



**NORTHAMPTON**  
**BOROUGH COUNCIL**

# **CABINET AGENDA**

**Wednesday, 15 March 2017**

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

6:00 pm

**Members of the Cabinet:**

**Councillor:** Jonathan Nunn (Leader of the Council)

**Councillor:** Phil Larratt (Deputy Leader)

**Councillors:** Mike Hallam, Tim Hadland, Stephen Hibbert, Brandon Eldred and Anna King.

**Chief Executive** David Kennedy

If you have any enquiries about this agenda please contact  
[democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk) or 01604 837722

## PORTFOLIOS OF CABINET MEMBERS

CABINET MEMBER	TITLE
Councillor J Nunn	Leader
Councillor P Larratt	Deputy Leader
Councillor M Hallam	Environment
Councillor B Eldred	Finance
Councillor T Hadland	Regeneration, Enterprise and Planning
Councillor S Hibbert	Housing and Wellbeing
Councillor A King	Community Engagement and Safety

### SPEAKING AT CABINET MEETINGS

Persons (other than Members) wishing to address Cabinet must register their intention to do so by 12 noon on the day of the meeting and may speak on any item on that meeting's agenda.

Registration can be by:

Telephone: (01604) 837722  
(Fax 01604 838729)

In writing: Democratic Services Manager  
The Guildhall, St Giles Square, Northampton NN1 1DE  
For the attention of the Democratic Services Officer

By e-mail to [democraticservices@northampton.gov.uk](mailto:democraticservices@northampton.gov.uk)

Only thirty minutes in total will be allowed for addresses, so that if speakers each take three minutes no more than ten speakers will be heard. Each speaker will be allowed to speak for a maximum of three minutes at each meeting. Speakers will normally be heard in the order in which they registered to speak. However, the Chair of Cabinet may decide to depart from that order in the interest of hearing a greater diversity of views on an item, or hearing views on a greater number of items. The Chair of Cabinet may also decide to allow a greater number of addresses and a greater time slot subject still to the maximum three minutes per address for such addresses for items of special public interest.

Members who wish to address Cabinet shall notify the Chair prior to the commencement of the meeting and may speak on any item on that meeting's agenda. A maximum of thirty minutes in total will be allowed for addresses by Members unless the Chair exercises discretion to allow longer. The time these addresses take will not count towards the thirty minute period referred to above so as to prejudice any other persons who have registered their wish to speak.

### KEY DECISIONS

B denotes the issue is a 'Key' decision:

- Any decision in relation to the Executive function\* which results in the Council incurring expenditure which is, or the making of saving which are significant having regard to the Council's budget for the service or function to which the decision relates. For these purpose the minimum financial threshold will be £250,000;
- Where decisions are not likely to involve significant expenditure or savings but nevertheless are likely to be significant in terms of their effects on communities in two or more wards or electoral divisions; and
- For the purpose of interpretation a decision, which is ancillary or incidental to a Key decision, which had been previously taken by or on behalf of the Council shall not of itself be further deemed to be significant for the purpose of the definition.

**NORTHAMPTON BOROUGH COUNCIL**

**CABINET**

Your attendance is requested at a meeting to be held:  
in The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
on Wednesday, 15 March 2017  
at 6:00 pm.

**D Kennedy  
Chief Executive**

**AGENDA**

**1. APOLOGIES**

**2. MINUTES**

**3. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE**

There is an intention to hold part of the meeting in private – Item 9 Northampton Waterside Enterprise Zone: Proposed Purchase of Land at St Peter's Way (Appendix 2, 3 & 4)

Exempt Information means information falling within the following seven categories outlined in schedule 12A of the Local Government Act 1972: Part 1

Appendix 2, 3 & 4 (private) contains detailed information relating to Heads of Terms and other information of a commercial nature, in order to protect the Council's Financial and Legal interests. Therefore, it has been exempted under schedule 12A, Part 1, (3) "Information relating to the financial or business affairs of any particular person (including the authority holding that information)" and schedule 12A, Part 1, (5) "Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings".

In accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, a notice of intention to hold part of a meeting in private was published 28 clear days' prior to the meeting. No representations have been received.

**4. DEPUTATIONS/PUBLIC ADDRESSES**

**5. DECLARATIONS OF INTEREST**

**6. ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES**

**7. PROPOSED ARTICLE 4 DIRECTIONS - HOUSES IN MULTIPLE OCCUPATION (HMO) IN FAR COTTON, DELAPRE AND CLIFTONVILLE**

B Report of Director of Regeneration, Enterprise and Planning (Copy herewith)

**8. CABINET RESPONSE TO SCRUTINY PANEL - MATCH DAY PARKING**

B Report of Director of Regeneration, Enterprise and Planning (Copy herewith)

**9. NORTHAMPTON WATERSIDE ENTERPRISE ZONE: PROPOSED PURCHASE OF LAND AT ST PETER'S WAY**

B Report of Director of Regeneration, Enterprise and Planning (Copy Herewith)

**10. GROWING TOGETHER NEIGHBOURHOOD PLAN**

B Report of Director of Regeneration, Enterprise and Planning (Copy herewith)

**11. 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

### CABINET

Wednesday, 15 February 2017

**PRESENT:** Councillor Nunn (Chair); Councillor Larratt (Deputy Chair); Councillors Eldred, Hadland, Hallam, Hibbert and King

#### 1. APOLOGIES

There were none.

#### 2. INTENTION TO HOLD PART OF THE MEETING IN PRIVATE

There were no items to be heard in private.

#### 3. DEPUTATIONS/PUBLIC ADDRESSES

There were none.

#### 4. DECLARATIONS OF INTEREST

Councillor Hadland declared a personal non pecuniary interest as member of Delapre Abbey Preservation Trust.

Councillor Larratt declared a personal non-pecuniary interest as a client of Community Law.

#### 5. ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES REPORT

Councillor Stone questioned what the impact of the provision of the New Homes Bonus for properties approved on appeal would be, what the timescale of risk of business rate valuation unwinding effects and what the 3% (per annum) increase in tax base would be per person. She further questioned whether the Environmental Services contract could be put out to private tender to reduce costs and requested more information be provided detailing the how the claim to NTFC was split up and how the Council were performing on each element. She also asked that further detailed information be included in the Efficiency Plan.

Councillor Eldred elaborated on his report and noted that all questions raised by Councillor Stone would be answered in detail by him and the Chief Finance Officer due to time restraints.

Councillor Eldred explained that he was happy to present the report on behalf of the Chief Finance Officer and was pleased to announce another balanced budget for which he credited the finance team. He noted that there was a 4 year projection but that there was an amount of uncertainty as the Government had the potential to change funding.

#### RESOLVED:

That Council carefully consider the content of this report with regards to the General Fund and Housing Revenue Account prior to recommending the approval of the Council's Medium Term Financial Plan 2017/22, the Revenue Budget for 2017/18, Capital Programme 2017/22 and Treasury Management Strategy 2017/18.

#### 6. GENERAL FUND REVENUE BUDGET AND CAPITAL PROGRAMME 2017/18 AND MEDIUM TERM FINANCIAL PLAN 2017/18 - 2021/22

Councillor Stone questioned why the Council had not signed up to the municipal backing scheme and asked if there was an intention to do so. She reported that she considered

there to be some high risks in future years, compared to the current budget and suggested that a risk register be produced for loans and investments with SEMLEP to mitigate and manage risks. She further stated that more needed to be done in order to contain the number of interim staff and the use of consultants.

Councillor Birch questioned what plans were being put into place to ensure that the Community Empowerment Fund be utilised and how it could be beneficial to the maximum number of people and projects.

Councillor Eldred, as the relevant Cabinet Member. Commented that the risks mentioned by Councillor Stone were well documented throughout the report and that the administration continued to work with Auditors to assess investment and borrowing. He further noted that they were examining ways to increase investments in the future in an attempt to ensure that they received better returns than currently received. He further reported that the Council had given over £0.5million through CEFAP and that numerous Community projects had received cash injections as a result,

### **RESOLVED:**

- 2.1 That the feedback from consultation with the public, organisations and the Overview and Scrutiny and Audit Committees be considered and welcomed (**detailed at Appendices 1, 2 and 3** of the report).
- 2.2 That the changes to the proposed budget (detailed at paragraph 3.2.22), in light of technical adjustments and the Local Government Funding Settlement be agreed.
- 2.3 That the General Fund Revenue Budget for 2017/18 of £28.015m (excluding parishes) be recommended for its own purposes (detailed in paragraph 3.2.23 and **Appendices 4 and 5** of the report).
- 2.4 That Council increase the Council Tax for its own purposes, i.e. excluding County, Police and Parish Precepts, by £5 per year per band D property for 2017/18.
- 2.5 That Council approve the General Fund Capital Programme and proposed financing for 2017/18, including the inclusion of schemes in the Development Pool, as set out in **Appendix 6** of the report.
- 2.6 That the enhanced capital governance arrangements described in paragraph 3.2.31 and 3.2.32 of the report be noted
- 2.7 That Council be recommended to confirm a minimum level of General Fund reserves of £5.5m for 2017/18, having regard to the outcome of the financial risk assessment, and also note the position on earmarked reserves (**Appendix 7** of the report).
- 2.8 That authority be delegated to the Chief Finance Officer in consultation with the Chief Executive and the Cabinet Member for Finance, and where appropriate the relevant Director and Cabinet Member to:
  - Transfer monies to/from earmarked reserves should that become necessary during the financial year.
  - Update prudential indicators in both the Prudential Indicators Report and Treasury Strategy Report to Council, for any budget changes that impact on these.
- 2.9 That the draft Fees and Charges set out in **Appendix 9** of the report, including

immediate implementation where appropriate be approved

2.10 That Council be recommended to approve the Treasury Management Strategy for 2017-18 at **Appendix 10** of this report: incorporating:

(i) The Capital Financing and Borrowing Strategy for 2017-18 including:

- The Council's policy on the making of Minimum Revenue Provision (MRP) for the repayment of debt, as required by the Local Authorities (Capital Finance & Accounting) (England) (Amendment) Regulations 2008.
- The Affordable Borrowing Limit for 2017-18 as required by the Local Government Act 2003.

(ii) The Investment Strategy for 2017-18 as required by the CLG revised Guidance on Local Government Investments issued in 2010.

2.11 That authority be delegated to the Council's Chief Finance Officer, in liaison with the Cabinet member for Finance, to make any temporary changes needed to the Council's borrowing and investment strategy to enable the authority to meet its obligations.

2.12 That authority be delegated to the Chief Finance Officer to make any technical changes necessary to the papers for the Council meeting of 27<sup>th</sup> February 2017, including changes to the Finance Settlement and change relating to Parish Precepts and Council Tax levels associated with those changes.

## **7. HOUSING REVENUE ACCOUNT- RENT SETTING, REVENUE AND CAPITAL BUDGETS 2017/18**

Councillor Eldred, as the relevant Cabinet Member, explained that the administration continued to work hard and alongside Northampton Partnership Homes (NPH) in order to produce a balanced budget and noted the 1% rental reduction per dwelling/

### **RESOLVED:**

2.1 That Council be recommended to approve:

- a) An average rent decrease of 1% per dwelling, in line with the legislation and the government's national rent policy, to take effect from 3<sup>rd</sup> April 2017.
- b) The HRA budget for 2017/18 of £52.7m expenditure including options detailed in Appendix 1.
- c) The proposed service charges listed in Appendix 3.
- d) The HRA capital programme for 2017/18, including future year commitments, and proposed financing as set out in Appendix 2.
- e) That Cabinet be authorised, once the capital programme has been set, to approve new capital schemes and variations to existing schemes during 2017/18, subject to the funding being available and the schemes being in accordance with the objectives and priorities of the Council.
- f) The Total Fees proposed for NPH to deliver the services in scope for 2017/18



detailed in Appendix 4.

- 2.2 That the issues and risks detailed in the Chief Finance Officer's statement on the robustness of estimates and the adequacy of the reserves be acknowledged
- 2.3 That Council be recommended to confirm the reserves strategy of protecting balances wherever possible to allow the option of supporting future years' budgets, aiming for a minimum level of unallocated Housing Revenue Account balances of at least £5m for 2017/18 having regard to the outcome of the financial risk assessment.
- 2.4 That authority be delegated to the Chief Finance Officer to make any technical changes necessary to the papers for the Council meeting of 27<sup>th</sup> February 2017.
- 2.5 That Council be recommended to delegate authority to the Chief Executive and Chief Finance Officer to implement any retained HRA budget options and restructures.
- 2.6 That authority be delegated to the Chief Finance Officer in consultation with the Chief Executive and the Cabinet Members for Finance and for Housing to:
  - transfer monies to/from earmarked reserves should that become necessary during the financial year.
  - transfer monies to /from HRA working balances between the Council and NPH for cash flow purposes should that become necessary during the financial year.
  - update the budget tables and appendices, prior to Council should any further changes be necessary.
  - update prudential indicators in both the Prudential Indicators report and Treasury Strategy report, for Council for any budget changes that impact on these.

## **8. CORPORATE PLAN**

The Leader of the Council, submitted his report and elaborated thereon.

### **RESOLVED:**

That Council be recommended that, at its meeting of 27<sup>th</sup> February, 2017, the Corporate Plan for 2017 - 2022 be approved, and that the Chief Executive and the Leader of the Council be delegated to make any necessary amendments to finalise the Corporate Plan for publication.

The meeting concluded at 6.21pm

Appendices:  
1



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Proposed Article 4 Direction re Houses in Multiple Occupation</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	15 March 2017
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Councillor Tim Hadland
<b>Ward(s)</b>	Delapre, Briar Hill and Rushmills

### 1. Purpose

- 1.1 To enable Cabinet to determine whether the Council should introduce Article 4 Directions (immediate and non-immediate) to withdraw permitted development rights for the change of use from use within Class C3 Dwellinghouses to Class C4 Houses in Multiple Occupation in areas within Far Cotton, Delapre and Cliftonville.

