

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

YOUR ATTENDANCE IS REQUESTED AT A MEETING TO BE HELD AT  
THE GUILDHALL ON TUESDAY, 8 FEBRUARY 2011 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 G. JONES  
X 8999  
Report of Head of Planning (copy herewith)
7. OTHER REPORTS  
(A) DEVELOPMENT CONTROL PERFORMANCE; QUARTERS 1,2 AND 3 (2010-11) G.JONES  
X8999  
Report of Head of Planning  
(copy herewith)
8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS  
None.
9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS  
(A) N/2010/0904- 9 BANNERS TO REPLACE EXISTING (REVISED SCHEME FOR N/2009/0499)- OPEN MARKET, MARKET SQUARE G. WYATT  
X 8912  
Report of Head of Planning  
(copy herewith)  
**Ward: Castle**
10. ITEMS FOR DETERMINATION  
An Addendum of further information considered by the Committee is attached.  
(A) N/2009/0762- RESIDENTIAL DEVELOPMENT INCLUDING THE DEMOLITION OF 55 BERRY LANE, OUTLINE APPLICATION- LAND TO REAR OF 51-65 BERRY LANE WOOTTON A.  
HOLDEN  
X 8466

Report of Head of Planning  
(copy herewith)

**Ward: Nene Valley**

- (B) N/2010/0470- ERECTION OF 8 APARTMENTS AND 21 HOUSES AND ASSOCIATED ROADS, CAR PARKING, OPEN SPACE AND LANDSCAPING AND ENABLING ANCILLARY WORKS- LAND AT WOOTTON TRADING ESTATE OFF NEWPORT PAGNELL ROAD

J. MOORE  
X 8345

Report of Head of Planning  
(copy herewith)

**Ward: Nene Valley**

11. ENFORCEMENT MATTERS

None.

12. APPLICATIONS FOR CONSULTATION

- (A) N/2010/1064- ERECTION OF 176 DWELLINGS, ROADS AND SEWERS AND ASSOCIATED OPEN SPACE- LAND OFF BANBURY LANE, PINEHAM

R.  
SIMPSON  
X 7848

Report of Head of Planning  
(copy herewith)

**Ward: West Hunsbury**

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>  
A6449

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 11 January 2011

**PRESENT:** Councillor Collins (Chair); Councillor Meredith (Deputy Chair);  
Councillors Church, Davies, Golby, Hawkins, Hill, Malpas, Matthews  
and Woods

#### 1. APOLOGIES

Apologies for absence were received from Councillors J Conroy, Lane and Meredith.

#### 2. MINUTES

The minutes of the meeting held on 16 November 2010 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

- RESOLVED:**
- (1) That Mr Fitzhugh and Councillors Clarke, Glynane, Reeves and P.D. Varnserry be granted leave to address the Committee in respect of application no N/2010/0997.
  - (2) That Mr Toone and Councillor Crake be granted leave to address the Committee in respect of application no N/2010/0946.
  - (3) That Messrs Wykes, Murphy and Toone and Councillor Beardsworth be granted leave to address the Committee in respect of application no N/2010/1013.
  - (4) That Messrs Frudd and Wakelin and Councillor P. M. Varnserry be granted leave to address the Committee in respect of application no N/2009/0843.

#### 4. DECLARATIONS OF INTEREST

Councillor Church declared a Personal and Prejudicial interest in application no N/2009/0843 as a Board Member of WNDC and Member of WNDC's Northampton Planning Committee.

Councillor Woods declared a Personal interest in application N/2009/0843 as a Board Member of WNDC and Substitute Member of WNDC's Northampton Planning Committee.

Councillor Hawkins declared a Personal Interest in application no N/ 2010/0997 as a Trustee member of Delapre Abbey Preservation Trust.

Councillor Malpas declared a Personal interest as being known to a member of the public attending the meeting.

#### 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 List of Current Appeals and Inquiries and referred to the Addendum that set out further information and updated the report circulated with the agenda.

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

## **7. OTHER REPORTS**

None.

## **8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

## **9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

### **(A) N/2010/0997- REMOVAL OF EARTH BUND AT DELAPRE PARK, LONDON ROAD, NORTHAMPTON- RESUBMISSION OF PLANNING PERMISSION N/2006/1139**

The Head of Planning submitted a report in respect of application no N/2010/0997 elaborated thereon and referred to the Addendum that set out a revised wording to Condition 3.

Councillor Glynane, as Ward Councillor commented that he supported the current application as he had done the previous one. He had been against the construction of the bund in the first place. He noted that the removal of the bund should be at little or no cost to the Council. He was pleased that the report referenced PPS 5 as the topsoil removal had uncovered three British Romano graves and pottery kilns; these would be protected. He observed that issues of alleged contamination of the bund material had never been proved.

Councillor Reeves, as Ward Councillor, commented that he supported the application and noted the recent debate in the media about the removal of the bund. He referred to a letter from the Far Cotton Residents Association noting that residents had discussed the bund and its removal and had made comment about an article in the Chronicle and Echo on 4 January 2011 that residents views on it were split. The 25 residents attending the Residents Association meeting had voted unanimously for the removal of the bund and had noted obscured views, increased traffic noise and limits on access caused by it.

Councillor Clarke, as a founding patron of the Friends of Delapre Abbey commenting that he opposed this application but not the aim to remove the bund. He commented that the Town and Country Planning Acts were clear that where land may be contaminated a risk assessment had to be undertaken at the planning application stage. This had not happened. He circulated a copy of correspondence dated 15 October 2008 from the Council to Mr Christopher Merry that appended affidavits made by Mr Merry and John Thomas concerning the content of some of the bund material that they asserted had come from contaminated sources at the former Express Lifts

site and Countess Road. Both Mr Merry and Mr Thomas had indicated that they were happy to make further affidavits if required. In fact they had asserted that there was a long term problem with other bunds throughout the Borough where contaminated material had been used. He urged the Committee to defer a decision so as to allow the proper tests to take place.

Mr Fitzhugh, Chair of the Far Cotton Residents Association, commented that he was pleased that the report was seeking that the existing planning permission be extended. He felt that there was nothing to be gained by raking over the history of this issue and trying to apportion blame. Instead the focus should be on the restoration of the Abbey and its grounds. He appreciated the comments about the costs of the removal of the bund and observed that if it was suitable the bund material could be sold. He believed that the bund had not served any proper purpose and that its removal would not lead to an increase in anti social behaviour. He supported the application.

Councillor P. D. Varnsberry, speaking as a member of the public stated that he welcomed the report. He referred to paragraph 6.4 of the report and noted that the original one metre bunding had prevented vehicular access but neither that or the current bund had prevented motor cycle access. Even so, it had not completely prevented vehicular access as there were other entry points to the park land. He noted previous statements that the bund material could be used at Ransome Road and that the Delapre Options Appraisal foresaw the removal of the bund. He noted possible soil compaction issues and consequential potential damage to the trees in Delapre Spinney and noise reflection from the bunds towards residents' homes.

The Head of Planning commented that the financial issues relating to the removal of the bund were outside of the Committee's consideration. In respect of Councillor Clarke's comments about contamination, the Environment Agency were a statutory consultee. They had pointed out to the Council its duty of care but had not required that a risk assessment be undertaken. In respect of soil compaction the Arboricultural Officer had proposed an appropriate condition. In answer to questions, the Head of Planning noted that responsibility for the boundary lay with the Council as landowner: it was not part of the current application; that the Environment Agency had not requested that a risk assessment be undertaken; and that if contaminated material were found as the bund was being removed that the Council had a duty of care in law: the Environment Agency would require that the works ceased and that tests were carried out. This issue had been made public about three years previously, the Environment Agency were aware of this and would have made their decision with that knowledge.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and as amended by the Addendum as the proposed development was considered to be acceptable in visual terms and would not unduly impact upon the historic character of the area. The proposal was in accordance with Policies E1, E9, E20, E26, and E38, of the Northampton Local Plan and PPS5- Planning for the Historic Environment.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2005/1141- BRIDLEWAY DIVERSION ORDER, BRIDLEWAY LB6, UPTON**

## **MILL, UPTON LANE**

The Head of Planning submitted a report in respect of application N/2010/0997 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That an order be made pursuant to Section 119 of the Highways Act 1980 in respect of the proposed diversion of Bridleway LB6 at Upton Mill, Upton Lane as shown for identification purposes on the plan attached to the report.

### **(B) N/2010/0946- FIRST FLOOR SIDE AND SINGLE STOREY REAR EXTENSIONS AT 230 BOUGHTON GREEN ROAD, NORTHAMPTON**

The Head of Planning submitted a report in respect of application no N/2010/0946

Councillor Crake as Ward Councillor, commented that she hoped that the site visit the previous day had considered the impact on the neighbours at 228 Boughton Green Road and in particular, the loss of light to their kitchen. The property already had four bedrooms; the proposal would add a fifth. There had already been issues concerning rubbish and 226 Boughton Green Road had made complaints about rats. There were also concerns about the backing up of sewerage. There were no other properties in the vicinity that were in effect HIMO's and this would change the character of the area.

Mr Toone, agent for the applicant, commented that he was aware of the issues that had been raised. The proposal complied with planning policies and a pre-application meeting with Planning Officers had taken place and their advice taken account of. Several alterations had been made to the original scheme to meet the concerns of the neighbours. He believed that the concerns about privacy and light had now been resolved. In respect of car parking he stated that the property had better provision than many other properties in the vicinity.

The Head of Planning noted that the separation distance would be approximately 3 meters and that the side windows were to a landing and lavatory respectively. He noted the ground floor side door and window to the kitchen in the neighbour's property. The domestic waste management issues were for Environmental Health. In answer to questions the Head of Planning commented that the effect of the proposal on the street scene had been taken into account and was considered to be acceptable and that there no windows proposed in the side elevation of the extension; and that the use of the property was established as C4 and as such the property could have six residents before a separate planning permission would be noted.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as by reason of its siting, scale and relation with surrounding development, the impact of the proposed development on the character of the original building, street scene and residential amenity was considered to be acceptable and in accordance with Policies, E20 and H18 of the Northampton Local Plan.

### **(C) N/2010/0971- CONVERSION AND EXTENSION OF EXISTING GARAGE AND**

## **STORE TO CREATE NEW 3 BEDROOM TERRACED DWELLING AT LAND ADJACENT TO 65 OLIVER STREET**

The Head of Planning submitted a report in respect of application no N/2010/0971 and elaborated thereon.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the site lay within a primarily residential area. The development proposed would, by reason of its character, appearance, scale and site would not be detrimental to the character of the area, highway safety or the amenity of nearby residents in accordance with policies E20 and H6 of the Northampton Local Plan.

### **(D) N/2010/1013- TWO STOREY REAR /SIDE EXTENSION AND DIVISION OF PROPERTY INTO 4NO APARTMENTS AT 2 THORNTON ROAD, NORTHAMPTON- REVISION OF N/2010/0718**

The Head of Planning submitted a report in respect of application no N/2010/1013 elaborated thereon and referred to the Addendum that set out an additional letter of objection from 2 Branksome Avenue. He referred to the reasons for the previous refusal of the original application set out at paragraph 2.2 of the report and noted that there had been no amendment to the car parking proposals but that the use of the first floor rooms had been reversed so that the bedroom would be at the back, as currently existed, and the living room and kitchen had been moved to the front. In the proposed Flat 4 the rear facing window had been moved to the side elevation to Studland Road. He noted that the existing format of the bay windows would be retained.

Councillor Beardsworth as Ward Councillor commented that the proposal was to convert a family home into four flats. The next door neighbours had two disabled children and had made consequent adaptations to their property and were therefore committed to it. The proposal could result in four or six extra cars with only parking provision for two. She had recently visited the area and parking was already difficult with the Doctors Surgery and Pharmacy opposite and Netto nearby. The proposal would go against the street scene of family homes in that area.

Mr Wykes the next door neighbour at 4 Thornton Road, commented that their property had been in their family for 50 years. They had three children two of whom had disabilities. Their garden was small and they knew their neighbours. They were worried about up to eight strangers living next door. Parking was already a problem that would most likely worsen. He believed that the Committee had the power to take away the stress to his family by refusing the application. In answer to a question Mr Wykes confirmed that his concerns were to do with loss of privacy, noise and the increased use of the side access.

Mr Tony Murphy welcomed the site visit the previous day and stated that Committee members would have seen the difficult geography caused by the small garden at 4 Thornton Road and the feeling of being hemmed in that the proposal would create. He noted that a letter from the Head of Planning had stated that the disability of the neighbour's children was not a material planning consideration but felt this was alarming. He believed that the Planning Committee's role was to protect the public. He believed that the revised planning application only made minor changes in respect of



overlooking to that refused in October 2010. There would still be up to eight people occupying the four flats. There was no change to the proposed parking arrangements. The existing property had been built as a family home which was what it should be used for: this application was about generating income: the Applicant had not discussed their plans with any of the neighbours.

