



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **PLANNING AGENDA**

**Tuesday, 11 June 2013**

The Jeffrey Room, St. Giles Square, Northampton,  
NN1 1DE.

6:00 pm

**Members of the Committee**

**Councillor:** Penny Flavell (Chair), Councillor Matthew Golby (Deputy Chair)

**Councillors:** John Caswell, Iftikhar Choudary, Nazim Choudary, Jamie Lane, Matthew Lynch, Lee Mason, Dennis Meredith, Brian Oldham, David Palethorpe and Mohammad Aziz Rahman

**Chief Executive** David Kennedy

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[democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) or 01604 837722

# PLANNING COMMITTEE

## AGENDA

Meetings of the Planning Committee will take place at 6.00pm on 7 May, 11 June, 1 July, 30 July, 3 September, 1 October, 29 October, 26 November and 17 December 2013, 14 January, 11 February, 4 March, 8 April, 6 May, 10 June, 1 July and 29 July 2014.

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

### Who Can Speak At Planning Committee Meetings?

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

### How Do I Arrange To Speak?

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

Methods of Registration:

- By telephone: 01604 837722
- In writing to: Northampton Borough Council, The Guildhall, St. Giles Square, Northampton , NN1 1DE, Democratic Services (Planning Committee)
- By email to: [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) (if no acknowledgement is received please telephone)

### When Do I Speak At The Meeting

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

### How Long Can I Speak For?

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

### Other Important Notes

- Speakers are only allowed to make statements – they may not ask questions or enter into dialogue with Councillors, Officers or other speakers.
- Consideration of an application will not be delayed simply because someone who is registered to speak is not in attendance at the time the application is considered
- Confine your points to Planning issues: Don't refer to non-planning issues such as private property rights, moral issues, loss of views or effects on property values, which are not a material consideration on which the decision will be based.
- You are not allowed to circulate new information, plans, photographs etc that has not first been seen and agreed by the Planning Officers
- Extensive late representations, substantial changes, alterations to proposals etc. will not be automatically accepted, due to time constraints on Councillors and Officers to fully consider such changes during the Planning Committee Meeting.

**NORTHAMPTON BOROUGH COUNCIL**

**PLANNING COMMITTEE**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.

on Tuesday, 11 June 2013

at 6:00 pm.

**D Kennedy**  
**Chief Executive**

**AGENDA**

**1. APOLOGIES**

**2. MINUTES**

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**4. DECLARATIONS OF INTEREST/PREDETERMINATION**

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

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

Report of Head of Planning (copy herewith)

**7. OTHER REPORTS**

**(A) REVIEW OF THE LOCAL REQUIREMENTS FOR THE VALIDATION OF  
PLANNING APPLICATIONS**

Report of Head of Planning (copy herewith).

**8. NORTHAMPTONSHIRE COUNTY COUNCIL APPLICATIONS**

None.

**9. NORTHAMPTON BOROUGH COUNCIL APPLICATIONS**

None.

**10. ITEMS FOR DETERMINATION**

**(A) N/2012/0909 - PROPOSED RESIDENTIAL DEVELOPMENT OF 142  
DWELLINGS, GARAGES AND ASSOCIATED WORKS, INCLUDING NEW  
ACCESS ROUNDABOUT, LAND OFF LANCASTER WAY, TOWCESTER  
ROAD, NORTHAMPTON**

Report of Head of Planning (copy herewith).

**Ward: Delapre and Briar Hill.**

**(B) N/2013/0076 S73 APPLICATION TO VARY CONDITIONS 2 AND 35 OF PLANNING PERMISSION 10/0188/FULWNN (ERECTION OF 176 DWELLINGS,ROADS, SEWERS AND ASSOCIATED OPEN SPACE) TO ALLOW THE AMENDMENT OF HOUSE TYPE DESIGN AND STANDARDS, LAND OFF BANBURY LANE**

Report of Head of Planning (copy herewith).

**Ward: Upton.**

**(C) N/2013/0184 CHANGE OF USE OF DWELLING TO 6 HIMO (RE-SUBMISSION OF PLANNING PERMISSION N/2012/0762), 26 CLOUTSHAM STREET**

Report of Head of Planning (copy herewith).

**Ward: Castle.**

**(D) N/2013/0194 CONTINUED ADDITIONAL USE OF LIFT TOWER FOR ABSEILING, NATIONAL LIFT TOWER, TOWER SQUARE**

Report of Head of Planning (copy herewith).

**Ward: St James.**

**(E) N/2013/0232 ERECTION/RETENTION OF BALL STOP NETTING (10M HIGH) FOR 100M ALONG WEST BOUNDARY OF SAINTS CRICKET AND HOCKEY CLUB, BIRCHFIELD ROAD EAST, NORTHAMPTON**

Report of Head of Planning (copy herewith).

**Ward: Westone.**

**(F) N/2013/0297 ERECTION OF SINGLE-STOREY DWELLING INCLUDING DETACHED GARAGE, R/O 25 PENFOLD LANE, GREAT BILLING**

Report of Head of Planning (copy herewith).

**Ward: Billing.**

**(G) N/2013/0365 CHANGE OF USE FROM SINGLE DWELLING TO HOUSE IN MULTIPLE OCCUPATION FOR FOUR PEOPLE, 6 WHITWORTH ROAD**

Report of Head of Planning (copy herewith).

**Ward: Abington.**

**(H) N/2013/0379 VARIATION OF CONDITION 2 OF PLANNING PERMISSION 95/0468 TO INCREASE NUMBER OF LETTING UNITS FROM SEVEN TO NINE, 20 ST MICHAELS AVENUE**

Report of Head of Planning (copy herewith).

**Ward: Castle.**

**(I) N/2013/0444 RETENTION OF USE OF PROPERTY AS HOUSE IN MULTIPLE OCCUPATION FOR 4 TENANTS, 71 HERVEY STREET**

Report of Head of Planning (copy herewith).

**Ward: Castle.**



**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

**(A) CONSULTATION RESPONSE TO PROPOSED DELISTING OF FORMER  
ST EDMUND'S HOSPITAL**

Copy of report herewith.

**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:-**

## NORTHAMPTON BOROUGH COUNCIL

### PLANNING COMMITTEE

Tuesday, 7 May 2013

**PRESENT:** Councillor Flavell (Chair); Councillor Golby (Deputy Chair);  
Councillors Aziz, Hallam, Hibbert, Lane, Lynch, Mason, Meredith,  
Oldham and Palethorpe.

#### 1. APOLOGIES

Apologies for absence were received from Councillor Davies.

#### 2. MINUTES

The minutes of the meeting held on 9 April 2013 were agreed and signed by the Chair.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

**RESOLVED:** That Councillor Caswell, Mr Gary Boddington, Mrs Marlene Williamson, Duston Parish Councillor Alan Earle and Councillor Golby be granted leave to address the Committee in respect of application no, N/2013/0131.

That Mrs Sarah Cayton be granted leave to address the Committee in respect of application no. N/2013/0211.

#### 4. DECLARATIONS OF INTEREST/PREDETERMINATION

Councillor Golby declared "predetermination" of application no. N/2013/0131 as intending to speak against the application.

Councillor Caswell declared a Personal interest in application no. N/2013/0131 as a Ward Member.

#### 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 elaborated thereon. He stated that of the two outstanding appeals, a site visit would be taking place in respect of E/2012/0157 during May and he hoped to be able to report the outcome of the appeal to the next meeting of the Committee.

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

## **7. OTHER REPORTS**

### **(A) DEVELOPMENT MANAGEMENT ACTIVITY AND PERFORMANCE 2012-13**

The Head of Planning submitted a report on activity and performance during 2012-13 and elaborated thereon. It was noted that performance was meeting or exceeding local and national targets.

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

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

None.

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

None.

## **10. ITEMS FOR DETERMINATION**

### **(A) N/2013/0131 - REDEVELOPMENT OF SITE TO PROVIDE A CONVENIENCE STORE (CLASS A1) INCLUDING ANCILLARY PARKING AND SERVICE AREA AT ASHTREE SERVICE STATION, 237-245 MAIN ROAD, DUSTON, NORTHAMPTON**

Councillor Golby moved to the public seating in accordance with his declaration of predetermination set out at minute 4 above.

The Head of Planning submitted a report in respect of application no. N/2013/0131, elaborated thereon and referred to the Addendum that set out further representations received plus the officer's responses, and noted that a revised plan had been submitted which had led to a revised wording of proposed condition 2.

Councillor Caswell, as the Ward Councillor, stated that the area did not need another shop as there were already seven in the vicinity. This would be a huge shop and the existing shops would be put out of business. There is a good bus service to take residents to the big supermarkets in town. Another shop is not needed in the area and the Duston Parish Council had other ideas they would like to be considered on the site.

Mr Gary Boddington, speaking on behalf of another local resident, stated that two properties facing the site (256 and 258 Main Road) were not mentioned in the report. As there was only one vehicular entrance to the site the lights of vehicles exiting the site at night would shine into the living room of 256 Main Road and would be intrusive and a violation. The current service station closed at 6pm. Delivery vehicles would need to use the car park to access the proposed shop. Vehicle parking would encroach on the grass verges. The bus stop was to remain outside the site and would make the area busy. No mention was made of access for emergency vehicles along the road and to the site. The shop would be able to sell what it liked and was unnecessary as there were already two shops in close proximity. The nearest existing convenience store was three shops away.

Mrs Marlene Williamson stated that she lived opposite the proposed shop. She stated that she and other residents would suffer from increased traffic to the shop, which was already horrendous now and frightening crossing the road. If she did not leave home before 8am she could not get the car off her property and she was unable to drive on to her property between 2.30pm and 4pm. The proposed shop was unnecessary as there was a convenience store nearby and five other local shops. Other shops were also convenient via car or bus. There were problems with young people gathering around the telephone box at the site which was intimidating and there were instances of anti-social behaviour.

Parish Councillor Alan Earle, Chairman of Duston Parish Council, referred to the traffic problems in the area and the need to support local shops to keep Duston vibrant and viable. He referred to a petition against the application, which had been kept in a local shop and signed by over 800 people, plus over 168 letters of objection. He referred to anti-social behaviour in the alley next to the site. The Parish Council wished to see affordable housing on the site to protect the viability of Duston.

Councillor Golby stated that he believed a shop would not be efficient use of the site and referred to two convenience stores close by. He stated that there was a need to support local businesses as part of the community. He also referred to the traffic issues around the site and anti-social behaviour where people gathered in the alleyway and by the bus stop. Nearly 1,000 people had objected to the application. He supported Duston Parish Council's wish to see affordable housing on the site.

(Councillor Golby left the meeting in accordance with his earlier stated declaration of predetermination.)

The Head of Planning stated that many of the issues referred to by the speakers, including anti social behaviour and traffic issues were already in existence and that the application was likely to improve the situation by introducing CCTV cameras and a new car parking layout at the site. The Highway Authority had offered no objections to the proposal. The site was located in a local centre and the proximity of other shops and convenience stores was not a material planning consideration. Existing shops were able to open beyond 6pm, which was the closing time of the current filling station. The Committee had to consider the application submitted and could not consider potential alternative uses for the site such as affordable housing, for which no application had been made. The application was for a convenience store of 279.2m<sup>2</sup>, which fell well within the figures of 2,500m<sup>2</sup> in the NPPF and 1,000m<sup>2</sup> in submitted Joint Core Strategy. Each local centre had parity and the impact of the proposed store could not be considered on the other local centre in Duston village. It was important to ensure that each application was judged on its merits.

The Committee discussed the application.

The Committee considered that legal advice was required on the issues under discussion. It was agreed that that there should be a short adjournment and the Committee would then reconvene in private session to receive that advice.

**The Chair moved that the public and press be excluded from the meeting on the grounds that there would be disclosure to them of exempt information as**

**defined by section 100(1) of the local Government Act 1972 by reference to paragraph 3 of Schedule 12(A) to such Act. The motion was carried at 7.17pm.**

The Committee took legal and procedural advice from the Head of Planning and the Borough Secretary and Monitoring Officer.

**The Committee then resumed in public session at 7.32pm.**

Councillor Meredith proposed and Councillor Oldham seconded, "That the proposed development would have a detrimental impact on visual and neighbour amenity contrary to Policy E20 of the Northampton Local Plan."

**RESOLVED:** That the proposed development would have a detrimental impact on visual and neighbour amenity contrary to Policy E20 of the Northampton Local Plan

(Councillor Golby re-joined the meeting.)

**(B) N/2013/0153 - VARIATION OF CONDITION 3 OF PLANNING APPROVAL N/2008/0521 TO EXTEND HOURS OF USE OF GATES UNTIL 21:00 TO ALLOW PEDESTRIAN ACCESS TO DELAPRE PARK AT MENCAP DAY CENTRE, DELAPRE PARK, LONDON ROAD**

The Head of Planning submitted a report in respect of application no. N/2013/0153, elaborated thereon and referred to the Addendum that proposed an additional condition (3).

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and amended by the Addendum as the proposal would have no undue adverse impact on the character and appearance of the Conservation Area or on the amenities of adjoining occupiers and would provide a suitable level of security for the site. The proposal would thereby comply with Policies E20 and E40 of the Northampton Local Plan and National Planning Policy Framework.

**(C) N/2013/0211 - CHANGE OF USE FROM DWELLING (USE CLASS C3) INTO HOUSE OF MULTIPLE OCCUPATION (USE CLASS C4) FOR 5NO. OCCUPANTS AT 52 BECTIVE ROAD**

The Head of Planning submitted a report in respect of application no. N/2013/0211, elaborated thereon and referred to the Addendum that contained representation and the officer's comments.

Mrs Sarah Cayton, the applicant, stated that it was the intention of herself and her husband to rent the property to university students, as they did with a similar nearby property. They are approved landlords with the University of Northampton, live nearby and would manage any issues which arose in respect of the property. They had developed a good relationship with the adjoining neighbours and all neighbours had a copy of the management plan for the property and contact details for Mr and

Mrs Cayton. The living accommodation had been kept to a small size to discourage students from entertaining in the property.

The Head of Planning stated that the application met the criteria that all rooms had to be sensibly proportioned.

The Committee discussed the application.

**RESOLVED:** That the application be approved subject to the conditions set out in the report as the proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policy H30 of the Northampton Local Plan.

**(D) N/2013/0297 - ERECTION OF SINGLE-STOREY DWELLING INCLUDING DETACHED GARAGE AT LAND REAR OF 25 PENFOLD LANE, GREAT BILLING**

This application had been withdrawn from the agenda.

**11. ENFORCEMENT MATTERS**

None.

**12. ITEMS FOR CONSULTATION**

**(A) N/2012/1252 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 200 DWELLINGS (INCLUDING AFFORDABLE HOUSING) INCLUDING ROAD INFRASTRUCTURE, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE AND ENGINEERING WORKS (ACCESS NOT RESERVED) ON LAND TO EAST OF HARLESTONE ROAD**

The Head of Planning submitted a report on a consultation by Daventry District Council in respect of application no. N/2012/1252, elaborated thereon and referred to the Addendum that contained a letter from the applicant's agent and the officer's response.

The Head of Planning cross-referenced the agent's responses in the Addendum to the points raised in the report. He then detailed the officer's responses to the comments made by the agent and stated that the agent's responses did not adequately address the Council's concerns. Although the application was in the Daventry District Council area the proposed houses would be built to meet the housing needs of Northampton Borough. Officers were concerned that this application should not be seen as a standalone development but as part of the larger Dallington Grange development.

The Committee noted that the Head of Planning intended to meet her counterpart at Daventry District Council to discuss issues relating to the site and the Dallington Grange development. There were some issues which were likely to require agreement under delegated authority. The Committee supported the need for the Head of Planning to be able to take this action.

The Committee discussed the application.

**RESOLVED:**

- (1) That Daventry District Council be informed that the Council objects to the application on the basis that the s106 agreement, as currently proposed, would fail to address the infrastructure needs of the development or provide an adequate quantum or level of affordable housing. In particular:
  - The current level of affordable housing proposed is 15% of the total number of dwellings. The split of affordable housing by tenure is not known at this stage. DDC's Affordable Housing SPD requires a provision of 29% unless justified through a viability appraisal. No such appraisal has been disclosed to NBC.
  - As the site sits within the Northampton Related Development Area (NRDA) the affordable housing provision will meet the housing needs of Northampton Borough. Consequently, NBC requests full input into the negotiation and drafting of the s106 with regard to affordable housing, including any discussions relating to financial viability.
  - As part of the wider Dallington Grange SUE, the proposal should make a proportionate contribution towards strategic infrastructure, including education and highway improvements. NBC requests that no decision is taken until agreement is reached with NCC regarding the primary education contribution. The s106 should also recognize the proportionate contribution of the development (as part of the greater SUE) towards secondary education and the A45/M1 Access Management Strategy, as set out in the memorandum of understanding between Local Planning Authorities and the County Council.
  - In the absence of appropriate s106 contributions, as set out above, it is considered that the proposal forms an unsustainable, stand-alone, scheme that fails to recognise the affordable housing needs of the area and the wider infrastructure needs of the Dallington Grange SUE. As such it is inconsistent with Policy N7 of the submission West Northamptonshire Joint Core Strategy and paragraph 14 of the NPPF.
  - Request that DDC clarify the future noise levels associated with the North-West bypass to ensure that a satisfactory level of residential amenity can be achieved for proposed dwellings along its route. In particular, reference is made to the noise assessment within the Environmental Impact

Assessment submitted with the Dallington Grange application and the disparity with the noise report submitted with the current scheme.

- (2) And that the Head of Planning be given delegated authority to deal with pursuant negotiations and respond to any further consultation on this proposed development.

The meeting concluded at 8:10 pm.



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



**List of Appeals and Determinations – 11<sup>th</sup> June 2013**

<b>Written Reps Procedure</b>			
<b>Application</b>	<b>Del/PC</b>	<b>Description</b>	<b>Decision</b>
<b>E/2012/0157</b> APP/V2825/C/12/2184313	ENF	Non ancillary storage and motor vehicles at 2 Sussex Close	<b>AWAITED</b>
<b>N/2012/1166</b> APP/V2825/H/13/2194528	DEL	Externally illuminated advertisement display panels at Royal Mail, 55 Barrack Road	<b>AWAITED</b>
<b>N/2012/1219</b> APP/V2825/A/13/2196964	DEL	Conversion of existing garage into a 1no. bed dwelling including front and rear dormers to roof and erection of front bay window and side porch at 9 Manor Road, Kingsthorpe	<b>AWAITED</b>
<b>N/2012/1267</b> APP/V2825/A/13/2197666	DEL	Change of use to house of multiple occupation for up to 8 people (Use Class Sui Generis) – Retrospective at 1 Manfield Road	<b>AWAITED</b>
<b>Public Inquiry</b>			
		None	
<b>Hearing</b>			
		None	

The Address for Planning Appeals is: Mr Brian Rowe, Room 301, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.	Appeal decisions can be viewed at - <a href="http://www.planningportal.gov.uk">www.planningportal.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 838014 Planning and Regeneration The Guildhall, St Giles Square, Northampton, NN1 1DE



**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**PURPOSE:** To consider the review of the Local Requirements for the Validation of Planning Applications

**REFERRED BY:** Head of Planning  
**REASON:** Committee Decision under the Scheme of Delegation

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## **1. RECOMMENDATION**

- 1.1 That Members:
- Approve the draft Local Validation List appended at Annex A
  - Approve the proposed consultation procedure
  - Delegate authority to the Head of Planning to incorporate consultation responses into the list and
  - Adopt an amended final version by July 31<sup>st</sup> 2013

## **2. BACKGROUND**

- 2.1 Since April 2008 the validity of planning applications received by this authority has been informed by a locally adopted Local Validation List. This sets out what information, over and above the national requirements, is necessary to accompany planning applications before it is registered as a valid application.
- 2.2 It was always the Government's intention that local planning authorities (LPAs) review their local validation lists and in summer 2009 it issued three consultation papers in response to the Killian Pretty review of 2008 which recommended reforms to the planning system. One paper was entitled Streamlining Information Requirements for Planning Applications.
- 2.3 The Killian Pretty Review recommended that there should be a more proportionate approach to information requirements to reduce costs for the applicant and to reduce the amount of time taken by LPAs and statutory consultees to read unnecessary detail during the

determination period. There was concern that LPAs' local lists of requirements were too long and that some local lists were being applied in a manner which results in the submission of a large number of supporting documents, some of which were not necessary for the determination of the application.

- 2.4 In The Plan for Growth issued alongside the 2011 Budget, the Government announced a programme of measures to simplify and streamline the arrangements for making and determining planning applications in England. This reflects its wider ambition to make the planning system more efficient and positive in outlook and operation.
- 2.5 An important part of this is making sure that what an applicant must do to seek and obtain planning permission is proportionate. Applicants are obliged to satisfy a wide range of information requirements when they submit their planning applications to the LPA. Some of these requirements are nationally prescribed, but local planning authorities have strong, broad powers to impose their own requirements by means of their Local Validation List.
- 2.6 The key purpose of stipulating what a planning application must comprise is to ensure its validity so that LPAs have 'up front' the information that is essential for a sound, timely and confident decision. It also means that statutory consultees and other third parties who look at and comment on applications can clearly understand the development for which permission is being sought, and what the impacts (both positive and negative) are likely to be.
- 2.7 The Killian Pretty Review recommended that information requirements for all planning applications should be made clearer, simpler and more proportionate, with unnecessary requirements removed. A range of regulatory, policy and guidance changes were then made, but concern about disproportionate information persists.
- 2.8 The key issue is that the right information must be available, at an appropriate time, to support good decision-making. The National Planning Policy Framework guides applicants to discuss information requirements with the LPA and key consultees early on. The changes proposed support this approach: they remove nationally-imposed requirements that are not needed for every application, allowing space for local agreement on what is needed.
- 2.9 The Government wants to ensure that the information that applicants for planning permission are asked to provide is proportionate. This applies to both national and local information requirements and intends to go further than the improvements already made, particularly for outline applications. In 2012 the Government sought views on changes to secondary legislation including that there should be "strong encouragement for local planning authorities to keep their local information requirements under frequent review".