### 2. Recommendations

- 2.1 That Cabinet resolves the making of:
- 2.1.1 An immediate Article 4 Direction to remove permitted development rights for the change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, to a use within Class C4 (houses in multiple occupation) of that Schedule in the area bounded by the River Nene to the north, Cotton End Road to the east, Forest Road/ part of Pleydell Road/ Delapre Crescent/ Rothersthorpe Road to the south and heading north towards the rear of Rothersthorpe Industrial Estate where it meets St Leonard's Road roundabout before heading north along Towcester Road, as shown on Map 1

- 2.1.2 a non-immediate Article 4 Direction to remove permitted development rights for the change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, to a use within Class C4 (houses in multiple occupation) of that Schedule in the area bounded by London Road, heading south towards Mere Way then heading east up to the school, then heading north towards the rear of the properties at Friars Avenue, then following the northern boundary of the school and the recreation grounds, heading west towards Towcester Road, before heading north to the roundabout then turning west, north then west again up to the railway line, then heading north towards Rothersthorpe Road, then turning east towards Towcester Road, heading slightly north before turning east to include the Far Cotton Recreation Ground, some of the properties in Pleydell Road and properties south of Forest Road. Within the Cliftonville area, the proposed non immediate Article 4 Direction starts from the junction of Billing Road and Cliftonville Road, heading south to the rear of 2 to 22 The Nurseries, turning east along perimeter including all properties in the Nurseries leading to the south-western corner of Three Shires Hospital, heading north in a line to include all properties in the Avenue and Berkeley Close, including 32A to 29, up to the western boundary of 80 Billing Road (excluded from area), west along Billing Road as far as Cliftonville Road, including all properties on the southern side of Billing Road. These boundaries are shown on Map 2, and they are to come into force after 12 months

### **3. Issues and Choices**

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#### **3.1 Report Background**

##### **Article 4 Directions**

- 3.1.1 In 2010, the Town and Country Planning (Use Classes) Order 1987 (Use Classes Order) was amended which created a new use class for small Houses in Multiple Occupation, Use Class C4 (HMO) and amended Use Class C3 (Dwellinghouses). In broad terms, Class C4 (HMO) covers small shared dwellinghouses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities
- 3.1.2 The change of use of a property from Class C3 (Dwellinghouses) to Class C4 (HMO) is likely to be a material change of use requiring planning permission. However, deemed planning permission is granted for such a change of use by Class L(b) of Part 3 (Changes of use) of Schedule 2 to the General Permitted Development Order 2015 (GPDO). This permitted development right may, in exceptional circumstances, be removed by an Article 4 Direction, in which case, express planning permission will be required from the Local Planning Authority (LPA).
- 3.1.3 An Article 4 Direction is a direction under Article 4 of the GPDO which enables the Secretary of State or the LPA to withdraw specified permitted development rights across a defined area.
- 3.1.4 Provided there is justification for both its purpose and extent, an Article 4 Direction can:

- cover an area of any geographic size, from a specific site to a local authority wide area
  - remove specified permitted development rights related to operational development or change of use
  - remove permitted development rights with temporary or permanent effect
- 3.1.5 The use of an Article 4 Direction to remove permitted development rights should be limited to situations where this is **necessary to protect local amenity or the wellbeing of the area**. The particular harm that a Direction is intended to address should be clearly identified. There should be particularly strong justification for the withdrawal of permitted development rights relating to a wide area e.g covering the entire area of a LPA.
- 3.1.6 An Article 4 Direction does not prohibit development but enables the LPA to have some control over the proposed development.
- 3.1.7 If a planning application is required solely because permitted development rights have been removed by an Article 4 Direction, no planning application fee is payable.
- 3.1.8 A planning application for development normally allowed by the GPDO, but for an Article 4 Direction, is made to the LPA in the usual way except no fee is payable. The planning application will be considered on its merits, the LPA will assess the proposed development in the light of policies in the development plan and consider any other factors that are material.
- 3.1.9 The normal right of appeal to the Secretary of State is available if permission is refused, granted subject to unacceptable conditions, or is not determined within the statutory eight week period.
- 3.1.10 If a LPA makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it subsequently:
- refuses planning permission for development which would otherwise have been permitted development
  - grants planning permission subject to more limiting conditions than the GPDO
- 3.1.11 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 3.1.12 Section 108(2A) of the Town & Country Planning Act 1990 provides that compensation is **only** payable if an application for planning permission for the development formerly permitted by the GPDO is made within 12 months of the Article 4 Direction taking effect. However, no compensation is payable if an LPA gives notice of the intended withdrawal between 12 months and 24 months in advance.
- 3.1.13 An Article 4 Direction cannot prevent development which has commenced, or which has already been carried out.

- 3.1.14 An Article 4 Direction needs to be drafted, made i.e sealed, publicised and subject to due consideration of any representations by Cabinet, confirmed.
- 3.1.15 There are two types of Article 4 Direction: non-immediate Directions and Directions with immediate effect.
- 3.1.16 An immediate Direction can withdraw permitted development rights straight away; however it must be confirmed by the LPA within 6 months of coming into effect to remain in force. Confirmation occurs after the LPA has carried out local consultation and considered any representations. If the LPA does not confirm the Direction within six months following the date it came into force, the Direction will expire and have no effect.
- 3.1.17 A non-immediate Direction must specify the date that the Direction comes into force. This date must be within 28 days and two years following the date on which the public consultation period began. An Article 4 Direction must be confirmed by the LPA before it can come into force. The LPA must take into account any representations it receives during the consultation period when deciding whether or not to confirm the Article 4 Direction.
- 3.1.18 The circumstances in which an immediate Direction can restrict development are limited to **where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.**
- 3.1.19 Article 4 Directions cannot prevent development which has commenced, or which has already been carried out.
- 3.1.20 LPAs should regularly monitor any Article 4 Direction to make certain that the original reasons the Direction was made remain valid. Where a Direction is no longer necessary it should be cancelled.
- 3.1.21 A LPA must, as soon as practicable after confirming an Article 4 Direction, inform the Secretary of State. The Secretary of State does not have to approve Article 4 Directions, and will only intervene when there are clear reasons for doing so.

## **3.2 Justification for Article 4 Directions**

- 3.2.1 The problems associated with high concentrations of HMOs have been recognised nationally, by residents, organisations (including resident associations), the press and by the Government.
- 3.2.2 The study “Evidence Gathering – Houses in Multiple Occupation and Possible Planning Responses” carried out by ECOTEC for the Government in 2008 summarised the impacts as including:
- Noise and anti-social behaviour
  - Imbalanced and unsuitable communities
  - Negative impacts on the physical environment
  - Pressures upon parking provision
  - Growth in private rented sector at the expense of owner-occupation

- Increased crime
  - Pressure upon local community facilities, and
  - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.
- 3.2.3 The report adds that the problems associated with HMOs and the tensions within local neighbourhoods are well known, particularly in high concentrations of student housing and population, leading to the term “studentification”.
- 3.2.4 In 2015, the Welsh Government examined the extent of concentrations of HMOs in Wales and the issues with them, reviewing the existing legislation and considered best practice in both Welsh and non-Welsh authorities. The report confirms that very high concentrations of HMOs exist around long established universities. The report adds that these concentrations have led to major concerns such as displacement of established communities, exclusion of first time buyers, anti-social behavior, degrading of the general environment and street scenes and parking problems, to name a few.
- 3.2.5 It is clear from both the Ecotec and the Welsh Government studies that HMOs perform an important role in providing suitable, affordable homes to students, those on low incomes and young professionals. The main justification for an Article 4 Direction is when there is a high concentration of HMOs in an area and there is a local impact associated with the concentration of this use.

#### **The relocation of the University of Northampton**

- 3.2.6 In July 2011, Cabinet confirmed the Immediate Article 4 Direction which removed permitted development rights for change of use from C3 to C4 for an area bound by Holly Lodge Road to the north of the area, the Borough boundary to the east, Boughton Green Road to the south and Harborough Road to the west. Cabinet also confirmed the Non-immediate Article 4 Direction which removed permitted development rights for change of use from C3 to C4 for the rest of the area comprising the central and northern parts of the Borough. These were areas affected by the Park and Avenue campus, where houses in multiple occupation were on the increase because of student demand. This means that anyone wanting to convert their properties from a 3 bed house into a HMO for 3 – 6 unrelated people needs to apply for planning permission within the Article 4 Direction areas.
- 3.2.7 In 2013 planning permission was granted for a new University of Northampton campus at Nunn Mills, opening in September 2018. Construction of the new campus is progressing well. The existing Park and Avenue campuses will be vacated by the University. It is highly likely that students will want to move away from the areas close to the existing Park and Avenue campuses and move closer to the new campus whilst still being close to the town centre’s services and facilities.

## **The Proposed Article 4 Direction Areas**

- 3.2.8 Areas within Far Cotton, Delapre and Cliftonville are considered to be desirable locations. These areas will be within walking distance to the new campus with easy access to the town centre, local facilities and bus services.
- 3.2.9 The wards of Far Cotton and Delapre are attractive for HMOs because they are easily accessible to the new Campus, either by walking/ cycling or by bus. The residential areas are also serviced by Far Cotton local centre, as well as a supermarket, library, a pharmacy and a church. There is also ample open space/ recreational space including the open space/ recreational area close to the local centre as well as Delapre Park. Most of the houses comprise terraced Victorian dwellings and semi-detached post war houses which are well suited for conversion into HMOs.
- 3.2.10 The area in Cliftonville is within walking distance to the town centre and the new University Campus, and is therefore well suited to a student lifestyle. Some of the residential units comprise post war semi-detached and detached dwellings as well as flats which may be deemed suitable for conversion into HMOs by potential landlords.
- 3.2.11 There is a need to ensure that the growth of student accommodation requirements and demand for rented accommodation generally is balanced against the need to protect the physical environment of the area and the well-being of residents living next door and close to the HMOs.
- 3.2.12 Should demand for HMOs increase in these two areas, experience in other parts of the town suggests that the problems associated with concentrations of HMOs will increase. Therefore, to manage both the demand and concentration of HMOs, it is considered appropriate to issue Article 4 Directions in the areas which are likely to be affected, which means that planning consent is required prior to conversion. This does not mean that planning permission will be refused. It means that the Council is able to ensure that demand is met but at the same time make sure that this is balanced against the wider needs and wellbeing of the existing community. Where necessary, mitigation measures can also be considered. Once an Article 4 Direction is in place, planning applications will be determined in accordance with the Development Plan.
- 3.2.13 A Justification Report has been prepared which provides a detailed assessment of the reasons behind the proposal to introduce Article 4 Directions to the area. This report is attached to this Cabinet report as Appendix 1.
- 3.2.14 Map 1 shows the extent of the HMOs identified in the area to date. Details of these HMOs were obtained from the following sources:
- Council tax records showing where students were exempt;
  - Council tax records which codes where properties are HMOs;
  - Information from local residents as to potential HMOs are located;
  - Planning approvals from Development Management; and
  - Mandatory Licensing from Private Sector Housing.

- 3.2.15 The map shows that there are a small number of mandatory licenced HMOs and HMOs with planning approvals in the area, including West Cotton Close, Euston Road and Rothersthorpe Road. There are also, for example, properties along London Road, the streets between Delapre Crescent and St Leonard's Road, streets south of Delapre Crescent Road, Rothersthorpe Crescent, Thirlestane Crescent and Abbey Road which are recorded by Council Tax as HMOs and/ or have student exemption records.
- 3.2.16 Officers from the Borough Council's Private Sector Housing team also undertook site investigations and identified the locations of the existing HMOs. These investigations, which took place in December 2016 and January 2017, involved an assessment of each HMO property (physical appearance including number of doorbells, parking conditions, etc) and interviews.
- 3.2.17 There are also properties which were identified by local residents as potential HMOs since September 2016. Each property reported was investigated by Officers from Private Sector Housing team.

### **Boundary of the Proposed Article 4 Directions**

- 3.2.18 In determining the boundaries of areas which could potentially be affected by increasing HMO demand, Officers mapped and analysed the evidence base. It is clear that there are more properties within the northern section of Far Cotton being use for HMOs than there are to the south or in the Cliftonville area. It is therefore considered that issuing two Article 2 Directions would be more effective in addressing the management of HMOs. An immediate Article 4 Direction within the northern section of Far Cotton and a non-immediate within the remaining areas shown on the map attached would be a far more effective option, as it will provide the Council with the tool to manage HMO growth where required with immediate effect.
- 3.2.19 It is recommended that two Article 4 Directions are issued, as shown on the attached Maps 1 and 2. There are 107 streets in total within the proposed boundary, with 30 streets within the proposed immediate Article 4 Direction area and 77 in the proposed non-immediate Article 4 Direction area. If agreed, a total of 4,114 properties will be affected by the decision.

### **3.3 Choices (Options)**

#### **Option 1: Introduce two Article 4 Directions, one immediate and one non-immediate, removing permitted development rights for change of use from Use Class C3 Dwellinghouse to C4 Houses in Multiple Occupation in Far Cotton, Delapre and Cliftonville (Recommended)**

- 3.3.1 Currently, planning approval is not required for the change of use from dwellinghouses to HMOs. An Article 4 Direction will change this. It does not mean an application will be refused. It means that an application will be determined in accordance with policy guidance and amenity space standards.
- 3.3.2 Concentrations of HMOs can be managed (particularly where an Article 4 Direction is made) in an area which will have increasing pressure for HMOs particularly once the new University of Northampton has moved. Character of



the streets can be protected. Well-being of residents and adjoining occupiers will be considered as part of the planning application process.

3.3.3 There will be additional staff time required to deal with planning applications.

3.3.4 There will also be risks associated with compensation, but this will be limited to areas currently experiencing the most demand.

**Option 2: Issue an immediate Article 4 Direction for the whole area, therefore removing permitted development rights for change of use from Use Class C3 Dwellinghouses to C4 Houses in Multiple Occupation in Far Cotton, Delapre and Cliftonville with immediate effect. Confirmation on the direction needs to be made within 6 months or the Direction will cease.**

3.3.5 Planning permission will therefore be required for the change of use from C3 to C4 for 3 – 6 unrelated persons as soon as Cabinet agrees this and a legal notice is sealed. There are risks associated with this option particularly as the evidence shows that only the northern section of the proposed Article 4 area currently has a high concentration of HMOs. There could be challenges from landlords which could be time consuming and costly to address. Risks associated with costs may also emerge from having to compensate those who have purchased properties with a view to investing in them for HMO purposes (since they would lose rental value if planning permission was not to be granted in the future).

3.3.6 This option is therefore not recommended.

**Option 3: Issue a non-immediate Article 4 Direction on the whole area**

3.3.7 This option will remove permitted development rights for change of use from Use Class C3 Dwellinghouse to C4 Houses in Multiple Occupation in Far Cotton, Delapre and Cliftonville.

3.3.8 This process takes at least 12 months to complete. In the meantime, the issue associated with concentrations of HMOs in the area identified as already having a high number of HMOs will increase. Property owners will have 12 months to convert their properties into HMOs before the Direction is made therefore adding to the issues associated with the existing HMO concentration in the northern part of the area.

3.3.9 This option does not allow the Borough Council to manage the growth of HMOs. This option is therefore not recommended.

