable measures should be considered by the applicant and WNDC to counteract this adverse arrangement.

### **Open Space**

- 7.14 The NBC Policy team have advised on the level of open space required for this development. Using the open space audit they conclude that 12.38 hectares of open space would be required. They recommend that this could be made up of 5.33 hectares on site provision and the remaining 7.05 hectares to be provided off site. Possibilities for off site provision include Hunsbury Hill Park and the River Nene Country Park that adjoins the northern boundary of the site.
- 7.15 Therefore, NBC should seek that the 5.33 hectares of open space on site to be made up of the following types, although this can be varied within the total on site contribution:
- amenity green space at 2.15 hectare,
  - children and young people space at 0.36 ha
  - outdoor sports facilities 2.82 ha
- 7.16 The submission provides for 5.45 hectares of open space and this would appear sufficient in area, but the subdivision to individual uses should be considered by WNDC in concluding the masterplanning process.

### **Social Infrastructure**

- 7.17 The proposals include a primary school that will serve this and the wider community. Clearly WNDC have carried out appropriate

consultation with the LEA about the requirements of such a school and it is hoped that the land and capital requirements will be similarly addressed.

- 7.18 It is considered that there are no exceptional requirements from NBC in relation to the provision of additional social infrastructure beyond the need to provide open space, some of which will need commuted sums for their long term maintenance.
- 7.19 It is understood that negotiations have recently opened between WNDC and the applicant to establish a suitable level of planning obligation pursuant of the WNDC Planning Obligation Strategy.

### **Affordable Housing**

- 7.20 The Housing Strategy Officer at NBC states that there is a requirement for a minimum of 35% of the overall housing proposed to be affordable housing. Of this number, 70% should be social rented and 30% shared ownership (intermediate affordable). This element must be controlled under the legal agreement being drawn up by WNDC, the applicant and NBC ought to be involved in reaching that position.
- 7.21 Mobility housing across the entire dwelling offer of 625 units should be provided at 10% of the total provision.

### **Flood Risk**

- 7.22 The application site is situated in the Nene River valley and a full Flood Risk Assessment has been submitted with the application. WNDC as LPA has consulted the Environment Agency as statutory consultee on this matter and the Agency has confirmed that the proposals are acceptable subject to conditions. Given the sensitive location it is recommended that the comments of the EA are adhered to by WNDC in reaching a determination on this proposal.

## **8. CONCLUSION**

- 8.1 The outline proposals for 625 dwellings, a local centre, primary school and open space is the last part of the Pineham picture as originally set out some 10 years ago. The initial call-in decision to delay the release of housing at Pineham North has resulted in the employment and infrastructure be constructed and used first. The call-in decision was based on a brownfield first methodology in PPG3 Housing that has been superseded by PPS3 Housing, the national policy guide on such matters. The Development Plan at both regional and local level now encourages housing growth at Pineham North and this is an important element of the Borough's 5 year housing land supply. For these reasons, the principle of residential development with associated social infrastructure at Pineham North is in accordance with policy and considered acceptable subject to certain caveats.

- 8.2 The layout, density, scale and amount of development shown in the parameters plan is considered broadly acceptable, although a number of improvements are needed at the masterplanning stage, not least the arterial movement corridors. Similarly, the ease at which the proposed primary school can be accessed by car needs to be suitably tackled at the same stage of masterplanning. However, it is accepted that the existing road infrastructure has already been determined.
- 8.3 The general open space offer is considered acceptable, but again needs detailed discussion in drawing up any legal agreement. The primary school and other planning obligations necessary for this development, partly addressed by the WNDC Planning Obligation Strategy, are endorsed as appropriate for planning purposes and should be supported.
- 8.4 As well as 10% of all dwellings units being mobility standard, 35% should be affordable with 70% of these RSL rented and 30% intermediate affordable. NBC ought to be involved in reaching a legal agreement on housing matters.
- 8.5 In environmental terms it appears that all other matters can be controlled by appropriate planning conditions.