- 2.10 A statutory instrument came into force on 31 January 2013 the effect of which is that for a Local Validation List to carry any weight it must have been published within 2 years before the planning application is made. This applies to applications made on or after 31 July 2013.
- 2.11 Northampton Borough Council's Local Validation Requirements list was published in April 2008 and therefore will not carry any weight after 30<sup>th</sup> July 2013, unless a revised list is adopted on or before this date. In the absence of this, only the national requirements will apply from the 30<sup>th</sup> July.
- 2.12 The Local Validation List has therefore been reviewed in the light of the statutory instrument and Government policy.
- 2.13 New draft validation requirements have been produced which represent a fundamental rewrite of the requirements, so that only those items which are necessary for the particular application are required to be submitted. The review will also to make the document more readable. The draft document is appended to this report as Annex A.
- 2.14 The document is been broken down into individual application types, with the requirements listed for each type in Section 1. An applicant making a particular application can thus go directly to their application type and need not concern themselves with requirements for other applications.
- 2.15 Section 2 of the document then sets out in detail what is entailed in each of the required elements. This format means that the detail of each element needs only to be set out once thereby avoiding the unnecessary duplication of the current document.
- 2.16 It is considered that the document now provides a clear statement of the requirements, which will be readable and understandable by all types of applicant, from householders applying for the first time to experienced agents.
- 2.17 As regards the content of the requirements, this has been set out to include the national as well as the local requirements. Although the national requirements would apply in any event, it is considered that this format will mean that applicants only need to refer to one document when making a planning application to Northampton Borough Council.
- 2.18 All that remains is for consultation to be carried out on the content of the requirements, in accordance with the regulations. It is proposed to consult a range of local agents, major developers and other relevant interested parties.
- 2.19 Following on from this consultation, amendments to the list of requirements will be carried out, as appropriate. Authority is sought from the Planning Committee for these amendments to be made by the

Head of Planning, unless these fundamentally alter the scope and nature of the draft requirements. This is necessary in order to ensure that the list of requirements can be adopted by July 31<sup>st</sup>. Once adopted the list can be reviewed at any time so there will be opportunity for any requirements in the final version which are of concern to Committee members to be reconsidered.

### **3. CONCLUSION**

- 3.1 Committee is recommended to approve the draft list of Local Validation Requirements and consultation procedure and to delegate authority to the Head of Planning for any necessary amendments

### **4. BACKGROUND PAPERS**

- 4.1 The Validation of Planning Applications: Guidance for Local Planning Authorities. DCLG, December 2007.  
Killian Pretty Review, DCLG, November 2008  
The Plan for Growth, HM Treasury, March 2011  
Streamlining Information Requirements for Planning Applications, DCLG, July 2012

### **5. LEGAL IMPLICATIONS**

- 5.1 None.

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

- 6.1 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. The recommendations are consistent with the objectives of securing an efficient and effective planning service.

**NORTHAMPTON BOROUGH COUNCIL**

**DRAFT LOCAL VALIDATION REQUIREMENTS**

**MAY 2013**

## **Introduction**

The purpose of validation requirements is to achieve consistency in the decision making process and to make the process of applying for planning permission more straight forward for developers by providing greater clarity as to the information that needs to be submitted with an application.

The validation of a planning application is essentially a checking process to ensure that the information required to assess a planning application has been submitted at the start of the process. It is important that the necessary information is submitted, otherwise consideration of the application would be subject to unnecessary delay.

This document is intended to provide a useable manual to assist developers in preparing applications for planning permission and other planning consents, by providing clear information as to what information should be submitted with each application type. In order to do this, the guide has been broken down by application type, with clear reference to the documents/information that is required for each application type.

This document has been arranged to allow quick and easy access to the information requirements for the type of application you are submitting.

Section 1 of the document sets out each type of application followed by a list of requirements. To avoid repetition and reduce the size of the document, the details of each required item are listed separately at Section 2. Further information is provided in appendices.

Developers are encouraged to discuss their proposals with the Council prior to submission. The benefit of this is that additional advice can be provided as to the various criteria described within this document.

# **Section 1 - Information Required By Application Type**

## **Householder Planning Applications**

### **Extensions**

#### **Essential requirements –**

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area.*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Roof Plans - Existing & Proposed - *only where complex roof forms are proposed.*

### **Domestic Outbuildings**

#### **Essential requirements –**

- Location plan
- Block plan
- Elevations - Proposed
- Floor Plans - Proposed
- Site Plan

#### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area.*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*



## **Boundary Fences**

### **Essential requirements -**

- Location plan
- Block Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed

### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area.*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*

## **Driveways / dropped kerbs and other householder applications**

### **Essential requirements –**

- Location Plan
- Block Plan
- Site Plan – Existing
- Site Plan – Proposed

### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Design and Access Statement - *within a conservation area.*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*

# **Non Householder Planning Applications**

## **Buildings and Extensions (other than dwellings)**

### **Essential requirements –**

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Site Plan - Existing
- Site Plan - Proposed

### **Criteria based requirements –**

#### ***Major Applications (see definition in Appendix)***

- Draft Section 106 Heads of Terms – *if identified in NBC's adopted Policy and / or identified through the pre-application process*
- Transport assessment / Travel plan
- Roof Plans - Existing & Proposed - *only where complex roof forms are proposed.*

#### ***Noisy Uses (See Appendix for specific uses)***

- Noise Impact Assessment
- Technical Specification - *of any new plant or equipment*

#### ***Odour creating schemes (See Appendix for specific uses)***

- Odour Attenuation Scheme

### **Other criteria based requirements –**

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Contamination assessment – *when on previously developed land and in some cases on greenfield sites.*
- Design and Access Statement - *see Appendix for criteria.*
- Environmental Impact Assessment - *see Appendix for more information as to when this is required.*
- Flood Risk Assessment - *see Appendix for criteria*

- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Lighting Assessment - *when floodlighting proposed.*
- Marketing Information – *where the proposal is for a use not in accordance with the development plan and / or the NPPF.*
- Noise Levels Assessment - *for noise sensitive uses.*
- Roof Plans - Existing & Proposed - *only where complex roof forms are proposed.*
- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Sequential Assessment Of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) proposed in a location not in accordance with the development plan and / or the NPPF.*
- Streetscene Drawings - *required for infill developments within an existing street or for major developments where new streets are created.*
- Visual Impact Assessment - *when buildings of 15m or more in height are proposed.*

### **Change of Use**

*Change of use of a property only, with no alterations to the building.*

#### **Essential requirements -**

- Location Plan

#### **Criteria based requirements –**

##### **Noisy Uses** (See Appendix for specific uses)

- Noise Impact Assessment
- Noise Levels Assessment
- Technical Specification - *of any new plant or equipment*

##### **Odour creating schemes** (See Appendix for specific uses)

- Odour Attenuation Scheme

#### **Other criteria based requirements –**

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Air Quality Assessment - *when situated within an Air Quality Management Area (see Appendix)*
- Draft Section 106 Agreement Heads of Terms - *if identified in NBC's adopted Policy and / or identified through the pre-application process*
- Flood Risk Assessment - *see Appendix for criteria*
- Floor Plans - *depending on the use proposed, will be essential for residential use and others where the layout of the use needs to be considered.*
- Marketing Information – *where the proposal is for a use not in accordance with the development plan and / or the NPPF.*

- Planning Statement
- Sequential Assessment Of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) in an edge of centre or out of centre location not in accordance with the development plan and / or the NPPF.*
- Transport Assessment / Travel Plan - *when major development as defined in Appendix*

### **Driveways and dropped kerbs**

#### **Essential requirements –**

- Location Plan
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements -**

- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Design and Access Statement - *see Appendix for criteria, generally only required if in a Conservation Area*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*

### **Dwellings (Residential Developments)**

#### **Essential requirements -**

- Location Plan
- Block Plan
- Contamination Assessment
- Design and Access Statement
- Elevations - Proposed
- Floor Plans - Proposed
- Landscaping Scheme
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements -**

#### ***Development in excess of 10 dwellings***

- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Air Quality Assessment - *when situated within an Air Quality Management Area (see Appendix)*
- Biodiversity Assessment
- Masterplan
- Noise Impact Assessment
- Noise Level Assessment

- Transport Assessment / Travel Plan

### **Other Criteria Based Requirements**

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Design and Access Statement - *see Appendix for criteria*
- Draft Section 106 Agreement Heads of Terms - *if identified in NBC's adopted Policy and / or identified through the pre-application process*
- Environmental Impact Assessment - *see Appendix for more information as to when this is required.*
- Flood risk assessment - *see Appendix for criteria*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Marketing Information - *where residential development is not in accordance with the development plan and / or the NPPF.*
- Roof Plans - Existing & Proposed - *only where complex roof forms are proposed.*
- Streetscene drawings - *when in excess of 10 dwellings or involving infill development.*
- Visual Impact assessment - *when buildings in excess of 15m*

### **Energy generating equipment**

#### **Essential requirements -**

- Location Plan
- Block Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed
- Noise Impact Assessment
- Technical Specification

#### **Criteria based requirements -**

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Biodiversity Assessment - *when located within a site that has not been previously developed.*
- Design and Access Statement - *see Appendix for criteria.*
- Elevations - Existing - *when attached to a building.*

- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Roof plans – Existing and Proposed - *when equipment attached to a roof.*
- Visual Impact Assessment - *when installation is in excess of 15m in height.*

### **Fences, Wall and Enclosures**

#### **Essential requirements -**

- Location Plan
- Elevations - Proposed
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements -**

- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Design and Access Statement - *see Appendix for criteria.*
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*

### **Floodlighting**

#### **Essential requirements -**

- Location Plan
- Elevations - Proposed
- Lighting assessment
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements –**

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Arboricultural assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Design and Access Statement - *see Appendix for criteria.*

### **Outline applications**

#### **Essential requirements -**

- Location Plan
- Indicative Parameters

### **Criteria based requirements –**

- Applicant’s Statement of Community Involvement – *when required by the Council’s adopted Statement of Community Involvement policy.*
- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Air Quality Assessment - *when in excess of 10 dwellings and situated within an Air Quality Management Area.*
- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*
- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Contamination assessment – *when on previously developed land and in some cases on greenfield sites.*
- Design and Access Statement - *see Appendix for criteria.*
- Draft Section 106 Agreement Heads of Terms - *if identified in NBC’s adopted Policy and / or identified through the pre-application process*
- Environmental Impact Assessment – *see Appendix for more information as to when this is required.*
- Flood risk assessment - *see Appendix for criteria*
- Masterplan
- Noise Impact Assessment - *for “Noisy Uses” as identified in the Appendix*
- Noise Level Assessment - *for noise sensitive uses.*
- Transport Assessment.

### **Plant and machinery**

#### **Essential requirements -**

- Location Plan
- Block Plan
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Noise Impact Assessment
- Site Plan - Existing
- Site Plan - Proposed
- Technical Specification

#### **Criteria based requirements -**

- Applicant’s Statement of Community Involvement – *when required by the Council’s adopted Statement of Community Involvement policy.*
- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Biodiversity Assessment - *when located within a site that has not been previously developed.*
- Design and Access Statement - *see Appendix for criteria.*



- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Visual Impact Assessment - *when installation is in excess of 15m in height*

### **Renewal of Planning Permission**

#### **Essential requirements -**

- Location Plan

#### **Criteria based requirements -**

- Affordable Housing Statement - *when in excess of 14 dwellings.*
- Draft Section 106 Heads of Terms – *if identified in NBC's adopted Policy and / or identified through the pre-application process*

#### ***If required for the granting of the original application and the previous document is more than two years old –***

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Air Quality Assessment – *will also be required if a new AQMA covering the site has been designated since the original application.*
- Biodiversity Assessment
- Flood Risk Assessment - *see Appendix for criteria*
- Transport Assessment



## **Other Applications & Notifications**

### **Advertisement Consent**

- Location plan
- Colour Drawings / Graphics Of Proposed Advertisements
- Elevations - Existing
- Elevations - Proposed

### **Certificate of Lawfulness - Proposed Use**

- Location plan
- Evidence

### **Certificate of Lawfulness - Existing Use**

- Location plan
- Evidence

### **Certificate of Lawfulness - Proposed Development**

#### **Essential requirements -**

- Location Plan
- Block Plan
- Evidence
- Site Plan - Existing
- Site Plan - Proposed

#### **Criteria based requirements (*depending on nature of development*) –**

- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Roof Plan - Existing
- Roof Plan - Proposed

### **Certificate of Lawfulness - Existing Development**

#### **Essential requirements –**

- Location plan
- Block plan
- Elevations - As Built (See “Elevations - Proposed” for requirements)
- Evidence
- Floor Plans - As Built (See “Floor Plans - Proposed” for requirements)
- Site Plan - As Built (See “Floor Plans - Proposed” for requirements)

**Criteria based requirements (*depending on nature of development*) –**

- Elevations - as existing prior to development\*
- Floor Plans - as existing prior to development\*
- Roof Plan - as existing prior to development\*
- Roof Plan - as built (See “Proposed” for requirements)
- Site Plan - as existing prior to development\*

\*See “Existing” for Requirements

**Conservation Area Consent**

**Essential requirements –**

- Location Plan
- Block Plan
- Design and Access Statement
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Heritage Impact Assessment
- Method Statement
- Site Plan - Existing
- Site Plan - Proposed

**Criteria based requirements –**

- Roof Plans - Existing
- Roof Plans - Proposed
- Structural Survey

**Listed Building Consent**

**Essential requirements –**

- Location Plan
- Block Plan
- Design and Access Statement
- Elevations - Existing
- Elevations - Proposed
- Floor Plans - Existing
- Floor Plans - Proposed
- Heritage Impact Assessment
- Site Plan - Existing
- Site Plan - Proposed

### **Criteria based requirements –**

- Method Statement - *where demolition is proposed*
- Roof Plans - Existing
- Roof Plans - Proposed
- Site Photographs - *where alterations to Grade I or Grade II\* buildings or demolition of any listed building is proposed.*
- Structural Survey

### **Non Material Amendment to Planning Permission**

#### **Essential requirements –**

- Location Plan
- Block Plan
- Site Plan - Proposed

#### **Criteria based requirements –**

- Elevations - Proposed
- Floor Plans - Proposed
- Roof Plans - Proposed

### **Prior Notification of Demolition**

#### **Essential requirements –**

- Location plan
- Method Statement
- Site Notice

#### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*

### **Prior Notification of the installation of telecommunications apparatus**

#### **Essential requirements –**

- Location Plan
- Elevations – Proposed
- ICNIRP Declaration
- Justification Statement
- Site Plan - Existing
- Site Plan – Proposed

#### **Criteria based requirements –**

- Arboricultural Assessment - *when works will take place within root protection areas or result in the removal of trees or hedges.*

## **Reserved Matters**

### **Essential requirements –**

- Location Plan
- Block Plan
- Site Plan - Existing

### **Criteria based requirements –**

***Any matters not covered at the outline stage, which may include any or all of the following -***

- Applicant's Statement of Community Involvement – *when required by the Council's adopted Statement of Community Involvement policy.*
- Air Quality Assessment- *when situated within an Air Quality Management Area (see Appendix)*
- Arboricultural Assessment - *when works affect or would result in the removal of existing trees.*
- Archaeological Assessment – *for development likely to have impact on archaeological assets when within a conservation area, or within the curtilage of a listed building or Scheduled Ancient Monument, or area designated in the Development Plan as of archaeological significance.*
- Biodiversity Assessment - *when located within a site that has not been previously developed.*
- Contamination Assessment - *when on previously developed land and in some cases on greenfield sites*
- Design and Access Statement - *see Appendix for criteria.*
- Elevations – Existing
- Elevations – Proposed
- Environmental Impact Assessment- *see Appendix for more information as to when this is required.*
- Flood Risk Assessment - *see Appendix for criteria*
- Floor Plans – Proposed
- Heritage Impact Assessment - *when development affects a Heritage Asset such as within a Conservation Area and / or in the curtilage of a Listed Building / Curtilage Listed Building, or Scheduled Ancient Monument.*
- Landscaping Scheme
- Lighting Assessment
- Masterplan
- Marketing Information - *where the proposal is for a use not in accordance with the development plan and / or the NPPF.*
- Method Statement - *where demolition is proposed*
- Noise Impact Assessment - *for “noisy uses” as defined in the Appendix*
- Noise Levels Assessment - *for noise sensitive uses*
- Odour Attenuation Scheme
- Planning Statement
- Roof Plans – Proposed

- Sequential Assessment of Alternative Sites - *required for new or extended town centre uses (as defined in Appendix) in an edge of centre or out of centre location not in accordance with the development plan and / or the NPPF.*
- Site Plan – Proposed
- Streetscene drawings
- Technical Specification
- Transport Assessment/Travel Plan
- Visual Impact Assessment - *when buildings / structures in excess of 15m are proposed*

#### **Right of way diversion**

- Location Plan
- Justification Statement
- Site Plan - *showing proposed and existing routes.*

#### **Variation / Removal of Condition**

- Location Plan
- Details Specified In Condition
- Justification Statement

#### **Retrospective Applications**

*Requirements for retrospective applications will be the same as for those made in advance of the development or change of use. Where existing or proposed plans are referred to these should be “as existing prior to development” and “as built”.*

## **Section 2 - Definitions**

### **Location Plan (required for all applications)**

This should be up to date and clearly identify the location of the application site and all adjoining properties, with all boundaries and access from the highway marked by a red line. A blue line should mark the boundaries of any adjoining land that does not fall within the application site, but is under the control of the applicant. The plan should be drawn at a scale of 1:1250 (or 1:2500 for large sites) and, where practical, include two street names. A north point should be indicated and normally north should be to the top of the page.

### **Applicant's Statement of Community Involvement**

A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

### **Affordable Housing Statement**

This should include a plan proposing the units to be used for affordable accommodation and the tenure type. The statement should outline the reasons for why these dwellings have been chosen and a justification of the overall level of affordable housing within the development.

### **Air Quality Assessment**

This is a report that assesses the likelihood of there being a deterioration of amenity at nearby premises due to air quality issues. The report should include an assessment of the likely air quality impacts and will require air quality dispersion modelling supported by local air quality monitoring data. This data is required for the purpose of verifying the modelling study and must be collected over a sufficient period of time.

### **Archaeological Assessment:**

This desk-based assessment should include a study of the recorded history and archaeology of a site, is undertaken to evaluate its archaeological potential, and in order to determine the need for and nature of any archaeological work that may be required in response to development proposals. Prospective developers are encouraged to enter into pre-application discussions in order to obtain advice on likely requirements.

### **Arboricultural Assessment**

This assessment should include details of the accurate position of all the trees (including canopy spread and root area) and, species of all trees on the site, an assessment of their health and vigour and amenity value, whilst specifying whether they are to be proposed to be retained or removed and why. Tree protection measures during the construction process and life of the development should also be identified.

## **Biodiversity Assessment**

This should include details of any significant wildlife habitats or features within the site and in particular, focus on, designated sites; protected species; and priority habitats.

Where a proposed development is likely to affect such a site of species, an assessment will be required. Surveys should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be undertaken within the last available season before the submission of the application. The survey must be to an appropriate level of scope and detail and must record which habitats and species are present on or around the site; identify the extent/area/length present; and map their distribution. The assessment should demonstrate how adverse effects will be avoided wherever possible; how unavoidable impacts will be mitigated or reduced; how impacts that cannot be avoided or mitigated will be compensated; and how alternative designs or locations have been considered.

## **Block Plan**

This should identify the position of any buildings on the site and adjoining properties together with boundary treatments and proposed development in context with neighbouring buildings, including outbuildings and be drawn at a scale of 1:500.

## **Colour drawings / graphics of proposed advertisements**

Drawings which show the design of the proposed advertisements, including the colours used. These should be at a larger scale than the representation of advertisements within elevations.

## **Contamination Assessment**

Where land is to be newly developed or re-developed, a desktop study is required, which should as a minimum determine if there have been any historically contaminative uses of the site or whether the site has any naturally occupying contamination. This will indicate if an intrusive investigation is required and identify potential remediation strategies.

## **Design and Access Statement**

A document that explains the design thinking behind a planning application, and how access will be provided, including access for disabled people. This should include a written description and justification of the planning application. Sometimes photos, maps and drawings may be needed to further illustrate the points made. Statements should avoid jargon or overly technical language and must be written specifically for the application they accompany. They need not be very long, but the amount of detail they contain should reflect the complexity of the application.

## **Details Specified in Condition**

The details originally required by the condition to be varied or removed, updated as appropriate.

## **Draft Section 106 Heads of Terms**

This should set out the likely matters to be covered by a Section 106. Typical items secured by a Section 106 Agreement include affordable housing, education provision and open space facilities. Prospective developers are encouraged to enter into pre-application discussions in order to obtain advice on likely requirements.

### **Elevations - Existing**

These should show all elevations of the building that are relevant to the proposed development and drawn at a scale of 1:50 or 1:100

### **Elevations - Proposed**

The plans should be drawn to a scale of 1:50 or 1:100 and include all new elevations. These should show the development in situ and therefore include details as to how the proposed works relate to any existing structures or buildings and to the site boundaries, which should be shown dotted on the elevations.

### **Environmental Impact Assessment**

The precise content of the Environmental Impact Assessment will be guided by the Scoping Process, as set out in the Appendix.

### **Evidence**

Evidence is required when submitting a Certificate of Lawfulness application and should specify the reasons why the development is considered to be lawful. This will be either an explanation of why planning permission is not required due to permitted development rights or evidence of when the development was constructed or the use commenced, in the case of development or use which is considered to have become lawful due to the passage of time.

### **Flood Risk Assessment**

A Flood Risk Assessment is a statement that considers the risk of flooding arising from the development, in addition to the development being flooded; assesses the impacts of climate change; consider the potential adverse and beneficial effects of flood risk management; consider the vulnerability of those that would occupy and use the development, including securing a safe means of access; consider the impacts of differing types of flooding (such as from natural or humans sources and the cumulative effect of both) and identify flood reduction measures; consider the effects of a range of flooding events; include an assessment of the residual flood risk after flood reduction measures have been taken into account; consider how the ability of water to soak into the ground may vary and how the development may affect drainage systems; and by supported by appropriate data and information, including historical data.

### **Floor Plans - Existing**

Floor plans should be drawn at a scale of 1:50 or 1:100 and show all storeys that are to be affected by the proposed development. The floor plans should accurately reflect the building; for instance be showing all door and window apertures and the thickness of walls.



## **Floor Plans - Proposed**

These should be drawn to a scale of 1:50 or 1:100 and should demonstrate the uses of each room and in the case of extensions, show the complete floor of the building, including the development. The floor plans should accurately reflect the building; for instance showing all door and window apertures and the thickness of walls.

## **Heritage Impact Assessment**

Applications for listed building consent should be supported by a written statement which includes an assessment of the historic significance of the building/structure. This should include any contribution made by the setting and how the proposed development will impact on the significance of the heritage asset or adjacent heritage assets. Curtilage buildings may need to be considered as part of this process. A detailed schedule of works and / or structural survey may be required in support of an application.

For applications for conservation area consent, an analysis of the character and appearance of the building / structure, the principles of and justification for the proposed demolition and its impact on the special character of the area.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings will be required. Heritage Asset is defined in the Appendix.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.

## **ICNIRP Declaration**

A declaration would confirm that the proposed development complies with the requirements of the International Commission on Non-Ionizing Radiation.