Mr Paul Toone, agent for the Applicant, stated that he believed that the revised scheme met the objections previously raised by the Committee. The internal layout of the rooms had been changed and a rear facing window omitted. Car parking had been re-examined but the issues raised already existed. The Highways Authority had not made an objection. Studland Road was where people chose to park. There were week day, day time parking restrictions on the left hand side of Studland Road and none on the right hand side except for a few meters of double yellow lines at the junction with Thornton Road.

The Head of Planning noted that although parking was possible on the left hand side of Studland Road, the opportunity, was in practice, limited by the garages in the gardens of properties in Branksome Road to which access had to be kept clear.

The Committee discussed the application.

Councillor Hill proposed and Councillor Malpas seconded "That the application be refused in line with the Committee's previous decision as set out in paragraph 2.2 of the report, and further, that the application, with particular reference to Flat 3 would amount to an over intensification of the use of the property and that the Head of Planning be authorised to agree the final detailed wording based upon policy E20B of the Northampton Local Plan."

Upon a vote the motion was carried.

**RESOLVED:** That the application be refused in line with the Committee's previous decision as set out in paragraph 2.2 of the report and further, that the application, with particular reference to Flat 3 would amount to an over intensification of the use of the property and that the Head of Planning be authorised to agree the final detailed wording based upon policy E20B of the Northampton Local Plan.

## **11. ENFORCEMENT MATTERS**

None.

## **12. APPLICATIONS FOR CONSULTATION**

- (A) N/2009/0843- ERECTION OF AN EXTENSION TO THE EXISTING SAINSBURY'S FOOD STORE, INCLUDING RECONFIGURATION OF CAR PARK (INCLUDING CAR PARK DECK), RECONFIGURED VEHICULAR ACCESS, NEW PEDESTRIAN RAMP ACCESS, NEW GOODS ON LINE LOADING AREA AND ASSOCIATED WORKS AT SAINSBURY SUPERSTORE, GAMBREL ROAD**

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

The Committee adjourned at 19.55 hours until 20.05 so as to allow Members to read the additional information contained in the Addendum relating to this application.

The Head of Planning submitted a report in respect of application no N/2009/0843 elaborated thereon and referred to the Addendum that set out correspondence from Indigo, the Agents for Sainsbury's, dated 6 January 2011, a summary thereof and a typographical amendment to paragraph 7.40 of the report. In particular he highlighted the planning history of the application, the assessment of the impact of the proposal vis a vis the Town Centre, the sequential testing of alternative sites; the correspondence from Indigo set out in the Addendum; other retail applications that were in the pipeline to WNDG; and a request from Tesco's that their proposals for their store at Mereway should be considered together with this one. In this latter respect it was considered that the Tesco's Mereway proposals were not sufficiently advanced to merit delaying consideration of the Sainsbury's proposals yet further as no adverse prejudice would occur.

The Head of Planning summarised the context of the Sainsbury's Sixfields extension including the details of the proposals, the history of application, the relevant planning policy, the negotiations that have taken place and downward revisions of the scheme. The recommendations that are being made are for a Holding Objection to WNDG on matters of retail impact, carbon impact, the need for control of comparison goods floorspace and the need for securing Sainsbury's town centre presence were laid out for the committee to consider.

Councillor P.M. Varnsvery commented that she supported the revised plans and welcomed the partnership working between Sainsbury's and the Planning Officers. She noted that St James Residents Association had recently had discussions with Sainsbury's. She queried whether there would be CCTV coverage to help combat anti social behaviour. She endorsed the recommendations in the report and asked if greater provision for the disabled would be made. Councillor Varnsvery also asked whether Sainsbury's may be able assist with issues to do with the pedestrian crossing in Tollgate Way just outside of the site.

Christian Wakelin, on behalf of Sainsbury's commented that the store had opened in 1988, employed 365 staff and had 41,000 customers a week. Sainsbury's had been part of the Town since 1975 and were committed to a Town Centre presence. This proposal represented an £18m investment and would create an extra 120 jobs. From their own customer research, 95% of people supported the expansion of the Weedon Road store. It needed to be updated to reflect Sainsbury's modern image and to increase the product ranges on offer. They had worked with WNDG on sustainability and a number of measures were included in their proposal; the proposal would increase energy consumption by 2%. If approved the work would commence in the Summer and the store would remain open during it. In answer to questions Mr Wakelin commented that the full time equivalent jobs were approximately 200 existing and approximately 50 extra; that the design was in keeping with the existing building and that the pallet of materials to be used was more sympathetic than shown in the drawings.

Richard Frudd, Agent for Sainsbury's, commented that their letter of 6<sup>th</sup> January 2011 set out in the Addendum was a response to the publication of the Committee's agenda. The recommendation in the report was welcome; it was the result of collaborative

negotiations. The expanded store would not affect the Town Centre; two independent consultants had agreed that there would be no adverse impact and that it would be unreasonable for the expansion footage to be disaggregated and provided on another site. Sainsbury's had agreed to keep their non-food offer lower than was now the norm. He believed that the application now passed the PPS 4 tests. The double height atrium was to allow access from the car deck to the store. In answer to questions Mr Frudd commented that Sainsbury's had considered a replacement store but considered that the Weedon Road Store was important to the west side of the Town, disaggregation had been considered but disregarded as described above; that in terms of comparison goods, white goods were unlikely to be included and he was confident that the trade diversion figures were robust; that the Town Centre Store performed well; and that the plans did take into account further provision for the disabled.

The Committee discussed the application.

**RESOLVED:** That WNDC be informed that although there were no objections raised to the principle of the expansion of the store given its substantially reduced floorspace as now proposed in the revised scheme and the proposals generally accorded with the tests set out in PPS4 Planning for Sustainable Economic Development, the Council raises a **HOLDING OBJECTION** unless and until:

- 1.1 WNDC are fully satisfied that such an oversized structure was not unsustainable, that adverse trade diversion from other centres did not occur resulting in a significantly adverse impact on town centre vitality and viability and town centre investment and that the overall bulk of the design and car decking was acceptable in this location.
- 1.2 WNDC should ensure that sales floorspace was restricted to the levels proposed in the submission and that the comparison goods offer did not exceed 25% of net sales floorspace. Comparison goods shall be defined as that set out in Appendix A of PPS4. Failure to secure this limitation through planning conditions or a Section 106 agreement would result in a strong objection from Northampton Borough Council.
- 1.3 WNDC should emphasise to Sainsbury's the importance of their presence in the Grosvenor Centre in Northampton town centre and seek methods to maintain their presence in the town.
- 1.4 WNDC be requested to explore with the County Council as transport authority, the applicant and their agents, the opportunity to divert the No 22 bus service to directly serve the store.

The meeting concluded at 21.11 hours.

# Agenda Item 6

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



## List of Appeals and Determinations – 8<sup>th</sup> February 2011

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>N/2010/0761</b> APP/V2825/A/10/2140544/NWF	DEL	Retention of hot food catering van in car park of the public house at The Romany Public House, Kingsley Road, Northampton.	<b>AWAITED</b>
<b>N/2010/0794</b> APP/V2825/A/10/2141378/NWF	DEL	Single and two storey side and rear extensions to form an off-licence (use class A1) on ground floor and bedrooms on first floor (use class C3) (resubmission of planning application N/2010/0393) at 25 Pleydell Road, Northampton.	<b>AWAITED</b>
<b>N/2010/0597</b> APP/V2825/H/10/2138945	DEL	3 x illuminated fascia signs at Plot 2 Zone A, Pineham Barns Area, Northampton.	<b>AWAITED</b>
<b>N/2010/0264</b> APP/V2825/D/10/2133820	DEL	Single storey front extension at 56 Friars Avenue, Northampton. resubmission of Planning Permission N/2006/0252.	<b>DISMISSED</b>
<b>N/2009/0469</b> APP/V2825/D/10/2135855	DEL	Erection of two storey detached dwelling at land adjacent to 1 Heather Lane, Northampton.	<b>DISMISSED</b>
<b>N/2009/0566</b> APP/V2825/A/10/2123568	DEL	Change of Use to 4no. bedsits at 1 Humber Close, Northampton – Retrospective.	<b>AWAITED</b>
<b>N/2010/0528</b> APP/V2825/A/10/2134872	DEL	Erection of detached 3 bed dwelling on land adjacent to 1 Central Avenue, Northampton. (revision of planning permission N/2010/0302)	<b>AWAITED</b>
<b>Local Hearing</b>			
<b>N/2009/0974</b> APP/V2825/E/10/2131445/NWF	DEL	Replacement windows to front elevation at 155 Harborough Road, Northampton.	<b>AWAITED</b>

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 - <a href="http://www.planning-inspectorate.gov.uk">www.planning-inspectorate.gov.uk</a>
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.



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

**PLANNING COMMITTEE:** 8 February 2011

**DIRECTORATE:** Planning and Regeneration

**HEAD OF PLANNING:** Susan Bridge

**REPORT TITLE:** Development Control and Enforcement Performance Quarters 1, 2 & 3 (2010-11)

**1. RECOMMENDATION**

1.1 That the contents of the report be noted.

**2. CASELOAD OVERVIEW**

2.1 Factors affecting workload include the impact of WNDC as a local planning authority, the current economic climate and its effect on house building and the changes to permitted development rights.

2.2 The number of applications and WNDC / other consultations received during the:

- 1<sup>st</sup> quarter of 2010/11 was 280 compared to 292 for the equivalent period in the year 2009/10.
- 2<sup>nd</sup> quarter of 2010/11 was 271 compared to 284 in the year 2009/10.
- 3<sup>rd</sup> quarter of 2010/11 was 280 compared to 280 in the year 2009/10.

Quarter	2009/10	2010/11
First	292	280
Second	284	271
Third	280	280

*Table 1 – No. applications received by NBC (inc consultations)*

2.3 The Section also continues to have a substantial workload of customer enquiries, planning condition discharges, appeals and enforcement cases.

### 3. PERFORMANCE

3.1 This report sets out performance data on national and local indicators for the first 3 quarter of 2010/11 (i.e. 1 April to 31 December 2010) and these are summarised in table 2 below alongside the figures for the equivalent quarter in 2009/10. The DCLG figures for the whole period in question are not yet available, however, given that overall performance has been maintained well above targets it is expected that NBC would remain within the top quartile as one of the higher performers within the region.

Performance indicator	Target	2009/10 (Q1)	2010/11 (Q1)	2009/10 (Q2)	2010/11 (Q2)	2009/10 (Q3)	2010/11 (Q3)	Totals 2010/11
% Large Major apps within 13 weeks -	>60%	None determined	None determined	None determined	None determined	None determined	None determined	N/A
% Small Major apps within 13 weeks - NI157(A)	>60%	100%	100% 1/1	None determined	100% 2/2	None determined	75% 3/4	85.7% 6/7
% Minor apps within 8 weeks - NI157(B)	>65%	97.8%	88.2% 45/51	90.1%	94.6% 53/56	81.2%	76% 26/33	88.6% 124/140
% Other apps within 8 weeks - NI157(C)	>80%	96.3%	94.0% 173/184	92.8%	94.3% 150/159	96.4%	92.12% 152/165	93.5% 475/508
% Appeals allowed - BV204	<33%	27.3%	0% 0/2	25%	0% 0/3	80%	20% 1/5	10.0%
% Delegated apps - PL188	>90%	98.6%	96.2%	97.9%	98.6%	94.5%	96.5%	97.1%
Best Value checklist: Quality of service - BV205	>90%	67%	83%	67%	83%	67%	94%	N/A

Table 2 – Summary of performance data.

## **Speed of Determination**

- 3.2 Processing of the applications within all three of the DCLG categories (*Major, Minor and Other*) comfortably exceeded the targets for all three quarters. Table 2 above shows the percentage figures for each quarter and the total percentages, along with the number of applications determined within 8 / 13 weeks with the total number of applications.
- 3.3 There were no 'large' *Majors* received during the three quarters in either 2010 or 2009. This is due to the WNDP currently being the planning authority for the vast majority of this type of planning application.
- 3.4 Although WNDP also deals with the majority of the 'small' *Majors* the Borough Council determined 7, 6 of which were within the statutory 13 week period. This represents 87.5% (well above the 65% target). None were determined in equivalent period in 2009. The *Majors* category is prone to more pronounced fluctuation compared to the *Minors* and *Others* due to the comparatively small numbers concerned.
- 3.5 During quarters 1-3, 140 *Minor* planning applications were determined, with 124 of these determined within the statutory 8 week period. This represents 88.6% compared to the target of 65%. During this period in 2009 performance was 87.4%. This small change in performance may in part be due to the increased proportion of applications being reported to the Planning Committee rather than being determined under the scheme of delegation.
- 3.6 508 *Other* planning applications, which include householder applications, were determined. 475 of these applications were determined within 8 weeks, representing 93.5% compared to the target figure of 80%. In 2009 performance during this quarter was slightly higher at 95.5%.
- 3.7 These small changes in performance may in part be due to the small increased proportion of applications being reported to the Planning Committee rather than being determined under the scheme of delegation (see para. 3.10 below).
- 3.8 Looking ahead to 2011-12, the anticipated first stage of the return of the development control powers on 6 April 2011 is likely to have an initial impact on general performance and particularly re speed of determination especially during the first two to three quarters.