## 9. BACKGROUND PAPERS

None

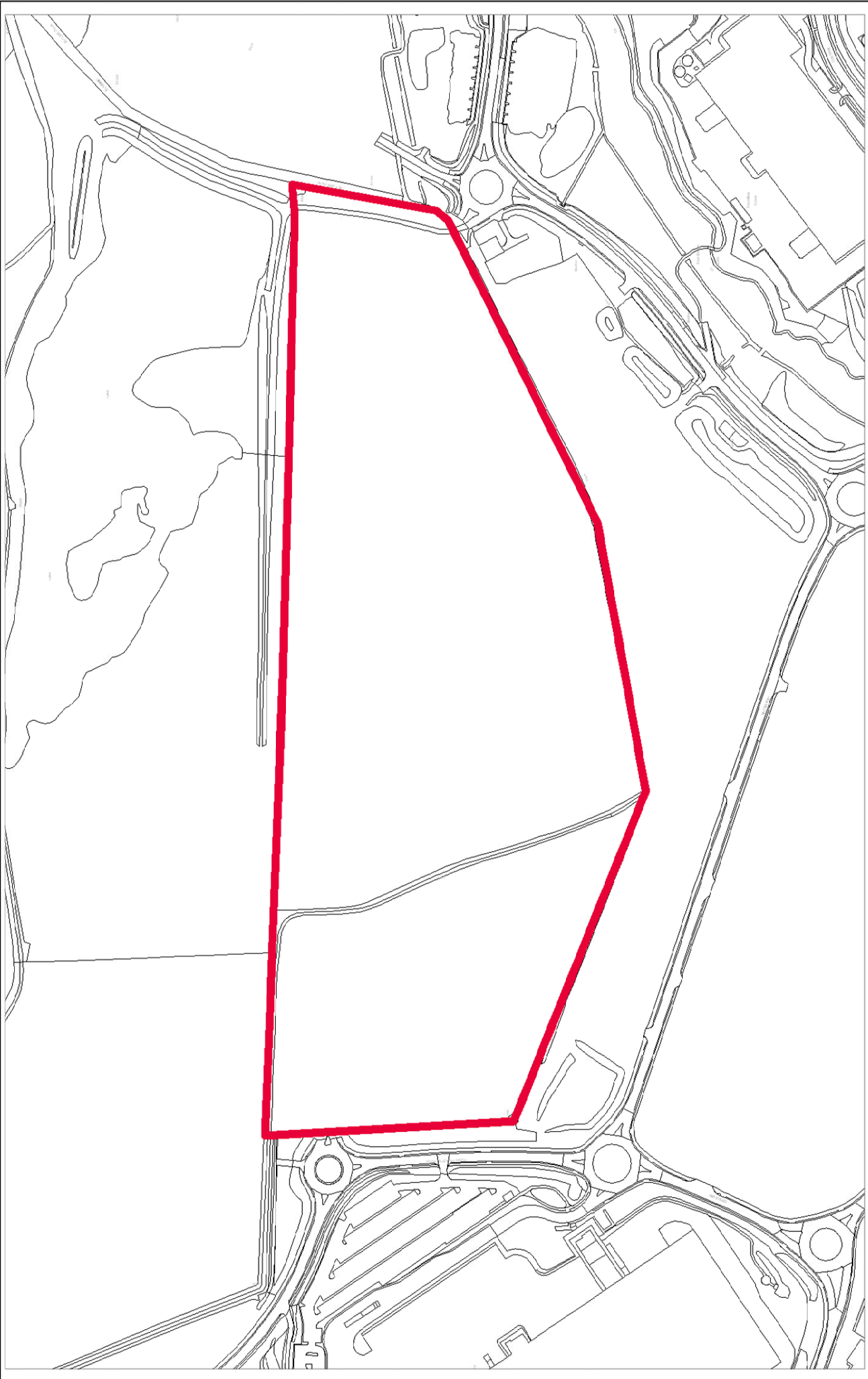
## 10. LEGAL IMPLICATIONS

None

## 11. Summary and links to Corporate Plan

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Richard Boyt	3 Dec 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	4 Dec 09



Title  
**Land at Pineham North Banbury Lane**

Drawn  
4th December 2008  
1:1250  
Planning  
Location Plan



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**PLANNING COMMITTEE:** 15<sup>th</sup> December 2009  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APPLICATION:** N/2009/0910  
Demolition of existing Bective Works and Jebez House and the erection of 155no. Residential units with associated landscaping and underground car park (application for new planning permission to replace existing planning permission ref: WN/2006/0028 dated 1/11/2006, in order to extend the time limit for implementation)  
Bective Works and Jabez House site between Bective Road and Yelverton Road

**WARD:** St Davids

**APPLICANT:** Venugum Property Investments Ltd  
**AGENT:** Bell Cornwell LLP

**REFERRED BY:** Head of Planning  
**REASON:** Major Development

**DEPARTURE:** No

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## **APPLICATION FOR CONSULTATION BY WNDC:**

### **1. RECOMMENDATION**

- 1.1 That the Council raise **no objections** in principle for the following reason:

The reuse of this previously developed site would assist in securing an efficient allocation of land. The scale and use of the site for residential accommodation is consistent with the character of the area. The proposal therefore complies with PPS1 – Delivering Sustainable Development, PPS3 – Housing and H6 of the Northampton Local Plan.