## **Indicative Parameters**

Depending on which matters are to be reserved for future consideration, an outline application should be accompanied with indicative parameters regarding the use of the site (such as identifying distinct areas for differing types of development); the amount of development (for instance, the number of units); indicative layout; scale parameters (including upper and lower limits for the height, width and length of each building); and indicative access points.

## **Justification Statement**

This should outline the reasons or need for the development/amendment, including plans, where relevant

## **Location Plan**

See definition at start of this section.

## **Lighting Assessment**

An assessment for applications involving lighting should be carried in accordance with CIE guidance or suitable equivalent and detail the level of illumination and glare that would emanate from a proposal, including identifying mitigation where appropriate

## **Masterplan**

A document which sets out in outline form the parameters of the development. This can be indicative is submitted as part of an outline application or may be a simplification of detail provided in many other plans, to provide an overview of the proposal as a whole.

## **Marketing Information**

In support of a change of use – this should set out the period over which the property has been unsuccessfully marketed and include estate agents literature and a commentary from the agent regarding why the inquiries received (if any) have not resulted in a sale / let.

## **Method Statement**

The statement should clearly identify the works that are to be carried out, the order in which they are to be undertaken and the techniques that are to be used. Further information as to materials proposed are also likely to be required.

## **Noise Impact Assessment**

Such a report would assess the likelihood of deterioration of amenity at nearby premises due to noise and vibration. The report should describe any equipment to be installed with noise emission data

## **Noise Levels Assessment**

The report should provide an assessment of the existing noise levels within the vicinity of the site; for example, those generated from nearby commercial premises, roads or railways.

## **Odour attenuation scheme**

Such a report would assess the likelihood of deterioration of amenity at nearby premises due to emissions to the atmosphere, together with detailed information on any proposed abatement system. The technical specification of any extraction equipment should be provided.

## **Planning Statement**

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate statement on community involvement may also be appropriate.

### **Roof Plans - Existing**

This plan should provide an aerial view of the roof and illustrate all architectural features, including ridges, roof slopes, parapet walls and chimneys and should be drawn to a scale of 1:50 or 1:100.

### **Roof Plans - Proposed**

As with the existing plans, these should be drawn to a scale of 1:50 or 1:100 and demonstrate all relevant architectural features, such as ridges and slopes. In the case of extensions, these plans should also demonstrate how the proposal is linked to the existing structure. The plans should also show the position of any roof mounted plant or equipment

### **Sequential assessment of alternative sites**

The assessment should justify the scale of the development and an assessment of the impact upon the vitality of existing retail centres and locations. Details of the availability of other sites closer to a centre for the development will also be required together with reason why these sites have been discounted. Evidence should be provided to show that there are no sequentially preferable sites.

### **Site Notice**

The site notice should be dated and include details of the applicant, identify the building to be demolished (including location on larger sites) and contact details of Northampton Borough Council. ***N.B. The Site Notice must be posted on the site by the applicants, a copy of this and confirmation that this has been done must be provided with the application.***

### **Site Photographs**

These should clearly show the current condition and appearance of any part of the building, for which permission is sought to alter or demolish.

### **Site Plan (Existing / Proposed)**

This should be drawn at an appropriate scale (preferably 1:50 or 1:100) and identify all proposed and existing buildings, structures, hardstandings and boundary treatments. This plan should also include any other features of note, such as existing trees.

### **Streetscene Drawings**

These should be drawn to scale and provide an illustration as to how the proposed development relates to its immediate context, including other buildings. These drawings should be drawn from the street or other public viewpoint and include the existing and proposed scenarios.

### **Structural survey**

A survey of the structural integrity of the building or structure. Normally this is required only for Listed Building Consent and Conservation Area Consent and so should focus on the elements of the building or structure affected by such proposals.

### **Technical Specification**

When applying for plant equipment, the specification should include details of the position of the equipment and its appearance. Further details of the noise levels from this equipment should also be submitted.

### **Transport Assessment/Travel Plan**

The Transport Assessment should identify what measures may be required to deal with the predicted transport impacts and to improve accessibility and safety, especially for pedestrians, cyclists and public transport users. The assessment should cover a summary of walking and cycling routes and facilities; existing public transport services and infrastructure; operation of the local road network; a traffic survey; and accident history on local road network. There should also be a calculation of the likely number of trips to and from the development by each transport mode, throughout the day and a determination of which routes will be used to access the site

A Travel Plan should identify a series of measures aimed at promoting more environmentally friendly travel choices with a specific emphasis on reducing single-occupancy car journeys. The Travel Plan should also include process for review to reflect the characteristics of the development

### **Visual Impact Assessment**

The assessment will highlight the areas and viewpoints from which the proposed development would be visible.

## Appendix

### **Air Quality Management Areas - Definition**

These areas are those where issues with air quality have been identified and typically will be around major road junctions. For an up to date list please visit the Environmental Health pages of the Council's website or contact Environmental Health.

### **Design and Access Statement – Criteria where required**

- Applications for Listed Building Consent
- All development within a Conservation Area.
- Extension of a non-domestic building by more than 100 square metres.
- Gate / fence / wall etc which exceeds its former height, or two metres above ground level, whichever is the greater.
- Gate / fence / wall etc of any height within the curtilage of or surrounding a listed building.
- Building exceeding 100 cubic metres.
- Building or plant or machinery exceeding 15 metres in height or its former height, whichever is the greater.
- Alteration increasing the size of a building (but not extensions up to 100m<sup>2</sup>)

### **Environmental Impact Assessment – Guidance on the process**

For development over 0.5ha in site area and / or which could have a significant impact on the environment, there may be a need for an Environmental Impact Assessment (EIA).

In practice only a small number of major or significant development projects will require an EIA. To find out whether your project would require an EIA you should request a Screening Opinion from the Borough Council

If a major project does require an EIA, the Council recommends that an early and comprehensive EIA Scoping exercise is carried out. The Scoping process should enable the applicant to determine and agree the topics and level of detail to be covered within the Environmental Statement (ES) and to highlight the main concerns of the Council and other stakeholders at an early stage in the process.

### **Flood Risk Assessment – Criteria where required**

- Development of 1 hectare or greater within Flood Zones 1, 2 or 3 (see Environment Agency maps for flood zone areas).
- Development up to 1 hectare within Flood Zone 3, except non-residential extensions up to 250m<sup>2</sup>
- Change of use within Flood Zone 3 to "highly vulnerable" or "more vulnerable" uses as defined in table 1 (below)
- Change of Use within Flood Zone 3 from "Water Compatible" to "Less Vulnerable" Development as defined in tables 2 and 3 (below)

Table 1 – “Highly Vulnerable” and “More Vulnerable” uses

- Police stations, Ambulance stations and Fire stations and Command Centres and telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent (except ‘Essential Infrastructure’).
- Hospitals.
- Residential institutions such as residential care homes, children’s homes, social services homes, prisons and hostels.
- Buildings used for: dwelling houses; student halls of residence; drinking establishments; nightclubs; and hotels.
  
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping.

Table 2 – “Water Compatible” Uses

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel workings.
- Docks, marinas and wharves.
- Navigation facilities.
- MOD defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category.

Table 3 – “Less Vulnerable” Uses

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Shops
- Financial, professional and other services
- Restaurants, cafes, hot food takeaways
- Offices
- General industry (buildings)
- Storage and distribution
- Non-residential institutions not included in ‘more vulnerable’
- Assembly and leisure (buildings)
- Land and buildings used for agriculture and forestry
- Waste treatment (except landfill and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works (if adequate measures to control pollution and manage sewage during flooding events are in place).

### **Heritage Asset - Definition**

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

### **“Major” Planning Application - Definition**

- A residential development for 10 or more dwellings
- Residential development on a site of 0.5 hectares or more
- Development involving building(s) with a floorspace of 1,000 square metres or more
- Any development on a site of 1 hectare or more

### **“Noisy Uses” - Definition**

- Development involving uses falling with Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
- External plant is to be installed.
- The playing of music on the development site forms a significant element of the proposal (e.g. drinking establishments, entertainment uses and places of worship)
- Wind turbines, wind farms
- The accommodation of numbers of animals
- Motor sport activities.

### **“Odour Creating Uses” - Definition**

- Cooking of food – food factory, restaurant, take-away
- Paint spraying or coating processes
- Any activity that requires the air within the workplace to be exhausted to atmosphere (other than simple office-type ventilation).
- The installation of a furnace / incinerator
- Processing / storage / disposal of waste.
- Processing of liquids
- Composting.
- Storage and handling of dusty materials.
- Manufacture of perfumes, flavourings etc
- Slaughterhouses
- The accommodation of animals
- In-situ or on-site land remediation

### **Town Centre Uses - Definition**

- Retail
- Offices
- Leisure, entertainment, indoor sport and recreation
- Arts, culture, tourism







**PLANNING COMMITTEE:** 11<sup>th</sup> June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/0909:** Proposed residential development of 142 dwellings, garages and associated works, including new access roundabout  
Land off Lancaster Way, Towcester Road, Northampton

**WARD:** Delapre and Briar Hill

**APPLICANT:** Bovis Homes Ltd and Xcite Projects Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Major development requiring a S106 Agreement

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.2 and 1.3 for the following reason:

The proposed development would result in the effective reuse of this vacant site and would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal is therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E11, E19, E20, E40 and H6.

1.2 That delegated authority be given to the Head of Planning to negotiate the detail of a Section 106 Legal Agreement to secure the following or combination of these with a view to optimising the affordable housing provision provided on site:

- i) 35% on-site affordable housing
- ii) Primary School Education payment
- iii) A payment towards the increase in capacity of Queen Eleanor interchange in accordance with the A45/M1 Growth Management Scheme.

- iv) A payment towards improvements in highway capacity
- v) A payment towards increasing public transport provision.
- vi) That the on-site Public Open Space is maintained and made available for public access in perpetuity.
- vii) That the on-site Public Open Space and allotments are maintained in accordance with the Landscape Management Plan, dated April 2013 and received by the Council on the 9th May 2013
- viii) Training opportunities for construction workers and associated administration costs
- ix) A payment towards Community Development (which can include the provision and/or enhancement of off-site open space, such as Delapre Parkland)
- x) Place Making payment (which can include public realm improvements, public art and town/local centre improvements).
- xi) The Council's monitoring fee

- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 The applicant seeks planning permission to erect 142 dwellings, which comprise 42 two bedroom dwellings (all of which are houses except for four apartments and one flat over a garage); 69 three bedroom houses and 39 four bedroom units. The proposal also includes a number of areas of public open space and allotments. A total of 296 off street parking spaces (including garages) are proposed. The main vehicular access would be from Lancaster Way, where a new roundabout would be formed.

## **3. SITE DESCRIPTION**

- 3.1 The application site is approximately 5ha in area and is allocated within the Northampton Local Plan for residential development (Policy H8). The application site has historically been used for the keeping of animals and allotments, although the use of the site has been in decline and fallen into disuse in recent years. As a result of this, the site is overgrown in places. A tree preservation order is in place to protect the mature tree adjacent to Lancaster Way. As part of the general topography of the area, the site sloped downwards in a northerly direction with a number of undulations within the site.

- 3.2 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20<sup>th</sup> century and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; and Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north. Pedestrian access to the site is also present (albeit currently closed) by a path that runs from Towcester Road (which also serves the rear of dwellings in this road) to Braunstone Close.
- 3.3 An area within the centre of the site (with an approximate area of 770m<sup>2</sup>) has been excluded from the application as this does not fall within the applicant's ownership or control.

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

- 4.1 07/0348/FULWNN – Residential development comprising 211 dwellings – Approved.
- 4.2 The above application was approved, subject to a Section 106 Agreement, in March 2012. As this permission will remain extant until March 2015 it is a material consideration in the determination of this application.

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

- 5.1 Paragraph 17 of the National Planning Policy Framework (NPPF) requires that new developments should be of a high quality design and secures a good standard of amenity. Paragraph 50 of this document states that mixed developments, such as by having a varied amount size, tenure and type of housing should be provided. Paragraph 32 of the NPPF requires the provision of safe and suitable means of access to developments. Paragraph 100 advises that developments should be safe and not increase flood risk elsewhere.

##### **5.2 Northampton Borough Local Plan**

E11 – Tree protection  
E19 – Implementing development  
E20 – New development  
E40 – Crime and anti-social behaviour  
H8 – Allocated Housing Sites  
H17 – Housing for people with disabilities  
T4 – Off-site highway improvements  
L25 – Alternative use of former allotment land

##### **5.3 Supplementary Planning Documents:**

Planning Obligations SPD  
Affordable Housing  
Parking  
Planning Out Crime

## 6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Arboricultural Officer (NBC)** – Requests that the tree protection measures are the subject of conditions.
- 6.2 **Environmental Health (NBC)** – Request conditions relating to the investigation of contamination, a noise assessment, refuse storage and a contamination management plan.
- 6.3 **Housing Strategy (NBC)** – The proposed provision of 50 affordable dwellings (which comprise 4 two bed apartments, 24 two bed houses, 21 three bed houses and 1 four bed house) is compatible with policy.
- 6.4 **Urban Designer (NBC)** – The concept and detailed layout is generally positive with the inclusion of a feature central square into the development layout. It also includes dwellings which are generally well related to the most positive elements of the scale, density and residential character of this area. However, the development could be further enhanced in terms of permeability and legibility.
- 6.5 **Environment Agency** – No objections subject to conditions relating to flood mitigation.
- 6.6 **Highways Agency** – No objections.
- 6.7 **Highway Authority (NCC)** – The scheme has been revised in order to ensure safety through appropriate kerb radii and visibility splays. In the event that the application is approved, it should be subject to obligations relating to increasing traffic capacity within the surrounding road network and improving public transport provision.
- 6.8 **Development Management (NCC)** – Requests payments, as part of a Section 106 Agreement towards the provision of primary education, the fire service and fire hydrants.
- 6.9 **Northamptonshire Police Crime Prevention Design Advisor** – Object to the provision of a link between the site and Towcester Road and Leah Bank due to the potential to encourage crime and anti-social behaviour. The open space includes boundary treatments which is a positive. Additional details regarding the boundary treatments to the development are required. There are concerns regarding the position of some car parking spaces as they would not be routinely overlooked.
- 6.10 **Western Power** – No objections
- 6.11 **Letters of objection have been received from 50 parties** as the occupiers of neighbouring properties and the Buckingham Fields Community Action Group. Comments can be summarised as:
- The proposed dwellings are of a standard design.

- The privacy levels of existing neighbouring properties would be adversely affected.
- Questions are raised as to how the numerous walls that are proposed around the site are to be maintained.
- There would be a significant increase in traffic using Lancaster Way and Towcester Road, which would generate congestion and pollution.
- The proposed roundabout within Lancaster Way would result in a loss of green space within Buckingham Fields.
- The roundabout would be detrimental to highway safety.
- The site only has one access for emergency vehicles.
- The footpath link to Leah Bank and Towcester Road will encourage anti-social behaviour.
- An access between the development and Leah Bank would increase sustainability and remove the need to build a roundabout within Lancaster Way.
- The proposed development would place increased demands upon school places within the locality, which are already in short supply. Other infrastructure is also in short supply.
- The affordable housing is in clusters that are too large.
- There would be loss of trees and wildlife if the site were to be developed.
- There are historic wells on the site.
- The site features some contamination.
- The site is owned by a number of people
- A number of residential developments have been permitted elsewhere and therefore the need for the development is questioned.
- The proposed allotments would be unattractive and detrimental to visual amenity.

## **7. APPRAISAL**

### ***Principle of the development***

- 7.1 By reason of the site's allocation within the Northampton Local Plan, the character of the surrounding area and the presence of an extant planning permission for a greater number of dwellings within the same site, it is considered that the principle of developing this site for residential purposes is acceptable and well established, and is therefore compliant with the aims and objectives of the National Planning Policy Framework (hereafter referred to as the NPPF) and the Northampton Local Plan.
- 7.2 The primary difference between the current proposal and the extant planning permission is that the number of dwellings has been reduced from 211 to 142. This is principally due to increased provision of public open space / allotments on-site and the replacement of flats with houses. These revisions combine to significantly reduce the density of the development.

- 7.3 The proposed development would secure a relatively high level of open space and allotments that would help retain, in part, the site's original character. Whilst it is accepted that an area of existing green space would be developed in order to accommodate the proposed roundabout, this would be compensated for through the provision of two new areas of open space immediately adjacent to the site entrance. As a result of this, it is considered that accessibility to open space would not be diminished.

***Design, appearance and layout***

- 7.4 The proposed access from Lancaster Way would be adjacent to two areas of public open space, one of which would include the protected tree. This layout would ensure that the site entrance has sufficient interest and visual amenity. The buildings proposed to be located in this area would frame these areas of open space and, by reason of their large footprint and overall scale would have sufficient presence to form a visually strong entrance into the development. Furthermore, those dwellings would also feature additional fenestration to add interests at key points.
- 7.5 A notable feature of the development is that a central area of public open space, including a play area and a retained mature tree. This space would be overlooked from the frontages of 14 dwellings, thereby offering good natural surveillance and activity within this space in line with the requirements of Local Plan Policy E40. The developer has proposed a post and rail fence to surround this area (the details of which could be secured by condition), this would ensure that this area is not used for unauthorised car parking, whilst providing road users with certainty as to where pedestrians will emerge. The roads surrounding this space would be paved, to emphasise the sense of place within this central Square.
- 7.6 The proposed layout also features a number of other areas of public open space and allotments. These reduce the built form and ensure that a number of dwellings would benefit from an attractive outlook. The majority of these areas would have between 4 and 8 dwellings that front onto them or be overlooked by flats thereby providing good natural surveillance. The exception to this is the space to the north-east of the site; however, there would be four apartments with regularly inhabited rooms overlooking this space.
- 7.7 The layout of the development is sufficient to ensure that the occupiers of the proposed development have a suitable level of light, privacy and outlook.
- 7.8 The proposed dwellings are of a variety of styles that are complementary towards the prevailing character, which is of importance due to the scale of the proposed development, The proposed house designs include a number of features to ensure that

there is sufficient interest; these include bay windows, front gables and porches. The palette of materials shown includes a combination of bricks and render. In the event that the application is approved, it is recommended that it be subject to a condition requiring the submission of details relating to building materials in order to maintain visual amenity.

- 7.9 Given that that the proposed buildings would all be of two storeys in height (which is consistent with the character of the wider area), it is considered that the proposed development would not cause an undue detrimental impact upon the occupiers of neighbouring properties in terms of outlook as the scale of the development is sufficient to prevent any overbearing features from being created. Furthermore, the separation distances between the proposed and existing dwellings in terms of front-to-side or rear-to-side distances vary between 14 and 25m and comply with the space around dwellings guidance contained in the Local Plan. These distances are considered to be sufficient to prevent any undue loss of privacy of light to the occupiers of neighbouring properties in line with the requirements of Local Plan Policy E20.
- 7.10 On account of the variations in land levels on the site, it is necessary and reasonable for a condition to be applied to any permission requiring that the finished building levels are submitted to and approved by the Council prior to development commencing in order to ensure that the dwellings do not form overbearing features on the neighbouring, existing properties.

#### ***Highways and Access***

- 7.11 The proposal includes the provision 296 off-street parking spaces, which is considered to be sufficient to meet the needs of the proposed development. The car parking spaces are a combination of in curtilage parking and small, communal areas that are overlooked by a number of dwellings. As a result of this, it is considered that the proposed provision is also safe and likely to deter anti-social behaviour.
- 7.12 The proposed roundabout and alterations within Lancaster Way are sufficient to ensure that highway safety would not be compromised and that congestion would not be created. In the event that the application is approved, it is recommended that it is subject to a condition requiring that these highway works are carried out at an early stage in the development process. The applicant has also revised the scheme in order to provide sufficient visibility splays within the internal roads to ensure that the pedestrian and vehicular safety is unaffected.
- 7.13 In order to provide sufficient infrastructure to meet the needs of the development, it is recommended that any approval be subject to a Section 106 Agreement relating to the increasing highway capacity (such as within the Queen Eleanor Interchange in accordance with the



A45/M1 Growth Management Scheme) and to improve public transport provision.

- 7.14 The proposed development features pedestrian access from Lancaster Way, which would promote non-car means of travel. It is noted that a number of representations have been submitted regarding the potential for a pedestrian access to be created to the north of the site into Leah Bank. It is considered that this would increase permeability and encourage more environmentally sustainable means of travel, which would outweigh any potential anti-social behaviour; however, it is noted that the section of land to the north of the application site within Leah Bank is within separate ownership and as such a link between the two cannot be provided at this stage. Notwithstanding this, the developer has provided a path up to the northern boundary in order to provide the potential for such a link in the future. Therefore, it is considered that in this specific regard, the requirements of the National Planning Policy Framework have been complied with.
- 7.15 The proposal has been revised in order to provide pedestrian linkages across the development. These would ensure that the development is permeable and that there are adequate linkages between the dwellings and the proposed areas of public open space. These are particular noteworthy in the areas surrounding the central area of public open space that benefit from good natural surveillance and the linkages in front of Plots 97, 99, 100 and 101 to the north east of the development. For this reason, it is considered that Local Plan Policy E40 has not been breached.
- 7.16 A number of representations have been submitted in respect of the linkage with an existing path that runs from the eastern boundary of the application site towards Towcester Road. This path terminates between numbers 182 and 184 Towcester Road and lies outside the application site. Officers have held discussions with the developer regarding the possibility of closing this link. However, it would appear that a private right of access exists from this path into the application site and therefore the developer is proposing that a lockable gate be installed at this point, in order to prevent any unauthorised access. The submitted site Management Plan details that keys would be held by the company responsible for the operation and maintenance of the open space and allotments and the party with the right of access. As a result, it is considered that the proposal would comply with the requirement of Local Plan Policy E40 in this regard.

***Open space, management and maintenance***

- 7.17 The proposal includes the provision of areas of public open space and allotments of good quality and quantity for development of this scale and kind. In order to maintain visual amenity and to ensure that a useable space is created, a condition is recommended that would secure details of a landscaping scheme. It is also recommended that an obligation be included within the Section 106 Agreement requiring

that the areas of open space are made available for public access in perpetuity.

- 7.18 Whilst the provision of allotments within this scheme helps to create an unusual and distinctive development that promotes sustainability due to their ease of access for residents of the development and the environs of the application, there are concerns that these allotments could adversely impact upon amenity if they were not be maintained. In order to address this concern, the developer has submitted a management plan, which details that a regime of regular inspections and maintenance would be put in place and followed. Furthermore, this plan details that boundary treatments would be subject to regular maintenance, whilst any associated outbuildings would be limited in scale and positioned at least 8m away from any dwelling. These measures would ensure that the spaces are kept in a satisfactory condition.
- 7.19 Whilst it is recognised that there is a good provision of on-site open space, it is likely that this would not be sufficient to meet all the needs of future occupiers of the development. Therefore, it is recommended that the Section 106 Agreement includes a payment towards the provision of and enhancement of areas of public open space. This approach is consistent with the requirements of the Council's Supplementary Planning Document on Developer Obligations and the extant Planning Permission dating from 2012.
- 7.20 A number of representations have been submitted that have commented upon the presence of wells on the site. A condition is recommended (that is consistent with the extant approval) that would require the further investigation of this matter.

