



**PLANNING COMMITTEE:** 30 September 2010  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2010/0458:** Nicholls House Site, Bern Side, Northampton  
Erection of 31no. residential units including  
1no. disabled persons bungalow, 4no.  
apartments and associated parking and  
access

**WARD:** St James

**APPLICANT:** Ms A. Knapp – East Midlands Housing  
Association

**AGENT:** Mr K. Reynolds – Reynolds Associates

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

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

- The prior finalisation of a Section 106 Agreement to secure:
  - The provision of at least 35% of the development to be for affordable housing
  - That access to the open space is secured for all and that it is maintained in perpetuity.
  - A payment for the provision of increased primary education capacity within the vicinity of the application site.
  
- The appended conditions and for the following reason:

The proposal would represent the efficient reuse of previously developed land and would provide a satisfactory standard of

residential amenity. As the proposal would have no significant undue detrimental impact upon the amenities of surrounding residents, it therefore complies with the requirements of PPS1 – Delivering Sustainable Development, PPS3 – Housing and Policies H6, E20 and E40 of the Northampton Local Plan.

## **2. THE PROPOSAL**

2.1 This is a full application to establish 31 dwellings, which comprises:

- 12 two bedroom houses,
- 1 two bedroom bungalow for people with disabilities,
- 12 three bedroom houses,
- 2 four bedroom houses
- 4 two bedroom flats.

The applicant has advised that the entirety of the development would be given over to affordable accommodation, of which nine units would be for shared ownership tenure, with the remainder having a social rented tenure.

2.2 The application also includes the provision of 33 car parking spaces. 30 of the spaces are arranged in a private car park enclosed by the proposed built form which wraps around to the north, west and south. These spaces would be accessed via a roadway off Thornhill to the north. The remaining 3 spaces are located adjacent to the front elevations of the dwellings for mobility access.

2.3 The proposal also includes the provision of 244m<sup>2</sup> of public open space located along the southern boundary adjacent to The Springs, a pedestrian route that links Ashbrow Road and Coronation Court. Each unit would have access to secure cycle provision and refuse/recycling facilities.

## **3. SITE DESCRIPTION**

3.1 The application site was previously occupied by a residential care home, however, since its demolition it has been vacant. It is also adjacent to a small local centre to the south east of the site. The surrounding area is residential in character, containing a mixture of houses and flats and is identified as a primary residential area within the Local Plan. A feature of these existing surrounding buildings is the use of render and cladding to embellish prominent elevations. Within the wider area, there are a number of areas of public open space and a further local centre at the junction of Towcester Road and Rothersthorpe Road.

## **4. PLANNING HISTORY**

4.1 07/0052/FULWNN – 54 No. 2 bedroom flats (19 affordable and 35 private) in 4 blocks of 2, 2 and a half and 3 storey height, with

associated bin and cycle storage (mainly integral) with parking and amenity space – WNDC Application, undetermined and finally disposed of.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 – Transport  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk  
Circular 05/05: Planning Obligations

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

E19 – Impact on amenities  
E20 – New Development  
E40 – Planning and crime  
H6 – Residential Development  
H14 – Open Space  
H32 – Affordable Housing

### **5.4 Statutory Instruments**

Northamptonshire County Planning Obligations and Local Education Authority School Provision SPG 2004/6  
Northamptonshire County Parking Standards SPG 2003  
Affordable Housing SPG  
Planning out Crime in Northamptonshire SPG 2004

## **6. CONSULTATIONS / REPRESENTATIONS**

**6.1 Housing Strategy (NBC)** – Support the application as it would contribute to meeting the requirements of the Strategic Housing Market Assessment. The number of units, their types and tenure patterns are acceptable.

**6.2 Public Protection (NBC)** – No objections in principle, but would request conditions detailing a remediation strategy and requiring the developer to report any unsuspected contamination and the means for its management. A condition requiring the submission of details regarding the refuse storage is required.

- 6.3 **Arboricultural Officer (NBC)** – The only significant tree is outside of the application site and it is unlikely that the proposed development would impact upon it. A number of new plantings are proposed and the submission of a landscaping scheme is recommended.
- 6.4 **Development Management (NCC)** – Due to the scale of the development and the requirements of the 2010 Planning Obligations and Framework Guidance 2010, financial contributions to fund primary school education, libraries and fire and rescue provision. Due to the nature of the development, no financial contributions would be required on the part of the disabled person's bungalow.
- 6.5 **Highways (NCC)** – A condition requiring details of the reinstatement of dropped curbs and the new accesses to be submitted is required. As the parking provision is below the maximum 1.5 spaces per dwelling stated in the SPG on Parking, on street car parking would be undesirable. Although the footway system is good and the local roads are usable, there is a lack of formalised cycle routes and therefore a financial contribution is required. There are too many dwellings being served off of a private footpath to the south of the site and this should be amended.
- 6.6 **Environment Agency** – No objections, but would request conditions detailing the means of discharging sewerage and the reporting of unsuspected contamination.
- 6.7 **Anglian Water** – No objections, but request that various informatives regarding the water supply network and the sewerage system, surface water system and wastewater treatment.
- 6.8 **Northamptonshire Police Crime Prevention Advisor** – No objections. However, details of the gates and boundary treatment should be secured via condition.
- 6.9 Revised plans have been submitted and at the time of preparing this report, subject to a consultation process. No responses have been received at the time of writing this report, however, if any further representations are made, they will be reported to the Planning Committee by means of the Addendum.