## **Appeals**

- 3.9 During the course of the three quarters, 10 appeals against decisions made by the Council were determined by the Planning Inspectorate. The Council won all bar one of these (i.e. 10% were allowed compared to the target of 33% and the figure of 41.7% in 2009). Following a

disappointing series of results concentrated in the 2<sup>nd</sup> and particularly during the 3<sup>rd</sup> quarters of 2009/10, the appeal results continue to be very much improved with only 1 loss in the last three quarters. This recent improvement in performance has coincided with changes to internal processes, which were introduced in January 2010 in response to the disappointing results during the preceding two quarters. It also follows the completion of bespoke training on appeals for the Development Control Team in February 2010. It is anticipated that with these measures, combined with the improvements that have been implemented to the wider decision making process, the improvement in appeal performance will be maintained.

### **Delegated Applications**

- 3.10 The scheme of delegation largely influences performance against this indicator. Overall performance for the three quarters was 97.1% in 2010-11 compared to a similar figure of 96.5% in 2009-10, which indicates the consistent use of the scheme of delegation.

### **Quality of Service Checklist**

- 3.11 The Checklist comprises a number of components such as information on the planning website and access to professional advice / expertise. Upgrades to IT systems and the development control web-service have brought improvements to the Checklist score as has the permanent recruitment to the Urban Designer post. Progress made over the last 12 months is reflected in the move from 67% to 94% performance.

## **4. ENFORCEMENT**

- 4.1 The Council adopted an enforcement policy and associated priorities for action last year. In summary the four priority areas are as follows:
- **Priority One:** A serious threat to health / safety or permanent damage to the environment. Where a case is categorised as Priority One immediate action will be initiated to address the breach of control.
  - **Priority Two:** Building work, which is unlikely to be given planning permission without substantial modification or unauthorised uses causing severe nuisance through noise, smells, congestion etc.
  - **Priority Three:** A breach causing problems, which may be resolved by limited modification, or property whose condition adversely affects the amenity of the surrounding neighbourhood.
  - **Priority Four:** Breaches of a minor nature raising minimal planning concerns.
- 4.2 Planning Enforcement statistics for the first three quarters of 2010/11 are set out in the table 3. In summary at the start of the year there were 119 cases on hand carried over from the year 2009/10. During the course of the period 542 new cases were received and a total of



490 cases investigated and closed, leaving a total of 171 outstanding cases which have been carried over into the following quarter.

<b>Enforcement Investigations</b>	<b>TOTAL</b>
Outstanding cases as at 31.03.10	119
New cases 1.04.10 to 31.12.11	542
Cases closed 1.04.10 to 31.12.10	490
Outstanding cases as at 31.12.10	171

*Table 3 – Summary of enforcement caseload.*

## **5. LEGAL IMPLICATIONS**

5.1 None.

## **6. BACKGROUND PAPERS**

6.1 DCLG PS1 and PS2 planning statistics.

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

7.1 In reaching the attached recommendation regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies. Monitoring performance is consistent with the objectives of securing an efficient and effective planning service.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date</b>
<b>DC Manager</b>	Gareth Jones	26/01/2011
<b>Head of Planning</b>	Sue Bridge	26/01/2011

# Agenda Item 9a



**PLANNING COMMITTEE:** 08 February 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2010/0904**                    **9 Banners to replace the existing 14 (as amended by revised plan received on 14 December 2009)**  
**Market Square**

**WARD:** Castle

**APPLICANT:** Northampton Borough Council  
**AGENT:** N/A

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

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

- 1.1 That the Council approve the application subject to conditions (including limited the permission to a period of 6 months) for the following reason:

By reason of their siting and design the proposed banners would not have a significant impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area, would comply with Policy E26 of the Northampton Local Plan and advice in PPG 15 and PPG19.

### **2. THE PROPOSAL**

- 2.1 The application is for the erection of 9 replacement banners 3.6 metres high and 0.9 metre wide located on columns 9 metres in height around the Market Square.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises the town's Market Square, which is located within the historic heart of the Town Centre. The Square is surrounded by a mix of differing style of three storey buildings that have retail and offices at ground floor.

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

- 4.1 N/2009/0499 - 2 freestanding notice boards, 2 monitor/display screens and 14 banners approved by Planning Committee on 30 July 2009.

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

- 5.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 govern the control of advertisements. Applications for Advertisement Consent may only determination with regard to two material considerations, namely "amenity" and "public safety".
- 5.2 Guidance on amenity and public safety is given in PPG19: Outdoor Advertisement Control. Additional guidance is provided in Circular 03/2007 Control of Advertisements.
- 5.3 PPS5 – Planning for the Historic Environment is also relevant due to the proximity of a number of listed buildings located around the Market Square and as the site is located within All Saints Conservation Area.
- 5.2 Northampton Local Plan Policy E26 regarding the impact of development and adverts on the character and appearance of Conversation Areas.

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

- 6.1 **Town Centre Conservation Advisory Committee** have no objections to this proposal but strongly suggest that the design on the banners should be distinctive and relevant to Northampton and its market
- 6.2 **Conservation** – raised concerns regarding the size, quantity and appearance of the banners as initially proposed given their individual and combined potential impact on the character and appearance of the conservation area as well as the siting of the various listed building located within and in the vicinity of the Market Square including All Saints Church. Following discussion with the applicant the number and arrangement of the banners has been reduced from 13 to 9. It has also been agreed that the banners be introduced for an initial period 6 months only in order to fully assess their impact as well as to allow opportunity to experiment with different materials.

#### **7. APPRAISAL**

- 7.1 The purpose of the banners is to help create a more vibrant town centre with an increase in the number of visitors and a revitalisation of the Market Square. The banners approved in 2009 were erected on their own columns but it is proposed to erect the replacements on the newly installed improved lighting columns. The banners would

be mounted on arms, which project from the side of the columns. The arms and columns are already in situ.

- 7.2 Due to the height of the columns being 9 metres compared to the previous 4.8 metres, it is proposed to increase the size of the banners to 3.6 metres high and 0.9 metres wide in order to compliment the scale of the new columns. Overall the scheme would reduce the amount of clutter as the majority of the columns holding the smaller banners have already been removed. Furthermore, due to this increase in height and size, the number of banners has been reduced from 14 to only 9.
- 7.3 Nonetheless, officers held reservations over the size, quantity and appearance of the banners as initially proposed given their individual and combined potential impact on the character and appearance of the conservation area as well as the siting of the various listed building located within and in the vicinity of the Market Square including All Saints Church. This has led to a reduction in the number of proposed banners down from 13 to 9. The reduction in numbers has been focused on the more sensitive southern and western sides of the Market Square. It has also been negotiated that the banners be introduced for an initial period 6 months only in order to fully assess their impact as well as to allow opportunity to experiment with different materials.
- 7.4 The new columns would also hold the speakers and TV screens for any events held on the Square, which will result in the removal of the columns presently holding them.
- 7.5 For these reasons therefore, subject to conditions limiting the use of the banners to promoting NBC activities and event, it is considered that the amenity and safety impacts of the banners are acceptable for an initially 6 month period at which time their impact may be reassessed.

## **8. CONCLUSION**

- 8.1 The size and design of the replacement banners are considered acceptable as a temporary measure and will not have a detrimental impact on the visual appearance or setting of the Historic Market Square.

## **9. ADDITIONAL NON STANDARD CONDITIONS**

1. The advertisement banners hereby approved shall only be limited to the promotion of activities and events by Northampton Borough Council only unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of amenity in accordance with the aims and objectives of PPS5 and PPG19.

2. The advertisement banners shall only be erected for a temporary period of 6 months after which they shall be removed.

Reason – In the interests of amenity in accordance with the aims and objectives of PPS5 and PPG19.

## **10. BACKGROUND PAPERS**

10.1 N/2009/0499 and N/2010/0904.

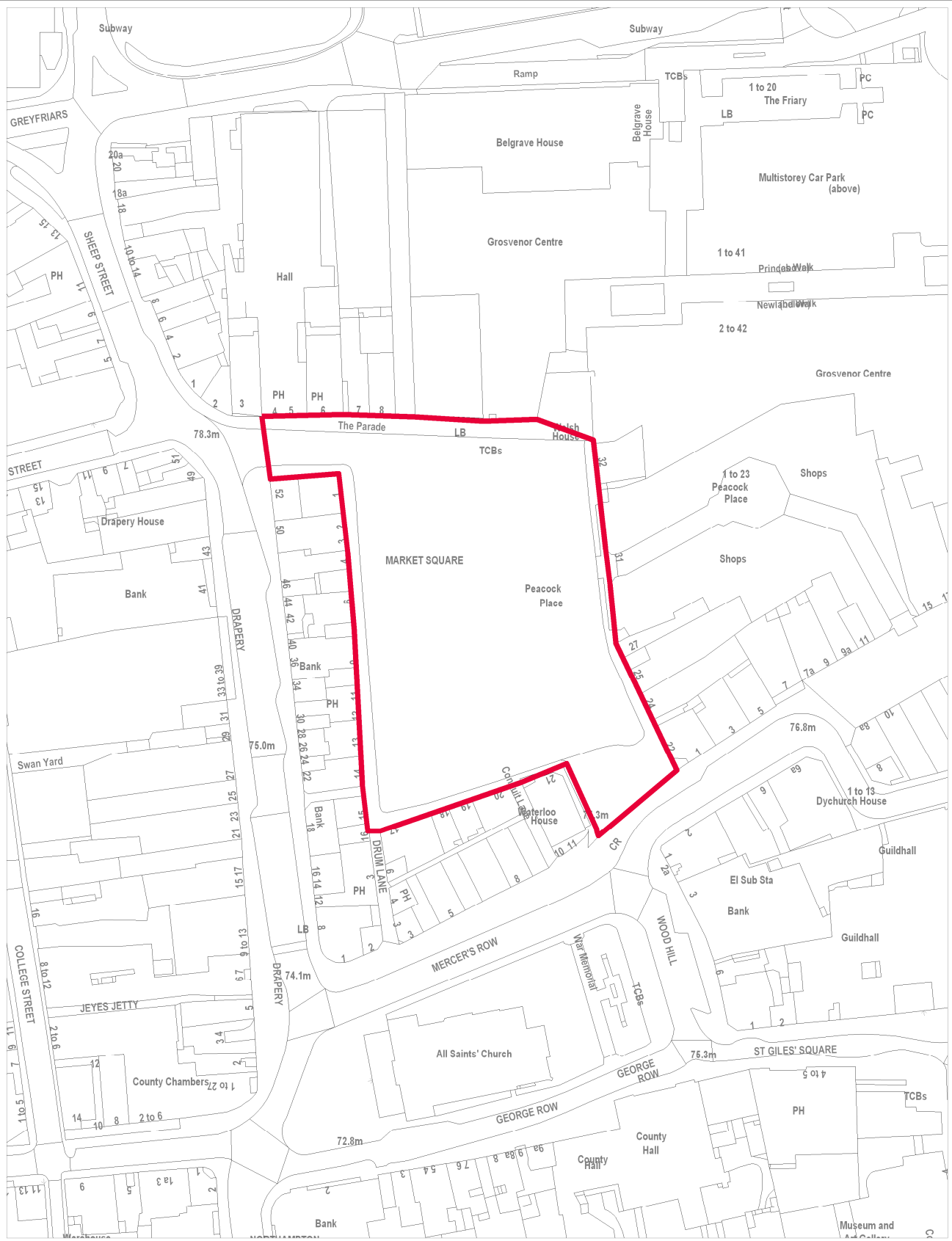
## **11. LEGAL IMPLICATIONS**

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	19/01/2011
<b>Development Control Manager:</b>	Gareth Jones	27/01/2011



Name: SW  
 Date: 27th January 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title  
**Market Square**

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NORTHAMPTON  
BOROUGH COUNCIL  
Planning Committee

**Addendum to Agenda Items  
Tuesday 11<sup>th</sup> January 2011**

**Northampton Borough Council Applications**

**ITEM 9A  
N/2010/0904**

9 banners to replace existing (revised scheme for N/2009/0499).  
Open Market, Market Square

Alteration to recommendation to address typographical errors (alterations in bold font):

That the Council approve the application subject to conditions (including limiting the permission to a period of 6 months) for the following reason:

By reason of their siting and design the proposed banners would not have a significant impact on amenity or public safety and would preserve the character and appearance of the All Saints Conservation Area, would comply with Policy E26 of the Northampton Local Plan and advice in PPS5 and PPG19.