#### ***Environmental considerations***

- 7.20 In order to secure a satisfactory standard of development and with reference to the advice from the Council's Environmental Health Service, conditions requiring contamination investigation and remediation where necessary would be appropriate. Further conditions requiring the remediation of any unsuspected contamination are also necessary.
- 7.21 In addition to this matter, conditions are necessary requiring the submission of an assessment of noise levels and any appropriate mitigation measures to protect the development against noise. In order to ensure that the amenities of the occupiers of neighbouring properties are not adversely impacted upon during the construction process, it is recommended that a Construction Management Plan is secured by condition that would cover, amongst other measures, controls over noise and dust.
- 7.22 As a result of the requirements of the NPPF, conditions requiring the submission of a drainage scheme and the means of securing foul

drainage are considered necessary in order to ensure that the proposed development is not susceptible to flooding through inappropriate drainage or cause flooding elsewhere. This is consistent with the advice of the Environment Agency.

- 7.23 A number of representations have been received commenting on the principle of building on a currently undeveloped site. The applicant has submitted an ecological survey, which identifies that no bat roosts have been found on site and that whilst the site may be used for foraging, there are other sites within the near vicinity that are likely to be of higher value for foraging bats (e.g. Towcester Road cemetery, Delapre Golf Course and Hunsbury Hill Country Park). There are no amphibian breeding habitats within the site or within 500m of the site and as such the site is of limited value to the amphibian population. On account of the surrounding residential developments, the lack of water bodies, mature woodlands or other higher value specialist habitats it is unlikely that any unusual or rare bird species would breed or regularly occur within the site.
- 7.24 No evidence has been found that badgers are present on the site and the site's lack of connections with mature semi-natural woodland and the historical lack of provision of this habitat within the application site means that dormice are unlikely to be present. The nature of the existing site (i.e. dense scrub, trees and short turf) mean it is unlikely that a population of reptiles or invertebrates could be supported.
- 7.25 For the foregoing reasons and with reference to the fact that an existing, extant planning permission is in place for the site, it is considered that the principle of developing this site is acceptable and unlikely to adversely harm the quality of the natural environment. In any event, this assessment would not override any statutory protection afforded to certain species in the event that they are found on site.

#### ***Legal Agreement***

- 7.26 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
  - ii) Directly related to the development; and
  - iii) Fairly and reasonably related in scale and kind to the development.
- 7.27 In addition to the obligations described within Paragraphs 7.13, 7.17 and 7.19 of this report, affordable housing is normally required to be provided at a rate of 35%. This equates to 50 dwellings and would comprise a combination of two, three and four bedroom properties.
- 7.28 As the development would provide 142 family dwellings, payments for the provision of off-site open space enhancement within the vicinity of

the site are considered justified to respond to the needs of occupants of the development. This approach is consistent with the obligations of the extant planning permission. The final decision on the precise location of where this money is spent would be made with reference to the legal tests specified within Paragraph 7.26 of this report.

7.29 A request has been received from the County Council for a payment to be made for education provision. It is noted that the proposed development would provide a number of large houses, which can be reasonably assumed would be occupied by families with school age children. It is also acknowledged that there is currently very limited capacity within the primary schools closest to the application site. However, it should also be recognised that the extant permission (which was approved in 2012) did not include an education payment within its associated S106 Agreement. In light of this, officers have sought clarification from the County Council as to precise nature in the changes in circumstances that have led to this request. An update on this matter will be provided to members via the addendum, which will be circulated at the commencement of the committee meeting.

7.30 The County Council has also requested a payment for the provision of the fire services. There is no adopted development plan policy support for this and it is not clear what facilities would be secured / needs would be addressed by this requirement. The new Community Infrastructure Levy Regulations also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is not considered that this request cannot be supported.

7.31 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.

## **8. CONCLUSION**

8.1 The proposed development, subject to conditions and the securing of mitigation through a Section 106 Agreement would have a neutral impact upon neighbour and visual amenity and highway safety. Furthermore, the development would provide a number of houses within a sustainable location. Therefore, it is considered that the proposed development is compliant with the requirements of national and local planning policies.

## **9. CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 30154 HT-44 Rev. A;

30154 HT-45 Rev. A; 30344 01 Rev. J; 30344 02 Rev. A; 30344 03 Rev. A; 30344 04 Rev. A; 30344 05 Rev. A; 30344 05 Rev. A; 30344 06 Rev. A;  
30344 100; 30344 101; 4186:01 Rev. B; 704/Tr Svy/1; AGD2; AGD2/FH; AGS2A; AST2; HTPD\_A402 01; HTPD\_A444 (special); HTPD\_AF05 A2 A; HTPD\_A4/1 01; HTPD\_A444/2; HTPD\_C431; HTPD\_P202; HTPD\_P202 (special); HTPD\_P302 A; HTPD\_P404 (special); HTPD\_P404 01 A; HTPD\_P202 (special); HTPD\_P303 (special) HTPD\_P303/1; HTPD\_S241; HTPD\_P306 (special); HTPD\_P401 (special); HTPD\_S351; TOWH/02/110; S2000/02 Rev. A; and Contextual Street Scenes

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

3. Full details of the method of the 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 hereby permitted and retained thereafter.

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

4. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

5. Full details of the proposed surface treatments of roads, accesses, 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 development. The Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

6. 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.

7. 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.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrology and hydrological contexts of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 0.5% plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to the completion of development.

The scheme shall also include:

- i) Detailed design for each element of the proposed attenuation system, including storage and flows controls.
- ii) Details of how the scheme will be maintained and managed after completion.
- iii) Supporting drawings and calculations.

Reason: To prevent the increased risk of flooding, both on and off the site in accordance with the National Planning Policy Framework.

9. Prior to commencement of development, a scheme, including phasing for the provision of mains foul water drainage on and off the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development hereby permitted.

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

10. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;

- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site; and
- Routing agreement for construction traffic

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

11. 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 the advice contained in the National Planning Policy Framework.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 11 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 11.

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

13. Prior to the commencement of development, the applicant shall assess the noise levels of the site due to its exposure from transportation noise, with reference to the World Health Organisation guidelines for Community 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, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework.

14. The approved assessment shall include, where the above guidance has not been complied with, a noise mitigation strategy, which should include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant noise exposure levels. Where noise protection measures for the site are impractical or do not reduce the noise exposure levels for all amenity areas, floors or façades, a noise insulation scheme, including the provision of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework.

15. Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter 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.

16. No development shall take place until the roundabout and works within Lancaster Way as shown on drawing 30344 01 Rev. J have been carried out.

Reason: In the interests of securing a satisfactory standard of development in terms of highway safety in accordance with the requirements of the National Planning Policy Framework.

17. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E11.

18. A minimum of 10% of the total number of dwellings shall be constructed to the Council's mobility standards and implemented concurrently with the development and retained thereafter.

Reason: In the interests of securing mixed development in accordance with the requirements of Local Plan Policy H17.



19. Prior to the commencement of development, a full survey and assessment of the site shall be undertaken and the details submitted to the Local Planning Authority to ascertain the existence and location of historic wells. If, as a result of the survey, any wells are found, a further statement shall be submitted to the Local Planning Authority and approved in writing detailing how the wells shall be dealt with. Development shall be carried out in accordance with the approved details.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

20. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development relative to surrounding neighbouring property 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**

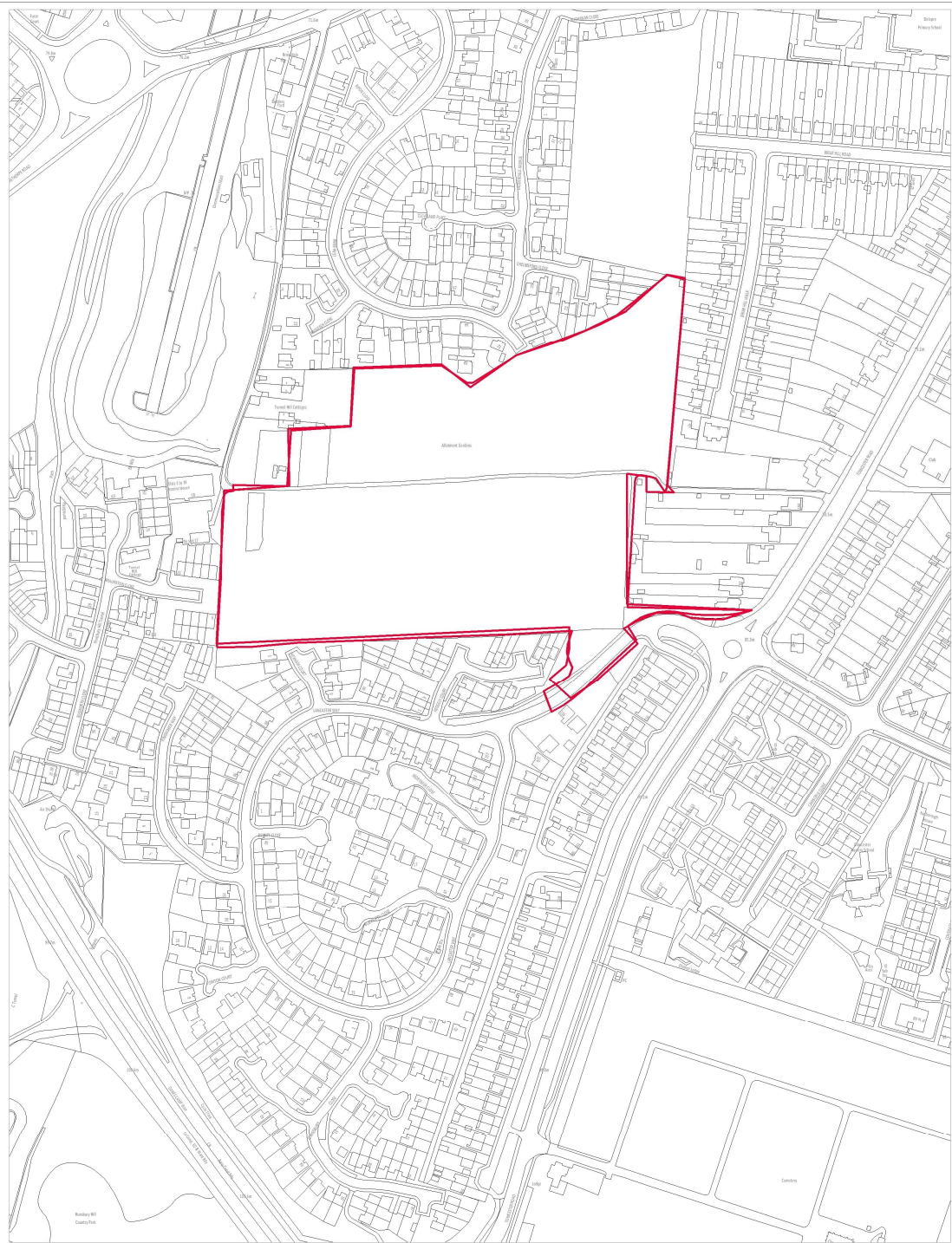
10.1 07/0348/FULWNN and N/2012/0909.

## **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.



Name: **Planning**  
Date: **24th May 2013**  
Scale: **1:3000**  
Dept: **Planning**  
Project: **Committee**

Title

## Land off Lancaster Way

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0076:** S73 Application to vary Conditions 2 and 35 of Planning Permission 10/0188/FULWNN (erection of 176 dwellings, roads, sewers and associated open space) to allow the amendment of house type design and standards at land off Banbury Lane

**WARD:** Upton

**APPLICANT:** Mr A Brown - David Wilson Homes  
**AGENT:** None

**REFERRED BY:** Head of Planning  
**REASON:** Major application requiring S106

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVED IN PRINCIPLE** subject to the prior finalisation of a S106 agreement to re-secure the planning obligations of the existing S106 of permission 10/0188/FULWNN and planning conditions attached and for the following reason:

The alterations proposed to the dwellings and parking court are considered to be relatively minor and will not unduly impact on the overall design and appearance of the development or neighbouring amenity in accordance with Policies E20 and H8 of the Northampton Local Plan and National Planning Policy Framework.

### **2. BACKGROUND/PROPOSALS**

2.1 Planning permission was approved by WNDC on 31<sup>st</sup> March 2011 for the erection of 176 dwellings, roads and sewers and associated open space. The application was approved subject to 39 planning conditions and a S106 legal agreement.

- 2.2 The proposal now under consideration is to vary Conditions 2 and 35 of the original planning permission to allow amendments to house type design and standards and to amend slightly the layout of one of the courtyard car parks. The relevant conditions state as follows:

Condition 2: The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 of this permission save as provided in Condition 3.

Condition 35: Notwithstanding the details approved, a scheme for the inclusion of contemporary residential units within plots 101, 107, 108, 44 and 148 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to details of the contemporary built form to be constructed and elevations and floor plans at a scale 1:100 unless agreed in writing by the Local Planning Authority. The parameters set by the existing plots which the revisions relate, including height, width, depth and setback should be used to regulate submissions through setting maximum parameters. The development shall be carried out in accordance with the approved scheme prior to the occupation of the relevant plot.

### **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 land. Work has started on site with approximately 46 dwellings erected and occupied. The site is allocated for Primary Residential Development in the Northampton Local Plan.

### **4. PLANNING HISTORY**

- 4.1 N/2012/1188 – Non-material amendment to planning permission 10/0188/FULWNN to amend size of windows to front elevation of house type H434 from 915 x 1330 to 915 x1725.
- 4.2 N/2012/0152 - Non-material amendment to planning permission 10/0188/FULWNN (N/2010/1064) for the erection of 176 dwellings, roads, sewers and associated open space - revision to include change in the position of houses.
- 4.3 N/2011/1126 – Non-material amendment to planning permission N/2010/1064 for the erection of 176 dwellings, roads and sewers and associated open space. Revisions to house types, electric gates, paths and parking.

### **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 for this area comprises the Northampton Local Plan 1997.

## 5.2 **National Policies**

National Planning Policy Framework (NPPF)

Relevant sections are:

- Achieving sustainable development (paragraphs 6-16)
- Core planning principles (paragraph 17)
- Delivering sustainable development (paragraphs 18-22)
- Delivering a wide choice of high quality homes (paragraphs 47-55)
- Requiring good design (paragraphs 56-68)
- Decision taking (paragraphs 186-206).

## 5.3 **Northampton Local Plan**

E19 -Implementing Development

E20 -New Development

H8 - Housing Development

## 5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

## 6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Access Officer** – no comments received.

6.2 **NBC Housing Strategy** - no comments received.

6.3 **Banbury Lane Residents Association** - no comments received.

6.4 **Hunsbury Meadows Parish Council** – no objections.

6.5 **Neighbouring Properties** - no comments received.

6.6 **Site Notice/Newspaper advertisement** - no comments received.

## 7. **APPRAISAL**

7.1 Planning permission 10/0188/FULWNN established the principle of the development.

7.2 The amendments now proposed are as follows:

- Plots revised to Lifetime Home house types: 85, 86, 89, 95-99, 107-113, 127, 128, 144, 145, 147-151, 162 and 163 (This is a requirement of HCA to ensure that the homes meet the needs of disabled and elderly residents in order that they may live in the house for a “lifetime”. The required standards covers such aspects as car parking width, approach gradients, width and level of entrances, wheelchair accessibility, entrance level WC and shower drainage, bathroom layout, window specification, height of sockets and controls, fixtures and fittings, space for stair lifts or through floor

lifts.)

- Plots 87 and 88 repositioned and plot 87 house type changed
- Plot 105 reduced in width
- Plots 102-104 and 106 repositioned
- Parking court 17 setting out revised

7.3 The alterations proposed to the dwellings and one parking court are considered to be relatively minor and will not unduly impact on the overall design and appearance of the development. There will be no detrimental impact on the character of the area or neighbouring amenity and with the change of the majority of dwellings to Lifetime Home standards, will improve the sustainability and standard of development.

## **8. CONCLUSION**

8.1 It is considered that there has been no change in circumstances since the application was determined that would warrant refusal of the current application. It is therefore recommended that the application be approved subject to the imposition of planning conditions and prior finalisation of a S106 legal agreement.

## **9. CONDITIONS**

1. The development hereby permitted shall be begun before 31<sup>st</sup> March 2014.

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

2. The development hereby permitted shall be carried out without compliance with Conditions 2 and 35 imposed on planning permission reference 10/0188/FULWNN dated 31/03/2011 but subject to the other conditions imposed therein so far as they are still subsisting or capable of taking effect.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: RDC 821-100, S196\_100 Rev AA (date stamped 2 May 2013), S196\_200 Rev C, S196\_203 Rev F, HBC3 4ST5, H434---5, RDC 821/250, HBC4 4ST5, HBC5 5SC5, HBC4 7ST5, HBC4 4ST5, HBC5 7ST5, HBC4 1ST5 and the plans listed in schedule 1 covered under Condition 2 of planning permission 10/0188/FULWNN which have not been superseded by this permission or any other approval granted by the Local Planning Authority.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. A scheme for the inclusion of contemporary residential units within plots 44 and 101 shall be submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to details of the contemporary built form to be constructed and elevations and floor plans at a scale of 1:100.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

- 10.1 10/0188/FULWNN.

## **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.



Name: **Planning**  
Date: **24th May 2013**  
Scale: **1:3000**  
Dept: **Planning**  
Project: **Committee**

Title

## Land off Banbury Lane

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0184** Change of use of dwelling to 6 bedroom  
HIMO (Re-submission of Planning Permission  
N/2012/0762) at 26 Cloutsham Street

**WARD:** Castle

**APPLICANT:** Mr P Spencer  
**AGENT:** N/A

**REFERRED BY:** Cllr Stone  
**REASON:** Would result in an overdevelopment of the  
building

**DEPARTURE:** No

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## APPLICATION FOR DETERMINATION:

### 1. RECOMMENDATION

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

The use of this dwelling as a 6 person HIMO situated in an existing residential area is acceptable as it will provide accommodation to a reasonable standard and not be detrimental to residential amenity, the character of the conservation area or highway safety in accordance with Policies H6, H30 and E26 of the Northampton Local Plan.

### 2. THE PROPOSAL

#### 2.1 Planning permission has already been granted for a 5 bedroom HIMO under N/2012/0762 and it is proposed to increase the number of bedrooms to 6 by converting the basement.

### 3. SITE DESCRIPTION

#### 3.1 Existing terraced dwelling situated on the southern side of Cloutsham Street. This street is predominantly residential in nature and

characterised by terraced dwellings. The site is situated within the Boot and Shoe Conservation Area.

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

- 4.1 N/2012/0762 – Change of use to 5 bedroom HIMO – 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 saved policies of Northampton Local Plan 1997.

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

National Planning Policy Framework

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

E26 - Conservation Area

H6 - Housing

H30 - Multi-occupation within a dwelling

#### **6. CONSULTATIONS/ REPRESENTATION**

- 6.1 **Private Sector Housing (NBC)** – Following a site visit it was concluded that the property meeting the HIMO standards and would be suitable for 6 individual occupants. As the property is habited over three-storeys and once occupied by 5 or more individuals it will require a mandatory HMO licence under Part 2 of the Housing Act 2004. This application has been received.

- 6.2 **Public Protection (NBC)** – Raise no objection but recommended noise insulation conditions to reflect current Building Regulation standards.

- 6.3 **Conservation** – No objections as the development would not materially alter the character and appearance of the Boot and Shoe Conservation Area.

- 6.4 **Highway Authority (NCC)** – Indicate that ideally the use of the property should provide 2 to 3 parking spaces.

- 6.5 **Cllr Danielle Stone** – considers the proposal is overdevelopment.

#### **7. APPRAISAL**

- 7.1 The property already has the benefit of a planning permission for use as a 5 bedroom HIMO (N/2012/0762) granted in October 2012 which had not been implemented at the time of drafting this report. That

permission restricted the number of residents to 5. The current application proposes to increase the number of bedrooms to 6 by converting an existing basement.

- 7.2 The property has been converted to a good standard without it being occupied for the permitted purpose of a 5 person HIMO. The basement has a new larger window to the front elevation which gives the room adequate light and ventilation and complies with the necessary building regulations.
- 7.3 It is considered the property is of sufficient size to accommodate a further person. There is a good size lounge and kitchen on the ground floor to provide the required facilities for such a HIMO. The Council's Private Sector Housing Officer also considers that the house can contain a 6 person HIMO without being an overdevelopment. The applicants have submitted a management plan to ensure the property is well kept and will not have an adverse impact on the local community.
- 7.4 The Council's Public Protection Team has recommended conditions to regarding noise insulation conditions to reflect current Building Regulation standards. As these matters are controlled through the building control process, planning conditions would be an unnecessary duplication in conflict with Circular 11/95 (which governs the use of planning conditions).
- 7.5 The street is characterised by terraced properties the majority of which are in single family occupancy and it does not have the character or appearance of "bedsit" land. Therefore, the proposed use will not have a detrimental effect on the character of the locality.
- 7.6 The Council's Conservation Officer has no objections to the proposal as it will not impact on the setting and character of the Boot and Shoe Conservation Area.
- 7.7 The Highway Authority has indicated that this type of use should provide off-street parking. In practice this is not possible as the application site is a terraced house, which has no off-street parking like the majority of the houses in the street. The proposal would result in only one additional occupant. It is not considered that this additional use would have a significant effect on demand for on-street parking. If the future occupiers of the property have cars there is parking available in Cloutsham Street and the site is in a very sustainable location close to the Town Centre and the facilities in Kettering Road and Wellingborough Road.

## **8. CONCLUSION**

- 8.1 The property already has the benefit of planning permission for a 5 person HIMO and the increase to 6 persons is considered acceptable as the property is large enough to contain that number without being

detrimental to the amenity of either the future occupiers of the building or the nearby residents or the character of the locality.

## **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) There shall be no more than 6 people residing at the property at any one time.

Reason: In the interest of the amenity of nearby residents and to ensure the amenity of the future occupiers of the property is preserved in accordance with Policy H30 of the Northampton Local Plan.

- 3) The use hereby permitted shall only proceed and continue in full accordance with the approved Management Plan details of which were submitted with the application.

Reason: In the interests of residential amenity and the character of the locality in accordance with Policy H30 of the Northampton Local Plan.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 12/M228/1A.