**Option 4: Do Nothing**

3.3.10 Make no change and allow HMOs to proceed under permitted development rights for 3 – 6 unrelated people.

3.3.11 Given the issues and impacts of C4 HMO uses this option is not recommended.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 The introduction of an Article 4 Direction does not remove the concerns associated with HMO concentrations completely for the Council as local planning authority. It would simply result in a requirement to apply planning permission for a change of use from C3 to C4. 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 considerations indicate otherwise. The current Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan Part 1 (JCS), the Northampton Central Area Action Plan and the Northampton Local Plan Saved Policies.
- 4.1.2 Policy H5 of the JCS (adopted December 2014) states that the existing housing stock will be managed and safeguarded by allowing houses in multiple occupation where they would not adversely affect the character and amenity of existing residential areas. Paragraph 9.23 of the JCS states that where there is a local need to control the spread of HMOs, the local authorities are able to use existing powers, in the form of Article 4 Directions, to require planning applications in the area.
- 4.1.3 In November 2014 the Council adopted the Houses in Multiple Occupation Interim Planning Policy Statement (IPPS). This IPPS sets out guiding principles as to what the Council will consider when determining planning applications relating to a HMO, including acceptable threshold levels for HMO concentrations.

### **4.2 Resources and Risk**

- 4.2.1 Consulting and making Article 4 Directions have resourcing implications principally in terms of staff time that would otherwise be used on existing projects/ day to day work for the Council's Planning and Legal services. The Development Management service will deal with planning applications that would not otherwise have required planning permission and no fee can currently be levied for these applications. Planning application fees are waived for those applications which would have been unnecessary but for the Article 4 Direction.
- 4.2.2 Of greater significance are the implications for the Council's Planning Enforcement service, supported by the Private Sector Housing team, in respect of monitoring/ evidence gathering and enforcement action. Where possible this will be provided within existing resources by prioritising actions but increases in workload will need to be kept under review.
- 4.2.3 If Cabinet approves the making of an Immediate Article 4 Direction compensation could be claimed if planning permission is refused. A claim for compensation can include abortive expenditure and other loss/ damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the costs of preparing the plans for the proposed works and loss of rent. The property owner/ landlord will

need to prove that there is a financial loss resulting from the imposition of the immediate Direction. For instance, a house has been purchased for the purpose of conversion into an HMO and work has already started but the property has not been used as a HMO yet. The landlord will need to apply for planning permission. If this is refused, and compensation is applied for, then the onus is on the landlord to provide the evidence that he/ she has suffered financial loss.

- 4.2.4 In order to estimate the scale of potential compensation claims in the proposed Immediate Article 4 Direction area, the number of properties sold in this area since the 1 January 2016 was obtained from the Land Registry. Information obtained from the Land Registry identified 136 properties as having changed owners since that date.
- 4.2.5 Since the proposed Article 4 Direction areas include a total of 4,114 properties, the risk of claims for compensation could be potentially high. Therefore, the proposal for an Immediate Direction to cover an area including 1,884 properties and a Non-immediate Direction to cover an area including 2,230 properties is considered to be the most prudent approach since it will deal effectively with the more immediate concerns within the areas which currently have higher numbers of HMOs.

### **4.3 Legal**

- 4.3.1 The proposals require the making, publicising and conformation of the Article 4 Directions following due legal process and procedures as prescribed by Schedule 3 the Town and Country Planning (General Permitted Development) (England) Order 2015. There is no right of appeal against an Article 4 Direction, however the decision of the Council to make an Article 4 Direction can be subject to judicial review proceedings. If the proceedings were successful the Article 4 Direction could be quashed.

#### **4.4.1 Equality and Health**

- 4.4.2 The introduction of an Article 4 Direction will affect the permitted development rights, and therefore occupiers/ owners, of all dwellinghouses in the area affected. Decisions on whether to grant planning permission are assessed on an individual basis and are not determined by the Article 4 Direction itself.
- 4.4.3 A full Community Impact Assessment has identified no specific impacts (positive or negative) for any equality group. There remains a need for good quality student and shared living accommodation in the Borough. Through the introduction of the proposed Article 4 Directions the Council would be seeking to ensure that new HMOs are of a high standard and would not lead to any unacceptable impact on neighbour amenity or other interest of acknowledged importance in the interests of all members of the community.

### **4.5 Consultees (Internal and External)**

- 4.5.1 Any Direction would only be confirmed following the completion of the requisite notifications/ consultations as set out in Paragraph 3.1.7 above.

## **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 The introduction of an Article 4 Direction as recommended would introduce controls which would be exercised through the planning application process and associated planning enforcement process to help deliver *safer communities; help those that need it to have a safe and secure home; and ensure a clean and attractive town for residents and visitors.*

## **4.7 Other Implications**

4.7.1 None.

## **5. Background documents**

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National Planning Practice Guidance (2014)

West Northamptonshire Joint Core Strategy Local Plan Part 1 (2014)

Northampton Borough Council – Houses in Multiple Occupation Interim Planning Policy Statement (2014)

Evidence Gathering – Houses in Multiple Occupation and possible planning responses (ECOTEC 2008)

Houses in multiple occupation: review and evidence gathering (Welsh Government, April 2015)

Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015

The Town and Country Planning (Compensation) (England) Regulations 2015

Town and Country Planning (General Permitted Development) Order 1995 (as amended)

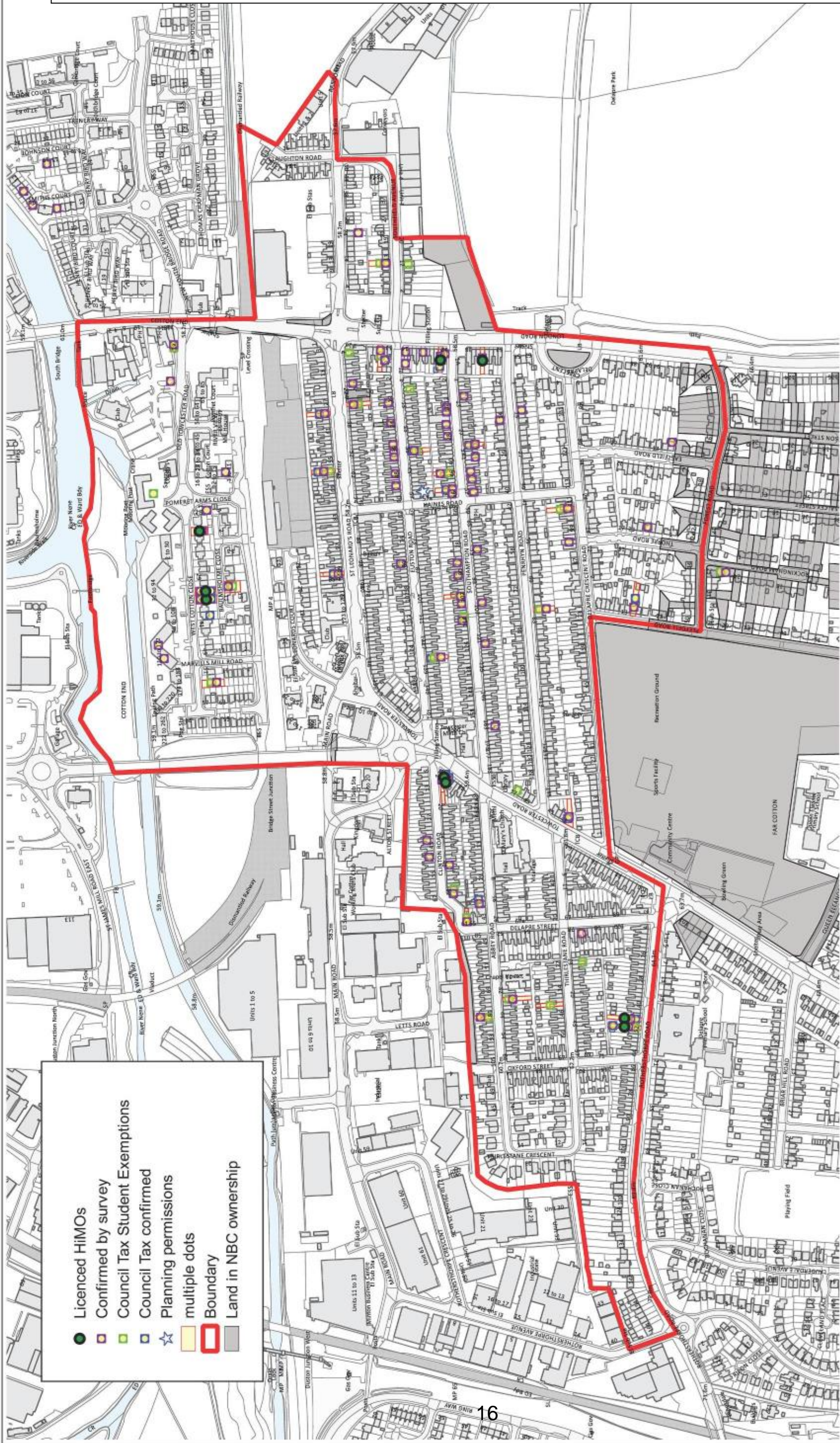
Town and Country Planning (Use Classes) Order 1987 (as amended)

**Report Author:**

**Peter Baguley, Head of Planning Service**



Map 1: Boundary of the proposed immediate Article 4 Direction in Far Cotton and Delapre



**NORTHAMPTON**  
BOROUGH COUNCIL

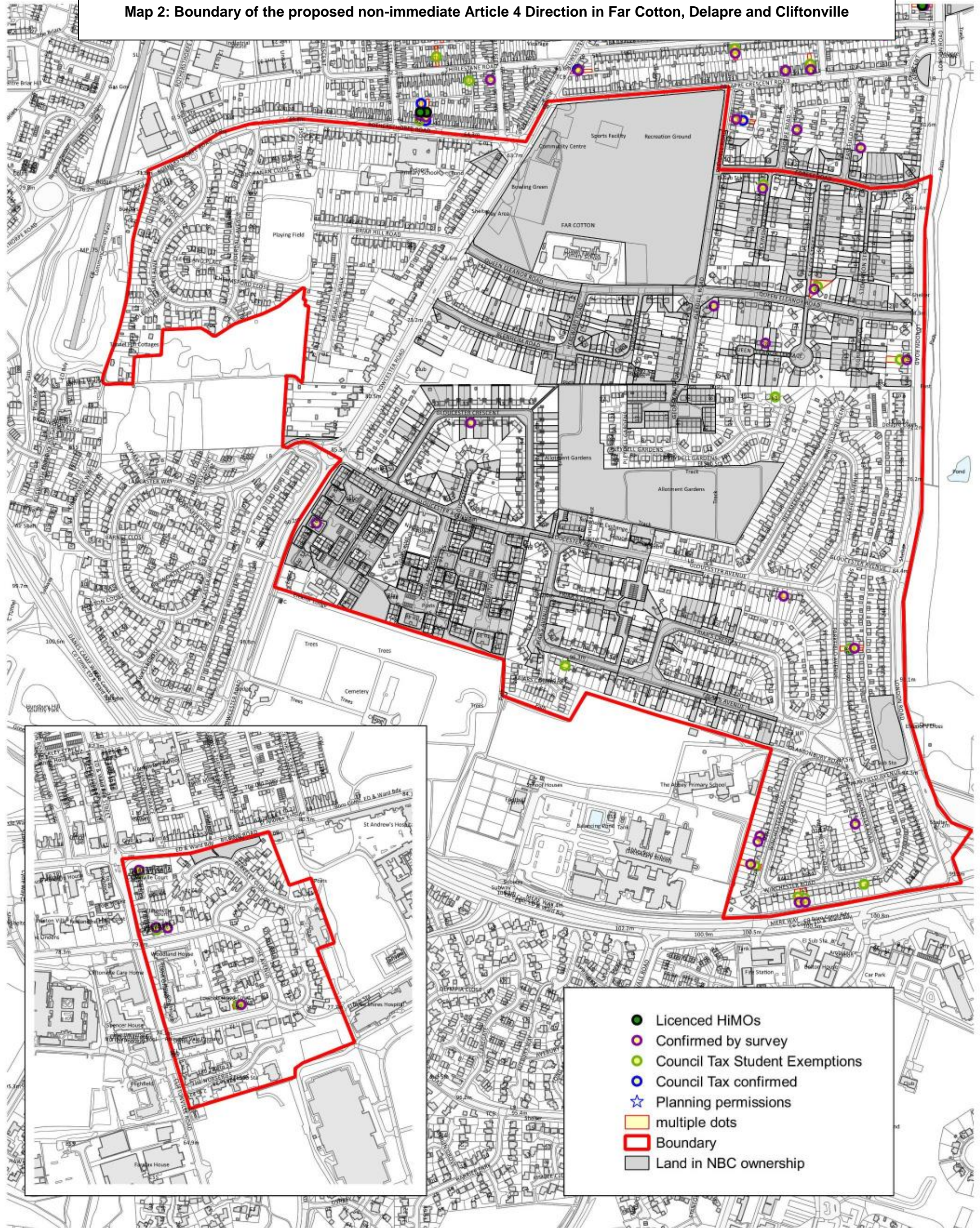
# Immediate Article 4 Direction boundary

27 February 2017  
not to scale  
drawn by M Burgess

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Map 2: Boundary of the proposed non-immediate Article 4 Direction in Far Cotton, Delapre and Cliftonville



# Non-immediate Article 4 Direction

27 February 2017  
not to scale  
drawn by M Burgess



## **Appendix 1**

### **HOUSES IN MULTIPLE OCCUPATION** **ARTICLE 4 DIRECTIONS FOR FAR COTTON, DELAPRE AND CLIFTONVILLE**

#### **JUSTIFICATION REPORT** **(Planning and Private Sector Housing)**

### **1 Introduction to the Use Class Order**

In 2010, the Government changed the Town and Country Planning (Use Classes) Order 1987 (as amended)(UCO) and introduced a new Use Class C4 (Houses in Multiple Occupation). This use covers small shared dwelling houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. Small bedsits are also classified as Houses in Multiple Occupation (HMOs).

A house in multiple occupation is a house or a flat shared by an unrelated group of 3 people or more. In a typical case, they have their own bedrooms but share the bathroom and/ or kitchen or other communal facilities.

The Government made a further change to the General Permitted Development Order (GPDO) in October 2010. Under this new planning legislation, planning permission is not now required to change the use from a dwelling house (C3) to a HMO (C4). This is known as a national permitted development right. Planning permission is still required for change of use from a dwelling house to a HMO for 6 or more people. Planning permission is also always required for a new build residential property of any kind.