**Items for Determination**

**ITEM 10A  
N/2009/0762**

Residential Development including the demolition of 55 Berry Lane,  
Outline Application.  
Land to rear of 51-65 Berry Lane, Wootton

**ITEM 10B  
N/2010/0470**

Erection of 8 apartments and 21 houses and associated roads, car parking, open space and landscaping and enabling ancillary works.  
Land at Wootton Trading Estate, off Newport Pagnell Road

Additional recommended condition:

The first floor rear facing windows in plots 22 to 25 shall be glazed with obscured glass and fixed shut before the development hereby permitted is first occupied and thereafter retained in that form at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the privacy of neighbouring properties in accordance with Policy E20 of the Northampton Local Plan.



## Applications for Consultation

### ITEM 11A N/2010/1064

Erection of 176 dwellings, roads and sewers and associated open space. (WNDC Consultation).  
Land off Banbury Lane, Pineham

Since writing the report the applicants have submitted an **air quality** report and an updated **noise** report (see paras 6.1 to 6.5 and 7.12 of the report). The Council's **Public Protection** Officers are satisfied with both reports and have withdraw their objections to the application. However they have stated that it is important that if consent for this proposal is granted **conditions** must be imposed to secure the implementation of the noise control measures outlined in the acoustic consultants report. The measures involved are the installation of an appropriate 2m high noise bund long the length of the eastern boundary adjacent to the A43 and the installation of the sound mitigation measures within the fabric of the proposed houses.

Whilst **WNDC** Officer's have not yet come to a view on their recommendation to Committee they confirm the following and request that it is brought to the attention of NBC's Planning Committee members:

- Conditions relating to contamination (watching brief for unknown finds) would be considered appropriate should the recommendation be positive
- Issues raised by the NBC EHO team in relation to air quality and noise now appear resolved (Ruth Austin's e-mails dated 25/01/11 and 8/02/11) subject to the application of conditions
- A tree survey including an arboricultural method statement and tree protection plan are nearing completion and are to be submitted to WNDC in the near future
- The applicant has committed to the provision of 10% of all dwellings being constructed to NBC's mobility standards and 35% affordable housing (on a 70:30 split) is to be provided across the site.
- The applicant has agreed to the maintenance of open space being secured as part of the legal agreement with options of who would manage/maintain the open space to be agreed subsequently. The Borough would as the Local Planning Authority (following the amendment to the Order) be in a position to agree this obligation in due course.
- Discussions are on-going with highway colleagues over the provision of appropriate bus, cycle and pedestrian links being secured, should the application be approved.





**PLANNING COMMITTEE:** 8<sup>th</sup> February 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP:** N/2009/0762  
Residential Development including the demolition of 55  
Berry Lane  
Land to rear of 51 - 65 Berry Lane

**WARD:** Nene Valley

**APPLICANT:** Mr Goodwin  
**AGENT:** Brian Barber Associates

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

**DEPARTURE:** Yes

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## APPLICATION FOR DETERMINATION

### 1. RECOMMENDATION

#### 1.1 APPROVAL IN PRINCIPLE subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:-
  - The provision of a minimum of 35% affordable housing within the site.
  - 10% of the total units on the site to be mobility units.
  - A contribution towards education provision.
  - A payment for the necessary administrative, legal and works costs for the changes to the Traffic Regulation Order adjacent to the site.
  - A management plan, including management responsibilities and maintenance schedules, for the public open space and all external and shared/common areas of the development.
  
- (2) Planning conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due to the density of development proposed. The proposal complies with Policy E6 in that the development would not unacceptably prejudice the function of the wider area of greenspace in providing green space around the built up area of Northampton. The proposal would also help in meeting the requirement of housing provision as identified in the Regional Spatial Strategy and in line with the growth agenda for West Northamptonshire. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) and PPS 25 (Development and Flood Risk).

## **2. THE PROPOSAL**

- 2.1 The proposal is an outline application for residential development of 26 units. All matters are reserved.
- 2.2 The previous application proposed a total of 21 dwellings on 0.8 hectares. The current site now extends to 0.9 hectare and it is proposed to increase the number of dwellings to 26. This would represent a density of just under 30 dwellings per hectare.
- 2.3 As all matters are reserved the submitted layout is indicative only. This shows access taken via number 55 Berry Lane with the dwellings laid out around a single access road.
- 2.4 At the lowest point of the site, which is within the floodplain, a balancing pond is indicated which would also function as open space.

## **3. SITE DESCRIPTION**

- 3.1 The application site was historically in use as a brick kiln and for agricultural purposes. The site has been separated from adjoining greenfield land by the relatively recent addition of Wooldale Road. The site is currently overgrown and is not suitable for any recreational use. Previously it could be accessed by a public footpath but this has now been extinguished and there is no right of access onto the site.

## **4. PLANNING HISTORY**

- 4.1 An outline application for the erection of 21 houses, with all matters reserved, on a site of 0.8 hectares within the current application site, was approved in principle by the planning committee on December 19<sup>th</sup> 2007, under reference N/2007/1161 although the Section 106 agreement remains unsigned.
- 4.2 The current application is a revision of this application to include additional land now acquired by the applicants and brings the site area to 0.9 hectares, with 6 additional

houses now indicated. It is anticipated that the earlier application will be withdrawn if the current application is 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

PPS3 – Housing

PPG 13 -Transport

PPS 23 - Planning and Pollution Control

PPS 25 - Development and Flood Risk

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

Policy 2 – Promoting Better Design

Policy 13b – Housing Provision within Northamptonshire

Policy 14 – Regional Priorities for Affordable Housing

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

E6 - Greenspace

E19 - Implementing Development

E20 - New Development

H7 - Housing Development Outside Primarily Residential Areas

H10 - Backland Development

### **5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing SPG 2004

## **6. CONSULTATIONS / REPRESENTATIONS**

**6.1 Housing Strategy** Support the principal of residential development on this site. The numbers proposed would mean that there would be an affordable housing requirement as part of the S106. There has been some indicative proposals as to where these units would be placed on the site. However in our view the proposed affordable housing plots do not meet our standards for integration, therefore further work and discussions are needed in order to ensure that the affordable housing is more dispersed throughout the site.

There is a 35% affordable housing requirement, wherein there should be 70% social rented = 6 and 30% Shared Ownership or other type of intermediate housing = 3. The affordable units should be built to the HCA's Design & Quality Standards and to the Code for Sustainable Homes level 4.

Before the developer enters into contract with an RSL, agreement should be sought from this office as to the particular RSL involved, as this could impact on our support for any social housing grant, which may be sought for the affordable element of this development.

10% of the overall dwellings should meet NBC Mobility Standard, however if a superior standard is proposed such as Lifetime Homes then the mobility standard requirement could be relinquished.

6.2 **Tree Officer** There is a small group of trees included within TPO NO.74 (G1) on adjacent land at 43b Berry Lane which overhang into the above proposed development site. I would recommend conditions requiring protection barriers be included within any planning permission for the site.

6.3 **Highway Authority** As for the previous application no. 2007/1161, there would be no objections to the principle to the proposed development.

With reference to the visibility splays requested in the comments for the previous application, these (splays) are now considered satisfactory. The junction position will however have to be moved slightly to the east in order to accommodate radii of 6m, in view of the layout design and Berry Lane being a local distributor road.

As noted in the application documents, the layout provided is an illustrative sketch scheme, and therefore all details relating to and including the highway layout are to be subject to a reserved matters application.

It should be noted however that a footway would be required on both sides of the road from plot no.8, for the rest of the cul de sac going south. A small extension of the existing footway from Berry Lane will also be required on the eastern side of the new junction, for a distance of 2m south of the radius.

The extended turning head between plots 15, 16 and 23, 24 is also to be reduced to a distance of 20m from the radius tangent point, which will affect the layout of plots and direct pedestrian access to the highway. An alternative would be for a secondary turning head to be provided at this end of the road.

6.4 **Northamptonshire Wildlife Trust** -In broad and general terms, we find the content and scope of the ecologists' report to be both satisfactory and acceptable in these circumstances. ( Please note that the one main caveat to that acceptance is explained in the Point immediately here below. ) We find their own findings and conclusions to be acceptable too, and we would wish, in turn, to recommend to you all of the ecologists' recommendations as made within Section 5 of their report. Perhaps these measures might best be achieved through the use of suitable, strongly-worded Planning Condition(s) and / or the inclusion of appropriate clauses in a S106 Agreement, if relevant.

The one remaining concern that The Wildlife Trust does have in respect of this proposed development scheme is that, although the ecologists' report has considered the issue of bats, there appears to have been no investigation carried out yet as to whether bats might be present in or using the property at 55 Berry Lane; which is of course to be demolished to provide the access route for the new residential area. We feel that the Applicant should be required to address the possible presence of bats within the structure to be knocked down before any eventual determination of this particular Application.

- 6.5 **Anglian Water** There is sufficient water resource capacity to supply this development, the foul flows from the development can be accommodated within the foul sewerage network system.
- 6.6 **County Education** A development of 26 dwellings is expected to add some 6-8 primary-aged pupils and 5-6 secondary and sixth form pupils depending on the mix of the housing. All the primary schools in the Wootton area are close to capacity. An extension to the primary section of Caroline Chisholm School is planned to begin on site shortly, hence we would seek a contribution towards additional primary places. Caroline Chisholm School, which provides local secondary provision, is also operating at capacity and the council is under pressure to add places to the school, hence we would also seek a contribution towards additional secondary and sixth form places.
- 6.7 **Wootton Parish Council** We are concerned about the surface run-off from properties and areas outside of the space bounded by the development. We have consulted the Environmental Agency who have also expressed concerns over ongoing maintenance of the storm pond and drainage system, and shared concerns regarding surface water.  
The dwellings already, well established, surrounding the proposed site are predominantly 4 bed detached units with double garages, units in the region of 2,000 sqft plus. The proposed units will be considerably smaller in the region of less than half the size and of course and increased density. This will not be in keeping with the surrounding area and will potentially have a detrimental affect the price of those houses already established there and with the social requirements may also increase the factoring of this.  
The fact that there is a requirement to provide 35% socially rented/ affordable housing within the scheme does not in all cases mean that the developer has to provide them within the boundaries of the development. Under the obligations of a S106 agreement it can be stated that a commuted sum can be paid in lieu of providing the social units. This allows for the flexibility of the Borough Council to target particular areas that require higher provisions of social rented/affordable units. In my professional opinion this development in the current scheme – density, size of units and provisions on site of social/affordable housing would have a significant and detrimental affect on the surrounding area and as such we, as Parish Councillors have a duty to take this in to consideration as the appointed representative of the residents that will be affected.
- 6.8 **Environment Agency** *Initially objected, then following the submission of an amended FRA:* Consider that the details in the FRA addendum are compliant with Planning Policy Statement 25 'Development and Flood Risk' (PPS25). Accordingly, we are prepared to withdraw our previous objection, subject to the imposition of the following conditions on any subsequent planning permission.
- 6.9 The application was advertised by notification letter and objections were received from the occupiers of **34, 42, 43B, 48, 49, 53, 57, 59, 63 Berry Lane, 1 Villagers Close**, making the following points:
- The proposed road to the estate is directly opposite our property, cars leaving the estate will shine their lights directly at or property.

- It will make it more difficult to enter and exit our property by car
- Will significantly alter the view from the front of our property
- Replacement house is not in keeping and looks out of place
- Pulling down a perfectly good 4/5 bedroom house does not seem particularly environmentally friendly
- Berry Lane is used as a rat run, the development will increase traffic during commuting times
- Will increase the risk of accidents, no access to estate if there is an accident outside my property.
- Will increase road noise from the M1 reaching my property.
- Local schools / medical services are already stretched in the Wootton area.
- Already an access road from Walkers Way / Villagers Close, surely that could be used.
- New access should be from Wooldale Road
- New road will help with flooding problem.
- Concerned about the increased risk of flooding.
- Fence on the boundary has not been properly maintained, request that this is replaced by a wall when the development is carried out.
- Development is on designated "Greenspace"
- Would have a negative effect on property value
- Would produce, noise, light and air pollution
- Would increase risk of road traffic accidents and congestion.
- Would increase risk of flooding of properties and roads
- Would destroy a valuable wildlife sanctuary
- Tree survey is incorrect as this refers to a tree being on the north western corner of the site. This tree is on the north-eastern corner and we consider it merits a TPO.
- The borders of our property are currently protected from trespassing by overgrown pasture land. We understand that the balancing pond would become a public recreation area and therefore request that a solid boundary wall is required.
- The density of the development has increased and therefore we believe that this fundamental change should require a complete review of the original criteria, ie flooding, congestion etc.
- Development would increase the number of houses on Berry Lane by 37% and therefore the traffic by a similar figure
- Berry Lane already suffers from a bottleneck and the increased traffic will worsen the situation.
- Parking is insufficient, resulting in increased parking within the development which will cause congestion backing up onto Berry Lane
- Berry Lane has flooded on every occasion of heavy rain, the new development needs to take into account the existing load from Berry Lane as well as the development itself.
- Density has increased and therefore now even more out of character.
- Privacy will be affected as my garden will be on display to the whole of the development.
- Security must be maintained during development and walls replaced with fencing in character with the remainder of Berry Lane.