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

## **10. BACKGROUND PAPERS**

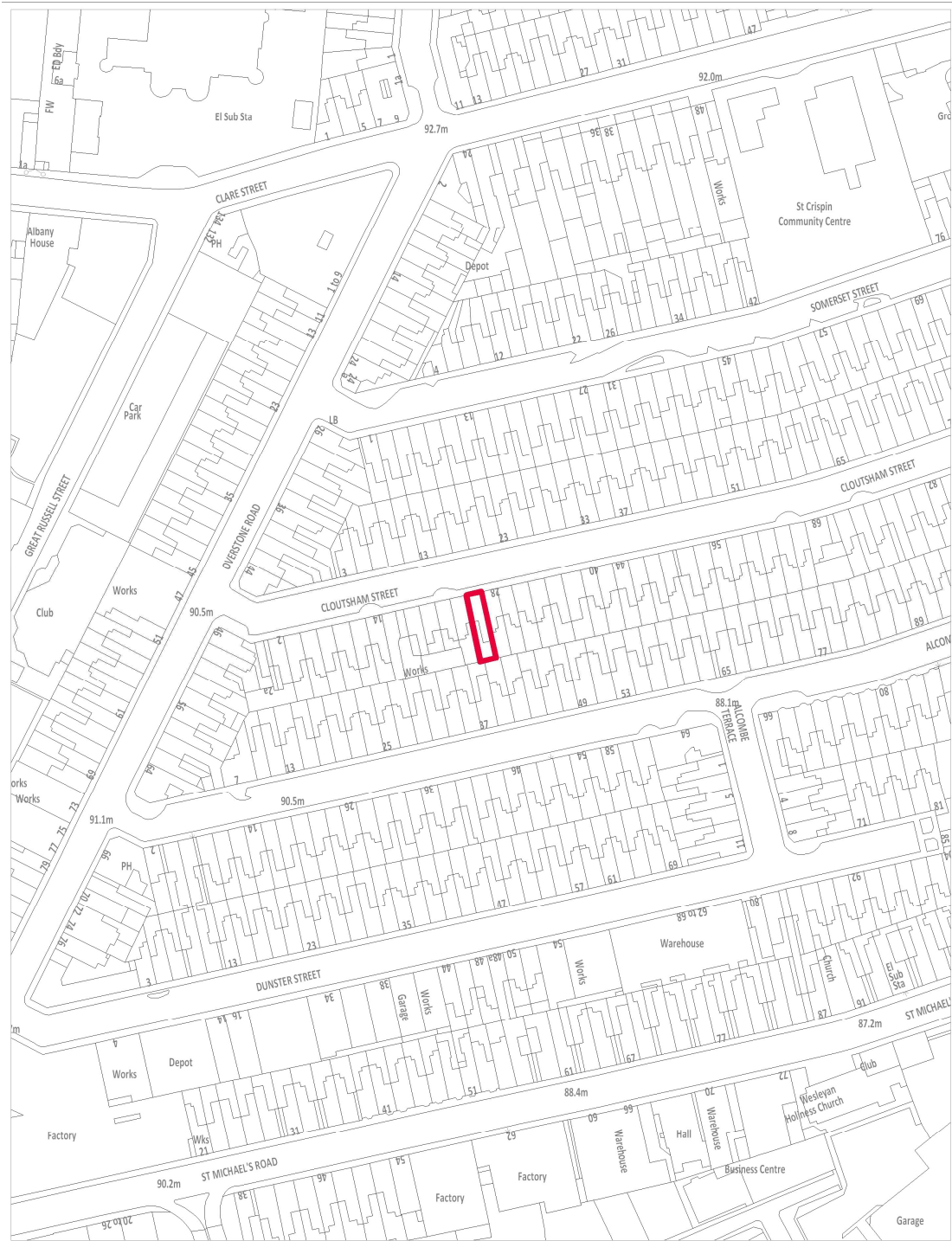
- 10.1 N/2013/0184 and N/2012/0762

## **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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**26 Cloutsham Street**

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0194:** Continued additional use of lift tower for  
abseiling at National Lift Tower, Tower  
Square

**WARD:** St James

**APPLICANT:** Mr Peter Sullivan  
**AGENT:** Mr Ed Wright

**REFERRED BY:** Head of Planning  
**REASON:** Previous temporary consent application  
determined by Committee

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

1.1 **APPROVAL** for a further temporary period subject to conditions and for the following reason:

It is anticipated that the development hereby approved would not have an undue detrimental impact on the living conditions of neighbouring occupiers and would provide satisfactory parking arrangements, and security. Nonetheless, given the close relationship with neighbouring residential properties, it is considered that a further temporary consent is reasonable to fully test the proposed mitigation so that these may be adjusted as required. This is to accord with Policy E40 of the Northampton Local Plan and aims of the National Planning Policy Framework.

### **2. THE PROPOSAL**

2.1 Planning permission is sought for the continued additional use of the lift tower for purposes of abseiling. A similar application (ref N/2012/0608) was determined at Planning Committee meeting in September 2012 where members granted a temporary consent to allow officers to

monitor the abseiling use up until the end of May 2013 after which the applicant would seek a permanent permission. The applicant has confirmed that they would accept restrictions to limit the use to a maximum of 18 events per calendar year, to operate between the hours of 9am and 6pm and the numbers of participants per day to be limited to a maximum of total number of 60. They are also proposing that if events are postponed due to inclement weather conditions that they can be re-scheduled to another date and that no more than 6 events be run on consecutive weekends.

- 2.2 The abseiling takes place mainly on Saturdays with some Sundays. The day typically commences at 8.30am when the abseil team and charity arrive on site and begin setting up. This involves erecting a temporary gazebo adjacent to the building to be used as registration point. The abseil team rig the abseiling platform near the top of the lift tower and drop two ropes down the outside of the building. Registration takes place from 8.45am and the first abseil starts at 9am. Two abseilers go down every fifteen minutes. Typically, the day ends at 5pm however there may be delays during the day and on these occasions the event will continue beyond 5pm and end at 6pm at the very latest.
- 2.3 The submitted plans show 3 different points where the abseiling takes place from near the top of the tower. The exact position is dependent on the wind direction on the day which determines whether the abseiling occurs from Point A at height of 123m, Point B at 120m or Point C at 102m.
- 2.4 The table below sets out the frequency of such events in the last 12 months from May 2012 to May 2013 (details supplied by the applicant).

<b>DATE OF EVENT</b>	<b>NUMBER OF PARTICIPANTS</b>	<b>CHARITY / ORGANISATION</b>
12 May 2012	55	The Lowdown
19 May 2012	29	Various (organised by Girl Guides)
26 May 2012	51	Life Education
24 June 2012	27	Lighthouse Centre
7 July 2012	32	Help For Heroes (HFH)
18 August 2012	19	Families In Partnership
22 September 2012	35	FIP, Help For Heroes
20 October 2012	16	Various
10 November 2012	41	Various
15 December 2012	25	Various
16 February 2012	9	Various
13 April 2013	13	Help for Heroes, World Challenge, Voluntary Services Overseas
27 April 2013	60	British Red Cross
11 May 2013	60	Wood Green Animal charity, ALERT, Cynthia Spencer, St

		Peters, Maidenhead, Motor Neurone Disease, World Challenge
18 May	34	Target Ovarian Cancer , Motor Neurone, Childreach International, St Peters, Maidenhead

2.5 As can be seen from the table above, the frequency of events varies throughout the year, based on demand but also on the season. Spring and early summer seems to be the most popular although events have also been held in winter months.

### 3. SITE DESCRIPTION

3.1 The site is located within a modern residential estate to the south of Weedon Road to the west of the town centre. The lift tower is a highly distinctive and prominent concrete structure measuring some 127m high and 14m in diameter at the base. It is a Grade II Listed Building (listed in 1997) and has been previously used as a lift testing facility. The tower was built during 1980 to 1982 and designed by Stimpson and Walton for Express Lifts Company. It is positioned within a circular island at the end of the main estate road (The Approach) from Weedon Road and is surrounded by residential flats and houses completed in 2005.

3.2 The Lift Tower was opened in 1982 as a purpose built lift testing tower as part of the wider Express Lifts factory complex. The factory was closed in 1999 following the takeover of Express Lifts by Otis. The Tower was incorporated into the surrounding residential development such that it could continue to be used for lift testing purposes by the British Standards Institute. Although it has continued to be used periodically for research and development the building became largely dormant until 2008 when it was taken over by the current owner, the applicant.

### 4. PLANNING HISTORY

4.1 Planning permission was granted in November 1979 under Local Planning Authority reference 79/1017 for the construction of a lift testing tower with associated training facilities. Since then various applications have been determined for associated development connected with the tower.

4.2 In 1999 planning permission was granted for 411 residential dwellings, this was for the residential development which now surrounds the tower. In 2003, there was a listed building consent application submitted for the demolition of the tower which was refused. In 2010, the owner submitted a planning application and associated listed building consent for erection of 2 storey visitors centre at the base of



the tower. This was refused on the impact on the listed building and residential amenity and later dismissed on appeal.

- 4.3 As discussed in paragraph 2.1, temporary permission for abseiling was granted in September 2012 until the end of May 2013.

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

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

National Planning Policy Framework (NPPF).

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

E40 Crime and Vandalism.

##### **5.4 Supplementary Planning Guidance**

Planning Out Crime in Northamptonshire SPG 2004.

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

- 6.1 **Public Protection (NBC)** – Still have concerns regarding noise arising from the proposed development as there are a number of variables which could lead to problems if not adequately controlled in the future but confirm that no complaints have been received since the temporary permission was granted. The provision of marshals to patrol the exterior areas and supervise spectators to keep them on Tower property appears to have had some positive effect although we believe that a balance needs to be sought between the needs of business and neighbour amenity. I would suggest conditions to reflect the work already undertaken. Noisy behaviour off site cannot be enforced as the statutory nuisance regime does not lend itself to dealing with people noise in the street. Conditions are suggested to accommodate the following:

- Adequate supervision must be provided on the day of the events for purposes of marshalling, parking and crowd control
- The number of events per year shall be limited to 26
- Hours for actual abseiling limited to 0900 to 1700

- 6.2 **Built Conservation (NBC)** – There are no objections from a conservation perspective. A pre-application consultation was undertaken and it was established that listed building consent was not required for the proposal as the temporary scaffolding tower has no impact on the fabric of the building.

- 6.3 **Highway Authority (NCC)** – No objection.

6.4 **Northants Police (NCC)** - No objection.

6.5 **English Heritage** - No comments.

6.6 A total of **7 objections have been received from County Councillor Jill Hope, 52 Nearside, 81 Far End, 10 Tower Square and 6 Nearside** raising the following points:

- Events should be restricted in terms of maximum number and participants as they could expand out of reasonable proportion
- Concerns on limited parking at the site and increase in traffic generation
- Not enough time has passed to assess methods of crowd control and noise
- The development is totally inappropriate and does not contribute anything to the community
- Loss of privacy to residents of Tower Square and noise
- Will disrupt the peaceful enjoyment of my property and have a negative impact on tenants/owners living here
- Applicant has made no attempt to talk to residents on the development
- Concern that this is an attempt to use “charity events” as commercial venture
- The tower should stick to its intention as being used for lift testing.
- The application is for the benefit of the owner to develop extra income
- Concern that financial gain is put ahead of neighbour consideration
- Concerns over poor marshalling at abseil held on 11 May

## **7 APPRAISAL**

7.1 The principal considerations for the determination of this planning application relate to the impact on the amenity of neighbouring properties, whether there is sufficient parking and security and the effect on the character of the listed building, while also taking into account the potential contribution the proposal would make to the long term use and maintenance of the listed building.

### ***Policy context***

7.2 Saved policy E40 of the Northampton Local Plan relates to the need for new development to reduce the potential for crime and vandalism. Paragraph 123 of the NPPF states that decisions should aim to avoid noise from giving rise to significant impacts on quality of life. The NPPF goes on to say that when considering the impact of a proposed development on a heritage asset (e.g. listed building) then weight should be attached to the asset’s conservation. National Policy also emphasises the importance of sustainable transport and stresses the

need for proposals to encourage sustainability.

***Changes since grant of temporary permission***

- 7.3 Since the grant of temporary consent in September 2012, the applicant has implemented a number of changes to stewarding at the events and better communication with local residents. Improved marshalling to ensure that spectators no longer congregate on the highway surrounding the tower and remain on tower land is in force. The applicant has also recently distributed leaflets to residents of the estate advising them that the dates of future events are to be posted on Facebook and on the Tower web page. Meetings have also been held between the applicant and some local residents in order to assist communication and discuss mitigation / management. In addition, one of the members of the abseil team has spoken to a number of residents on the estate who previously had concerns and the applicant and abseil team remains available to discuss concerns when the need arises.

***Parking***

- 7.4 Parking is provided primarily on designated parking spaces on the island encircling the tower. The parking layout drawing submitted with the application shows 14 existing spaces and 8 temporary spaces set aside for the proposal giving a total of 22 off-road spaces.
- 7.5 The applicant has provided a Management Statement which explains that parking is managed on event days by a marshal who advises visitors where to park “ensuring that cars are not parked illegally or inconsiderately on Tower Square”. Some of the objectors are also concerned that parking is enforced properly and that the abseiling events have occurred at the same time as events at the nearby rugby stadium. Officers recommend that a suitable Management Plan including travel and parking planning and management be secured by condition on any grant of planning permission to manage and control means of travel to and from the site.
- 7.6 The case officer observed the events that took place on Saturday 27 April and 18 May 2013. He noted that on the second occasion there was sufficient parking spaces on-site left available for use. On 27 April the car park was full to capacity. While it is acknowledged that there may be some conflict with parking demand generated from the nearby rugby club, it is not that frequent occurrence when the rugby ground is used at the same time as the abseiling. There is also adequate and well-marshalled car parking for the rugby ground with its car parks at the stadium and off Edger Mobbs Way such that there is unlikely to conflict between the two uses.
- 7.7 Whilst it is recognised that the designated marshalling team hold no legal remit to enforce parking on the estate as the roads are not in the applicant’s ownership, they are also monitored by civil enforcement

officers who monitor and regulate illegal parking on The Approach (the main access road leading up to the tower) on behalf of the owner. The applicant also provided evidence that they have an arrangement to use Wrefords Transport facility Edgar Mobbs Way to provide overflow parking for the use if required. However this is not a matter that can be controlled / secured through this planning application as it is not within the application site. Furthermore, the Highway Authority has been consulted on the application and raises no objections to existing parking provision as the site.

***Impact on living conditions of neighbours***

- 7.8 The principal concerns relate primarily to generation of nuisance noise from congregation of spectators around Tower Square, effect from additional traffic entering and egressing the site and general disturbance on the day of the abseils. It is acknowledged that the noise generated from spectators is difficult to govern effectively however with careful marshalling and management the effect can be reduced. On his 2 recent site inspections the case officer noted that the events were much better marshalled than prior to the grant of the temporary consent in 2012 and certainly the applicant has implemented a number of improvements. These include ensuring that spectators are now well supervised so that they are kept on tower land and do not venture onto the road or congregate beneath residents' windows. At his first site visit on 27 April the case officer was met on arrival by a steward who was distributing leaflets advising spectators to stand in the designated spectator area and not on the road and to put litter in the bins provided. The role of marshalling was seen to involve managing the available parking spaces, advising new arrivals where they can and cannot park and ensuring that cars are not parked inconsiderately on Tower Square such as to be a nuisance to local residents. Recent meetings have also taken place with the applicant and local residents to discuss their concerns. The concerns raised by one objector that the 11 May abseil was run particularly badly is in the officers opinion probably an exception rather than the norm given that the 2 abseils he attended appeared to be run by stewards in a professional manner.
- 7.9 The Council's Environmental Health Officers as a consultee have some concerns regarding potential noise from the development however they advise that no complaints have been received since the temporary consent was granted.
- 7.10 The Environmental Health Section has recommended that conditions should be imposed on any grant of consent relating to adequate supervision of events, controls on number of events per year limited to maximum of 26 and hours of operation. Discussions have taken place with the applicant who, following liaison with residents, proposes restrictions relating to hours of use, number of events (not exceeding 18 per annum), suitable marshalling regime and days of occurrence which have been discussed with a number of local residents. A number of planning conditions are therefore being included on the

officer's recommendation to reflect these points as well as other controls that are considered necessary. One objector has also raised concern that no mobile catering vans are used at abseil events and again this is to be secured by condition on any approval which the applicant is happy to agree to. Hours of operation will be controlled between 8am and 6pm with no events to be held on Bank or Public Holidays.

- 7.11 This suite of controls is considered sufficient to exercise control over the use to protect amenity and highway safety. However, it is recognised that this is an unusual use which by its nature and proximity to residential property has the potential to have a significant impact if not adequately controlled. Moreover, the current temporary planning permission has only been in place since September 2012 and therefore the potentially most intensive operating period during the summer has not yet been experienced. Therefore, in order to adequately assess the impact of the use (especially during summer months) and to fully test the suite of controls recommended herein, it is proposed that this planning permission is limited to an 15 month period so that the matter may be reviewed.

#### ***Community and Economic Benefits***

- 7.12 The proposal provides some benefits to the wider community due to raising money for various charitable causes. In addition the abseiling requires a team of ten individuals to run an event including six abseil specialists responsible for training, fitting of equipment to participants etc, two supervisors who support the marshalling team, liaising with the charities and other related issues. Whilst the operation is primarily commercial in nature it must be borne in mind several charities have benefitted financially from the events being run.

#### ***Impact on character and setting of Listed Building***

- 7.13 The applicant has submitted a Heritage Statement with their application which concludes that the abseiling platforms in use are free standing structures and therefore there is no adverse impact on the fabric of this listed building. The Council's Conservation Officers have been consulted on the proposal and raise no objection to the nature of the use and its effect on the setting and character of this Grade 2 listed building. This would comply with aims of the NPPF which promote new development to have an acceptable impact on heritage assets.

#### ***Security***

- 7.14 The applicant outlines that in terms of site security there is a single point of entry into the building on a given day which is supervised by a dedicated member of staff who ensure that only authorised persons can obtain entry into the building. Northants Police have been consulted on the application and conclude that they have no objections given that there are no recent reports of inconsiderate parking or

vehicle nuisance in the site vicinity. This would accord with Policy E40 of the Northampton Local Plan which encourages applicants to consider crime and vandalism in determining planning applications.

***Other matters***

- 7.15 It has been contended that not enough time has passed to allow local residents to assess the application. However in practice, the temporary consent was granted 9 months ago and a large number of abseils has been held in that time. Officers are recommending an extension to the current temporary consent to allow further monitoring of events to occur.

**8. CONCLUSION**

- 8.1 Whilst officers note that the proposed operation still raises concerns to some local residents it is considered that the principle of development has already been established by the previous consent and that this has not resulted in any known objections to the Council's Environmental Health Section since grant of temporary consent in 2012. The stewarding and general operation of the events have significantly improved since the previous grant of temporary consent and subject to a number of planning conditions (see Section 9 below) it is considered that the proposal is on balance acceptable given the reduced effect on neighbours, existing parking provision and security. The use is therefore considered to be acceptable. In order to fully test the suite of conditions / controls proposed it is recommended that planning permission be for a limited period of 15 months, which allow the use and controls to be fully re-assessed and any appropriate amendments made.

**9. CONDITIONS**

(1) The abseiling use hereby permitted shall only take place between the hours of 8am and 6pm on any day and there shall be no events on Bank or Public Holidays.

Reason: In interests of residential amenity to comply with aims of the National Planning Policy Framework.

(2) The total number of abseiling 'events' shall not exceed 23 and there shall be no more than 18 events in any calendar year. 'Events' shall be limited to a single day unless otherwise provided for by Conditions 6 and 7. A detailed schedule of events (showing dates and number of abseilers) shall be provided in writing (to [planning@northampton.gov.uk](mailto:planning@northampton.gov.uk)) every 3 months starting on 11 September 2013.

Reason: In interests of residential amenity to comply with the aims of the National Planning Policy Framework.

(3) Prior to the first abseiling event held after the date of this planning permission full details of a Management Strategy and Regime clearly showing how the operator of the use will steward, supervise and manage all aspects of future abseils (including travel and parking and preventing mobile catering facilities) shall have been submitted to and approved in writing by the Local Planning Authority. All events thereafter shall be carried out in full accordance with those details.

Reason: In interests of residential amenity to comply with aims of the National Planning Policy Framework.

(4) Prior to the first abseiling event held after the date of this planning permission full details showing how the operator of the use will work with and carry out communication and inform local residents of future events shall have been submitted to and approved in writing by the Local Planning Authority. The operator of the use shall fully implement the approved details thereafter.

Reason: In the interests of residential amenity to comply with aims of the National Planning Policy Framework.

(5) The area shown on the approved plans as Parking Layout shall be used solely for the purpose of car parking associated with the abseiling events on the day of each abseil event and shall not be used for any other purpose.

Reason: In the interest of highway safety to comply with aims of the National Planning Policy Framework.

(6) In the event that an abseil is cancelled due to inclement weather conditions or other unforeseen circumstances, the applicant shall be able to re-schedule an event provided that the numbers of participants and hours of operation comply with the other conditions imposed on this approval notice. This is limited to 6 events per calendar year. In these circumstances the Local Planning Authority must be notified in writing (to [planning@northampton.gov.uk](mailto:planning@northampton.gov.uk)) within 1 working day.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(7) In the event that all participants are unable to abseil in one given day those participants that were unable to abseil will be permitted to abseil the following day. This is limited to 6 events per calendar year. In these circumstances the Local Planning Authority must be notified in writing (to [planning@northampton.gov.uk](mailto:planning@northampton.gov.uk)) within 1 working day.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(8) The maximum number of abseilers / participants per event is limited to 60.

Reason: In interests of residential amenity to comply with the National Planning Policy Framework.

(9) The use hereby permitted shall be limited to a temporary period only expiring on 11 September 2014. The Local Planning Authority shall be informed of the cessation of the use in writing within 7 working days of the specified date.

Reason: To allow the Local Planning Authority to fully monitor the use and the effectiveness of the mitigation / controls contained in the preceding conditions in the interests of residential amenity and highway safety.

(10) No more than 2 abseiling events shall take place on consecutive weekends in any calendar year.

Reason: In interests of residential amenity to comply with the aims of the National Planning Policy Framework.

(11) The additional use of the site hereby permitted shall be limited to abseiling events only and for no other additional purposes such as free falling or free jumping.

Reason: For the avoidance of doubt to make it clear that the additional use is limited to abseiling only.

## **10. BACKGROUND PAPERS**

10.1 N/2012/0608 and N/2013/0194.

## **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.





**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0232**                      **Erection/retention of ball stop netting (10m high) for 100m along west boundary of Saints Cricket & Hockey Club, Birchfield Road East, Northampton**

**WARD:**                              **Westone**

**APPLICANT:**                      **Northampton Saints Sports Club**  
**AGENT:**                              **None**

**REFERRED BY:**                      **Head of Planning**  
**REASON:**                              **The site is owned by Northampton Borough Council**

**DEPARTURE:**                      **No**

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposal is of an acceptable scale and design and would not adversely impact on the amenity of the occupiers of the adjacent residential development in accordance with Environment Policy 20 of the Northampton Local Plan and National Planning Policy Framework paragraph 56.