- 1.2 However, in order to ensure that there would be a neutral impact on the level of highway safety, WNDC is to be requested to consult with



Northamptonshire County Council Highways in order to establish whether an updated transport assessment should be carried out to take into account any changes in circumstances subsequent to the previous consideration of this proposal. This approach is supported by PPG13 – Transport.

- 1.3 Should WNDP be minded to approve this application, it is requested that the following matters are addressed:
- The provision of 35% of the total development for affordable housing to be secured by S106 agreement. This shall comprise 10% for shared ownership and intermediate tenure and 25% for social rented occupation in order for the development to better reflect the findings of the 2007 West Northamptonshire Housing Market Assessment. WNDP is also requested to investigate the possibility of locating these affordable homes in clusters of not more than 12 units;
  - In order for the development to respond to the creation of the Harborough Road Air Quality Management Area, an air quality impact assessment is carried out to assess the likely impacts of the proposed development. This would enable the development to comply with PPS23 – Planning and Pollution Control; and
  - Conditions are attached to any approval requiring an investigation into contaminants, likely noise levels including those emanating from construction and light levels. This would ensure that the proposal complies with PPS23 – Planning and Pollution Control and PPG24 – Planning and Noise.

## **2. THE PROPOSAL**

- 2.1 The applicant seeks permission to extend the period of time to commence the development of 155 residential units, which has dual frontages onto Bective Road and Yelvertoft Road. The proposed development was granted planning permission (WN/2006/0028) by the WNDP on 1<sup>st</sup> November 2006. A condition of the permission is that the approved development shall commence within three years from the date of the permission and the development was not commenced within the prescribed period.

## **3. SITE DESCRIPTION**

- 3.1 The application site comprises the building known as Bective Works (a former shoe factory) and Jebez House. The site is adjacent to the former Enterprise Factory (which fronts onto Bective Road), which is also a former boot and shoe factory and is a Grade II Listed Building.
- 3.2 The area to the west of the site comprises the Harborough Road District Centre and therefore contains a number of retailing outlets of varying size as well as other ancillary functions and services. Harborough Road is also one of the main routes to and from Northampton. The remainder of the surrounding land is mainly in residential use, which is predominantly terraced housing. Towards the

eastern end of Bective Road, there is the disused Green Oaks School.

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

- 4.1 WN/2006/0028 – Demolition of existing Bective Works and Jebez House and the erection of 155no. residential units with associated landscaping and underground car parking – Approved

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997

##### **5.2 National Policies**

PPS1 – Delivering Sustainable Development

PPS 3 – Housing

PPG13 – Transport

PPG 15 – Planning and the Historic Environment

PPS 23 – Planning and Pollution Control

PPG 24 – Planning and Noise

##### **5.3 East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

##### **5.4 Northampton Borough Local Plan**

E19 – Implementing Development

E20 – New Development

E40 – Planning and Crime

H6 – Housing Development within Primarily Residential Areas

H11 – Other housing development: commercial property in Primarily Residential Areas

H17 – Mobility housing

H32 – Affordable housing

##### **5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

#### **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Public Protection (NBC)** – Would request that conditions are attached to any consent requiring details of lighting, noise, contaminants and a construction management scheme. This would reflect conditions placed on the original 2006 approval. As Harborough Road is now included within an air quality management area, an assessment of the impacts on air quality should be undertaken

- 6.2 **Housing Strategy (NBC)** – No objections, but would request a provision of 35% affordable homes are provided. It is requested that these units should be arranged in clusters of 12. It is also requested that the affordable homes are built to at least Sustainable Homes Code Level 3.

## 7. APPRAISAL

### Principle of the Development

- 7.1 By reason of the site's allocation within the Northampton Local Plan, it is considered that the principle of developing this site for residential accommodation is considered acceptable. Moreover the planning permission WN/2006/0028 has established the principle of this specific development of the site. The granting of the previous scheme predates the publication of PPS3 – Housing and the adoption of the current Regional Plan. Therefore, it is necessary to consider the implications of these policy documents in assessing the suitability of extending the time period for commencing the approved development. Both PPS3 and the Regional Plan advocate the re-use of previously developed land in order to assist the creation of more efficient land allocations. Given the character of the surrounding area, it is considered that the density of the proposal is acceptable.