- Drainage issue has not been resolved, if development goes ahead water will go straight into the housing development.
- Traffic to Quinton uses Berry Lane rather than Wooldale Road, this development would increase this level of traffic.

## **7. APPRAISAL**

### **Principle Of Residential Development**

- 7.1 Given that this a resubmission of a development which was previously approved in principle, the main issue to consider in this case is whether this revision would result in any adverse impacts over and above those of the previous scheme. Given that some time has passed since the previous scheme was considered by Committee the overall merits of the proposal will be considered.
- 7.2 The site is identified as Greenspace in the Local Plan. Policy E6 is relevant, which states that development will only be permitted where this does not prejudice the function of areas identified in the appendix to the plan. The site of this application is identified as forming a buffer zone between different land uses. The Plan states that it is important that these are maintained.
- 7.3 However, in determining the previous application it was recognised that the proposed development would result in the loss of only a small area of this section of greenspace, which has been severed from the remainder of the identified area by Wooldale Road since the adoption of the Local Plan. Another part of this same severed part of the Greenspace has previously been lost to the development which now forms 43B and 43C Berry Lane. It is considered that the severed part of the Greenspace, north of the new road, can be developed without any functional loss of the buffer zone function, which will continue to be provided by the remainder of the greenspace to the south of the road and to the south east of the development site, and that this approach represents a rationalisation of Greenspace in this area which would not set a precedent for further loss elsewhere.
- 7.4 Whilst the revised application does incorporate a small increase in site area, this additional area of land (0.1 hectares) is also contained within Wooldale Road and it is considered that the use of this additional land represents a more rational and efficient development area. The land was previously only excluded as it was outside the ownership of the applicants at that time. Under the previous scheme this land would have remained undeveloped but would have had no real function or practical use.

### **Highways and Access**

- 7.5 The proposed means of access to the site would be via the site of no. 55 Berry Lane, which would be demolished, as with the previous scheme. An indicative layout shows a road of 4.8m width passing through this site. Comments from the Highways Authority indicate no objection to the principle of the development, subject to a slight alteration to the road layout. As the submitted plans are indicative only, with all matters being reserved, this can be accommodated at the reserved matters stage.

- 7.6 Several of the objectors have questioned the need to demolish no. 55 Berry Lane and have suggested that access could instead be taken from Villagers Close or Wooldale Road. There is a vacant plot on Villagers Close which appears to have been left vacant to provide access to this site. However, this space is not wide enough to accommodate an access road without this passing very close to adjoining occupiers, which would result in an adverse impact arising from noise and disturbance. The site is separated from Wooldale Road by a steep embankment and access from this road would not, therefore, be practical. Access from Berry Lane is therefore considered to be the most appropriate solution, in spite of the loss of one dwelling. In any event, the submitted scheme must be considered on its own merits and therefore even if a more suitable access was available, given that the proposed access is acceptable the application could not be refused on this basis.
- 7.7 Houses on both sides of the proposed access road have side facing windows and therefore there is the possibility of the occupiers of these houses being affected by noise from the access road. This is more likely in the case of number 57 as this has a side facing window which would be close to the access road, whereas number 53 would be separated by the proposed house adjacent to the access road. However, the road layout as submitted is indicative only and therefore this issue can be addressed when the detailed layout is considered. As the width of the plot currently occupied by 55 Berry Lane is 15 metres it is considered that any adverse impact can be avoided by appropriate positioning of the road.

### **Design and Layout**

- 7.8 The layout of houses on the remainder of the site is also indicative but does show that a layout is possible which would avoid any adverse impact on adjoining occupiers, as the layout shown would meet the formerly adopted standards for space between buildings and length of garden areas.
- 7.9 The proposal would result in a density of just under 30 dwellings per hectare, which is considered appropriate to the context of the site and which is the most appropriate level of development which can be accommodated given the constraints of the site and the need to avoid development within the flood plain at the lower part of the site.
- 7.10 There are a number of TPO trees on adjacent land and therefore conditions are proposed in order to protect these during development.

### **Affordable Housing**

- 7.11 Comments from Housing Strategy indicate a need for affordable housing on the site, at 35%, in accordance with adopted policy. Comments from the Parish Council suggest that this should be located off site and secured by means of a commuted sum. However, this would run contrary to good practice and Government Guidance, which indicates that social housing should be integrated into communities.

### **Flood Risk**

- 7.12 The site is identified as being within Flood Zone 1, although the lower end of the site, where no housing is proposed is within the 1 in 200 year and 1 in 1000 year flood



level lines. The initial FRA resulted in an objection from the Environment Agency on the basis that this did not comply with the requirements of PPS25 and did not provide a suitable basis to assess the flood risks. This was in spite of no objections being raised by the EA to the 2007 application.

- 7.13 Following protracted discussions between the applicant's agents and the Environment Agency, an amended FRA and a further addendum to this were produced. The EA now consider the development acceptable in flood risk terms, subject to conditions which are included below. One of these conditions would prevent any housing being constructed below the 1 in 200 year and 1 in 1000 year flood level lines.

### **Other Issues**

- 7.14 Comments from the Wildlife Trust raise the possibility of bats being present within the building which would be demolished and therefore a condition requiring a survey of bats and other wildlife before any work on site is proposed.
- 7.15 The balancing pond at the lower end of the site would also provide an area of public open space and therefore there is a need for this to be managed. This can be dealt with by means of the Section 106 agreement.
- 7.16 Within the indicative layout as shown this area is not subject to any natural surveillance, however as the layout is indicative only this is a matter which can be addressed at the reserved matters stage.

## **8. CONCLUSION**

- 8.1 The proposed development is acceptable in policy terms as it would not prejudice the function of the wider area of greenspace, part of which would be lost, and would have no undue impact on adjoining occupiers or on the highway network. The submitted FRA has demonstrated that the development is acceptable in terms of flood risk.

## **9. CONDITIONS**

1. Approval of the details of the access, appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from

the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. Prior to commencement of development a survey shall be carried out by a suitably qualified person or organisation to investigate the presence of bats and other wildlife. If the survey confirms the presence of bats in the building to be demolished or in other areas that may be disturbed by the development work, suitable provision should be made for the replacement of these habitats before the work begins. In addition the timing of the work on the buildings should be such that breeding and nesting periods are not interrupted.

Reason - In order to ensure protected species are not adversely affected by the development, to comply with Policy E17 of the Northampton Local Plan.

5. The applicant shall provide full and final detail of the mitigation and ventilation measures to be employed at the houses to prevent ingress of road traffic noise. The information shall be submitted with the reserved matters application (or prior to the commencement of the development) and shall be approved by the local planning authority prior to the commencement of the development

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy E19 of the Northampton Local Plan.

6. No development approved by this planning permission shall be commenced until:

a)A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable a risk assessment to be undertaken relating to human health, ground and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

b)The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

c)A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

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 PPS 23 "Planning and Pollution Control".

7. Protection barriers of at least 2m in height shall be installed at no less than 2m outside of overhanging canopies of trees at 43b Berry Lane (included within Tree Preservation Order No.74). Protection barriers shall be installed prior to any development and or materials and machinery being brought onto site. Barriers to remain in undisturbed until all construction

activity and material and machinery has been removed from site. Protection barriers to be constructed of a well-braced scaffold frame with vertical scaffold supports being of not more than 3 metres apart and installed at a depth of 600mm into the ground. Scaffold frame to support galvanised weldmesh panels or heavy duty ply boarding to include signage restricting access into the protected area.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E19 of the Northampton Local Plan.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved PBA Flood Risk Assessment reference 18569/100, document reference 001 dated July 2010 and THDA addendum project No: 03- 0084 dated 13 December 2010 and the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the 0.5% (1 in 200) plus climate change critical storm so that it will not exceed 15.8l/s the run-off from the undeveloped site and not increase the risk of flooding off-site; Provision of sufficient storage as shown on Drawings 10-0508/100 Rev C Drainage Strategy and 10-0508 / 101 Rev A – Long Section Through Pond, Orifice Chamber and Outfall; Finished floor levels are set no lower than 74.1m above Ordnance Datum (AOD), unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the impact and risk of flooding on the proposed development and future occupants. In accordance with PPS 25 (Development and Flood Risk).

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

Reason: To ensure if any soakaways are proposed, they are not placed in potentially contaminated ground. In accordance with PPS 25 (Development and Flood Risk).

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

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

## **10. BACKGROUND PAPERS**

11.1 Application files N/2009/0762 and N/2007/1161

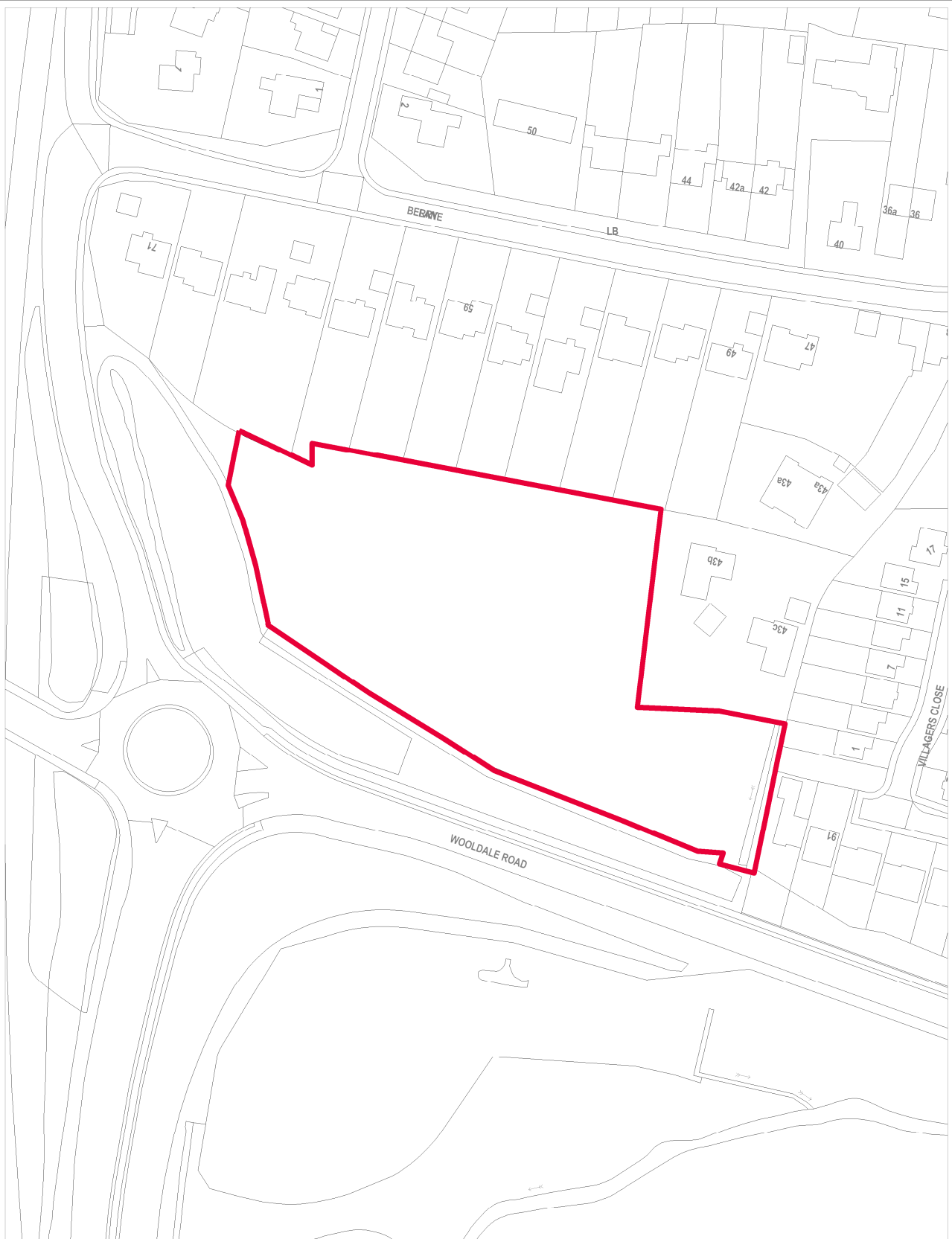
## **11. LEGAL IMPLICATIONS**

12.1 None.

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

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

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	A Holden	24/01/11
<b>Development Control Manager Agreed:</b>	G Jones	26/01/11



Name: SW  
Date: 26th January 2011  
Scale: 1:1250  
Dept: Planning  
Project: Site Location Plan

Title  
**Land to rear of 51-65 Berry Lane, Wootton**

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# Agenda Item 10b



**PLANNING COMMITTEE:** 8 February 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0470**                      **Erection of 8 apartments and 21 houses and associated roads, car parking, open space, landscaping and enabling ancillary works**  
**Land at Wootton Trading Estate off Newport Pagnell Road**

**WARD:** Nene Valley

**APPLICANT:** Orbit Homes (2020) Ltd  
**AGENT:** Barton Willmore

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

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION

### 1. RECOMMENDATION

**APPROVAL IN PRINCIPLE** subject to the following:

1.1 That the Council resolve to grant planning permission in principle subject to:

- (1) The prior finalisation of a Section 106 Agreement to secure:
  - The provision of 100% affordable housing
  - The long term maintenance of on site open space
  - The long term maintenance of the access roads and their availability for general use

(2) The planning conditions below and for the following reason:

The proposal would represent the efficient use of land and due to its siting, layout and design would provide a satisfactory standard of residential amenity. As the proposal would have no significant undue detrimental impact upon the amenities of surrounding residents, it therefore complies with the requirements of PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS23- Pollution Control,

PPG13 - Transport, PPG24 - Noise and Policies E20, E40 and H6 of the Northampton Local Plan.