**2. THE PROPOSAL**

2.1 The application is for the part retention and erection of a 100m length of 10m high ball stop netting along the western boundary of the cricket pitch which lies adjacent to a new residential development currently under construction on the former Cherry Orchard School site. A number of the properties adjacent to this western boundary are now completed and occupied. The fencing consists of 10m high green powder coated steel posts set at 10m intervals with green netting in-between. A large section of the fencing extending from the rear of the clubhouse to the end of the constructed dwellings is already in place.

### **3. SITE DESCRIPTION**

- 3.1 The application site consists of the clubhouse building and car park fronting onto Birchfield Road East with approximately 1.2 hectares of sports pitches to the rear. The surrounding area is predominantly residential with housing located to the east and southeast and a new residential development currently under construction on the former Cherry Orchard School site situated to the west. The dwellings along the western boundary are substantially completed and occupied and set at a lower level than the adjacent sports pitch with rear elevations facing directly towards the sports pitch. Northampton Lawn Tennis Club and tennis courts are situated along the south-western boundary.

### **4. PLANNING HISTORY**

- 4.1 N/2009/0298 – Erection of 50m length of 10m high netting fence. Permitted 17.06.09.  
Proposed along southwest boundary adjacent to tennis courts but not implemented.

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

#### **5.2 National Policies**

Paragraph 56 of the National Planning Policy Framework seeks to ensure good design which contributes positively to making places better for people.

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

E20 – New Development

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

- 6.1 **NBC Estates and Asset Management Team** has no objection from a land owner perspective.

### **7. APPRAISAL**

#### ***Design and appearance***

- 7.1 Despite the height and length of the fence, the green colour of the posts and relatively transparent nature of the netting assists in mitigating the impact such that the fencing is not visually intrusive. The fencing is located to the rear of the club and is not visible from within the streetscene and is not uncharacteristic of fencing typically

associated with such recreational uses.

***Impact on amenity***

- 7.2 The fencing is required as a safety measure to avoid stray balls venturing into or causing damage to adjacent residential properties. Whilst the fencing is located within relatively close proximity of the rear elevation of these neighbouring properties (approximately 8m away) directly along the boundary to the rear garden and at a higher level (approximately 1m) the appearance is not overly intrusive and does not lead to any significant degree of overbearing in terms of loss of outlook from the rear of these properties.

**8. CONCLUSION**

- 8.1 The proposed fencing is of an acceptable design and appearance and would ensure that the amenity of adjacent residential properties is protected whilst allowing the activities of the sports club to continue unprohibited.

**9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and fence detail plan received 17 April 2013.

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

**10. BACKGROUND PAPERS**

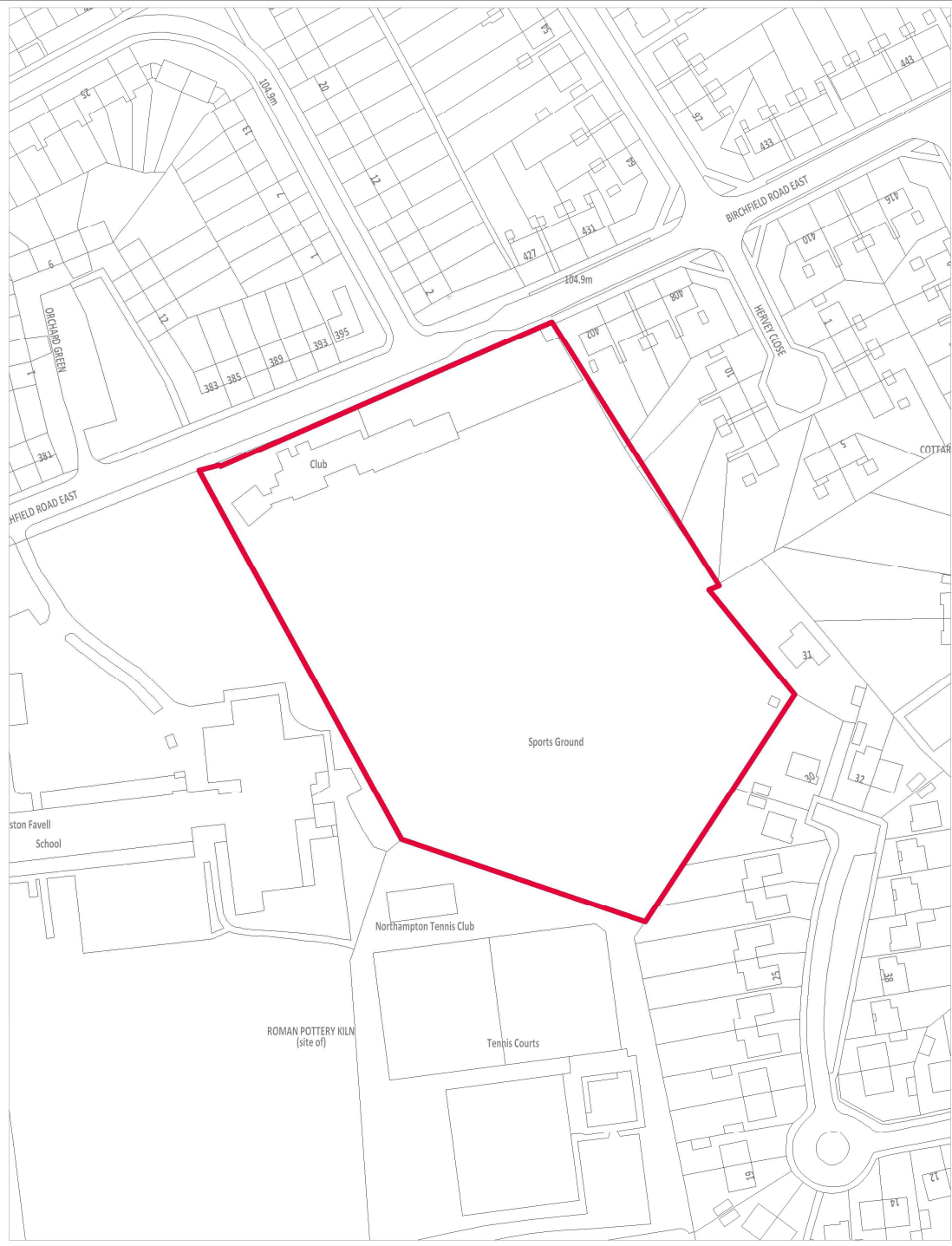
- 10.1 N/2013/0232

**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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**Birchfield Road East**

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0297**                      **Erection of single-storey dwelling including detached garage at land rear of 25 Penfold Lane, Great Billing**

**WARD:** Billing

**APPLICANT:** JJ Moon Limited  
**AGENT:** Architectural Solutions

**REFERRED BY:** Head of Planning  
**REASON:** Called in by Cllr Palethorpe due to concerns regarding potential overdevelopment of the site, access arrangements and the character of development.

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

#### **1.1 APPROVAL** for the following reason:

The impact of the proposed development on the character of neighbouring properties and the wider area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, H6 and H10 of the Northampton Local Plan.

1.2 This application was withdrawn from the agenda of the Planning Committee meeting on 7 May 2013 due to a combination of factors including the receipt of a considerable amount of further representations after the agenda was published, the statutory consultation period only expiring on the Friday before the meeting and the Monday before the meeting being a Bank Holiday. Because of these circumstances it would have been difficult to properly assess, respond to and communicate any representations made in the limited time available before for the meeting.

1.3 Following the receipt of a revised plan and additional information on 21

May 2013, a further 14 day re-consultation of local neighbours and contributors was undertaken. This is due to expire on 5 June 2013 (following the publication of this Committee Report). Any further responses received shall be reported to Members through the Addendum.

## **2. THE PROPOSAL**

- 2.1 The proposals involve the construction of a standalone bungalow within the rear garden area of No.25 Penfold Lane. The new property's principal elevation would front directly on to Penfold Lane and would be setback approximately 8m from the Penfold Lane boundary broadly in line with neighbouring properties. The footprint of the property would roughly resemble an 'H' with 2no. gable ends being proposed to both its eastern and western sides with dual-pitched roof designs. A standalone single garage is proposed to the southern side of the site. A new vehicular access, driveway and pedestrian access would be created on Penfold Lane involving the removal of 8.5m of existing low-level stone wall and planting immediately behind the wall.

## **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a notable part of the rear garden area of No.25 Penfold Lane. No. 25 is located at the junction of Penfold Lane and Lady Winefride's Walk such that its principal elevation actually faces Lady Winefride's Walk to the south. The rear garden area in question abuts the western side of Penfold Lane (running a distance of 27m to the boundary with No.27 Penfold Lane) where a low-level stone wall is in existence with a mature hedgerow and landscaping located immediately behind. The garden stretches back (to the west) a distance of 32m when measured from the Penfold Lane boundary.
- 3.2 The existing dwelling at No.25 Penfold Lane is a bungalow setback approximately 8m from both its Penfold Lane and Lady Winefride's Walk frontages. It is afforded vehicular access leading to a single integral garage on Penfold Lane. Surrounding residential properties are typically 1½ storeys in built height (i.e. there is living space above the ground floor level with roofs served by either dormer or gable end windows), there are also examples of 2no. storey properties located to the opposing eastern side of Penfold Lane.

## **4. PLANNING HISTORY**

- 4.1 None relevant specifically to this property.

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

5.2 **National Policies:**

National Planning Policy Framework (NPPF)

5.3 **Northampton Borough Local Plan**

E20 - New Development

H6 - Housing Development within Primarily Residential Areas

H10 - Backland Development

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Access Officer:** No comments received.

6.2 **NBC Public Protection:** No objections in principle to the proposed development, although conditions should be sought to address the matter of elevated levels of naturally occurring arsenic that can exist in soil in the Northampton area.

6.3 **Cllr David Palethorpe:** The proposals represent an overdevelopment of the site, are out of keeping with the area and adjoining existing properties. Also consideration needs to be given to Penfold Lane access.

6.4 **Great Billing Parish Council:** It is thought that, within the area immediately adjoining the village's conservation area, covenants are in place that declare that only one property should ever be built on each plot to ensure that no further development would take place, ease of access, and that no homes would be overshadowed by another. The Parish Council wish to retain this classic 1960s bungalow in its original condition. This proposed overdevelopment would have a detrimental effect upon the character of the area and would set a precedent which would affect the community as a whole.

6.5 In addition, **objection letters have been received from 40no. different local residences.** These letters have been received from the addresses listed in the following paragraph. The matters that have been raised are summarised in the subsequent bullet points.

6.6 York Gates, 22, 24, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, Penfold Lane; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20 Lady Winefrides Walk; 1, 2, 15 Penfold Gardens; 1, 7 Chantry Close; 23 Elwes Way; The Chantry, Church Walk; 16 Cattle Hill; 39 Valentine Way.

- A precedent will be set for similar applications within Great Billing in the future.
- Great Billing has already been completely overdeveloped in the last 10 years.

- This scheme represents overdevelopment of the plot with the dwelling being squeezed in with a contrived boundary arrangement.
- Any backland development would destroy the character of the locality and the village setting.
- Plots on Penfold Lane and Lady Winefrides Walk are characterised by low density housing with regularity in the distances to front and side boundaries – the development is not in keeping with this character.
- The proposed dwelling would be set forward of other properties on Penfold Lane.
- Penfold Lane has a role to play in considering the setting of the Great Billing Conservation Area, the site can be considered to lie within this setting.
- To remove any part of the stone boundary wall would not be in keeping with the character of the area – continuous stone walling is achieved through the positioning of paired accesses.
- There will be increased traffic and parking (during construction and once occupied) causing obstruction to pedestrians and vehicles, particularly if reversing out on to Penfold Lane, which would be necessitated whenever the proposed off-street turning area is occupied by a parked vehicle.
- There is a shared driveway located almost directly opposite the newly proposed driveway, access problems could be caused by increased street parking.
- Should this application be approved, it is likely that subsequent extension applications shall be forthcoming in the future.
- Covenants are in place to ensure that not more than one dwelling is built per plot.
- There will be detrimental impacts upon the amenities of the occupiers of 27 Penfold Lane through overshadowing and the close proximity of the proposals; the property is served by a large side-facing lounge window. The privacy and seclusion of No.27's rear garden would be eroded.
- The side-facing window of No. 27 is shown inaccurately upon the submitted plans and should not be determined on this basis.
- The added noise from the occupation of an additional dwelling would damage neighbouring residential amenity.
- There is no 'in principle' support for the redevelopment of domestic gardens within the National Planning Policy Framework (NPPF). The NPPF requires development to respond to and respect the character of an area, which this development doesn't. The proposals are also in breach of local planning policies – Policies H6, H10 and E20 of the Northampton Local Plan (1997).
- The Penfold Lane frontage of the existing property is extensively planted; this leafy character will inevitably be lost during construction works through tree and shrub removals.

6.7 A further 14-day consultation of local neighbours and contributors was



undertaken following the receipt of a revised plan and additional information on 21 May 2013. Further **objection letters have been received from 9no. different local residences** – see addresses listed in the following paragraph. A **petition signed by a further 13no. residents** has also been received, which states that previous objections remain unaltered. Any additional matters that have been raised are summarised in the subsequent bullet points.

6.8 22, 27, 29, 31, 33 Penfold Lane; 2, 4, 6, 15 Lady Winefrides Walk:

- The proposed minor adjustments merely highlight the problems with the proposed development.
- Moving the footprint of the building a mere 0.5m will have little impact upon its relationship with 27 Penfold Lane.
- The previous letters of objection remain unaltered.
- The density averages calculated by the applicant are selective in the sense that the average plot size for neighbouring dwellings has excluded No. 25 Penfold Lane – the figures demonstrate overdevelopment.
- The proposed driveway remains a concern; cars may still have to reverse out on to Penfold Lane.
- Backland development will contribute to an increase in road use.

## 7. APPRAISAL

### *Principle*

7.1 As detailed within the NPPF (para 49) housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within a primarily residential area as designated by the Northampton Local Plan – Policy H6 of the Local Plan dictates that planning permission shall be granted for residential development subject to compliance with specific criteria as discussed below. Consideration of the development's scale, density, character and highway implications shall be covered in the following sections of the report, but the principle of residential development is considered to be acceptable on this site.

### *Design & Visual Impact*

7.2 It is considered that the proposed design would harmonise with the character of the area and would respect the visual appearance of nearby dwellings. The proposed low-level, single-storey scale of the proposals (4.5m ridge height) would aid this assimilation with the area and would help to ensure that the scheme would not result in an over-intensive development of the site. The use of varying dual-pitched roof elements and the two gable-ended frontages provides visual interest and feeds off the design cues offered by neighbouring properties.

7.3 It is not considered that the scheme would result in an overdevelopment of the site notwithstanding a notable reduction in the

size of the rear garden area serving No.25 Penfold Lane. This rear garden is particularly generous in its dimensions relative to other rear gardens in the vicinity and would still measure in excess of 100 sq m following the implementation of the proposed scheme. It is felt that the urban grain of the area would be respected – the proposed dwelling's footprint would be positioned on a similar alignment to adjacent properties running the western side of Penfold Lane and would allow the property to be afforded both front and rear garden areas in accordance with the character of the area.

- 7.4 The applicant has submitted, during the application process, further information in respect to density comparisons in the area. They have calculated that the area of the existing plot is 1,405 sq m (comprising 723 sq.m for 25 Penfold Lane and 682 sq.m for the proposed bungalow) compared with the average of 9no. neighbouring plots (located to the western side of Penfold Lane and in the vicinity of the site) of 864 sq m. As a note, an objector to the scheme has pointed out that the average plot size including No. 25 Penfold Lane itself would, in fact, be 918 sq m. The dwelling footprint as a percentage of plot size for the resultant 25 Penfold Lane would be 23% and for the newly proposed bungalow would be 24% - these are percentages that appear reasonable when considered against the percentage figures calculated for neighbouring properties (the applicant has calculated that there are 2no. existing dwellings with equal or higher densities).
- 7.5 It is not felt that the proposed development would set a precedent for similar applications in the vicinity of the site. The existing rear garden is unusually orientated in the sense that it is served by a long side boundary (27m) that directly fronts a highway. It is felt that these special site circumstances afford a development opportunity to this particular site. In any case all planning applications must be determined on their individual merits.
- 7.6 The proposed plans indicate a palette of materials that would match surrounding dwellings – this would constitute concrete interlocking roof tiles, light-coloured brickwork and UPVC window and door openings. Brick coursing would be provided above window openings and under-eaves to the gable ends. Full material samples shall be secured via planning condition. It is felt that the proposals are acceptable in this context in compliance with the requirements of Policies H6 and E20 of the Northampton Local Plan.

### ***Setting of Great Billing Conservation Area***

- 7.7 Comments have been raised through the consultation process in respect to the vicinity of the Great Billing Conservation Area and the potential for the scheme to affect the setting of this designated area. The application site is in fact located approximately 80m from the northern extent of this conservation area, this northern boundary is located at the southern end of Penfold Lane where it feeds into the High Street, Great Billing. It is not considered that the proposals could

be reasonably described as affecting the setting of this area, being setback beyond the access to Lady Winefride's Drive and beyond the existing built extent of No.25 Penfold Lane.

***Residential Amenity, Boundary Treatments, Landscaping***

- 7.8 Policy H10 of the Local Plan refers to the development of residential backland and states that planning permission shall not be granted unless it can be shown that the siting and layout would not be detrimental to the amenity of the locality and would not adversely affect the privacy of adjoining dwellings. The preamble to this Policy (para 3.18) suggests that backland development is problematic when the development consists of one house immediately behind another sharing the same access. In this case the proposed bungalow would front on to and be accessed directly from Penfold Lane.
- 7.9 The proposals would not be overbearing nor cause undue overshadowing by virtue of their single-storey stature. As detailed on the originally submitted plans, the dwelling would be setback 1.5m from the northern boundary of the site (abutting No. 27 Penfold Lane) and would be set far enough forward within the site so as to avoid directly opposing the side-facing window opening of No. 27. It should be noted that this boundary would also be afforded a 1.8m high close-boarded fence treatment to protect privacy.
- 7.10 Notwithstanding the position outlined in the preceding paragraph, in the interests of mitigating neighbour concerns, the applicant has submitted revised plans showing the footprint of the bungalow being moved 0.5m to the south, therefore narrowing the gap between the proposed dwelling and separate garage and allowing for a 2m gap to be allowed between the proposed bungalow and northern boundary of the site.
- 7.11 The occupier of No.27 Penfold Lane has questioned the accuracy of the submitted plan showing the existing arrangements on-site. They have identified a potential discrepancy in terms of the submitted and actual dimensions of their southern side-facing window (with the plans indicating a narrower window in comparison to the actual window in place). Given that the window in question exists in-situ, it is not considered that the precise accuracy of this element in plan-form is a matter of overriding importance. The scale and position of this window are clearly identifiable and assessable on-site in built form. The existing plans are merely intended to support the application. The applicant has however undertaken additional survey work to ensure accuracy in this respect – it is considered that there would not appear to be a material difference between the original and revised drawings.
- 7.12 To the southern side of the site a further 1.8m close-boarded treatment would be installed, which would form the boundary with the existing No.25 Penfold Lane. This would be set a minimum distance of 5m from the built extent of No.25 and would guard against any potential sensitive overlooking concerns.

- 7.13 To the western side of the site is located the grounds of No.2 Lady Winefride's Walk – this is a 1 ½ storey dwelling with an obscure-glazed dormer window opening located to the property's east-facing roof slope. It is not felt that the privacy of the occupiers of this property would be prejudiced by these proposals. In any event, the newly proposed west-facing openings (at ground floor level) would be set at an oblique angle (at least 45%) to the dormer window and existing mature coniferous landscaping is to be retained both along the western boundary of the site and within the rear garden area of the application site. Potential overlooking would be further mitigated as the proposed dwelling would be single storey.
- 7.14 The Penfold Lane frontage would be amended to allow for the introduction of both a new vehicular access (width of 7.5m) and a new pedestrian access (width of 1m). This would result in the loss of approximately 8.5m of the existing low-level stone walling that runs the western side of Penfold Lane in this area. Although it is considered that it would be preferential for this walling to be retained in a visual sense, it is noted that the removal of the wall is essential to allow the new dwelling to be served by its own independent access. 8.5m constitutes a short length of walling in the context of its full length (which is already interrupted by various other access and entry points along Penfold Lane); it is not felt that its removal would be to the detriment of the underlying character of the area. It should be noted that the applicant would be able to remove the walling in question without planning permission in any event. By way of revised plans, the applicant is now also proposing to build the splayed reveals of the new vehicular access from materials reclaimed from the existing wall, which would help the development to harmonise with its context.
- 7.15 Existing shrubbery and trees would be partly retained and trimmed back to the Penfold Lane frontage; there would also be selected removals to allow room for the development to be undertaken within the site. The Penfold Lane frontage would continue to be afforded a buffer of landscaping in the interests of visual amenity and additional planting could also be secured by condition.

#### ***Highways & Parking***

- 7.16 The proposals involve the creation of a new vehicular crossover to Penfold Lane – a private drive would be positioned adjacent to the existing driveway serving No.25 and would be afforded 2m x 2m pedestrian visibility splays on either side in accordance with the Local Highway Authority's (LHA) Standing Advice. A new single garage would be located directly at the end of the new driveway, which would also be afforded a new vehicular turning head to its eastern side. Following the submission of revised plans, this turning head feature is able to accommodate 2no. vehicles at any one time. It is felt that this level of off-street parking provision is acceptable to serve a new standalone dwellinghouse and the proposals would not compromise

the existing off-street parking provision of the host property.

- 7.17 There exists the potential for the turning head to become occupied by parked vehicles. Notwithstanding this, it is positive that such a turning facility is proposed (in association with acceptably dimensioned pedestrian visibility splays) in accordance with the Highway Authority's advice for development of this type. It would be the responsibility of future occupiers to use this responsibly in the interests of highway safety to ensure that vehicles do not reverse out on to Penfold Lane.
- 7.18 The details of the proposal are in compliance with the Highway Authority's Standing Advice, i.e. in terms of junction position, access width, etc. It is felt that planning conditions should be imposed, in accordance with the Standing Advice, to secure drainage and hard surfacing details to ensure that both surface water and loose material do not discharge on to the public highway. As a further note, it is not considered that the proposed access would conflict with the usability or safety of any other private drive in the vicinity of the site.