This flexibility and increasing demand, has led to an increase in the number of property owners converting their properties for HMOs for 3 – 6 unrelated people. The consequences of this were both positive and negative. HMOs offer affordable housing for those who cannot afford to buy a property, and also housing for those looking to rent because they are not ready to settle in the area. They also offer affordable rented units for students, particularly those studying at Universities. However, where there is a concentration of HMOs, there can also be some adverse consequences related to the physical and social environments which can affect the wellbeing of both occupants and adjoining residents. As a result, in 2011, Northampton Borough Council issued Article 4 Directions in areas such as Semilong and Sunnyside, which are close to the current University of Northampton campuses (Park and Avenue campuses) to assist in managing the concentrations of HMOs.

However, the University of Northampton is consolidating and subsequently moving its campuses to a site adjoining the Avon Cosmetics Headquarters site. This means that students will want to move to accommodation closer to this site.

## **2 Article 4 Direction**

An Article 4 direction allows local planning authorities to remove the relevant permitted development rights, if it is considered that this will help a specific area. National Planning Practice Guidance (NPPG) states that the use of Article 4 directions should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.

Where there is evidenced local need to control the spread of HMOs, local planning authorities are able to use powers to make an Article 4 direction to remove these permitted development rights and therefore require planning applications for such changes of use. An Article 4 direction removing permitted development rights may be introduced if the Council considers that the change of use from C3 to C4 would be prejudicial to the proper planning of an area or constitute a threat to the amenities of the area.

The existing Article 4 Direction areas in Northampton are:

- North and Central
- Sunnyside

These areas are shown on the map at the end of this report.

However, there are various changes that are taking place in Northampton which will affect HMOs and their future locations. These include the relocation of the University of Northampton to the Avon Nunn Mills site. It was therefore considered that the potential growth of HMOs in the areas of Far Cotton, Delapre and Cliftonville be managed through an Article 4 Direction to ensure that their concentrations are managed in accordance with planning policy and that the wellbeing of both residents and occupants continue to be managed.

## **4 Far Cotton, Delapre and Cliftonville: Justifications for the Article 4 direction**

### **a Government evidence base**

The problems associated with high concentrations of HMOs are well documented and have been recognised nationally by residents, local organisations (such as resident associations), the press and the Government.

The Government commissioned ECOTEC to gather evidence about HMOs and the problems associated with high concentrations of HMOs. Although it was published some time ago, the issues are still considered relevant today.

The study was commissioned because concentrations of HMOs and the geographical concentrations of certain groups residing in them can lead to substantial changes and problems in the nature of particular locations. For instance, the social infrastructure of a neighbourhood can change. The report states that the problems associated with HMOs and the tensions within local neighbourhoods are



well known, particularly in high concentrations of student housing and population, leading to the term “studentification”.

The report, completed in 2008, highlighted the following problems:

- Noise and anti-social behaviour
- Imbalanced and unsuitable communities
- Negative impacts on the physical environment
- Pressures upon parking provision
- Growth in private rented sector at the expense of owner occupation
- Increased crime
- Pressure upon local communities and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyle of the predominant population

More recently, in 2015, the Welsh Government examined the extent of concentrations of HMOs in Wales and the issues with them, reviewing the existing legislation and considering best practice in both Welsh and non-Welsh authorities. The report confirms that very high concentrations of HMOs exist around long term universities. Although it is less around newer universities (where higher levels of student accommodation are provided), nonetheless, the level of HMO concentrations was still high. The report adds that these concentrations have led to major concerns such as displacement of established communities, exclusion of first time buyers, anti-social behaviour, degrading of the environment and street scenes, and parking problems.

The report also revealed that there are variations in the extent of concentrations, but all had some very limited areas, adjacent to higher education institutions, where the proportion of HMOs could reach 80 – 90% higher. The report mentioned that authorities with high student populations reported that there had been a growth in student numbers during the 1990s but this had accelerated with very substantial growth in student numbers in 2000/1. This was regarded as a significant factor in the increased HMO concentrations because of the significant increase in the amount of accommodation provided by higher education authorities.

Therefore, one of the justifications for the proposal to introduce an Article 4 direction in any specific area is associated with the extent of HMO uses in that area and the local impact associated with concentrations of use. It is clear from both studies that HMOs themselves do not cause a problem. They perform a key role in providing suitable, affordable homes to those who need them including students, those on low income and young professionals. The issue arises where there is a high **concentration** of HMOs and particularly so when they are occupied predominantly by a social group.

There is evidence to show that properties are being used for HMOs in the Far Cotton, Delapre and Cliftonville areas with concentrations evident in some areas. This is because the University of Northampton is relocating to the Avon Nunn Mills area which is located along the south east of the Central Area. It is likely that student accommodation demand will increase. There is therefore a need to be proactive in managing the growth of HMOs prior to the opening of the new University in 2018.

## **b. Development Plans and Interim Planning Policy Statement**

### **i. West Northamptonshire Joint Core Strategy**

Another reason for introducing an Article 4 Direction in the Far Cotton, Delapre and Cliftonville area is to ensure that the policies contained in the development plan and relevant supplementary documents are complied with.

The West Northamptonshire Joint Core Strategy was adopted in December 2014. Policy H5 states that the existing housing stock will be managed and safeguarded by allowing houses in multiple occupation where they would not adversely affect the character and amenity of existing residential areas. Para 9.23 adds that where there is a local need to control the spread of HMOs, the local authorities are able to use existing powers, in the form of Article 4 directions, to require planning applications in the area.

The strategic policy is therefore clear that there needs to be a balance between providing affordable units for rent through HMOs, whilst ensuring that they should not adversely affect the character and amenity of existing residential areas.

### **ii. Interim Planning Policy Statement on houses in multiple occupation**

In November 2014, the Council approved the adoption of an Interim Planning Policy Statement (IPPS) on houses in multiple occupation. This IPPS has several planning principles which applicants need to take into account when considering a proposal to change the use of a dwellinghouse to a house in multiple occupation for 3 – 6 unrelated people. The adoption of this IPPS confirms the Council's commitment towards managing the concentration of the HMO stock in a sustainable manner, which allows the provision to continue but not to the detriment of the character of the street. A threshold of 15% within a 50m radius will therefore assist in ensuring that the character of the streets within these areas will not be adversely affected by the concentration of HMOs in the future.

In extending the boundary of the Article 4 Direction, the Council will continue to secure a balance between securing enough HMOs to meet demand and ensuring that the amenity of the area and the wellbeing of residents are properly accounted for.

### **iii. Parking requirements**

Both the Central Area Action Plan and the Northamptonshire Parking Standards provide parking standards for HMOs. In issuing an Article 4 Direction, and seeking planning applications for change of use from dwellinghouses to HMOs for 3 – 6 unrelated people, the Council is able to properly consider the parking requirements associated with each application and minimise the issues associated with parking matters.

The Northampton Central Area Action Plan was adopted in January 2013. The Plan includes a policy on parking (Policy 10). For houses in multiple occupation, the standards are as follows:

Car parking:	1 space per bedroom
Cycle parking:	1 space per two bedrooms

The Northamptonshire County Council's Parking Standards were adopted in September 2016. In the document, it states:

If parking demand on-street exceeds capacity, then this leads to highway safety concerns such as parking on double yellow lines (which are there for safety reasons), parking across dropped kerbs, on the corners of junctions or double parking. In addition to highway safety concerns, when there is a lack of parking spaces available to residents, this negatively affects their amenity, which results in tensions within the communities.

HMO shall provide on plot parking at the ration of 1 parking space per bedroom.

Where less than 1 parking space per bedroom on plot parking is proposed for the HMO, the Highway Authority will require a parking beat survey of the surrounding streets. The methodology of the parking beat survey must be agreed with the Highway Authority before it is undertaken.

If the resulting residual parking demand (ie the difference between the parking expected to be generated by the existing dwelling (C3 use) and the proposed HMO) cannot be accommodated on the adjoining streets, then the Highway Authority shall object to the planning application.

NCC's parking standards provide clear guidelines on the requirements to provide adequate parking for HMOs.

Therefore, anyone applying for planning approval for the change of use of their dwellinghouses to HMOs for 3 – 6 unrelated people within the Article 4 direction area will need to comply with these requirements unless there is justification not to do so, for instance, the proximity to public transport services. This will ensure that there is adequate provision for parking. This also helps with the management of HMO growth and associated requirements within the area.

### **c The relocation of the University of Northampton into the town centre**

In July 2011, Cabinet confirmed the immediate Article 4 direction which removed permitted development rights for change of use from C3 to C4 for an area bound by Holly Lodge Road to the north of the area, the Borough boundary to the east, Boughton Green Road to the south and Harborough Road to the west. In addition, Cabinet confirmed the non-immediate Article 4 direction which removed permitted

development rights for change of use from C3 to C4 for the rest of the area comprising the central and northern parts of the Borough. These were areas affected by the Park and Avenue campuses, where HMOs were on the increase because of student demand.

However, in 2013, outline planning permission was granted to the University of Northampton for the redevelopment of the site off Nunn Mills Road, on the south eastern corner of the Central Area.

The scheme is for (extracts):

- 40,000 sq.m of university floorspace
- 15,000 sq.m of university expansion floorspace
- 35,000 sq.m of commercial B1 floorspace
- 3,550 sq.m of retail floorspace
- 1,500 sq.m of student accommodation
- 7,000 sq.m of hotel floorspace (around 150 bedrooms)
- Floodlit sports facilities
- A new road bridge and junction onto Bedford Road
- Reconfiguration of Midsummer Meadow car park
- New pedestrian footbridge connecting the site to Becket's Park

The project is already underway with the new road bridge and junction on Bedford Road now under construction. This means that the Park and Avenue campuses will subsequently be closed down. Outline planning approval was granted for Park Campus (N/2014/0475) for the demolition of University facilities and the erection of new buildings comprising residential for up to 800 units and associated car parking and retail. Outline application for the demolition of existing university buildings, the demolition of existing university facilities and the erection of new buildings including 200 residential units at the Avenue Campus is in progress (N/2016/0810).

The University is expected to be completed in 2018, in time for the September intake. In 2014/15, there were just under 14,000<sup>1</sup> students studying in this University and this is expected to rise to around 15,000. The University is clear about its ambition in raising its profile and reputation, which may increase its attractiveness as a university of choice for both national and international students. It is also likely that students will want to move away from the areas close to the Park and Avenue campuses and move closer to the new, more modern university and be within walking distance to the town centre, its retail and leisure services, and especially its evening economy.

There is therefore potential for the demand for student and staff accommodation (and subsequently HMOs) within the vicinity of the new University campus. This demand could be met in established residential units within Delapre and Far Cotton and parts of the Cliftonville area which are within 10 – 30 minute walking distance to the new university site. Student demand for accommodation is expected to be the case in spite of the purpose built student accommodation in St John's (464 rooms), the proposed accommodation on the new campus site (1,500 rooms) and the

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<sup>1</sup> <http://www.thecompleteuniversityguide.co.uk/northampton/>

proposed 339 units at the former Greyfriars bus station site. This provides less than 3,000 purpose built units within the Central Area of Northampton. There might also be additional proposals coming through the pipeline within the Central Area but this is not confirmed at this stage. Therefore, there will be a shortfall in student accommodation and the likelihood is that this will be met through the provision of houses in multiple occupation.

#### **d Evidence from Private Sector Housing**

Evidence base was obtained by Northampton Borough Council's Private Sector Housing (PSH) section in a number of ways and through various sources. These include anecdotal evidence from local residents, councillors, police, fire authorities, local letting agents and local authority officers, as well as more formal responses.

Research undertaken by PSH Officers included:

- Physical street visits to ascertain identifiers indicating if a property is used as a house of multiple occupancy, such as multiple door bells, excessive rubbish or multiple refuse bins, multiple vehicles, local Intel from neighbours and door knocking on suspected properties.
- Police officers regularly attend properties for various reasons and have the opportunity to view properties internally. An agreement was made with local officers, that in the event of a callout, they would identify if the property is being used as a HMO and provide PSH with the address only.
- Council Tax & Housing Benefit data, which identifies registered HMO dwellings, under either student accommodation with tax exemptions mandatory and fully licenced properties.
- The Fire Authority as well as the police visit many properties, as part of their service. Therefore information pertaining to tenure of the properties can be used from the Fire Authority.
- Desk-based review of properties advertised online through sites specialising in single let rooms and house sharing, such as Spareroom.com, Easyroommate.com. These sites allow property owners or sub-letters, to let their spare or vacant rooms of their property.
- Universities and student unions have previously made commitments to working in partnership with local stakeholders to tackle the challenges arising from high concentrations of student population. PSH have undertaken this partnership approach in gaining information of students in houses of multiple occupations.
- Northampton Partnership Homes (NPH) has undertaken the management of the council's housing stock as an Arm's Length Management Organisation (ALMO). As a consequence NPH are in a suitable position to provide information on whether a property is being used as a HMO, particularly with estate inspections and anti-social behaviour cases.

- Local lettings & Estate Agents, manage properties throughout the county. Therefore they are expected to manage HMO's, as well as single household dwellings.
- Street refuse – Enterprise currently undertake the refuse collection for the county and will hold information to which household has ordered additional refuse bins, which is an identifier of a possible HMO.
- Environmental Health Officers
- Local Councillors are elected to the local council to represent their local community, being an effective councillor requires both commitment and hard work. Councillors have to balance the needs and interests of residents, the political party they represent (if any) and the council. As councillors operate surgeries, visit local people and businesses, with this exposure to the public, councillors will gain useful information. Local Councillors have been active in providing information for this area.