## **2. THE PROPOSAL**

- 2.1 This is a full planning application for a residential development of 29 residential units comprising a mix of apartments (8 no) and dwellinghouses (21 no.) on vacant land at Wootton Trading Estate accessed off Newport Pagnell Road.
- 2.2 The proposal comprises; 8 no. 2 bed apartments, 10 no. 2. bed houses, 9 no. 3 bed houses and 2 no. 4. bed houses. The applicant has advised that the entirety of the development would be given over to affordable accommodation.
- 2.3 The proposal utilises the existing access road, which serves the site and the remaining Wootton Trading Estate business area to the south, although this is to be upgraded to adoptable standards. The scheme proposes mostly 2 storey dwellings arranged around areas of open space and off road car parking. The proposal also includes a total of 33 off road parking spaces and a central area of open space that serves the entire development.

## **3. SITE DESCRIPTION**

- 3.1 The application site consists of a relatively flat vacant parcel of land within the Wootton Trading Estate. The site itself is no longer in business use, whereas the land immediately to the south is still in active use. The site is approximately 0.5 hectares in area. It is surrounded on the east and west by modern 2 storey residential dwellings in Wootton and bound by the Newport Pagnell Road to the north.

## **4. PLANNING HISTORY**

- 4.1 Outline planning permission (99/0595) was originally sought for residential development including means of access in July 1999. Permission was refused because it was considered that the development would be isolated and unrelated to the surrounding development, without proper access to local facilities and would prejudice the redevelopment of the site. The applicant appealed the decision but it was dismissed by the Inspector.
- 4.2 In attempting to address the Inspector's concerns regarding lack of pedestrian links an application (N/2001/226) was approved with a link through to Curlbrook Close.
- 4.3 An outline application (N/2005/1204) for residential development with all matters reserved apart from access (2 access points, one from Newport Pagnell Road and a footpath link adjacent to 42 Curlbrook Close) was submitted in 2005. For security reasons, the local residents did not want a footpath link and this was omitted from the scheme by the applicant but proposed an upgrade to the existing footpath along Newport Pagnell Road. This application was approved.

- 4.4 A planning application for 30 residential dwellings was approved with a Section 106 to secure 35 per cent affordable housing and maintenance of on site open space in October 2007.

## **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 and the saved policies of the Northampton Local Plan 1997.

### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS3 –Housing  
PPG17 – Planning for Open Space, Sport and Recreation  
PPS23 -Planning and Pollution Control  
PPS25- Development and Flood risk  
PPG13 -Transport  
PPG24- Planning and Noise  
Circular 05/05 Planning Obligations

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

Policy 2 – Promoting Better Design  
Policy 13b – Housing Provision within Northamptonshire  
Policy 14 – Regional Priorities for Affordable Housing

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

E19 - Impact on amenities  
E20 – Design of New Development  
E40 - Crime and vandalism  
H6 - Housing Development within Primarily Residential Areas  
H14 – Open Space  
H17 – Mobility Housing  
H32 - Affordable Housing  
L6 – The Maintenance of Open Space

### **5.5 Other Local Policy**

NCC Planning Obligations & Local Education Authority -School Provision SPG 2004/06  
NCC Parking Standards SPG 2003  
NBC Affordable Housing SPG  
NCC Planning Out Crime SPG 2004  
NBC Park and Open Spaces Strategy for Northampton 2009

## **6. CONSULTATIONS / REPRESENTATIONS**



- 6.1 **Public Protection (NBC)** support the application in principle, conditions to be imposed relating to site investigation, noise assessment and refuse.
- 6.2 **Housing Strategy (NBC)** no objection. Support the principle of development for 100% affordable housing as there is a lack of affordable housing in the general area. Can support the mix of units on the scheme as it provides for a range of units to cater for different lifestyles.
- 6.3 **Anglian Water** The applicant will have to make a request under the Water Industry Act to provide water infrastructure. Recommend standard conditions and informatives are imposed on the approval.
- 6.4 **Northamptonshire Police** Suggest the following recommendations are included to reduce the impact of crime and disorder. Rear Access Path- should be secured by lockable gate at front of building line and metal railing gates are preferable. The fence line which abuts the verge next to plots 1-7 should have trellis topping so that it is more difficult to climb over. Car Parking - the car parking is mainly well overlooked and removable bollards should be installed to protect parked cars adjacent to the maisonettes. Amenity Space- Green spaces are often the location for anti-social behaviour and dense planting is necessary against the rear fences of plots 8 and 13 to prevent fence being used to kick football against.
- 6.5 **Wootton and East Hunsbury Parish Council** Concern that the application does not take account of the Northampton Local Plan which states that any development at this site should be accessed from the adjoining Wootton Fields development rather than from Newport Pagnell Road. Feel that what is needed is that to halt any further decisions on the site until an Area Action Plan has been drawn up that recognises the changed uses of this site and comes up with a solution as to how the mixed uses are able to co-exist on the site. The main concern is that the current application centres on the access road and it is unacceptable situation that the industrial units are accessed by a road through a residential development.
- 6.6 **Environment Agency** No objection, but would recommend imposition of conditions on the approval relating to details of foul water and surface water drainage
- 6.7 **Northants County Council (NCC)** request contribution towards education, libraries and fire and rescue.
- Education- Regarding education it advises that a development of this type would add some 4-5 primary aged pupils and 2-3 secondary and sixth form pupils. This development will be served by Caroline Chisholm for Secondary Education and Wootton Primary or Caroline Chisholm for Primary Education. A contribution towards further school places will be required in order to accommodate any pupils generated from the development.
- 6.8 **Highway Authority (NCC)** No objections, conditions on previous approval to be imposed on this one
- 6.9 **Archaeological Advisor (NCC)** The previous application gained permission without any archaeological comments during a period when there was no regular system from

NCC on archaeological comments. The proposed development will have a detrimental impact on any archaeological deposits present and therefore a condition to accord with advice in PPS5 should be imposed allowing adequate investigation and recording for any affected remains.

- 6.10 **Central Networks** No objections, emphasise that any alteration, building or ground works proposed in the vicinity of our cables must be notified in detail to Central Networks.

### **Neighbours**

- 6.10 Neighbour comments were received from numbers **38 Flinters Close, Lousada Plc , Units 3/5 and Unit 9 Wootton Trading Estate**
- Essential that vehicle access is available to the industrial estate at all times
  - Concern regarding increase in traffic generation
  - Overlooking from rear windows from Plots 21 and 22 to 38 Flinters Close resulting in loss of privacy
  - Loss of sunlight to residential neighbours
  - Noise to residential neighbours
  - Impact the development will have on the industrial estate in this current economic climate if existing access were closed. Essential that access is retained to trade estate to secure future of it.

## **7. APPRAISAL**

### **Principle of development**

- 7.1 The site is allocated in the Local Plan as being within an area of Proposed Primarily Residential Development and given the site history with the most recent application N/2006/0870 already approved for 30 no. residential units it is considered that the principle of development has already been established in accordance with PPS3.

### **Layout and Design**

- 7.2 The application proposes development at a density of approximately 55 dwellings per hectare. Whilst the density is higher than the prevailing density in the surrounding area it represents an efficient use of the land compliant with PPS3. The site is also physically separate from the surrounding residential area. Moreover a slightly denser form of development was approved for the site in 2007, since which time there has been no fundamental changes in policy regarding residential density.
- 7.3 The proposed design of the development is largely 2 storey houses and apartments which is comparable in scale to the surrounding properties in Wootton, which is characterised mainly by 2 storey modern dwellings of simple design.

- 7.4 The design of the properties are very different from the 2007 approval (N/2006/0870) and defined predominantly by 2 storey properties compared to 3 storey in the previous scheme. It is considered that the current proposed design is more in keeping with the existing properties on the nearby housing estates to the eastern and western sides of the site at Flinters Close and Balland Way than the 2007 approval.
- 7.5 Officers have also investigated the potential to form a pedestrian crossover across the Newport Pagnell Road in order to improve links between the residential areas north and south of the road. This has been put to the County Council as Highway Authority, however it has advised that it does not consider it to be appropriate due to the traffic speeds on this part of the Newport Pagnell Road. It is also noteworthy that a pedestrian crossing over the Newport Pagnell Road is planned to be provided to the west approximately 800metres from the site.
- 7.6 Concerning bin storage and cycle storage areas, a condition is recommended to be imposed on the approval requiring the applicant to provide full details of these elements to be approved.

### **Housing Mix**

- 7.7 Although a significant number of the proposed units would be 2 bedroom properties, it is considered that on balance the mix is acceptable and an adequate mix of apartment and houses are provided offering 2, 3 and 4 bedroom units. This mix has also been agreed with the Borough Housing Strategy Officer.
- 7.8 Policy H17 of the Northampton Local Plan requires 10 per cent of housing to be mobility standards. This would equate to 3 no units for this proposal which can be secured and controlled via condition.

### **Open Space**

- 7.9 Areas of open space are proposed centrally within the site as part of the layout providing a facility for residents and also an attractive feature for the development as a whole. The proposed open space would be directly overlooked by the proposed dwellings providing good natural surveillance from their windows and the public domain.
- 7.10 The maintenance and upkeep of the open space would be secured through a Section 106 agreement. The 2007 approval had a similar, albeit small area of open space which was also secured and controlled via a Section 106 agreement. The proposed on site open space is considered adequate given that the proposed public open space (470 square metres) significantly exceeds that of the previously approved scheme of 2007 (250 square metres) which is for more units. Given that there are good accessible open space facilities in the wider Wootton area combined with the on site provision it is considered that in this instance there is no requirement to provide additional facilities to support further obligations.
- 7.11 Each unit has their own private amenity space in the form of rear gardens which are considered to be of adequate size for the properties concerned.

### **Car Parking and Access**

- 7.12 33 off street parking spaces are proposed for the development giving an average ratio of approximately 1.2 spaces per dwelling which the Highway Authority has raised no objection to and which accords with the County Wide Parking SPG.
- 7.13 The layout has also been agreed with the Highway Authority. In order to ensure its long term maintenance a clause is recommended to be included within the S106 agreement to secure the future maintenance of the access road (e.g to be vested in a management company which would be responsible for its upkeep) and to ensure it is kept unobstructed and available to all parts of the housing development and business uses to the south in perpetuity. Although it is proposed to be constructed to highway adoption standard, the applicant has indicated that it would remain privately owned .
- 7.14 As per the 2007 approval, conditions are to secure the site access with Newport Pagnell Road and upgrade of cycleway and footpaths to the site's Newport Pagnell Road frontage.
- 7.15 The Parish Council have raised the concern that the proposed development appears to be contrary to the Local Plan as the development would be accessed from Newport Pagnell Road and not from the adjoining housing estate. This is a reference to Policy H3 of the Local Plan. However, H3 is not a saved policy of the Local Plan and as such can be afforded no weight. Officers agree that it would have been preferable to have incorporated links from the site to the surrounding residential areas rather than relying exclusively on Newport Pagnell Road. However, due to the presence of the retained business area to the south and the estate layouts to the east and west, opportunities are very limited. Moreover the principle of Newport Pagnell Road only access was accepted with the scheme approved in October 2007.

### **Secure by Design**

- 7.16 Northants Police as a consultee on the planning application raise no objections subject to a number of points of detail which can be adequately addressed via conditions (e.g in respect of boundary treatment and planting).