### ***Other Matters***

- 7.19 Neighbour letters also indicate that restrictive covenants may exist preventing more than one dwelling can be built per plot. This is not a material planning consideration and therefore cannot be taken into account in the determination of any planning application. When planning permission is granted it does not override any covenant that may exist in civil law.
- 7.20 It has also been raised through the consultation process that, should the scheme be approved and developed, there exists the potential for subsequent extension applications to be submitted for determination. All planning applications must be assessed and determined based on what is proposed at that time and according to its own individual planning merits. Should any subsequent future applications be forthcoming, they would also be determined on this basis. As a note, the applicant has commented that the low-level design means that there is insufficient height in the roof space within which to add an additional storey.

## **8. CONCLUSION**

- 8.1 The impact of the proposed development on the character of neighbouring properties and the wider area, residential amenity and highway safety is considered to be acceptable and in accordance with Policies E20, H6 and H10 of the Northampton Local Plan.

## **9. CONDITIONS**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: As Existing (13/H156/2); Location Plan & Proposed Floor Plans and Elevations (13/H156/1B).

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

- (3) Details and/or samples of all proposed external facing materials including the new pedestrian access gate to Penfold Lane shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policies E20 and H6 of the Northampton Local Plan.

- (4) Prior to the commencement of development, details of hard bound surfacing to the vehicular access hereby permitted shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

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

- (5) Prior to the commencement of the development, details of a positive means of drainage to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented, and maintained at all times thereafter, in accordance with the approved details.

Reason: To ensure that surface water from the vehicular access does not discharge onto the public highway in the interests of highway safety in accordance with National Planning Policy Framework.

- (6) 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.

- (7) 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.

- (8) Prior to the commencement of development, a desktop study (including a site walkover) in respect of possible contaminants shall be submitted to and approved in writing by the Local Planning Authority. The study shall include details of the scope and methodology of site investigation (if required), the results of any such investigation shall be used to produce a method statement for any remedial work, which, if required, shall be submitted to and approved in writing by the Local Planning Authority. All remedial works found to be required shall be fully implemented in accordance with the approved details and a validation report shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the completion of the development hereby approved. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority and subsequently investigated, remediated and validated in accordance with the full requirements of this condition.

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.

## **10. BACKGROUND PAPERS**

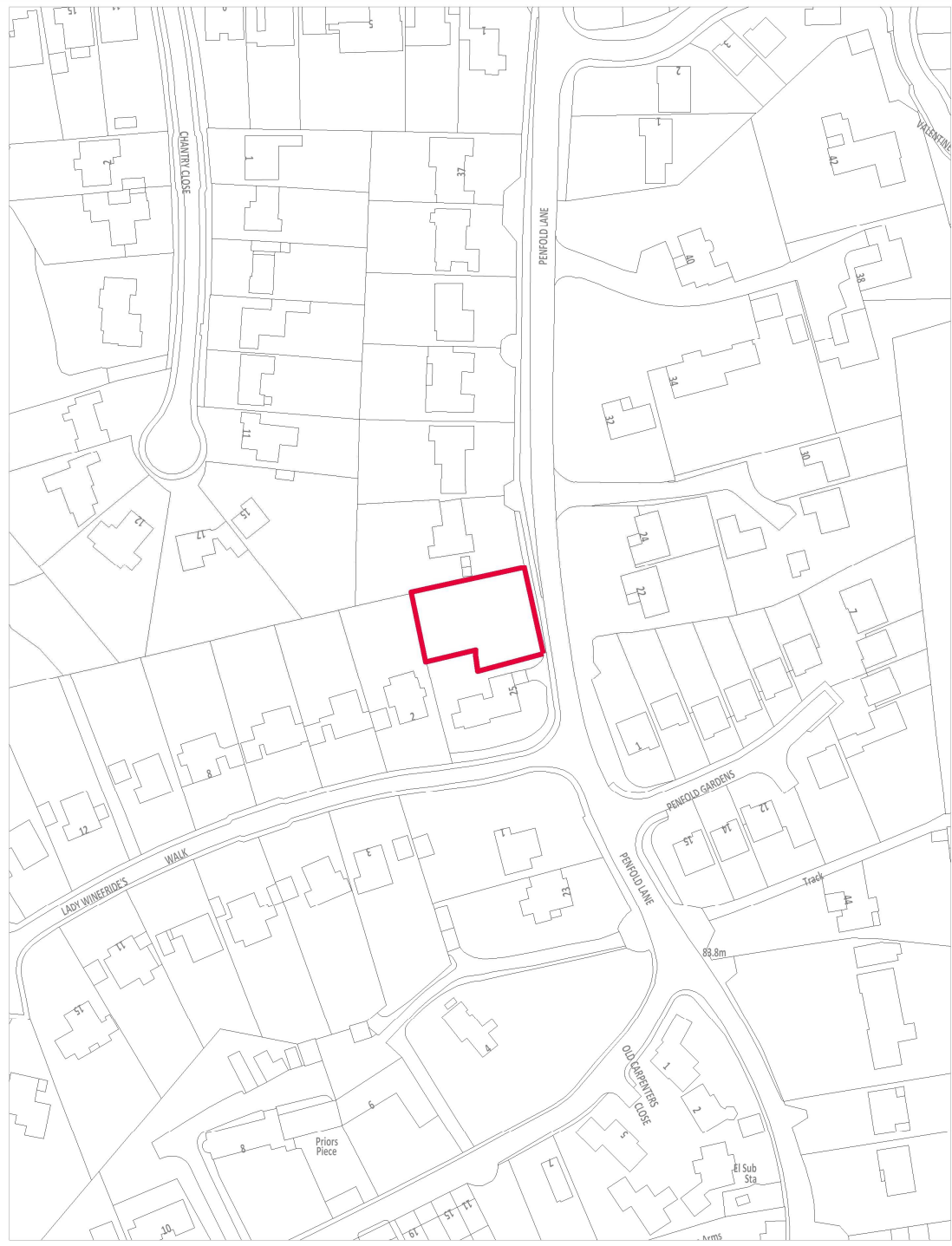
- 10.1 N/2013/0297

## **11. LEGAL IMPLICATIONS**

- 11.1 None for the Council as Local Planning Authority.

## **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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**R/o 25 Penfold Lane**

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0365:** Change of use from single dwelling to house  
in multiple occupation for four people at 6  
Whitworth Road  
**WARD:** Abington

**APPLICANT:** Mr Geoff Porton  
**AGENT:** Miss Alison Cleaver  
AJ Cleaver Consulting Ltd

**REFERRED BY:** Cllr Stone  
**REASON:** Would result in an overdevelopment of the  
building

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and Policies H6 and H30 of the Northampton Local Plan.

### **2. THE PROPOSAL**

2.1 The proposal is to change the use of the premises from a single dwelling house to a house in multiple occupation for four persons. Planning permission is required due to the property falling within an area affected by an Article 4 Direction. This direction came into force in March 2012 and removes permitted development rights for such changes of use. Were it not for the Article 4 Direction planning permission would not be required for this proposal.

### **3. SITE DESCRIPTION**

- 3.1 The site constitutes a 2 storey mid terraced dwelling house located within a primarily residential area. The property has a rear garden and faces directly onto the street with no front garden. There is unrestricted on-street car parking available along Whitworth Road. The site is situated in close proximity to the Wellingborough Road District Centre. Immediately to the south of the site is no. 4 Whitworth Road (a house). Beyond this is a car park and Sainsbury's supermarket which fronts onto Wellingborough Road. To the north of the site is 8 Whitworth Road (a house) and to the east are the rear of dwellinghouses in Adams Avenue.

### **4. PLANNING HISTORY**

- 4.1 None relevant specifically to this property. The site and wider area are subject to an Article 4 Direction as explained in paragraph 2.1 above.

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

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

National Planning Policy Framework (NPPF).

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

E20 - New Development

H6 - Housing

H30 - Multi-occupation within a dwelling

#### **5.4 Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

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

- 6.1 **NBC Public Protection** – suggest noise conditions requesting a scheme to ensure that internal sound insulation complies with current Building Regulations and a scheme to ensure that noise and vibration from mechanical services is avoided.
- 6.2 **NBC Private Sector Housing** – No comments received.
- 6.3 **Highway Authority** – No observations.

6.4 **15 Whitworth Road** – considers change of use to HMO is inappropriate for the size of dwelling. If let to 4 adults, each with a car, parking would be under pressure.

6.5 **Cllr Danielle Stone** – considers the proposal is overdevelopment.

## 7. APPRAISAL

### *Policy background*

7.1 The National Planning Policy Framework (NPPF) does not offer specific guidance to Local Planning Authorities (LPAs) in respect to dealing with applications for the change of use from a dwelling to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50).

7.2 Saved policies contained within the Northampton Local Plan continue to constitute part of the Development Plan, consequently the proposed use should be assessed against Policy H30. This policy states that permission for such a use will be granted as long as the property is of sufficient size, would not result in an over-concentration of similar uses that would change the character of an area and be detrimental to the amenities of neighbouring residents and the locality, and not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect. The specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

### *Size of property*

7.3 It is proposed to provide 4 separate bedrooms, one on the ground floor and three on the first floor and 2 shared bathrooms (again one on each floor). In addition, a shared kitchen and communal room would be provided at ground floor level. The property has a rear garden with an area for refuse storage. At the front, the property faces directly onto the pavement. Bedroom sizes vary from 8.8 square metres to 14.7 square metres. No objections have been received from the Council's Private Sector Housing team and it is considered that the property is of sufficient size to accommodate up to four people.

### *Over-concentration of use / Neighbour amenity*

7.4 Recent data collected from Council records (Council Tax and Private Sector Housing) indicates that there are few (some 7) houses in multiple occupation within Whitworth Road (approximately 100 dwellings in total). It is therefore considered that the character of the area is still dominated by family occupied houses and the introduction of a further HMO would not adversely affect the character in this

instance.

- 7.5 Other issues that may affect neighbouring amenity usually associated with HIMO's are accumulations of refuse on the street, and disturbance due to noise and the intensified use of the site. In order to control these issues officers have requested information from the applicant regarding the management of the property. The applicant has demonstrated his intention to manage these issues via a management plan. This matter can be controlled via condition.
- 7.6 The site has a garden to the rear which includes an area for bin storage on the submitted plan. The applicant has stated a commitment in their submitted Management Plan to supervise appropriate refuse management with receptacles being stored to the rear of the premises on non-collection days. Further, a monthly inspection of the property shall be undertaken by a gardener/general maintenance person to ensure that its condition is properly maintained. This will be increased to twice monthly during the summer months.
- 7.7 In terms of potential noise disturbance, the submitted Management Plan states that the property will be managed by a professional letting agency based on Wellingborough Road. A letter from the agency will be sent to neighbouring properties advising that the property will be rented and it will provide contact numbers for office hours and emergencies in the event of problems. Further measures to prevent noise problems will be a front door bell fitted with 2 sounders located in the downstairs hallway and on the landing so that visitors can be heard without the need for continual knocking at the door. Also door closers will be fitted to all internal doors to ensure that they do not slam. Although the Council's Environmental Health Officer has requested details of internal noise insulation and any mechanical services to be installed, as the proposed conversion works are limited to the creation of a new downstairs bathroom and kitchen it is not considered that additional information is required from the applicant in this instance.
- 7.8 It is considered that the proposed maximum of 4no.occupants would not represent substantial intensification in comparison to how the property could be used as a family home. It is therefore considered that potential disturbance would be unlikely to be significant.

### ***Car Parking***

- 7.9 Whitworth Road has unrestricted on-street car parking opportunities. The site is located in close proximity to Wellingborough Road, which is well served by a range of retail and community facilities and bus services. No objections have been received from the Highway Authority. Moreover, the proposed use is unlikely to result in a significant increase in demand for parking over and above the lawful use as a 3-bedroomed house. The proposals are therefore considered to be acceptable in this context notwithstanding the potential for some

additional demand to be created by the proposed use.

## **8. CONCLUSION**

8.1 It is considered that this application is in accordance with policy: the property is large enough for four people; there is no over-concentration of similar uses in the area which would result in a detrimental impact upon amenity and the character of the area; the site lies in a sustainable location and there is no objection from Highways regarding the impact on parking.

8.2 The proposed use is of a residential nature within a residential area and is compliant with the guidance contained within the National Planning Policy Framework and Policies H6 and H30 of the Northampton Local Plan and accordingly the application is recommended for approval.

## **9. CONDITIONS**

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, floor plans 13/12006/001.

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

(3) The premises shall be used as a house in multiple occupation for a maximum of four residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy H30 of the Northampton Local Plan.

(4) The development hereby permitted shall be carried out in full accordance with the Management Plan received on 21<sup>st</sup> May, 2013.

Reason: In the interests of safeguarding residential amenity in accordance with Policy H30 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

10.1 N/2013/0365.

## **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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**6 Whitworth Road**

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0379**                      **Variation of Conditions 2 & 3 of planning permission 95/0468 to increase the number of letting units from seven to nine and allow for the use of the front room of the basement as living accommodation at 20 St Michaels Avenue**

**WARD:** Castle

**APPLICANT:** Mr Geoff Porton  
**AGENT:** Miss Alison Cleaver, AJ Cleaver Consulting Ltd

**REFERRED BY:** Cllr Stone  
**REASON:** Would result in an overdevelopment of the building

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to the conditions and reason below:

The property is considered to be of sufficient size and capable of providing sufficient amenity to accommodate the proposed increase in occupants. The proposal would not lead to any undue detrimental impact on the character or residential amenity of the area or lead to any significant adverse impact on existing highway conditions in accordance with Housing Policy 30 of the Northampton Local Plan and the National Planning Policy Framework.

**1.2** As the statutory consultation period does not expire until 13 June 2013, it is requested that the final decision on this application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee are raised within this

timescale.

## **2. THE PROPOSAL**

- 2.1 The application as originally submitted proposed the variation of Condition 2 of planning permission 95/0468 to allow for the number of letting units stipulated by the original house in multiple occupation permission to increase from seven to nine. The application has subsequently been amended to include the variation of Condition 3 to allow for the use of the front room of the basement as living accommodation, as restricted by the original condition.
- 2.2 The proposal includes the conversion of the existing ground floor living room and basement store room to create a further two bedrooms. All bedrooms within the property would have shower facilities with toilet facilities on each floor. A further kitchen is proposed on the second floor in addition to the existing kitchen and dining facilities on the ground floor.
- 2.3 The only external alterations proposed are to remove a cover over the existing lightwell and insert a new escape window to the basement with an internal step up to the window providing safe access out.

## **3. SITE DESCRIPTION**

- 3.1 The site is located within an area identified in the Local Plan as residential. The application property forms part of a row of four-storey Victorian terraces with basement and attic rooms and gardens to the rear.
- 3.2 St Michaels Avenue has been subject to an Article 4 Direction since March 2012 removing permitted development rights for change of use to a house in multiple occupation, albeit that HIMOs the size of the application site are not affected by this Direction (i.e. change of use to a HIMO for seven or more residents requires planning permission regardless of the Article 4 Direction).
- 3.3 The street comprises some twenty six properties, seven of which comprise three care homes (nos. 1/3, 6/8 and 5-9). Of the rest, records indicate that most are either in HIMO use or have been converted to flats. This high density occupation is reflected in the character and appearance of the street scene, and it is presumed that this has been long established, as the area is defined as being subject to Policy H31 (HIMO cumulative effect) in the 1997 Local Plan.
- 3.4 St Michaels Avenue is a one-way street and parking is predominantly on-street.

## **4. PLANNING HISTORY**

- 4.1 87/0162 – Continued use as guesthouse. Permitted 5.05.87.



Condition restricting use of front room of basement for habitable purposes.

- 4.2 95/0468 – Change of use to a house in multiple occupation. Permitted 16.08.95. Condition restricting use of front room of basement for habitable purposes & restricting number of letting units to 7.

## 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 saved policies of the Northampton Local Plan 1997.

### 5.2 National Policies:

Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

### 5.3 Northampton Borough Local Plan

H30 - Use of Single Residential Unit for Multi-Occupation

H31 - Cumulative effect of HMOs

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Councillor Stone** objects to the proposal on the grounds of overdevelopment.

- 6.2 **Environmental Health** has no objection.

- 6.3 **Private Sector Housing** has no objection to the proposed increase from seven to nine bedrooms. The window to the proposed bedroom to the front basement is of sufficient size to allow for sleeping purposes. The proposed kitchen to the second floor affords the building sufficient kitchen facilities and also brings the property into line with regard to HMO licence conditions causing no bedroom to be further than two floors distance from a kitchen.

- 6.4 The consultation/notification period has not expired at the time of writing this report. Any further comments received prior to Committee will be reported as an addendum to this report.

## 7. APPRAISAL

### *Principle*

- 7.1 The site is in a location where Policy H31 of the Local Plan restricts further Houses in Multiple Occupation. The principle of the use of the property as a house in multiple occupation has previously been

established with the grant of permission in 1995 prior to the adoption of the Local Plan. The main issue for consideration with the application as proposed is whether the property is of sufficient size to accommodate an additional two occupants, whether this increase would lead to an over-concentration of HIMO use within the area and any significant adverse impact on surrounding residential amenity and on-street parking contrary to the requirements of Housing Policy 30 which allows for multiple residential use of residential units within primarily residential areas.

***Over concentration of use/Impact on Amenity***

- 7.2 NPPF paragraph 17 seeks to ensure that development proposals provide a good standard of amenity for existing and future occupants of land and buildings.
- 7.3 Previous applications for use as a guest house and as a house in multiple occupation are conditioned that the front room of the basement shall not be used for habitable purposes in the interests of general amenity and to secure a satisfactory standard of development. The application proposes the conversion of the front room basement for use to create an additional bedroom. The cover over the existing lightwell would be removed to provide additional light and a new escape window inserted the same size as the existing window with an internal step up to the window to ensure safe egress. Private Sector Housing has inspected the property and has no objection to the use of the basement as a habitable room and additional accommodation and alterations proposed. Sufficient communal space would be provided in the form of the dining room/kitchen area on the ground floor. All rooms, with the exception of one adjoining a bathroom, would have shower facilities with toilet facilities on each floor. A further kitchen is proposed on the second floor in addition to the existing kitchen and dining facilities on the ground floor. The property is considered to be of a suitable size to accommodate the increase proposed in accordance with Local Plan Policy.
- 7.4 A Management Plan has been submitted as additional information which advises that the property would be managed by a professional letting agent on Wellingborough Road who will undertake weekly inspections. Tenants will be interviewed and referenced with a minimum 6 month tenancy. A front door bell will be fitted to the property with sounders located throughout the house to prevent visitors having to continually knock on the front door. Door closers will also be fitted to internal doors to prevent slamming. A cleaner will visit the property fortnightly and a gardener/general maintenance person will visit the property monthly (twice a month in the summer). Bin storage is provided at the rear of the property and the tenancy agreement will state that bins must be put out once a week in the relevant containers. The proposal could be conditioned to be in accordance with the submitted Management Plan to ensure adjacent amenity is protected.

- 7.5 It is not considered that an increase of two additional people occupying the premises would lead to any significant intensification of the existing use or increased impact on the amenity of the surrounding area.

### ***Highways***

- 7.6 Parking provision on St Michaels Avenue is predominantly on-street with unrestricted parking opportunities. The Highway Authority has indicated that it would require 0.5 spaces per tenant equating to an additional requirement of 1 space for the proposed increase of two tenants, albeit that there are no adopted parking standards for this type of use. The site is in a sustainable location within easy access of public transport and the Kettering Road centre/ shopping facilities. In view of the relatively minimal increase in occupants proposed to that currently permitted it is not considered that there would be any significant impact on existing parking conditions arising from the proposal.

## **8. CONCLUSION**

- 8.1 The proposal would not lead to any significant impact on the character or amenity of the surrounding area and is considered to be in accordance with policy and guidance.

## **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. This permission shall relate to the provision of 9 letting units of accommodation for a total occupancy of 9 persons only.  
Reason: In the interests of the amenity of the occupiers and of the surrounding area.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: 12007-01 received 15 May 2013.  
Reason: For the avoidance of doubt and to accord with the terms of the planning application.
4. The existing lightwell cover shall be removed prior to the occupation of the basement front room indicated as Bedroom 8 on the submitted plans.  
Reason: To ensure a good standard of amenity for the proposed occupier.
5. The development hereby permitted shall be carried out in full accordance with the Management Plan received 22 May 2013.  
Reason: In the interests of safeguarding residential amenity in accordance with Policy H30 of the Northampton Local Plan.

**10. BACKGROUND PAPERS**

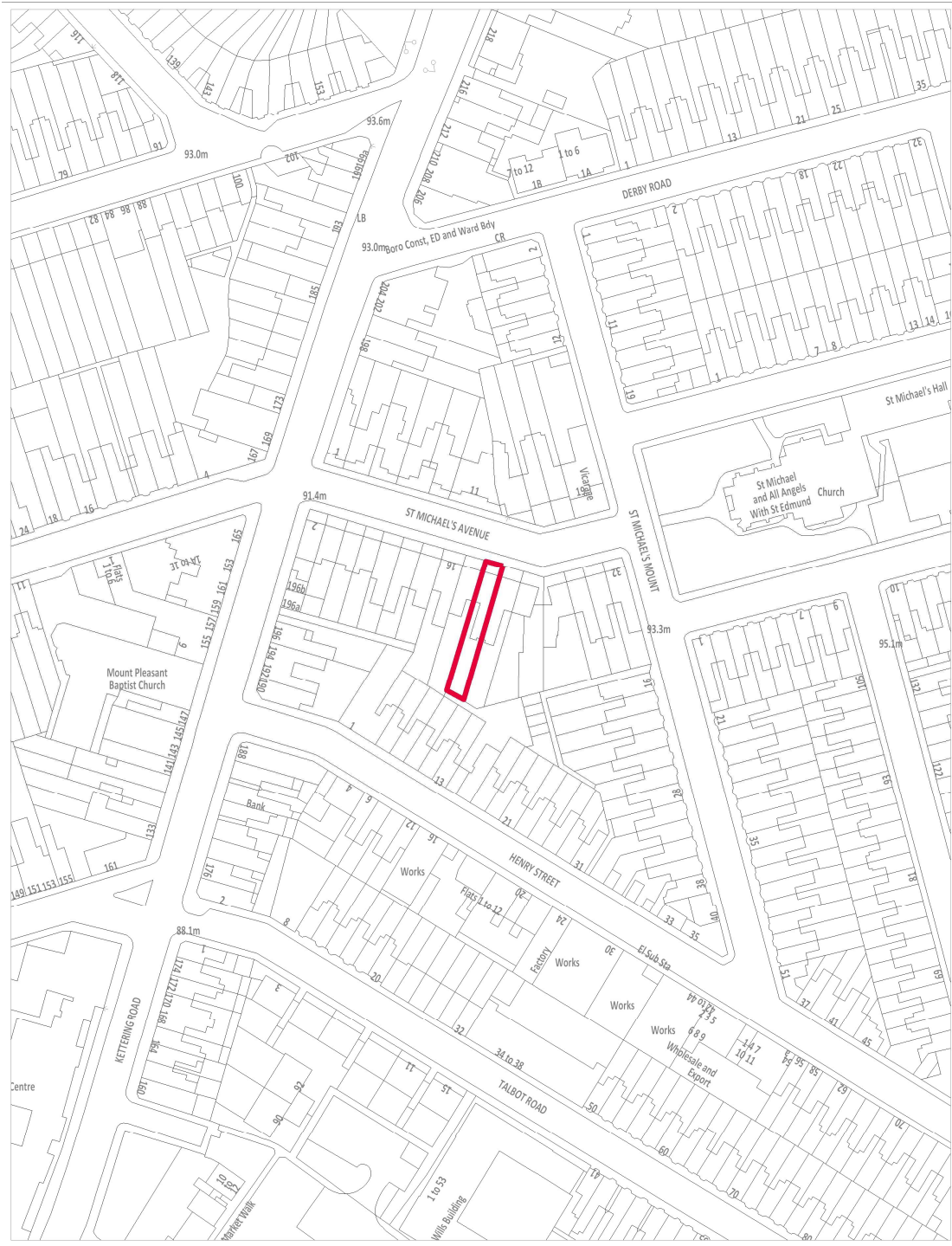
10.1 N/2013/0379.