To ensure the integrity of the evidence gathered, PSH Officers must establish beyond reasonable doubt that the properties are operating as houses of multiple occupation. PSH Officers consider that as they are in the default position to provide the evidence and bear the burden of proof, there are strict qualifiers to meet the burden, such as:

- Police
- Fire brigade
- Local Authority Environmental Health
- Local Authority Private Sector Housing
- Housing Officers
- ASB Officers
- Council Tax & Housing benefit Data
- Eye witness accounts from multiple source exclusively
- Eye witness accounts from visiting officers including councillors

PSH Officers highlighted the following issues which may have arisen as part of their investigation:

- Incorrect eye witness accounts from single sources
- Incorrect & misleading information from occupants

i. Information provided

<b>Authority/Agency</b>	<b>Information Provided</b>
Northants Police	<b>Yes</b>
NPH Fire Officer	None
Northants Fire Authority	No response
NBC Private Sector Housing	Yes

NBC Council tax	Yes
Northampton University	None (data protection)
Enterprise (refuse)	No Response
NPH Housing Department	None available

**Letting Agents:** 21 local agents were contacted; 1 Agency confirmed a single HMO, 6 Agencies responded to confirm they did not manage HMO's and 14 Agencies have not responded:

Name	Response	Comments
Ashby Lowery	No	
Carter Jonas	No	
Chelton Brown	yes	do not manage HMO's
Connells	yes	do not manage HMO's
Focal Point Estates	No	
Galbraith estates	No	
Haart	No	
Harrison Murray	No	
Horts	Yes	do not manage HMO's
Howkins and Harrison	No	
Ilet properties	No	
Jackson Grundy	No	
Jackson Stops	Yes	do not manage HMO's
James Anthony Estate agents	No	
JP Lettings	No	
Key Home Ltd	No	
Martin & Co	yes	do not manage HMO's
Northwood	No	
O'Riordan Bond	No	confirmed HMO
Simpson & partnership	No	
Whites Lettings	Yes	do not manage HMO's

**Online:** PSH Officers registered with Spareroom.com and easyroommate.com and were able to confirm 4 HMO's.

**Further Investigation:** There are a total of 35 Unconfirmed and/ or suspected HMO's pending further investigation. The full information of the findings will be forwarded to the Environmental Health department for further action.

ii. Public Sector Housing Conclusions

PSH Officers confirmed the following findings:

<b>Total HMOs</b>	<b>159</b>
<b>Total Confirmed HMOs</b>	<b>124</b>

Of which:	
Approved Planning Applications	2
Licensed (Mandatory)	10
Council Tax Data	8
Student Exemption	38
Housing & Wellbeing (EH & KK)	57
Councillors	4
Online Advert (spare room)	4
Local Lettings Agency	1

## **e Evidence from Development Management and Council Tax**

Details of planning approvals and Council tax records were collected and updated records were mapped. Although there were only a few properties with permissions, (since an Article 4 is not in place), there are a few properties which have been recorded by Council tax as HMOs. Most of the recorded Council tax HMOs are located in the northern part of the Far Cotton area, namely those within the Victorian units close to the Far Cotton Local Centre.

## **f Character Overview**

### **i. Far Cotton and Delapre**

Far Cotton and Delapre accommodates a Local Centre (Far Cotton) which provides retail and services (such as banking) to the local catchment area. The area also accommodates a library, a pharmacy, a Church, children's nursery, primary schools, local neighbourhood level centres and a recreational space (comprising open spaces and children's play areas). The ward is easily accessible from the new University site, either by walking/ cycling or by bus as it is well served by buses especially along Towester Road and Rothersthorpe Road. The whole area can be reached from the location of the new University of Northampton campus within 10 – 30 minutes, depending on whether it is to the north or to the south of the area.

Delapre and Briar Hill ward is located to the south of the town centre, with London Road seemingly splitting the residential areas of Far Cotton, Delapre and Briar Hill to the west; and leisure/ commercial leisure such the historic Delapre Park and Delapre Abbey as well as a hotel to the east. To the north of the Delapre Abbey site (and the old railway line) is an area which is occupied by Avon Cosmetics and an area which will be occupied by the University of Northampton.

The ward accommodates a mixture of predominantly Victorian terraced and post war semi-detached dwellings, which are deemed suitable for conversion into HMOs. These include:

- St Leonard's Road: Victorian houses (also incorporates a Local Centre as designated in the West Northamptonshire Joint Core Strategy, adopted 2014)
- Euston Road/ Abbey Road: Victorian, 2 storey terrace
- Gloucester Avenue/ Queen Eleanor Road: post war 2 storey mainly semi detached



## ii. Cliftonville

Cliftonville is located within Rushmills ward, to the east of the town centre and Northampton General Hospital, and is characterised mainly by 1960s – 1970s semi-detached and detached properties. The area also has some offices and a primary school. There are regular buses along Billing Road and the area is within 5 – 10 minutes walk to the new University campus and the town centre. This makes the area quite attractive to students who would like easy and immediate access to the town centre and the social life it offers, including the evening economy.

The physical environment of these areas included in the proposed Article 4 Directions could potentially change, and not necessarily improve, if the growth of HMOs continue without effective management of their concentrations. An Article 4 Direction will contribute towards ensuring that their growth is balanced against the need to provide HMOs and the need to protect the area, the occupants and the local residents.

## **6 Managing the concentration of HMOs**

The Council is intending to introduce an Article 4 direction in areas within Far Cotton, Delapre and Cliftonville. This means that those who wish to convert their dwellings into HMOs for 3 – 6 unrelated people will need to apply for planning permission before doing so.

To manage both the demand and concentration of HMOs, it is considered appropriate to issue an Article 4 direction on the areas that are likely to be affected, meaning that a planning application will need to be submitted. This does not mean that planning permission will be refused. It means that the Council is able to ensure that demand is met but at the same time make sure that this is balanced against the wider needs of the existing communities. Once an Article 4 direction is in place, planning applications submitted will be determined in accordance with the development plan (which is the West Northamptonshire Joint Core Strategy) as well as the Interim Planning Policy Statement on Houses in Multiple Occupation which was adopted in 2014, and any subsequent update to the documents. The Council is also preparing a new Local Plan for Northampton Borough, and a decision will be made in due course as to whether a policy on houses in multiple occupation will be included in the Plan.

The existing evidence shows that there is a greater concentration of HMOs along the northern end of Far Cotton/ Delapre whilst the remaining areas have pockets of HMOs. The maps attached to the Cabinet report show the extent of the identified HMOs to date, which subsequently informed the proposed boundary for the Article 4 Direction area. Details of the HMOs were obtained from the following sources:

- Planning approvals from Development Management
- Council tax records showing where students were exempt
- Council tax records which codes where properties are HMOs
- Officer on-site investigations undertaken by Private Sector Housing
- Information from residents as to where they think the HMOs are located, which were investigated by Private Sector Housing Officers

- Planning approvals from Development Management
- Mandatory Licensing from Private Sector Housing
- Information from the Policy following meetings with Private Sector Housing

The maps shows that there are a small number of Mandatory Licensed HMOs and HMOs with planning approvals including West Cotton Close, Euston Road and Rothersthorpe Road. There are also properties along London Road, the streets between Delapre Crescent and St Leonard's Road, streets south of Delapre Crescent Road, Rothersthorpe Crescent, Thirlestane Crescent and Abbey Road which recorded by Council Tax as HMOs and/ or have student exemption records. There are also 121 confirmed HMOs recorded following site visits and interviews with residents.

Since the findings show that there is a higher concentration of HMOs within the properties located north of Rothersthorpe Road and Forest Road, it is proposed that 2 article 4 directions are imposed. An immediate Article 4 direction (which takes immediate effect) is recommended for the area hatched on the plan attached and a non-immediate Article 4 direction (which could take at least 12 months to take effect) is recommended for the remaining area within the proposed boundary. The benefits of issuing both Directions are:

- Currently, planning approval is not required for the change of use from dwellinghouses to HMOs. An Article 4 Direction will change this. It does not mean an application will be refused. It means that an application will be determined in accordance with policy guidance and amenity space standards. For the area with an immediate Direction, the Council is able to manage the growth of HMOs with immediate effect
- Concentrations of HMOs can be managed, (particularly where an immediate Article 4 Direction is made) in an area which will have increasing pressure for HMOs particularly once the new University of Northampton has moved. Character of the streets can be protected. Well-being of residents and adjoining occupiers will be considered as part of the planning application process

There are 107 streets included in the proposed Article 4 Direction areas, with a total of 4114 properties:

The streets within the proposed immediate Article 4 Direction are:

<b>No</b>	<b>Street</b>	<b>Number of properties</b>
1.	Abbey Road	115
2.	Baulmsholme Close	13
3.	Claughton Road	19
4.	Clinton Road	57
5.	Cotton End	12
6.	Delapre Crescent	7
7.	Delapre Crescent Road	94
8.	Delapre Street	44
9.	Eastfield Road	28

10.	Euston Road	152
11.	Forest Road	27
12.	Haines Road	6
13.	London Road	52
14.	Marvills Mill Road	12
15.	Old Towester Road	49
16.	Oxford Street	32
17.	Penrhyn Road	143
18.	Playdell Road	13
19.	Pomfret Arms Close	10
20.	Ransome Road	36
21.	River View	89
22.	Rothersthorpe Road	80
23.	Southfield Avenue	36
24.	St Leonards Court	41
25.	St Leonards Road	204
26.	Thirlestane Crescent	38
27.	Thirlestane Road	56
28.	Thorpe Road	17
29.	Towcester Road	58
30.	West Cotton Close	167
		1884

The streets within the proposed non-immediate Article 4 Direction are:

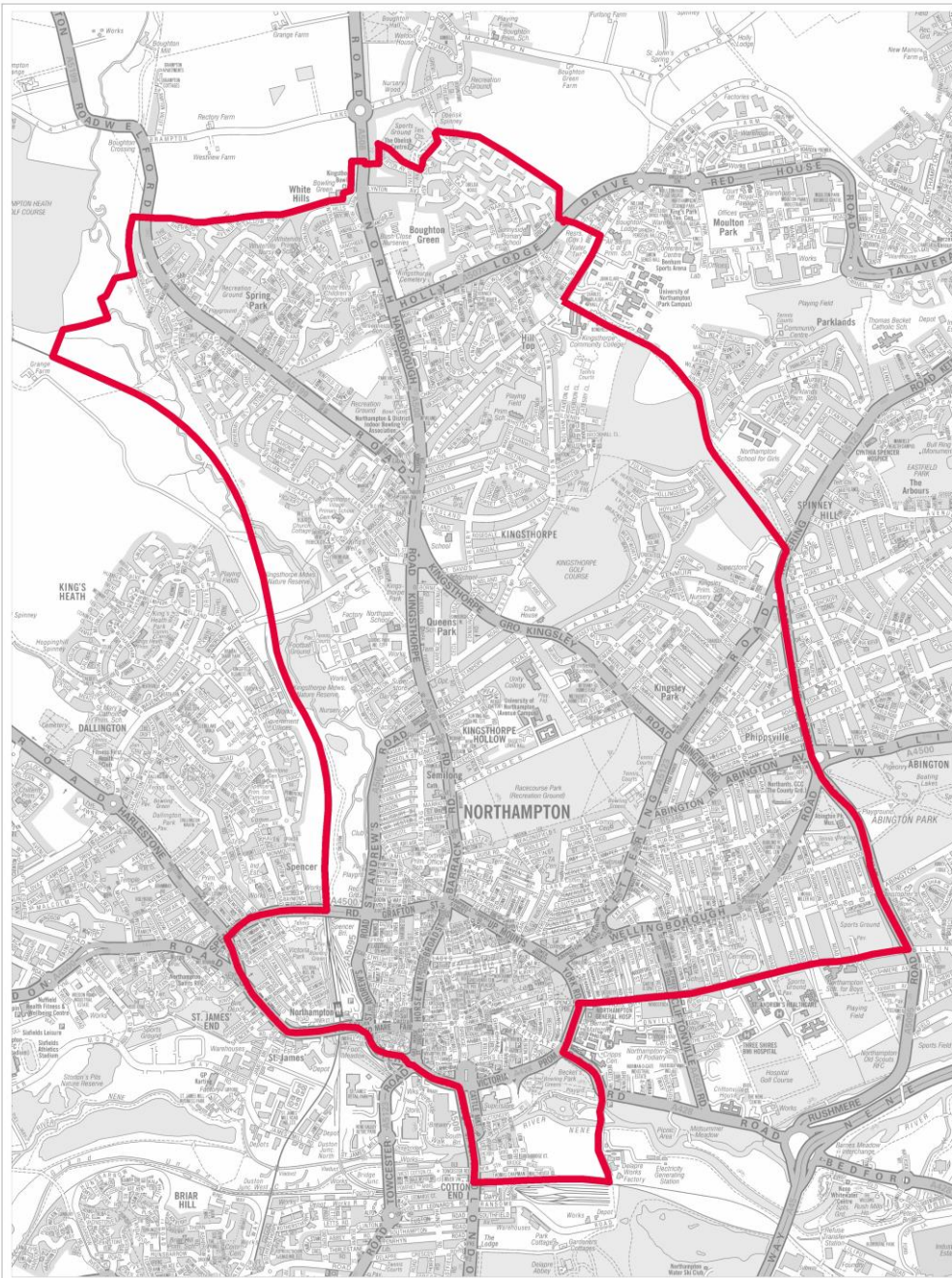
31.	Berkeley Close	43
32.	Blenheim Road	66
33.	Briar Hill Road	45
34.	Briar Hill Walk	36
35.	Buchanan Close	24
36.	Camborne Close	92
37.	Chelmsford Close	15
38.	Cleveland Place	16
39.	Cliftonville Court	58
40.	Cliftonville Road	19
41.	Coverack Close	66
42.	Delamere Road	45
43.	Fawsley Road	18
44.	Forest Road	19
45.	Friars Avenue	107
46.	Friars Close	14
47.	Friars Court	24
48.	Friars Crescent	66
49.	George Nutt Court	34
50.	Glastonbury Road	5
51.	Gloucester Avenue	132
52.	Gloucester Close	16
53.	Gloucester Crescent	78

54.	Hereward Road	10
55.	Lauderdale Avenue	41
56.	Leah Bank	60
57.	London Road	127
58.	Parkfield Avenue	108
59.	Parkfield Crescent	16
60.	Pilgrim's Place	16
61.	Pleydell Gardens	84
62.	Pleydell Road	40
63.	Queen Eleanor Road	86
64.	Queen Eleanor Terrace	34
65.	Radleigh Close	18
66.	Redruth Close	62
67.	Ripon Close	16
68.	Rockingham Road	24
69.	Rothersthorpe Lane	4
70.	Rothersthorpe Road	30
71.	Salcey Street	36
72.	Stevenson Street	28
73.	The Avenue	102
74.	The Nurseries	45
75.	Towcester Road	90
76.	Winchester Close	14
77.	Winchester Road	101
		2230

## **8 Background documents**

- Northamptonshire Parking Standards (Northamptonshire County Council, September 2016)
- Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
- Houses in multiple occupation: review and evidence gathering (Welsh Government, April 2015)
- West Northamptonshire Joint Core Strategy (West Northamptonshire Joint Planning Unit, Dec 2014)
- Interim Planning Policy Statement on Houses in Multiple Occupation (Northampton Borough Council, Nov 2014)
- National Planning Practice Guidance (CLG, March 2014)
- The Town and Country Planning (Compensation) (No 3) (England) Regulations 2010
- Evidence Gathering – Houses in Multiple Occupation and possible planning responses (ECOTEC 2008)
- Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- Town and Country Planning (Use Classes) Order 1987 (as amended)

## Boundary of existing Article 4 Direction



Date: 11th June 2014  
Scale: NTS  
Dept: GIS  
Project: Boundary Map

Title

### Boundary of Article 4 Direction

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Appendices: 0



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Cabinet response to Overview and Scrutiny Committee – Match day parking</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	15 <sup>th</sup> March 2017
<b>Key Decision:</b>	NO
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	NO
<b>Directorate:</b>	Regeneration Enterprise and Planning
<b>Accountable Cabinet Member:</b>	Cllr Tim Hadland
<b>Ward(s)</b>	All

### 1. Purpose

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- 1.1 The purpose of the report is to respond to the recommendations in the Overview and Scrutiny Report on Match day parking.