### **Impact on living conditions of neighbouring properties**

- 7.17 The current proposed layout is the result of considerable negotiations and discussions between the applicant and officers.
- 7.18 Rear to rear separation distances of 21 metres between the back of plots 8 to 14 and the existing residential properties to the eastern side of the site on Balland Way has been achieved in accordance with separation distances identified in the Local Plan. Back to back distances between the proposed maisonettes and houses on the western side of the site and the rear of the dwellings on Flinters Close averages approximately 13 to 15 metres. It is considered that given there would be no overlooking windows at first floor level in the rear walls of these proposed units (plots 22 to 29) there would not be any significant loss of privacy to these neighbours. Moreover, given the separation and orientation, it is considered that the proposed units would not unduly overshadow the existing properties.

- 7.19 Although there are rooflights proposed in the rear roof slopes of plots 26 to 29 these would be above eye level and could be conditioned to be at least 1.8 metres above internal floor in order to mitigate potential overlooking to the properties to the immediate rear.
- 7.20 The proposed units would all have satisfactory outlook and given the relationship with adjoining properties would be afforded an adequate level of residential amenity.

### **Environmental Health matters**

- 7.21 The site is adjacent to the busy Newport Pagnell Road and the Council's Public Protection (Environmental Health) Section recommend that conditions be imposed on the approval in respect of noise assessments. They are also of the opinion that conditions should be imposed relating to refuse and standard contamination investigation and mitigation.

### **Planning Obligations**

- 7.22 The applicant, which is a Registered Social Landlord, is proposing an entirely affordable scheme compared to 35 per cent proposed in the 2007 permission. In order to achieve this, a considerable subsidy is to be provided via Social Housing Grant.
- 7.23 In addition, the applicant has confirmed that all the occupiers will be from this Council's Housing waiting list and are therefore already residents of Northampton. Although the County Council as Local Education Authority has requested that an education contribution be sought from the applicant, given these circumstances, together with the level of public subsidy that the scheme has attracted, it is clear that an obligation for the development to contribute a significant amount to the education system would jeopardise the viability of the scheme. Accordingly it is considered that in recognition of this exceptional circumstance, the County Council should be advised that payment to education provision is not appropriate. However, it is appropriate, given this, that the applicant enters into an obligation to ensure that 100% of the accommodation is affordable within the definition of the Borough's SPD.
- 7.24 As discussed above, the maintenance of the on site open space would also be secured by S106 agreement as would to secure the maintenance of the access road.
- 7.25 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, and the fact that it is not clear how such contributions would not be directly related to the proposed development it considered that any request for a financial contribution to these matters could not be reasonably sustained.

### **Other considerations and response to neighbour comments**

7.26 Some of the commercial units in the adjacent Trade Estate are concerned that the existing access from Newport Pagnell Road remains to their units and consideration be given to increase in traffic generation on the existing access. The applicant has advised that they have no intention of preventing continued access to the rear of the site and this can be secured as part of the legal agreement. Consideration has been given by the Highway Authority to the traffic to be generated from the proposed development and no objection has been raised.

## 8. CONCLUSION

8.1 The proposed development would represent an efficient use of land and would be an appropriate form of development given its context and environs. A suitable design and layout has been proposed and there would be no undue negative impacts on the occupiers of surrounding residents. The proposal is therefore acceptable subject to suitable conditions and obligations to be secured by S106 agreement.

## 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) Unless otherwise agreed in writing by the Local Planning Authority, no development works shall take place until details of the proposal to upgrade Newport Pagnell Road to cycleway/footway standard have been submitted to and approved in writing by the Local Planning Authority. The cycleway/footpath shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.

Reason: In the interests of sustainability in accordance with Policies E19 of the Northampton Local Plan and PPG13.

(3) Full details of the proposed alterations to the junction onto Newport Pagnell Road, and of the surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and the approved details for the alterations to the junction onto Newport Pagnell Road shall be implemented prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety and to secure a satisfactory standard of development in accordance with advice in PPG13.

(4) Full details of the method of treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings 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.

(5) Prior to the commencement of development, full details of measures to ensure prevention of crime are incorporated within the development shall be submitted to and approved in writing with the Local Planning Authority and shall be implemented in accordance with the agreed details.

Reason; In the interests of security to accord with advice in Policy E40 of the Northampton Local Plan.

(6) 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 additional windows shall be installed in the first floor rear facing elevations of plot numbers 22 to 29 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policies E20 of the Northampton Local Plan.

(7) The lowest part of the roof windows on the rear elevation of plots 26,27,28 and 29 hereby permitted shall be at least 1.8 metres above internal floor level and thereafter retained in that form at all times.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policies E20 of the Northampton Local Plan.

(8) 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 other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place 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.

(9) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to all adjoining neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policies E20 and H6 of the Northampton Local Plan.

(10) No development shall take place until details of bin and cycle storage areas have been submitted to and approved in writing by the Local Planning Authority and shall be constructed prior to the occupation of or bringing into use of the dwellings/flats hereby permitted and shall thereafter be maintained.

Reason: To ensure the provision of adequate facilities and in the interests of amenity in accordance with Policies E20 of the Northampton Local Plan.

(11) 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 in accordance with Policy E20 of the Northampton Local Plan.

(12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

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

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

(14) A minimum of 10% of the dwellings/flats shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

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



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

(16) If during the development, contamination not previously identified is found to be present at the site then no further development unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with

Reason- In the interests of pollution control to comply with advice in PPS23.

(17) Prior to the commencement of development the applicant shall assess the Noise Exposure Category(ies) of the site due to its exposure to transportation noise. This must take into account, where appropriate, Roads or Railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The 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 of 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 Planning Authority and implemented prior to the properties being occupied.

Reason: To protect the enjoyment of future occupiers of their dwellings in accordance with advice in PPG24.

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

Reason- To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with advice in PPS23 and PPS25.

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

Reason- In the interests of pollution control to comply with advice in PPS23.

(20) Full details of all road and drainage including cross-sections, longitudinal sections and highway boundaries shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of construction work on site. Unless otherwise agreed in writing by the LPA the approved details shall be fully completed prior to the first occupation of any unit hereby permitted.

Reason- In the interest of highway safety to comply with advice in PPG13.

(21) Unless otherwise agreed in writing by the Local Planning Authority (LPA) prior notice shall be given of the exact date on which it is proposed that construction of the development hereby permitted is to commence. During the construction period representatives shall be allowed access to the site in order to observe and inspect all excavation works and record all findings of archaeological interest. If required they shall be allowed to excavate such remains, provided that this shall not interfere unreasonably with the progress of the development.

Reason- In the interests of sound archaeological practice in accordance with advice in PPS5.

## **10. BACKGROUND PAPERS**

10.1 N/2010/0470.

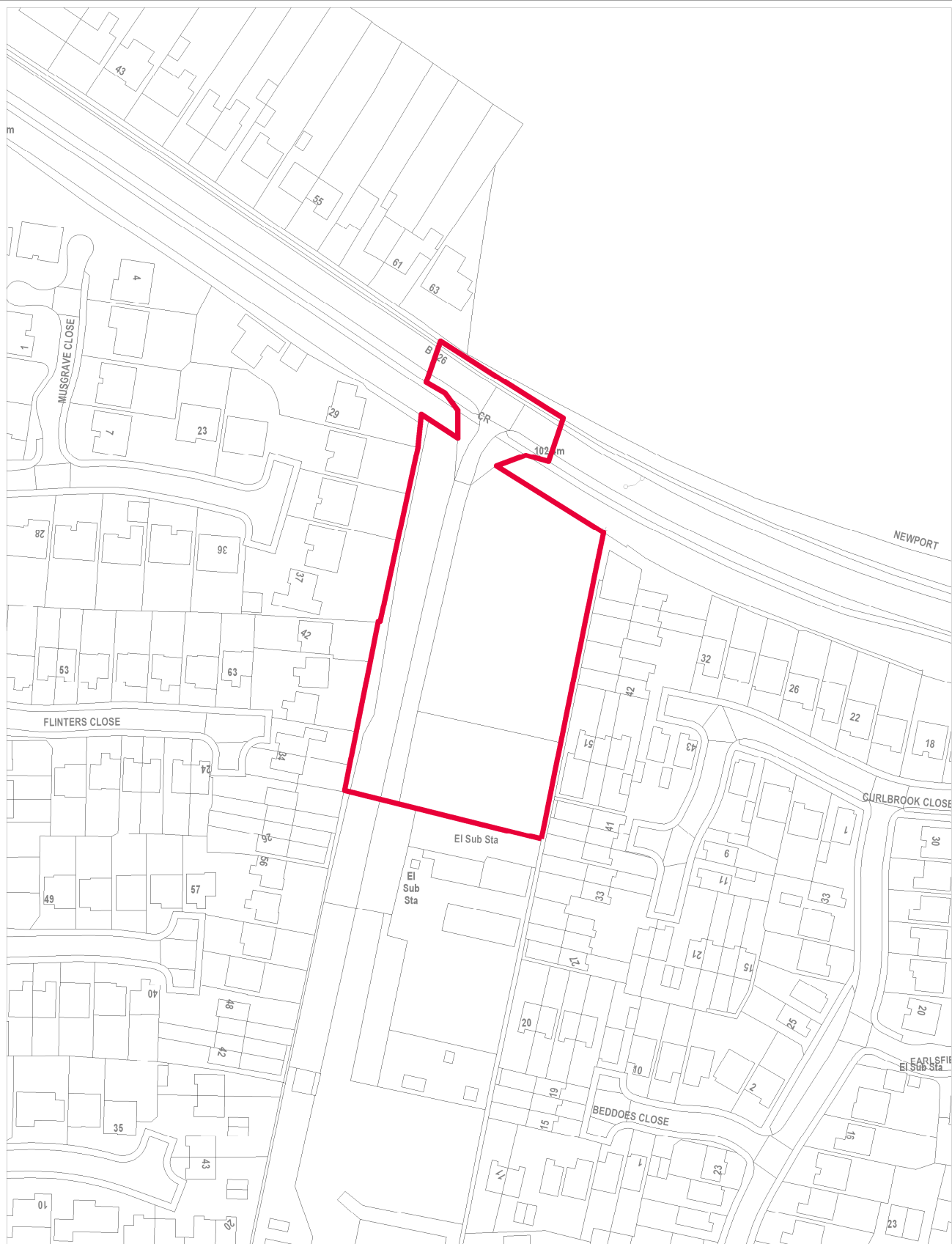
## **11. LEGAL IMPLICATIONS**

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>	Jonathan Moore	26 January 2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	26 January 2011



Name: SW  
 Date: 26th January 2011  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title

## Land at Wootton Trading Estate

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# Agenda Item 12a



**PLANNING COMMITTEE:** 8 February 2011  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**APP: N/2010/1064**                      **Erection of 176 dwellings, roads and sewers and associated open space.  
Land off Banbury Lane, Pineham**

**WARD:**                                      **West Hunsbury**

**APPLICANT:**                              **David Wilson Homes**  
**AGENT:**                                      **None**

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

**DEPARTURE:**                              **No**

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

### **1. RECOMMENDATION**

- 1.1 Although the Council supports the principle of residential development of the site, there remain a number of outstanding issues. Therefore the Council raise a holding objection until the following matters are resolved/ secured:
- Conditions relating to contamination are applied.
  - Concerns relating to air quality and noise are fully resolved.
  - Concerns relating to tree protection are resolved.
  - 10% of all dwelling units are to be constructed to NBC's mobility standard. 35% of all dwellings to be affordable with 70% committed for social rented housing and 30% for Low Cost Home Ownership.
  - The future maintenance of open space must be agreed with NBC and secured by legal agreement.
  - Opportunities to improve bus, cycle and pedestrian links are fully investigated and secured as appropriate.

## **2. THE PROPOSAL**

- 2.1 The proposal is for the erection of 176 dwellings, together with roads, sewers and public open space. The dwellings will be a mixture of 1-5 bedroom properties between one and a half and three storeys in height. This equates to a density of 25 dwellings per hectare gross (including areas of open space).
- 2.2 The application is supported by a Design and Access Statement, Planning Statement, Transport Assessment, Archaeological Assessment, Ecological Appraisal, Waste Management Statement, Flood Risk Assessment, Statement of Community Involvement, Noise Survey and Ground Investigation.

## **3. SITE DESCRIPTION**

- 3.1 The site is located to the south west of Northampton in the South West District Urban Expansion Area. It is located to the south of Banbury Lane and bounded by the A43 to the east, Wootton Brook to the south and the Grand Union Canal to the west. It is rectangular in shape and consists of 6.75 hectares of arable land. There are existing hedgerows and trees on the north and west boundaries of the site together with a spinney to the south of the site.
- 3.2 The site is allocated for Primary Residential Development in the Northampton Local Plan.