**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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**20 St Michaels Avenue**

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**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0444:** Retention of use of property as house in multiple occupation for 4 tenants at 71 Hervey Street

**WARD:** Castle

**APPLICANT:** Ricky Darwin  
**AGENT:** James Duggan, Stonhills

**REFERRED BY:** Cllr Stone  
**REASON:** Would result in an overdevelopment of the building

**DEPARTURE:** No

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## **APPLICATION FOR DETERMINATION:**

### **1. RECOMMENDATION**

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

The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems. There would also be a neutral impact on the Boot and Shoe Quarter Conservation Area. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policies H6, H30 and E26 of the Northampton Local Plan.

### **2. THE PROPOSAL**

**2.1** Full planning permission is sought for change of use of a dwelling house to 4 person HIMO. Permission is required as the site falls within the Article 4 Direction Area which removes permitted development rights for changes of use to small HIMOs (between 3 and 6 persons) The use has been implemented already without the benefit of planning permission.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises a 2 storey terraced property located in a Primarily Residential Area as defined by the Northampton Local Plan Proposals Map. The site is within the Boot and Shoe Quarter Conservation Area and parking is provided on street at the front. The property has a private rear garden over 11 metres deep.

### **4. PLANNING HISTORY**

- 4.1 No recent planning applications.

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

#### **5.2 National Policies**

National Planning Policy Framework (NPPF)

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

E26 - Conservation Area

H6 - Housing In Primarily Residential Areas

H30 - Multi-occupation within a dwelling

#### **5.4 Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

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

- 6.1 **Built Conservation (NBC)** no objections

- 6.2 **Private Sector Housing (NBC)** no comments received at the time of drafting the report.

- 6.3 **Highway Authority (NCC)** According to current parking standards any applications for HIMO's will require a minimum of 2 car parking spaces for 5 tenants. Therefore the above application for change of use will require 2 car parking spaces. None of the parking spaces can be confirmed and Hervey Street itself is a very busy street.

- 6.4 **54, 56, 73 Hervey Street and 10 Hunter Street** (Double H Residents Association) objects:-

- Concern on rubbish, strain on utility services, internet, noise causing

discord among residents

- The house was occupied by a married couple recently and not several unrelated people
- Main concern is impact on increased parking pressure

## **7. APPRAISAL**

### ***Policy context***

- 7.1 The National Planning Policy Framework (NPPF) does not offer specific guidance to Local Planning Authorities (LPAs) in respect to dealing with applications for the change of use from a dwelling to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50).
- 7.2 Saved policies contained within the Northampton Local Plan continue to constitute part of the Development Plan; consequently the proposed use should be assessed against Policy H30 which states that permission for such a use should be granted as long as the property is of sufficient size. Policy H30 continues to stipulate that proposals should not result in an over-concentration of similar uses that would be detrimental to the amenities of neighbouring residents in the locality, and should not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect. The specific requirements of Policy H30 shall be considered individually within the following sections of this appraisal.

### ***Size of property***

- 7.3 The submitted plans clearly show that the property provides 4no. separate bedrooms, one on the ground floor and 3 on the first floor (total of 4 residents). In addition, a shared kitchen and lounge/dining room are provided at ground floor level. The property also benefits from a reasonable rear garden some 11 metres in length. It is considered that the property is of sufficient size to accommodate the use. All of the proposed bedrooms appear to be appropriately proportioned (all measuring approximately 9.3 to 11 square metres in area) whilst a communal living area would also be provided. The property is able to acceptably accommodate up to 4 people.

### ***Over-concentration of use and impact on amenity of neighbours***

- 7.4 From recent data collected, such as Council Tax records, it is evident that there are examples of HMOs on the same street. However these represent a reasonably small proportion of the properties in the street (in summary based on the OS maps of the street there are some 89no. properties on Hervey Street of which combined Planning, Private Sector Housing and Council Tax records indicate that there are some



7no. recorded HIMOs in the Street in addition to this property). It is therefore considered that the character of this street already reflects the proposed use and that the addition of a further HIMO would not adversely harm the existing character of the surrounding area.

- 7.5 The site is afforded amenity areas to rear, which is readily used for the storage and placement of refuse and recyclables. In terms of potential noise disturbance, the applicant has submitted a Management Plan which details that in case of emergencies the agent can be contacted on a phone number provided.
- 7.6 It is considered that the proposed maximum of 4no. occupants does not represent substantial intensification in comparison to how the property was previously used as a family home. It is therefore considered that potential disturbance would be unlikely to be significant. It is also considered that given the number of occupants and size of the property that there would unlikely be an over-development of the site. All habitable rooms are also currently served by adequate outlook from existing windows providing occupiers with acceptable residential amenity.

***Parking***

- 7.7 The application site has no off-street parking like the majority of the houses in the street. On-street parking is available in Hervey Street and the surrounding streets, with a number of on-street parking bays opposite the site. Visits to the site by officers indicated that there is spare capacity and the area would not appear to be experiencing notable difficulty in terms of accommodating demand for on-street car parking. In response to the Highway Authority's comments it is considered that the proposed use is unlikely to result in a significant increase in demand for parking over and above the lawful use as a 3-bedroomed house. The site is also located in close proximity to Kettering Road which is well served by a range of retail and community facilities including bus services into and out of the town centre.

***Impact on appearance and character of the Boot and Shoe Quarter Conservation Area***

- 7.8 Given that there would not be any external changes to the building it is considered that the impact on conservation area would be minimal as reflected in the advice of the Council's Conservation Officers.

***Other matters***

- 7.9 Concerns raised by the objector on the impact on utility services and use of internet are not matters under the control of the planning system and therefore hold little weight in decision making.

**8. CONCLUSION**

- 8.1 The proposal would not have an undue detrimental impact on the character of the locality or on the residential amenity of the area and would not give rise to highway safety problems or adverse impact on the conservation area. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and with Policies H6, H30 and E26 of the Northampton Local Plan.

## **9. CONDITIONS**

- (1) The premises shall be used as a house in multiple occupation for a maximum of four residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy H30 of the Northampton Local Plan.

- (2) The development hereby approved shall be carried out fully in accordance with the approved Management Plan received on 21 May 2013.

Reason: To ensure that a satisfactory level of residential amenity is provided in accordance with Policy H30 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

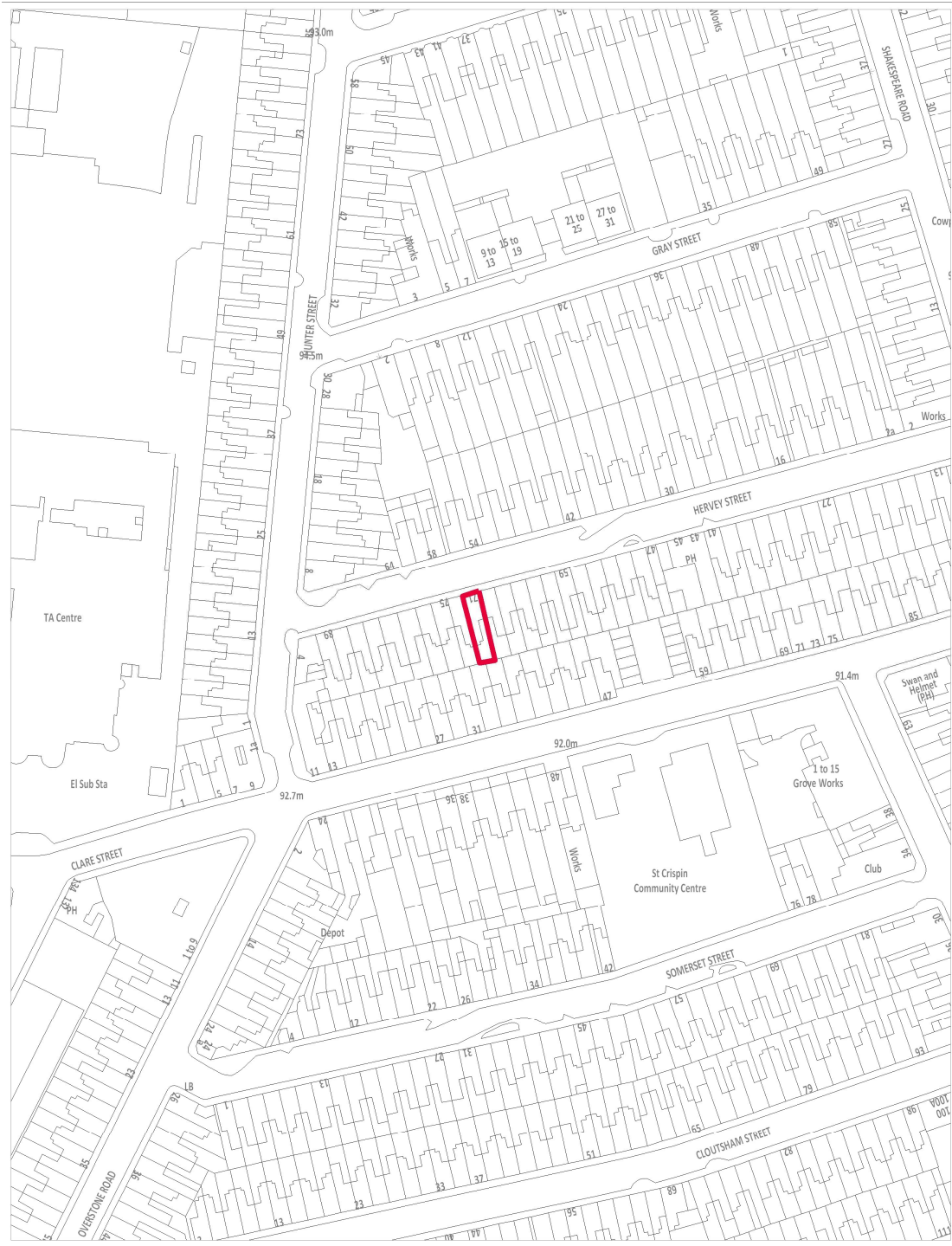
- 10.1 N/2013/0444.

## **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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**71 Hervey Street**

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<b>PLANNING COMMITTEE:</b>	11 <sup>th</sup> June 2013
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Susan Bridge
<b>N/2013/0455:</b>	Consultation on proposal to remove St Edmunds Hospital from the Statutory List of Buildings of Special Architectural or Historic Interest (Listed Buildings)
<b>WARD:</b>	Castle Ward
<b>CONSULTATION:</b>	English Heritage
<b>REFERRED BY:</b>	Head of Planning
<b>REASON:</b>	De-listing applications are made to and decided by English Heritage with a limited consultation with owners, applicants and local authorities. In this case Borough Council planning officers felt that as the building is of wider public interest there should be the opportunity for members of the public and interested groups to make representations about the historic and architectural interest of the building.

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## CONSULTATION BY ENGLISH HERITAGE:

### 1 INTRODUCTION

- 1.1 St Edmund's Hospital (The Former Workhouse), Wellingborough Road. Northampton is a grade II listed building. English Heritage has received an application to de-list it. The Borough Council has been consulted as the relevant local authority. English Heritage can only consider the Special Architectural and Historic Interest of the buildings. Issues relating to the condition of the site, the planning history or future plans for the site cannot be taken into consideration. Due to the wider public interest regarding the site a decision was taken by Northampton Borough Council to provide members of the public and interested organisations the opportunity to make relevant representations which will be forwarded to English Heritage.

## **2 RECOMMENDATION**

2.1 That the Borough Council:

- 1) Advise English Heritage that it considers St Edmunds Hospital should retain its listed building status based on the architectural and historic merit of the building; and
- 2) Forward all relevant submissions from the consultation on St Edmunds Hospital to English Heritage for consideration.

## **3. SITE DESCRIPTION**

3.1 St Edmunds Hospital (The Former Workhouse) is located on the northern side of Wellingborough Road and now lies within the eastern suburbs of central Northampton. The building was originally located on an isolated site and was a purpose built workhouse complex developed following the New Poor Law of 1832. The surrounding area developed subsequently and the adjacent area is designated as the Boot and Shoe Quarter Conservation Area.

3.2 The front central block of the workhouse was listed on 22<sup>nd</sup> January 1976. The list description is as follows

*Wellingborough Road  
(North side)*

*Front central block of St Edmund's Hospital  
SP7660 6/576*

*Grade II*

*1837 by Scott and Moffatt. Originally a Workhouse. Traditional modified Georgian style. Red brick, hipped Welsh slated roof with central pedimented projection. 3 storeys, 1:3:1 sash windows under stucco lintels, those on ground floor rusticated above stucco impost band. Similar central doorway. Back extension probably original but with little architectural pretension; side wings probably later.*

*Listing NGR: SP76449 60972*

The remaining buildings on site are considered to be curtilage listed and are therefore protected by the listing.

## **4. PROPOSAL**

4.1 The consultation relates to the proposed removal of the building from the Statutory List of Buildings of Special Architectural or Historic Interest.

4.2 The de-listing application report (obtained under a Freedom of Information request) suggests evidence of a technical flaw and two minor factual inaccuracies in the original listing:

1. The listing describes the 'front central block' of the workhouse building, but does not cover the contemporary rear extension and side wings. It is generally accepted that a listed building is a single entity and that the listing applies to all of it equally. It is only possible to list a specific part of the building where that is clearly distinct from the rest in date, style and purpose.

2. a) The list description cites the architects as being Scott and Moffat, but the report demonstrates that Scott alone was responsible for the design of the building.

b) The building was designed in 1836 not 1837.

4.3 The application report claims that the building is of little architectural merit and is an average building of its era, that much of the original building has been lost or altered and that there is little evidence of innovation in the design of the building. The report claims that St Edmunds has a degree of historical significance as a reminder of a period of the nation's history, but that there are other buildings which better represent this.

4.4 The application report concludes '*On balance, using the present selection criteria, it is not considered to be sufficiently significant in historical, architectural or rarity terms to warrant remaining on the statutory list as a grade II building*'.

## **5. CONSULTATIONS**

5.1 The English Heritage consultation is limited to the owners of the building, the applicants for the de-listing and the local authority. In this instance it was considered appropriate, given the public interest in the site for the Borough Council to undertake a wider consultation. To this end there was a 21 day consultation period for members of the public and interested organisations. Site notices were placed in the vicinity of the building, an article put in local papers, the consultation was registered using the procedures for planning applications and advertised on Northampton Borough Council's website and local heritage organisations and relevant resident's associations were notified of the consultation. It was made very clear on all correspondence that the only issues that would be taken into account by English Heritage would be the special architectural and historic interest of the building.

5.2 A total of 14 responses were received (3 of these pre-dated the formal consultation, but are relevant to the subject so have been included for completeness). Of the responses 2 were broadly in favour of the de-listing of the site and 9 were against the de-listing, the remaining 3 did

not make a specific recommendation regarding the de-listing but were keen to see a solution to the problems on the site.

5.3 The responses in **support of de-listing** made the following points in summary:

- The building is a typical utilitarian building of the Victorian era, does not appear to have any special merit.
- The building is attractive, but not serviceable.

5.4 The responses which **do not support de-listing** made the following points in summary

- The building was designed by the famous architect Sir GG Scott. (4 responses)
- The building was one of the first generation of New Poor Law Union Workhouses (built between 1834-1841). (2 responses)
- The significance of the building is enhanced by its association with neighbouring Boot and Shoe Quarter (5 responses)
- The building is significant as a visual landmark within the town (4 responses).
- The building is of significance in the social and historic development of the town (3 responses).
- Locally significant architects including E Law and Harris were involved in later alterations to the building (1 response)
- The building has communal / social significance as its transition from workhouse to hospital representing changes in attitudes relating to the sick, welfare provision and medical care (2 responses)
- The listed element of the building is of special interest as it forms the principal entrance and administrative quarters of the building (1 response).

5.5 The consultation also resulted in a number of **management suggestions** in relation to the building. These included

- Demolishing the building (1 response),
- Restoring / converting the building (3 responses)
- Retaining the façade of the building (2 responses)
- Ensuring the building is properly secured (1 response)
- Taking legal action against the owners (1 response).

5.6 These responses do not relate to the historic and architectural significance of the building and do not impact on the de-listing application so will not be able to be taken into account by English Heritage in making a recommendation.

## 6. APPRAISAL

### Implications of De-Listing

6.1 St Edmunds Hospital (the former Workhouse) is currently on the Statutory List of Buildings of Special Architectural or Historic Interest



and is classified as grade II. The building is therefore subject to the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990 and listed building consent is required for the alteration (interior and exterior), extension or demolition of the building.

- 6.2 If the building were to be de-listed it would be removed from the Statutory List of Buildings of Special Architectural or Historic Interest and would no longer be subject to the Planning (Listed Buildings and Conservation Areas) Act 1990. The building would still be subject to normal planning restrictions. Under the terms of Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) demolition of the building would be permitted development for which planning permission is not required.

### **The Significance of the Building**

- 6.3 There have been a number of documents produced on the significance of St Edmunds Hospital including three building recording and assessment reports undertaken on behalf of the former owners in support of past planning / listed building consent applications:

- John Moore Heritage Services – St Edmund’s Hospital, Wellingborough Road, Northampton, Pre-determination evaluation, April 2003
- Archaeological Services and Consultancy Ltd – Historic building Survey: St Edmund’s Hospital, Wellingborough Road, Northampton on behalf of Rochmills Ltd, Bob Zeepvat, May 2004
- St Edmund’s Hospital (The Former Workhouse), Northampton. An Architectural and Archaeological Heritage Analysis, December 2008

- 6.4 The documents accumulatively draw out the core significance of the building, which include the date of its construction (in the early years following the Poor Law Act of 1834), its association with the architect George Gilbert Scott and the setting of the buildings and their relationship to each other. The documents all refer to the extensive degree of internal alteration and unsympathetic change.

- 6.5 The issues relating to the special architectural and historic interest of the building raised in the consultation responses can be grouped into two categories – national significance and local significance.

### **Factors Contributing to National Significance**

#### ***Significance of association with Sir George Gilbert Scott.***

- 6.6 The association of a building with a nationally significant architect clearly contributes to its significance. The design of St Edmunds Hospital by GG Scott is considered to be of particular significance as it



is one of only a few examples of GG Scott's classical work before he began his prolific gothic portfolio. It was one of 40 workhouse buildings he was associated with (including 8 in Northamptonshire) and an early commission due to local family connections. The building should therefore be considered in the group context in association with other works by Scott.

***Significance of building as one of the first generation of New Poor Law Workhouses which originated prior to the early 1840s.***

- 6.7 Several responses made reference to the fact that the building is one of the first generation of New Poor Law Workhouses which is mentioned as an indicator of significance in the English Heritage Listing Selection Guide 'Health and Welfare Buildings'.

**Factors Contributing to Local Significance**

***Significance of association with neighbouring Boot and Shoe Conservation Area.***

- 6.8 Several responses emphasised that the significance of the workhouse is enhanced by the link between the Boot and Shoe Conservation Area and the former Workhouse. The responses focused on the links between the workhouse and the people living and working in the surrounding streets (one respondent pointed to the fact that in 1881 50 inmates of the workhouse had been directly employed in the Boot and Shoe Industry), how the combination of the Workhouse and Boot and Shoe Quarter formed an integral part of the Victorian townscape and how the building today has an impact on the character and setting of the conservation area.

***Significance of building as a local landmark.***

- 6.9 Several responses highlight the significance of the building as a visual landmark in the town, making a contribution to the character of the locality. It is also key to the social and historic development of the town and is considered to be of social, historic, aesthetic and communal significance.
- 6.10 Northampton Borough Council undertook its own assessment of the significance of the building. A Statement of Significance was produced based on the assessment of significance outlined in '*Conservation Principles: Policies and Guidance for the sustainable management of the Historic Environment*', English Heritage, 2008.
- 6.11 Given the current condition of the building the Statement considered the significance of the building in both its current state and if it were to be subject to the necessary extensive repair and restoration required in order to bring it back into use. The report concluded that
- The **Evidential significance** of the building is very high in its current condition as much of the fabric of the building is exposed. The

evidential significance would be diminished by repair /restoration works to the building, but representative samples could be recorded archaeologically.

- The **Historical significance** of the building is high and would not be altered by repair / restoration works to the building.
- The **Aesthetic significance** of the building is currently low and would be significantly enhanced by the sympathetic repair / restoration of the building.
- The **Communal significance** of the building is complex as there are strong emotions about the building locally. Both in terms of its current condition and associated social problems and its past functions as workhouse and hospital. Attitudes to the building locally would be significantly enhanced by the sympathetic repair / restoration of the building.

## **7. CONCLUSION**

- 7.1 St Edmunds Hospital (former workhouse) retains significance in a national context (with specific reference to its association with GG Scott and its date as an early Poor Law Union Workhouse) and local context (with its association with the Boot and Shoe Quarter and as a locally significant visual landmark).
- 7.2 The building has been subject to significant neglect which has impacted on the condition of the building, but this cannot be taken into account in an assessment of its significance. The core significance of the building would not be diminished by the necessary repair / renovation works.
- 7.3 Therefore, based on the inherent special historic and architectural interest of the building, it is recommended that the Borough Council make a representation to English Heritage that it should not be de-listed.

## **8. LEGAL IMPLICATIONS**

- 8.1 There are no specific legal implications of this consultation response.
- 8.2 The decision on the de-listing application will be made by the Secretary of State, based on advice from English Heritage. The legal status of the building will change if the de-listing application is successful.

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

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