### 2. Recommendations

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- 2.1 That Cabinet:
- 2.2 Note the recommendations included in the Overview and Scrutiny report on match day parking.
- 2.3 Approve the formation of a working group, led by NBC in partnership with Northamptonshire County Council as the lead transport authority to assess the recommendations made by O&S Group and recommend implementation where appropriate.
- 2.4 That the Overview and Scrutiny Working Group are formally congratulated on a high quality and comprehensive report and thanked for the time and effort given to producing it.

### **3. Issues and Choices**

#### **3.1 Report Background**

##### **3.1.2 Context and Background**

3.1.3 A motion was unanimously carried at full Council on 27 October 2014:

3.1.4 *“This Council recognises the exceptional parking problems that residents and tenants regularly encounter in St James as a result of match day parking. But the problems in St James are not only match day parking. The people coming into St James taking up residents’ and tenants spaces include people coming into the area to work and some people parking at the flats and walking to the station to avoid the parking charges there. This council therefore resolves to do the following:*

3.1.5 *Look into the possibility of issuing tenants in NBC homes that have allocated parking areas with free parking permits. The properties considered would be: Cordwainer House, Stitchman House, Stirup House, Lapstone House, Eyeletter House, Abbey House, Melbourne House, Devonshire House, although this list is not exhaustive. This measure would ensure that premium allocated parking is not occupied by people from the outside area. This should be supplemented with sufficient enforcement to tackle inappropriately and incorrectly parked vehicles.*

3.1.6 *This council also agrees to consult with Northamptonshire County Council, the Police and Highways to look at the possibility of extending free parking permits into other parts of St James, Upton, Duston and other parts of the town which may then replace the current parking permit scheme which is presently under review and thus remove the need to financially penalise the people of St James simply because people from the outside area come to park in St James, as a successful sports club is located on their door step.*

3.1.7 *This Council resolves to ask the Overview and Scrutiny Committee to carry out a detailed investigation to look at these options for Cabinet to consider.”*

3.1.8 The purpose of the Scrutiny activity was:

3.1.9 To undertake a review, to gain a better understanding of residential parking problems, as detailed in motion that was unanimously carried at full Council on 27 October 2014. In doing this, the Working Group will:

3.1.10 Investigate the possibility and viability of issuing tenants in NBC homes (including Cordwainer House, Stitchman House, Stirup House, Lapstone House, Eyeletter House, Abbey House, Melbourne House, Dover Court Devonshire House) that have allocated parking areas with free parking permits.

3.1.11 Investigate the possibility and viability of extending free parking permits to other parts of St James, Upton, Duston and other parts of the town.

### **3.2 The Scrutiny Working Group recommendation to Cabinet**

3.2.1 Discussions are held with the Saints and Northampton Partnership Homes (NPH) regarding the possible introduction of caretaker facilities, provided by Sporting Clubs, and residents parking permits at the flats in St James on match days.

3.2.2 In recognising the increased traffic after a match and increased parking need on match days, the Saints is approached to ascertain whether it could subsidise a Parking Scheme, such as the provision of a steward to man the pedestrian crossing on Weedon Road after a match and the provision of a caretaker at the flats in St James on match days should a residents parking scheme be introduced.

3.2.3 The Saints is asked to advertise match day parking further by including parking details in its programmes.

3.2.4 Consideration is given to widening the use of the Claret car park, free of charge, to include Saturdays when just the Saints are playing at home.

3.2.5 Free car parking facility available at the Claret car park on match days is given heightened publicity.

3.2.6 Consideration is given to giving supporter access to the Doddridge and Castle car park, (Chalk Lane) on Saturday match days.

3.2.7 Consideration is given to providing additional parking at Pineham and Swan Valley on match days.

3.2.8 Early implementation of the St James Mill Road extension; although the Scrutiny Panel understands that procedures on the construction are taking place.

3.2.9 Contact is made with Stage Coach and the Saints regarding the introduction of pilot scheme whereby a Season Ticket Holder can travel to the ground for £1 single each way.

3.2.10 The Executive Committee of the St James Mosque is contacted suggesting that they liaise with local businesses on the Weedon Road, such as Beacon Bingo, to ascertain whether they would be able to offer the mosque parking spaces on Fridays, between 11:30am and 3pm, for a trial period.

### **3.3 Service response**

3.3.1 It is evident from the recommendations to Cabinet that further discussions between key stakeholders needs to take place regularly, within a working group environment and throughout the remaining part of the season. Meaningful actions should be devised and brought forwards for the 2017/18 season.



- 3.3.2 There has to be a multi organisational response to the parking issues highlighted within this report; however the Borough Council will lead and chair the meetings and help the dissemination of actions. The support from the Borough Council will be in the form of Officer time in the first instance. There is currently no allocated budget for ongoing support in this area.
- 3.3.3 The Scrutiny Group has highlighted some excellent potential actions for the group to investigate and it must be these areas that the working group concentrates on in the first instance, however actions should not be limited to these specific proposals.
- 3.3.4 The following membership is proposed for the initial meeting:
- Northampton Saints
  - Northampton Town Football club
  - Northamptonshire County Council
  - Northampton Borough Council
  - Northampton Partnership Homes
  - Stage Coach Midlands
  - University of Northampton
- 3.3.5 Membership of the group may be refined over time and other critical partners should be invited to the meetings as appropriate.
- 3.3.6 It is recommended that the first meeting takes place at the earliest opportunity, likely to be early April 2017.

### **3.4 Choices (Options)**

- 3.4.1 Cabinet can choose to agree with the proposed service response and request Officers to instigate the working group meetings. This is the recommended option.
- 3.4.2 Cabinet can choose to not proceed with the proposed service response. In this scenario the identified issues will not be addressed.

## **4. Implications (including financial implications)**

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### **4.1.1 Policy**

- 4.1.2 There are no policy implications arising from this report.

### **4.2 Resources and Risk**

- 4.2.1 There will be a resource implication through officer time to complete the work. Actions arising from meetings may have a financial implication. There is currently no identified budget.

### **4.3 Legal**

4.3.1 There are no particular legal risks which arise directly from the recommendations of this report.

### **4.4 Equality and Health**

4.4.1 There are no Equality or Health implications arising from this report.

### **4.5 Consultees (Internal and External)**

4.5.1 Internal officers have been consulted.

### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 Invest in safer, cleaner neighbourhoods - Creating an attractive, clean and safe environment.

## **5. Background Papers**

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## **RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE – Match day parking – March 2015**

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**John Dale, Head of Economic Development and Regeneration,  
Ext. 7078**

Appendices: 4 in total

Exempt Appendices: 2, 3 & 4



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Northampton Waterside Enterprise Zone: Proposed Purchase of Land at St. Peter's Way.</b>
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**AGENDA STATUS**                      **Part Public/Part Private**

<b>Cabinet Meeting Date:</b>	March 15 <sup>th</sup> 2017.
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Councillor Tim Hadland
<b>Ward(s)</b>	Castle

### 1. Purpose

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- 1.1 At a previous meeting of Cabinet the purchase of a site as a strategic acquisition within the Enterprise Zone was agreed (see Plan at **Appendix 1**). This report updates Cabinet on progress including work commissioned as part of the Council's required due diligence to support the purchase of land and seeks the appropriate authority to advance and conclude the matter.

### 2. Recommendations

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That Cabinet:

- 2.1 Notes the results of environmental due diligence undertaken for the Council by AMEC Foster Wheeler (AMECfw).
- 2.2 Accepts the draft Heads of Terms for the proposed purchase of the site at Exempt **Appendix 2**, and authorises the Director of Regeneration, Enterprise & Planning acting in consultation with the Borough Secretary and the Cabinet Member for Regeneration, Enterprise and Planning, to consider and agree any beneficial amendments.
- 2.3 Approves the purchase of additional environmental insurance for the site via Arthur J. Gallagher & Co., at a cost of £250k, to be funded from the Strategic

Investment Reserve, and instructs the Director of Regeneration, Enterprise & Planning acting in consultation with the Borough Secretary, to take out said insurance at the time of purchase.

- 2.4 Authorises the Director of Regeneration, Enterprise & Planning acting in consultation with the Chief Finance Officer and the Cabinet Member for Regeneration, Enterprise & Planning, to complete the purchase of the site from National Grid at an agreed price of £1.5 million, plus £72,000 stamp duty, as appropriate.
- 2.5 Approves the existing Capital Scheme being increased by £72,000 to cover stamp duty and that this also be funded from the Strategic Investment Reserve.
- 2.6 Notes that the site is being purchased to enable the relocation of NPH and its depot and that exchange of contracts will therefore not take place until (i) NPH formally confirm that they will relocate to the site, (ii) accept the market rent for their proposed new premises, and (iii) that VFM is demonstrated for both the General Fund and Housing Revenue Account, through the business case being prepared by NPH and NBC Finance.
- 2.7 Instructs the Director of Regeneration, Enterprise & Planning, subject to the completion of the proposed purchase, to submit a further report concerning the procurement arrangements and programme for the new office accommodation and associated development that is proposed for the site.

### **3. Issues and Choices**

#### **3.1 Report Background**

- 3.1.1 In October 2016 Cabinet approved a report concerning the strategic acquisition of this site and it was resolved that:
  - Progress to date in advancing the proposed purchase be noted;
  - The various studies commissioned from AMECfw as part of the Council's environmental due diligence associated with the proposed purchase and the appointment of Nabarro as external legal advisors be endorsed;
  - The Director of Planning, Regeneration & Enterprise acting in consultation with the Chief Finance Officer and the Cabinet Members for Planning Regeneration & Enterprise and Finance, be authorised to complete the due diligence process and to agree appropriate terms in-principle for the purchase of the site from National Grid;
  - The Director of Planning, Regeneration & Enterprise be requested to submit a further report, as appropriate to enable Cabinet to confirm the purchase.

- 3.1.2 The site is currently owned by National Grid and is part of a former Gas Works that covered a wider area. It is irregular in shape and covers an area of approximately 1.5 hectares, see Plan at **Appendix 1** (attached). The site now comprises approximately 85% hard-standing including asphalt and concrete. There also some areas of soft landscaping around the edges of the site. The site is located at an elevation of approximately 60m above the ordnance datum and the site is generally flat. The site contains a building known as Horizon House on its northern edge, which is being considered for inclusion on the Local Interest List. This comprises a two storey red-brick building which is currently boarded up and secured. An electricity substation is located in the east of the site, and appears to be in good condition. The remaining structures comprise the floor-slab/foundations of the former Centrica Billing Centre and hard-standing related to associated parking and loading areas, along with a number of lamp posts. The site was remediated between July and December 2014 to a commercial open storage standard.
- 3.1.3 Historically, the original Gas Works commenced operation in 1824 and comprised a small works which was thought to be located on the site. The works expanded to the north and west of the site and after 1887 the works extended to the south of the site with production increasing quite rapidly at the time.
- 3.1.4 The Gas Works continued to grow until it covered approximately 11 hectares. In 1920, a sulphate and ammonia plant was developed as part of the works (which was located off-site). Gas production is believed to have stopped in or around 1968, with the gas holders then remaining in use for storage.
- 3.1.5 The Centrica Billing Centre was built on the site in the 1980's. In October 2013, the Centrica Building Centre and workshop buildings were demolished and today the only evidence of their existence is their remaining floor slabs.
- 3.1.6 Records and plans show that historic features located on the site included:
- A Gasholder beneath the former Centrica Billing Centre;
  - A Gasholder predominantly located under an existing National Grid Depot to the south of the site;
  - Tar pumps and tanks;
  - Oil tanks (North of the southern Gasholder);
  - Railway sidings;
  - Carburettor water gas plant and tanks;
  - Rectifier house;
  - Coke shed;
  - Boiler House;

- Garage;
- Workshop;
- Brick store;
- Governor / pressure booster.

3.1.7 These are all features that would typically be found on any former Gas Works site of this age, type and size. The production of town gas first took place in a time when environmental legislation and regulations were somewhat undeveloped compared to the regulatory regime that we have in place today; indeed, it was an industrial process that contaminated parts of the site over a period of years before the site finally ceased gas production in 1968.

3.18 As stated earlier, National Grid have recently undertaken a remediation of the site. The principal elements of their remedial strategy were the excavation of hotspot areas and the stabilisation of contaminated soils to reduce the leaching potential of soil. In addition, limited quantities of contaminated soils were removed from the site for off-site disposal. DNAPL (dense non-aqueous phase liquid, for example coal-tar) recovery was also undertaken off site on part of the former gasworks to the South of the site.

3.19 In the circumstances it is appropriate for any prospective purchaser to undertake environmental due diligence as the purchaser has to satisfy themselves as to the condition of the site and any associated potential or conceptual liabilities before they buy the land. This is why AMECfw was employed to assist the Council with its environmental due diligence.

3.20 If the Council determines that it wants to purchase the site, then the intention would be to use it to provide new office accommodation for Northampton Partnership Homes (NPH). The Chief Executive has discussed this with the Chair and Chief Executive of Northampton Partnership Homes and they have confirmed that they require the site and will relocate to it. NPH are preparing a business case with NBC Finance to assess and demonstrate the value for money of NPH relocation.

3.21 The Northampton Central Area Action Plan, approved in January 2013, states that 'the provision of office stock within the Central Area is weak' and that 'this long-standing trend needs to be reversed'. Moreover, it seeks to encourage the provision of an adequate supply of office floorspace. In relation to this particular site it says that 'development should be primarily focused on commercial office space'. Horizon House is also identified as a building to be retained. The use of the site for office space for NPH would therefore be acceptable 'in principle', as would other uses appropriate to the Enterprise Zone.

## 3.2 Issues

3.2.1 Given the above, the Council has employed specialist consultants, AMECfw, to examine various matters to help the Council to make an informed decision on the purchase that it first resolved to make in September 2015.

3.2.2 As previously reported, AMECfw have completed a number of studies for the Council. These include:

- A Desk Top Study and Review of Existing Geotechnical Information;
- A Review of Controlled Waters Risk Assessment;
- A Human Health Risk Assessment;
- Ecology;
- Utilities Survey;
- Flood Risk Assessment;
- Geotechnical Constraints.