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

- 4.1 96/0643 – Outline residential development with access from Banbury Lane.
- 4.2 The above application was approved in principle by NBC's Planning Committee in 1997 subject to planning obligations. However the application was called-in by the Secretary of State and at a Public Inquiry held in September 2001 was refused. The main reason for the refusal was that the proposed site was previously undeveloped land and the Secretary of State, in line with national planning policy set out in PPG3 Housing (2000), considered that there was sufficient supply of brownfield land to meet housing needs which should be developed prior to Greenfield sites such as the application site. PPG3 and the sequential approach to allowing sites for housing development is now replaced by PPS3 in which the sequential approach has been removed and an emphasis on meeting a continual 5 year housing land supply is prioritised.

## **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  
PPS3 – Housing  
PPS9 – Biodiversity and Geological Conservation  
PPG13 – Transport  
PPG17 – Planning for Open Space, Sport and Recreation  
PPS23 – Planning and Pollution Control  
PPS24 – Planning and Noise  
PPS25 – Planning and Flooding

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

Policy 2 – Promoting Better Design  
Policy 13b – Housing Provision within Northamptonshire  
Policy 14 – Regional Priorities for Affordable Housing

## 5.4 **Northampton Borough Local Plan**

E1 – Landscape and Open Space  
E11 – Hedgerows, trees and woodland  
E12 – Hedgerows, trees and woodland  
E19 – Implementing Development  
E20 – New Development  
E40 – Crime and Vandalism  
H6 - Housing Development within Primarily Residential Areas  
H14 – Residential development and children’s play facilities  
H17 – Mobility Housing  
H32 – Affordable Housing  
L6 – The Maintenance of Open Space

## 5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004  
Park and Open Spaces Strategy for Northampton 2009

## **6. CONSULTATIONS/ REPRESENTATIONS**

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

- 6.1 Officers from this section have very serious concerns about this application. The site is located close to major roads and is in the vicinity of an existing air quality management area. The application should not be determined until a suitable air quality assessment has been submitted. An assessment of air quality is a vital element in determining whether the site is suitable for residential development.
- 6.2 In addition there are serious concerns about the suitability of the site for residential development in respect of noise. The noise report submitted with the application is unclear in respect of a number of issues. In particular the report only assesses internal noise levels within dwellings on the development, there is no assessment of noise levels in gardens and other external amenity spaces. On the basis of the data

provided in the report it is considered that noise levels in external areas are likely to be unacceptably high.

- 6.3 The assessment of noise levels at the proposed dwellings is not clear. The report contains a drawing showing the position of the 68 dB(A) contour with and without a possible bund. This drawing is not to scale. Reference is also made to locations of dwellings within NEC C. However it is not clear whether the locations of the boundaries of the NECs have been determined for the site, either undeveloped or as developed in accordance with the proposed plans. The precise details of the inputs and outputs from the noise model are not clearly specified in the report. It is requested that more detail should be provided by the applicant and if NEC contours have been determined these should be provided.
- 6.4 The development of this site for housing will involve the building of houses in areas subject to very high noise levels. The report confirms that the properties closest to the A43 (most of which are social housing) are located in NEC C - PPG 24 indicates that "planning permission should not normally be granted for new noise sensitive development. Where it is considered that permission should be given, for example because no there are alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise." Officers from this section do not consider that permission should be given in this case.
- 6.5 The phase one contamination report submitted with the application is considered to be satisfactory. If the issues mentioned above were resolved to our satisfaction we would recommend that any consent for a development on the site should be subject to condition requiring appropriate contamination investigation, risk assessment and any necessary remedial works.

#### **Arboricultural Officer (NBC)**

- 6.6 The proposed development has the potential to adversely impact on numerous medium and large sized visible trees at this location (particularly to the Northern and Southern boundaries also with individuals along the Western boundary).
- 6.7 As with all planning application of this type I would recommend that prior to any planning permission being given that the developers submit a full BS 5837:2005 tree survey together with an Arboricultural Method Statement and Tree Protection Plan showing how trees are to be protected prior to, during and after development.

#### **Outdoor Environment (NBC)**

- 6.8 Questions whether the future maintenance of the proposed landscaped/play/open space areas be undertaken by the developer or whether NBC be asked to adopt them.

#### **Housing Strategy (NBC)**

- 6.9 35% affordable housing was requested on this site but we have agreed 34.46% subject to viability. These should comprise:
- The agreed number of affordable units is 61 and the breakdown is as follows;
    - 10 x 1B flats

- x 2B flats
- x 2B houses
- 10 x 2B houses
- 26 x 3B houses
- x 4B houses
- 70% social rent and 30% to be for Low Cost Home Ownership
- The affordable units should meet HCA Design and Quality Standards, which include Level 3 Code for Sustainable Homes.
- 10% NBC mobility standard is required over the total units, or if a superior access/mobility design were adopted, such as Lifetime Homes, this mobility standard requirement could be relinquished.
- 1% NBC wheelchair standard is required over the total affordable units.

6.10 The Housing Strategy Team is satisfied with the distribution of the affordable units across the site with maximum of 12 units per clusters.

6.11 In general the Housing Strategy Team are supportive of a scheme that provides much needed affordable family housing in Northampton, however there are still some outstanding issues that need to be agreed upon before our full support can be given to this development, namely issues surrounding affordable unit sizes for which we have ongoing discussions with the applicant.

## **7. APPRAISAL**

### **Principle of Development:**

7.1 The proposed development site is within allocated Primary Residential Development in Northampton Local Plan (1997). Saved Policy H6 allows residential development in this site. This proposal was originally called-in by the Secretary of State and refused around 10 years ago. The main reason for the refusal was the proposed site is previously undeveloped land and the Secretary of State, in line with national planning policy set out in PPG3 at the time, considered that there was sufficient supply of previously developed land to meet housing needs. PPG3 and the sequential approach to allowing sites for housing development is now replaced by PPS3 in which the sequential approach has been removed and an emphasis on meeting a continual 5 year housing land supply is prioritised.

7.2 The most up to date housing land supply figures indicate that the delivery of housing is unlikely to meet the 5 year targets set out in the Regional Spatial Strategy. However, this is more down to the level of activity in the market than any substantial issues around lack of availability of sites to develop. Nevertheless, as the site is identified as an allocation in the Local Plan, it is not considered that there is any reason why from a timing perspective the site should not be allowed to come forward now in principle.

### **Access to and from the site:**

7.3 Vehicular access to the site is proposed to be from a single point on Banbury Lane at the north of the site. This access has already been built as part of the overall Banbury Lane infrastructure development. Existing pedestrian and cycle access is located along the northern edge of the site and provides a connection on foot and by cycle to



adjacent residential areas and to footway/cycleways that have been provided as part of the Cross Valley Link Road, constructed to serve development within the South West District. It is proposed to create a cycle/pedestrian link from the site to the existing cycle path north of the site and to create two pedestrian links to the canal towpath to the west of the site.

- 7.4 Although there are currently a lack of local facilities that would assist in meeting local infrastructure needs in close proximity to the site, a proposed local centre including primary school, together with additional substantial employment opportunities will be delivered as part of the Pineham development to the north and Swan Valley to the south and west.
- 7.5 Despite these proposals Officers hold a number of reservations over development as the application provides limited proposals to reduce car use. There is no cycleway from the proposed development site directly to Swan Valley. Furthermore the nearest bus stops on Banbury Lane and Ladybridge Drive are approximately 400m away from the site entrance and some 800m from the furthest proposed houses. In terms of the existing footpath/cycleway that runs to the north of the site and leads to West Hunsbury, surveillance of the route will be greatly improved by dwellings that will overlook the pathway. The same is true of the canal tow path immediately to west of the site, which provides an opportunity for non-car based access to Swan Valley.

### **Design and Layout:**

- 7.6 A Development Brief for the site was produced by the landowners, English Partnerships (now the Homes and Communities agency) in July 2008. The brief established a vision for the development of the site and has provided the template upon which the proposals have been based. Furthermore the applicant has met with officers of WNDP to discuss the design and layout prior to submission of the application.
- 7.7 The central location of the access and the need to face outwards at the perimeter have led to a central street served by perimeter roads. Development at the southern extremity of the site is constrained by numerous services passing under the land and is identified as flood plain. This land is proposed therefore as public open space and will consist of open meadow grassland, areas of shrub planting, and play areas. The central core has the highest density and strongest built form and will also contain community spaces. The outlying roads are subservient to the main street in size and character. The strength of the built form and related density will be highest in the eastern edge adjacent to the A43 and reduce towards the west of the site against the canal. The eastern edge will be typified by a strong, nearly continuous built form with building heights from 2-3 storeys. A noise bund will be built to deflect traffic noise and the strong built form is designed to reduce the noise levels behind it. The central street will contain a large number of terraced homes although it will also feature semi-detached and detached dwellings. The average building height will start to reduce as the transition to the countryside edge on the west continues. The canal side will be typified by larger detached homes, informally arranged with a greater variety of styles and heights. The greater spaces between homes and variety of forms will reduce impact of the development upon the countryside edge. At the northern end there will be a group of terraced homes overlooking the canal lock.

- 7.8 Although the general layout is considered to be appropriate there is potential to create a stronger frontage onto the main street and there are concerns regarding the layout and use of communal car parking courtyards. There is scope to provide some landmark buildings at appropriate locations to help improve legibility. There is also a potential to take greater advantage from being located next to the Grand Union Canal for creating a distinct character and identity to the community in the development site.

### **Housing:**

- 7.9 The proposed housing type, size and tenure has a good variety and mix. A good mix of housing types and tenure contributes towards sustaining mixed communities which is compliant to PPS 3. Whilst it would appear that the location of affordable housing are mainly concentrated at the eastern edge of the site, which may differentiate parts of the scheme based on housing tenure, NBC Housing Strategy is satisfied with the distribution of the affordable units across the site with a maximum of 12 units per cluster. The Design and Access Statement submitted with the application demonstrates that 61 dwellings classed as affordable housing will be provided which equates to 35% of the housing provision. This figure is confirmed by NBC Housing Strategy who have had discussions with the applicant. This number meets the requirement threshold as identified in the Affordable Housing SPD.

### **Open Space :**

- 7.10 The need for open space on the site has been discussed with WNDC Officers and the provision made for amenity space and playspace meets the required standards. A maintenance plan for the proposed open space within the site needs to be in place according to Policy L6 in *Northampton Local Plan (1997)*.

### **Flood Risk :**

- 7.11 Paragraph D6 in Planning Policy Statement 25 states that 'Within each Flood Zone, new development should be directed first to sites at the lowest probability of flooding and the flood vulnerability of the intended use matched to the flood risk of the site'. Part of the proposed development site falls into Flood Zone 2 and 3. However, the Flood Risk Assessment submitted with the application clearly shows that all the development will be located outside the 1 in 200 plus climate change flood level. Therefore it is considered that the proposed development is compliant to PPS 25. Nonetheless, WNDC must ensure that the Environment Agency is satisfied with the proposals prior to its determination.

### **Environmental Health Issues**

- 7.12 The NBC Public Protection Officer expressed serious concerns about the proposal as an air quality assessment had not been submitted at the time of the application. This document has subsequently been submitted and it is noted that the assessment concludes that the air quality impact is negligible. At the time of writing the report the Public Protection Officer has not commented on the submitted assessment. An update on this issue will be provided via the Addendum.

7.13 Serious concerns were also expressed about the suitability of the site in respect of noise from the A43 as it was considered that the noise report was unclear. A landscape buffer, comprising an earth bund with new landscaping, is proposed to the eastern boundary of the site, screening views of the A43 and attenuating any associated noise impacts. It is considered that this proposal would help address the concerns raised re noise. However, at this stage the Council's environmental health service remain concerned. This must be adequately addressed before the application is determined.

## **8. CONCLUSION**

- 8.1 The principle of residential development on the site is consistent with its current allocation in the Northampton Local Plan and the proposal is considered to be a relatively sustainable development.
- 8.2 The proposals will supply approximately 176 new dwellings (of which 35% to be classed as affordable housing), public open space and children's play areas. NBC should be involved in reaching a legal agreement on housing matters.
- 8.3 The potential to improve the site layout and accessibility needs to be explored prior to the determination of the application.
- 8.4 In environmental terms it is considered that matters regarding noise, air quality and trees need to be resolved prior to the determination of the application. The issue of contamination can be controlled by the use of an appropriate planning condition.

## **10. BACKGROUND PAPERS**

10.1 96/0643.

## **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>	Rowena Simpson	24/01/2011
<b>Development Control Manager Agreed:</b>	Gareth Jones	27/01/2011



Name: SW  
 Date: 26th January 2011  
 Scale: 1:2000  
 Dept: Planning  
 Project: Site Location Plan

Title  
**Banbury Lane, Pineham**

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