### Design and Appearance

- 7.2 The design of the proposal is unchanged from that previously considered in 2006. However, the proposal is considered to constitute an interesting contribution to the townscape this part of Kingsthorpe and would not form an incongruous feature when viewed by the various public viewpoints. The scheme would also replace a relatively unattractive existing development and as such result in a positive contribution being made to the quality of the streetscene as required by PPS1 – Delivering Sustainable Development, PPS3 – Housing and Policy E20 of the Northampton Local Plan.
- 7.3 As detailed previously, the site is adjacent to the Grade II Listed Building at the Enterprise Factory and whilst a modern design is proposed for this development it is considered that the separation distances between the application site and the Listed Building are sufficient to result in a neutral impact upon the character and setting of the Listed Building as required by PPG15 – Planning and the Historic Environment. Furthermore, there has been no significant change in planning policy on this matter subsequent to the previous consideration of this proposal. Therefore, it is considered that there should be no objections raised to the design of the proposal in terms of its impact on heritage assets.
- 7.4 In order to meet the future needs of the occupiers of this development, WNDC should be requested to ensure that 10% of the total

development is constructed to at least the Council's adopted Mobility Standards. Such an approach is consistent with the requirements of Policy H17 of the Northampton Local Plan and PPS3 – Housing.

#### Affordable Housing

- 7.5 Subsequent to the previous consideration of this application, the 2007 West Northamptonshire Housing Market Assessment has been undertaken. Therefore, whilst 35% of the total development should be made available for affordable housing, the composition of this allocation does need to be revised in line with the requirements of this more contemporary study. As a result of this, it is recommended that that WNDC is requested to secure a provision of 10% of the total development to made available for shared ownership or intermediate tenure, whilst 25% of the total development should be made available for social rented occupations.

#### Highways

- 7.6 The scheme includes the provision of 171 car parking spaces, of which, 40 are to be made available to the Enterprise Factory. This leaves 131 spaces available to the proposed residential development. Given this provision, the proposal accords with the requirements of PPG13 – Transport and the Parking SPG. A travel assessment was submitted with the original application, which concluded that the proposed development would have no greater impact on the level of highway usage when compared to the existing uses on the site. However, given the possibility that changes may have occurred in travel patterns in the intervening period, it is recommended that WNDC consult with Northamptonshire County Council as Highway Authority in order to assess the likely impacts of the scheme to ensure that there would be no undue impact on the level of highway safety as required by PPG13 – Transport. This should also include any necessary enhancements to the highway system within the immediate locality and public transport provision.

#### Air Quality

- 7.7 Subsequent to the determination of the previous scheme, this section of Harborough Road has been included within an Air Quality Management Area. Given the potential impacts of increased traffic arising from the development, it is recommended that WNDC is requested to require the applicant to carry out an assessment of the likely impacts of the development. Such an approach would be consistent with the requirements of PPS23 – Planning and Pollution Control.

#### Noise and Contaminants

- 7.8 In order to ensure a satisfactory standard of development and to ensure a neutral impact upon residential amenity, it is recommended

that conditions which related to the provision of contaminants and noise mitigation measures, which were required as part of the previous permission should be incorporated as part of any new consent in order to ensure compliance with PPS23 – Planning and Pollution Control and PPG24 – Planning and Noise.

#### Impact on Neighbouring Properties

- 7.9 As there would be no changes to the previously approved scheme and bearing in mind that the impacts on neighbouring properties was deemed acceptable in 2006, it is considered that the proposal would not unduly impact upon residential amenity as required by Policy E20 of the Northampton Local Plan.

### **8. CONCLUSION**

- 8.1 It is considered that the principle of the development remains acceptable and therefore no objections should be raised to an extension in the time period for the implementation of this development. In order to ensure that the development complies with contemporary planning policies and responds to current circumstances it is recommended that the WDC secure an air quality impact assessment and consider whether any revisions to the traffic assessment are required in line with PPG13 – Transport. In order to reflect the findings of the 1997 Northamptonshire Housing Market Review, it is also recommended that the composition of affordable housing be varied from that previously agreed in 2006 to increase the mix of social rented units.

### **9. BACKGROUND PAPERS**

- 9.1 Application N/2005/1435

### **10. LEGAL IMPLICATIONS**

- 10.1 None.

### **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

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	26 Dec 09
<b>Development Control Manager Agreed:</b>	Gareth Jones	4 Dec 09



Im: Jon Martin  
 dt: 4th December 2009  
 sk: 1:1250  
 n1: Planning  
 n1: Location Plan

**Title**  
**Bective Works & Jebz House Site**

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