3.2.3 These studies provide the Council with information about the following matters:

- The history of the site, how it was remediated, and what other previous studies reveal about its condition and characteristics. This primarily involved a review of the work previously undertaken by Celtic EnGlobe and Worley Parsons which National Grid had originally commissioned;
- AMECfw have also looked at the risks to controlled waters as assessed by a previous Detailed Quantitative Risk assessment (DQRA) undertaken by consultants employed by National Grid. This, amongst other things, informs judgement about any potential or conceptual off-site risks; here the Environment Agency have previously said that “information provided demonstrates that the site poses a low risk to controlled waters and we do not consider additional works to necessary”.
- Risks to human health, to confirm whether remediation has adequately addressed the risk for future commercial use of the site, including Horizon House, should it be brought back into beneficial use. AMECfw have stated that “soils on the site are considered to present a medium to low / low risk to future site users in new developments through vapour inhalation”.
- Ecological issues have also been addressed. AMECfw have undertaken a survey and found evidence of habitats with the potential to support the following species: Badger, Bat, Reptiles and Birds (Peregrine and Kingfisher). That being the case further survey work would be required prior to any site development to identify whether the species are actually present, and if they are, to design appropriate mitigation measures. A legally controlled plant species, Himalayan Balsam was also found, and this would require treatment during any site development, which is standard practice.

- Where utilities are located on the site as these can be a development constraint due to location and the costs associated with relocation. One of the main sewers serving Northampton bisects the site running West-East and that development in the vicinity of this would be contingent upon the agreement of Anglian Water and be regulated through Build-Over Agreements; this would include car-parking areas. A major service trench also runs down the eastern border of the site and this also represents a development constraint.
- In terms of flood risk, AMECfw report that the site is defined as being within Flood Zones 2 & 3 with respect to flooding from rivers and the sea. But there are flood defences in place which are designed to protect against the 1 in 200 (0.5%) year flood. The site is considered to be at a high risk of fluvial flooding of the Brampton Nene, medium/low risk from surface water flooding and at low risk from sewers and reservoirs flooding. There is a possible moderate risk from groundwater flooding at surface. These matters can be addressed through appropriate measures in any new development, once designed, including sustainable urban drainage solutions.
- Where it may be relatively difficult to build, where any new buildings may best be located and indeed, what building techniques, at a level of principle, it may be appropriate to employ has also been considered. The possible refurbishment of Horizon House and the construction of an additional office building located to the rear of Horizon House has been tested on a notional 'footprint' and found to be appropriate 'in principle'.

### 3.3 Choices (Options)

- 3.3.1 Cabinet can, if comfortable, accept the due diligence work undertaken on behalf of the Council by AMECfw, agree the draft Heads of Terms for the proposed purchase of the site from National Grid at Exempt **Appendix 2**, agree to obtain additional environmental insurance and authorise officers to complete the purchase. This, on balance, is the recommended option.
- 3.3.2 Cabinet could decide to purchase the site from National Grid without taking out additional environmental insurance, and on occasion purchasers do sometimes adopt this approach, but this would increase the risk profile of the purchase, given the former use of the land. The purchase of additional environmental insurance is therefore strongly recommended.
- 3.3.3 Cabinet could take the view that notwithstanding the environmental due diligence that has been undertaken, that it does not wish to proceed with the purchase of the land. But this would mean that Northampton Partnership Homes would not be able to occupy the site after purchase and that it would have to recommence a site search for suitable accommodation with appropriate levels of secure parking for its fleet of vehicles or alternatively be put to other appropriate uses in the Enterprise Zone. This is not recommended.

## 4. Implications (including financial implications)

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## 4.1 Policy

- 4.1 The site of the former Gasworks lies within the Northampton Waterside Enterprise Zone (NWEZ). The NWEZ comprises 122 hectares of land and runs adjacent to the River Nene from Sixfields in the West to the western edge of the new University of Northampton Campus. The Zone is predominantly made up of established business estates, but still includes some dormant sites that, for a variety of reasons, have not been delivered by the market. The site off St Peter's Way is an example of this. The acquisition of this site, should that be agreed by Cabinet, and its subsequent development would therefore regenerate the site and promote the economic well-being of the area.
- 4.2 Beyond that there are no specific policy implications arising from this report. Should the land be purchased and developed then any development would need to accord with the extant Development Plan for Northampton, including the Central Area Action Plan. The proposed use of the site by NPH would, 'in-principle', be in accordance with the Development Plan.

## 4.2 Resources and Risks

### Financial

- 4.2.1 As previously reported the proposed purchase price agreed for this strategic acquisition is £1.5 million. An external valuation undertaken for the Council by GVA supports a purchase at this figure. Stamp Duty of £72,000 would also be payable. Were the site to be used for say retail or housing use however, even though this is not proposed, then overage provisions would apply such that the Council could be obliged to make a further payment to National Grid based upon a percentage of the uplift in site value at the point of the grant of permission. Whilst, as stated above, such uses are not being promoted by the Council, Cabinet should nonetheless be aware that overage may apply under certain circumstances. This is not an unusual obligation and is often sought by sellers to ensure that they can obtain a reasonable share of any appropriate uplift in value, should that actually materialise. Such clauses are almost always time-limited and that would be the case here where overage would apply for ten years from the date of purchase.
- 4.2.2 The proposed purchase of this site is currently included in the Council's Capital Programme at £1.5 million. If the site is acquired it would become a General Fund Asset. The funding for the scheme is currently provided by £772k from external contributions and £778k from the Council's Strategic Investment Reserve (CSIR). It is proposed that cost of Stamp Duty should also be met from the CSIR.
- 4.2.3 The Council has been working with AJG, one of the World's largest insurance brokers who ran a competition with underwriters with a view to obtaining quotes for additional insurance to cover appropriate risks arising from the former use of this site. This established that the Council is able to secure additional environmental insurance. Although Cabinet has discretion in this matter the purchase of additional insurance is recommended. A one-off payment would provide insurance cover for ten years, which is the normal industry approach

when dealing with these types of sites. The cost of this would depend upon the level of cover that the Council elects to take, but it is likely to cost approximately £250k. A summary of the available cover is provided at Exempt **Appendix 3**. It is proposed that the cost of this should also be met from the Council's Strategic Investment Reserve.

- 4.2.4 Should the Council purchase the site, it would incur revenue costs in managing the site and in keeping it secure. These costs are currently being estimated but preliminary work suggests that they should be relatively modest perhaps amounting to approximately £15,000 per year. These costs would only be incurred until the site is developed and occupied. As stated earlier the clear intention is that the site will be used by Northampton Partnership Homes, so these costs should only be incurred for a limited period.
- 4.2.5 Clearly, given that NPH are envisaged to be the end user after the proposed purchase, the Council will want to satisfy itself that the proposed purchase works in value for money terms for both the General Fund and the Housing Revenue Account. High level work indicates that this will be the case but the Chief Finance Officer wants to be completely assured on this point before the proposed purchase takes place.

## **Risks**

- 4.2.6 There are always possible risks associated with the purchase of any land and care has to be taken when considering land that has previously been used over a period of years for the production and storage of gas. As set out elsewhere in this report, these risks are mitigated by: (i) the work that National Grid has previously completed to remediate the site (ii) the environmental due diligence that has been applied, supported by AMECfw (iii) seeking and taking advice from Nabarro, an external firm of lawyers that specialise in dealing with transactions where there are environmental considerations and, (iv) the proposed use of additional environmental insurance.
- 4.2.7 Whilst it is beyond the immediate scope of the proposed purchase of the land from National Grid, the Council will want to take steps to ensure that appropriate arrangements are made in relation to the procurement of any new development on the site with a view to securing best value. In the meantime officers have undertaken background work which indicates that development of the site should be affordable. A further report addressing these issues will be prepared for Cabinet when the purchase has been completed.

## **4.3 Legal**

- 4.3.1 In the light of the historic use of this site, the key considerations in relation to this proposed purchase include the environmental risks which are inevitably involved in owning such property. These include both the statutory control regimes and the risk of third party actions. It is important to bear in mind that there is no suggestion at this stage of risk of damage or loss arising from these issues. Sites with a past history or this sort of use are not inevitably either dangerous or incapable of beneficial use. But due diligence needs to be carefully applied, as it has been in this case, given the history of the site, irrespective of any intended end use or potential occupier.

- 4.3.2 Officers have addressed these issues through (i) commissioning specialist advice on the physical condition of the site, (ii) by engaging external lawyers, Nabarro, which have national experience in dealing with this type of transaction, and (iii) by obtaining a suitable offer of terms for additional environmental insurance to cover both off and on-site risks.
- 4.3.3 Legal advice concerning the transfer of environmental liabilities under the draft Heads of Terms is provided at Exempt **Appendix 4**.
- 4.3.4 This acquisition also gives rise to more conventional legal issues relating to the conveyancing process and the terms of any 'overage' provisions which are referred to elsewhere in the report. There are also residual matters from the agreements entered into by the former West Northamptonshire Development Corporation (WNDC) with National Grid in 2014 for investment in an initial clean-up of the site, where the Council are WNDC's successors. These provide for the return to NBC at completion of any purchase of some of the money invested by WNDC in the preliminary remediation.
- 4.3.5 Finally, the Council and its consultants have been obliged, in order to access information held by National Grid, to agree a 'non-disclosure' agreement. Whilst this is standard practice from their point of view, it does mean that some information has to be treated as confidential due to its potential commercial use by third parties.

#### **4.4 Equality and Health**

- 4.4.1 A report was commissioned from AMECfw to provide information about any risks to Human Health that may arise from the commercial use of the site. Here AMECfw have stated that "soils on the site are considered to present a medium to low/low risk to future site users in new developments through vapour inhalation. The potential human health risks to off-site users in the East...are also considered likely to be medium low / low risk".
- 4.4.2 Work was also been commissioned to review any risks that there may be to controlled waters associated with the site. This also considered if there were any issues arising from the way the site was remediated. AMECfw have stated Following completion of remediation the Environment Agency have stated that " the information provided demonstrates that the site poses a low risk to controlled waters and we do not consider additional works to necessary". Should the site be developed at any point in the future then it would be advisable to consult the Environment Agency at an early stage in the formulation of proposals with a view to maintaining the low-risk classification.

#### **4.5 Consultees (Internal and External)**

- 4.5.1 As would be expected National Grid and their professional advisors have been consulted, as has a potential end user of the site, should the purchase of the site be completed. The Environment Agency and the Utilities, including Anglian Water, have also been consulted on appropriate issues. Internally, Legal,

Finance, Property and Environmental Health have been involved in the development of this proposal.

#### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The purchase of the site and its subsequent development for commercial use would bring this dormant land in the Enterprise Zone back into productive use.

#### **4.7 Other Implications**

- 4.7.1 None identified.

### **5. Background Papers**

#### **Publicly Available Information**

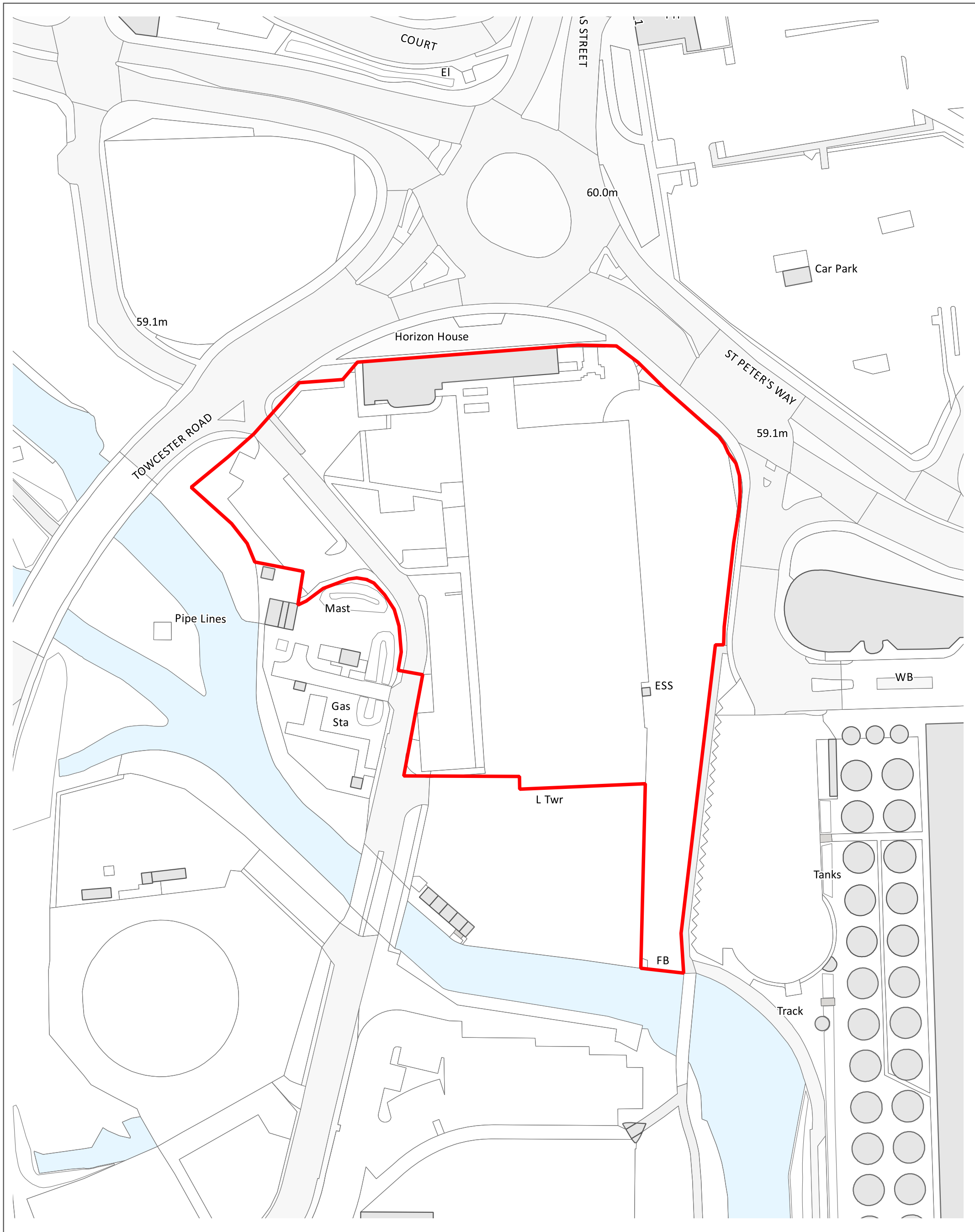
- 5.1 Cabinet Report, October 2016: Northampton Waterside Enterprise Zone: Proposed Purchase of Land at St Peter's Way.
- 5.2 Local Standards and Guidance for Surface Water Drainage in Northamptonshire, August 2016.
- 5.3 Cabinet Report, September 2015: Finance (to 31<sup>st</sup> July) and Performance Report, June 2015.
- 5.4 Planning Practice Guidance, Flood Risk and Coastal Change, April 2015.
- 5.5 West Northamptonshire, Joint Core Strategy Local Plan, December 2014.
- 5.6 Northamptonshire Local Flood Risk Management Strategy, October 2013.
- 5.7 Northampton Central Area Action Plan, January 2013.
- 5.8 Northampton Central Area Drainage Assessment, August 2012.
- 5.9 National Planning Policy Framework, March 2012.
- 5.10 Level 2 Flood Risk Assessment, June 2011.
- 5.11 Level 2 Flood Risk Assessment, February 2010.
- 5.12 Level 1 Strategic Flood Risk Assessment, February 2009.

#### **Exempt Information: Not for publication, comprising exempt information under Section 12 A of the Local Government Act 1972, as amended, Paragraph 3 (commercial confidentiality) and Paragraph 5 (legal privilege):**

- 5.13 Draft Heads of Terms
- 5.14 Independent Red Book Valuation for the Site produced for the Council, GVA.

- 5.15 Consultant Environmental Reports produced for the Council, AMECfw.
- 5.16 Consultant Environmental and Remediation Reports produced for National Grid, Celtic & Worley Parsons.
- 5.17 Letter from the Environment Agency to Celtic, a subsidiary of EnGlobe Corporation, May 2015.

**Ian Gray, Interim Director of Regeneration, Enterprise & Planning  
Telephone: Extension 8531**



**NORTHAMPTON**  
BOROUGH COUNCIL

## Potential Acquisition Site: Land off St Peters Way

23 September 2016  
1:1000 @ A4  
drawn by M Burgess

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

## CABINET REPORT

<b>Report Title</b>	<b>Growing Together Neighbourhood Plan</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	15 <sup>th</sup> March 2017
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Regeneration, Enterprise & Planning
<b>Accountable Cabinet Member:</b>	Councillor Tim Hadland
<b>Ward(s)</b>	Talavera, Brookside, Rectory Farm

### 1. Purpose

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- 1.1 For Cabinet to make recommendations to Full Council regarding the Growing Together Neighbourhood Plan, following the referendum held on the 23 February 2017.

### 2. Recommendations

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- 2.1 That Cabinet recommends to Full Council:

- that Full Council 'makes' the Growing Together Neighbourhood Plan, in accordance with Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004;
- that the Growing Together Neighbourhood Plan and the Decision Statement (**Appendix 1**) be published on the Council's website, and paper copies be provided in locations where people who live, work and carry on business in the area can view them; and
- that the Decision Statement and details on how to view the Growing Together Neighbourhood Plan be sent to the qualifying body (Growing Together Neighbourhood Forum) and any person who asked to be notified of the Council's decision.

- 2.2 That the Growing Together Neighbourhood Forum be congratulated on the successful outcome of the referendum.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Growing Together Neighbourhood Plan (the Plan) was prepared by the Growing Together Neighbourhood Forum, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the Growing Together Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Cabinet on 11 September 2013. At the same time, Cabinet also approved the designation of the Growing Together Neighbourhood Forum under Section 61F of the Town and Country Planning Act (as amended) for the purposes of preparing the Neighbourhood Plan. A map of the Neighbourhood Area can be found in the Plan.
- 3.1.2 Following community engagement between 2012 and 2014, a pre-submission draft Plan was prepared. This pre-submission Plan was published for consultation between 15 June and 27 July 2015. The Plan was revised and updated to reflect the consultation responses received. The Plan and its accompanying documents were then submitted to the Council for publication and examination on 25 July 2016. The submitted Plan was published for public consultation between 28 July and 22 September 2016. Comments received during the consultation period were sent to the appointed Independent Examiner, Mr Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMi IHBC, for examination.
- 3.1.3 The Examination was conducted through written representations and the Examiner's Report was published in November 2016. The Examiner concluded that once modified to meet all relevant legal requirements the Plan should proceed to referendum. The Examiner made various recommendations to modify policies and text to ensure that making the Plan will meet the Basic Conditions and legal requirements. The Plan was modified accordingly.
- 3.1.4 The referendum of the Plan took place on 23 February 2017. The Regulations state that if the majority of those who voted (more than 50%) are in favour of the Plan then it must be made (brought into legal effect) by the local planning authority. There is no minimum turnout for the referendum to be valid.
- 3.1.5 In accordance with the Neighbourhood Planning (Referendums) Regulations 2012 residents were asked the following question:
- Do you want Northampton Borough Council to use the neighbourhood plan for the Growing Together neighbourhood area (namely: Blackthorn, Cherry Lodge, Goldings, Lings, Lumbertubs and Overstone Lodge) to help it decide planning applications in the neighbourhood area?***
- 3.1.6 At the referendum on 23 February 2017, 901 residents voted Yes (91.47% of those voting) and 80 voted No (8.12% of those voting). 4 ballot papers were rejected. Turnout was 13%.

3.1.7 Once a neighbourhood plan has successfully passed all the stages of preparation, including an Examination and Referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

### **3.2 Choices (Options)**

3.2.1 Once a neighbourhood plan has been supported by a majority of those voting in a referendum the Council is obliged to proceed to make the Plan under Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004. The Council is not subject to this duty if the making of the Plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention rights within the meaning of the Human Rights Act 1998. The Plan does not breach and would not otherwise be incompatible with the conventions or obligations.

3.2.2 There are, therefore, no other options than to make the Plan so that it will form part of the Northampton Development Plan.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 The National Planning Policy Framework sets out that neighbourhood plans must be in general conformity with the strategic policies of the development plan. Neighbourhood plans should reflect these policies, and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than is set out in the Local Plan or undermine its strategic policies. In Northampton the strategic policies are set out in the adopted West Northamptonshire Joint Core Strategy Local Plan (Part 1).

4.1.2 Once a neighbourhood plan has successfully passed all of the stages of preparation, including an examination and referendum, it is made by the local planning authority and forms part of the Development Plan, meaning that it will be a material consideration when deciding planning applications.

### **4.2 Resources and Risk**

4.2.1 The majority of the costs of preparing a neighbourhood plan are the responsibility of the neighbourhood planning group, in this case the Growing Together Neighbourhood Forum. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 place duties on local planning authorities with regards to neighbourhood planning, including the role associated with supporting local neighbourhood forums in preparing their neighbourhood plans. To assist the Department for Communities and Local Government (DCLG) has made available grants to local planning authorities of up to £10,000 for each neighbourhood plan which are paid in stages in accordance with the progress of the Plan. The funding is intended to cover staff time and other costs associated with the Council's statutory duties. However, these DCLG grants are limited by the number of Neighbourhood Areas and Forums that have been designated in a local planning authority's

(LPA) area. The Growing Together Neighbourhood Forum received a Front Runner grant from DCLG in 2013 of £20,000 to assist with the progression of the Neighbourhood Plan. In total the Growing Together Neighbourhood Forum has received DCLG grants of £30,000. This money can only be used for neighbourhood planning purposes. To date £25,478 has been spent, including the cost of the independent Examiner.

- 4.2.2 In addition the Council has a small budget for Neighbourhood Planning to provide additional resources to meet the Council's statutory duties in relation to neighbourhood planning including publicity and administration costs such as referendums.
- 4.2.3 The final costs of the referendum are yet to be confirmed but are estimated to be in the region of £25,000. It is hoped these costs will be met from the DCLG grant of £20,000, which was applied for in December 2016, however the decision on this will not be known until March 2017. Any expenditure over the £20,000 or if the Council are unsuccessful in the grant application will need to be funded from the existing Neighbourhood Plans budget.
- 4.2.4 Publicity costs associated with making the Neighbourhood Plan will be met within the existing Neighbourhood Plans budget and staff resources to implement the Plan will come from the Council's existing staff - primarily within the Regeneration, Enterprise and Planning Directorate.
- 4.2.5 On 21 September 2015 the Council approved the Community Infrastructure Levy (CIL) Charging Schedule for the Borough and that all liable developments granted planning permission, including those allowed by an appeal decision, and submitted on or after 1st April 2016 will need to pay the Levy. Once the Plan is made the Council will engage with the community to agree how the 25% of the CIL receipts from development within the Growing Together Neighbourhood Area should be spent.

### **4.3 Legal**

- 4.3.1 Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at the local level, as outlined in Section 116 of the Localism Act 2011. The Act and the subsequent Neighbourhood Planning (General) Regulations 2012 (known as the 2012 Regulations) confer specific functions on local planning authorities in relation to neighbourhood planning and set out the steps that must be followed in relation to neighbourhood planning.
- 4.3.2 The Housing and Planning Act 2016 has introduced additional requirements for neighbourhood planning which have been incorporated into the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, and the Neighbourhood Planning (Referendums) (Amendment) Regulations 2016. These Regulations amend the 2012 Regulations introducing timescales within which the Council must act in relation to the different stages of the neighbourhood planning process.

- 4.3.3 The 2012 Regulations as amended require the Council to make a neighbourhood plan approved at referendum within 8 weeks of holding the referendum, beginning with the day immediately following the day the referendum was held. In the case of the Growing Together Neighbourhood Plan this means the Council must make the Plan by 21 April 2017.
- 4.3.4 The Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations.
- 4.3.5 As with any planning decision, there is a risk of a legal challenge to the Plan and/ or judicial review of the Council's decision to make the Plan. The risk is managed by ensuring that the requirements set out in the 2012 Regulations are followed. Once the Plan is made, it carries significant weight and the local planning authority is obliged to consider proposals for development against the policies in the Plan.
- 4.3.6 In accordance with the 2012 Regulations the Council must, as soon as possible after deciding to make the neighbourhood plan:
- i. Publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:
    - (1) The decision document;
    - (2) Details of where and when the decision document may be inspected.
  - ii. Send a copy of the decision document to:
    - (1) The qualifying body [in this case the Growing Together Neighbourhood Forum] and
    - (2) Any person who asked to be notified of the decision.

In addition, the Council will, as soon as possible after deciding to make the neighbourhood plan:

- iii. Publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:
  - (1) The Growing Together Neighbourhood Plan; and
  - (2) Details of where and when the Plan may be inspected.
- iv. Notify any person who asked to be notified of the making of the Plan that it has been made and where and when it may be inspected.

## **4.4 Equality and Health**

- 4.4.1 The Plan contains policies which seek to address a range of equality issues which were identified through the community engagement and evidence gathering stages of the Plan's preparation including: Improving the local environment; Protecting and enhancing key local open spaces; New play areas and recreation facilities; New community facilities and improving and enhancing existing community facilities; New high quality housing and improving the condition, appearance and energy efficiency of existing housing; Enhancing the existing footpath and cycle network and introducing new links; and Creating new employment generating uses for the local community.
- 4.4.2 In addition, the Plan preparation process required the production of a Basic Conditions Statement which includes the need to assess whether the Plan is compatible with the Human Rights Act and other relevant national and European obligations. The independent Examiner to the Growing Together Neighbourhood Plan concluded that the Plan meets the Basic Conditions, as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004.
- 4.4.3 In order to meet the Basic Conditions, the making of the Plan must:
- Have due regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the Development Plan for the area; and
  - Not breach, and be otherwise compatible with, European Union obligations and the European Convention on Human Rights.

## **4.5 Consultees (Internal and External)**

- 4.5.1 In accordance with the 2012 Regulations, the Growing Together Neighbourhood Forum has undertaken community engagement and public consultation at every stage of the Plan preparation process. A summary is provided in Section 2 of the Neighbourhood Plan - 'How the Plan was Prepared'. Full details are available in the Growing Together Neighbourhood Plan Consultation Statement which is a background paper to this report.

## **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The policies contained in the Plan contribute to the delivery of the following priorities as provided in the Corporate Plan 2016 – 2020: Priority Safer Communities; Priority Housing for Everyone; Priority Protecting our Environment; Priority Love Northampton.

- 4.6.2 In particular, Priority Love Northampton of the Corporate Plan states:

“Northampton to have a great community spirit, with people actively participating in local democracy, taking pride in Northampton, its environment and its communities.”



## **4.7 Other Implications**

4.7.1 None.

## **5. Background Papers**

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- 5.1 Growing Together Neighbourhood Plan
- 5.2 Growing Together Neighbourhood Development Plan: A Report of the Independent Examination (November 2016)
- 5.3 Growing Together Neighbourhood Plan Consultation Statement (Submission Version) (July 2016)

Appendix 1 - Growing Together Neighbourhood Plan Decision Statement

**Ian Gray**  
**Interim Director - Regeneration, Enterprise & Planning**  
**Tel. 837287**



## **GROWING TOGETHER NEIGHBOURHOOD PLAN DECISION STATEMENT**

**APRIL 2017**

### **1. INTRODUCTION**

- 1.1 The purpose of this Decision Statement is to set out Northampton Borough Council's decision on the making of the Growing Together Neighbourhood Plan.

### **2. BACKGROUND**

- 2.1 The Growing Together Neighbourhood Forum, as the qualifying body, successfully applied for the Growing Together Neighbourhood Area to be designated under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), which came into force on 11 September 2013.
- 2.2 Following the submission of a draft of the Growing Together Neighbourhood Plan to the Council, the Plan was publicised and comments were invited from the public and other stakeholders. The consultation period closed on 22 September 2016.
- 2.3 Northampton Borough Council appointed an independent Examiner, Mr Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC, to review whether the draft Plan should proceed to Referendum. The Examiner's report was published on 9 November 2016. The Examiner concluded that once modified to meet all relevant legal requirements the Plan should proceed to referendum. The Examiner made recommendations to modify policies and text to ensure that making the Plan will meet the Basic Conditions and legal requirements. The Plan was modified accordingly.
- 2.4 The referendum of the Growing Together Neighbourhood Plan took place on 23 February 2017. The turnout was 13% and 91.47% of those votes cast were in favour.

### **3. NORTHAMPTON BOROUGH COUNCIL DECISION**

- 3.1 The Council makes the Growing Together Neighbourhood Plan part of the Northampton Development Plan.
- 3.2 The Council agrees to the Decision Statement and the Growing Together Neighbourhood Plan being published on our website and in other manners to bring them to the attention of people who live, work or carry out business in the neighbourhood area; and for the Decision Statement and details of how to view the Plan to be sent to the qualifying body and any person who asked to be notified of the decision and/ or the making of the Plan.