## 7. APPRAISAL

### *Principle of the Development*

- 7.1 Due to the allocation of the site within the Local Plan as being a primary residential area and given its status as previously developed land, it is considered that the principle of developing this site for residential purposes is acceptable and complies with the aims of PPS3.
- 7.2 The density of the proposal is relatively high (at approximately 60

dwellings per hectare). As the development reflects the pattern of existing development within the surrounding area through arranging the dwellings in short terraces the character of the area would not be unduly impacted upon. Suitable car parking provision has been made and reasonable private garden spaces of some 9-11m in depth for each house / bungalow have also been provided. A shared amenity space measuring 8m by 11m has been provided for the four apartments. Therefore, it is considered that the proposed density is acceptable on account of a satisfactory level of residential amenity being secured and a positive impact upon the area's character.

- 7.3 The proposed development would see the erection of 31 affordable homes, albeit only 35% would be secured through a legal agreement in accordance with adopted policy. The tenure split would be 21 dwellings for social rented accommodation and 10 dwellings for newbuild homebuy schemes. The development would therefore make a contribution to reducing the deficit of this type of accommodation as identified within the Strategic Housing Market Assessment.

#### *Design and Appearance*

- 7.4 The proposed dwellings are of a traditional style and scale that would harmonise with their surroundings. In particular, the proposal has included the provision of selected rendered elevations, which would assist in adding interest to the streetscene and reflect the treatment of other elevations within the vicinity. It is stated within the application submissions that the proposed development would be built to Code for Sustainable Homes Level 4 and assists in providing a development compliant with PPS1.
- 7.5 The site of the proposed bungalow is opposite a row of similar bungalows, which face onto The Springs immediately to the south of the site. As such this building helps create a relationship between existing and proposed developments. The design of the bungalow features a higher roof pitch than the adjacent, existing bungalows, however, this deviation allows for a more cohesive relationship to be formed with the proposed thereby forming an appropriate transition between the development and the bungalows to the south.
- 7.6 The general layout and scale of the proposed development reflects the prevailing character of the area in terms of the provision of two storey dwellings arranged in short, linear terraces fronting on to the existing network of roads and footways and the provision of a linear area of open space between the dwellings and the public highways.
- 7.7 The development is arranged in a 'horseshoe' formation with the dwellings facing Thornhill to the north, Ashbrow Road to the west and The Springs (a pedestrian route) to the south. This built form would wrap around the proposed parking courtyard located to the centre of the development and accessed via the access point situated to the north east of the site from Thornhill.

- 7.8 Due to the 'horseshoe' layout, there would be sufficient light, outlook and privacy to ensure a satisfactory standard of residential amenity for the future residents within the development. In addition, by reason of the separation distances between the proposed dwellings, combined with the surrounding road layout the amenities of the surrounding properties would not be unduly impacted upon. As such, the proposal complies with the requirements of the saved Northampton Local Plan Policy E20 in this regard.
- 7.9 In order to secure a satisfactory standard of development and to ensure that the proposed scheme complies with the requirements of Policy E40 of the Local Plan, with regards to the security of the development, a condition is proposed that would ensure that details of the boundary treatments and access gates are submitted to and approved by the Local Planning Authority. The proposed development would also enhance the level of surveillance to The Springs. The Northamptonshire Police Crime Prevention Design Advisor has raised no objections to the proposal subject to these matters being controlled by conditions. A condition requiring details of the refuse storage to be submitted is necessary in order to ensure that the scheme is compliant with PPS23 Pollution Control and to maintain an organised method of keeping bins off of the street.

#### *Highways*

- 7.10 The development includes the provision of 33 parking spaces, which means that the proposal complies with the requirements of the Supplementary Planning Guidance on parking. In addition, the site is in close proximity to a small local centre and areas of public open space. In addition, two bus stops are located adjacent to the application site, which would facilitate the promotion of sustainable forms of transport. The proposed parking areas include sufficient visibility splays to prevent there being an adverse impact upon highway safety.
- 7.11 Northamptonshire County Council Highways, has requested a break in the footpath in front of the southern terrace to reduce the number of dwellings being served by a single footpath. However, there is no formal planning policy basis to pursue this request. In any event, it is likely that if no continuous path was provided, residents would walk over the grassed area (in essence taking the most direct route), resulting in damage to this area and a detrimental impact upon visual amenity.
- 7.12 County Highways has also requested a financial contribution towards the improvement of cycle routes within the area. Clarification has been sought from the County Council as to the precise project that this contribution would fund. Following this request, it has been confirmed that this would partially fund a cycleway running from the junction of Thornhill and Ashbrow Road and the junction of Thornhill

and Ring Way to north, which is a distance of approximately 250m.

- 7.13 Following the revisions to the Section 106 procedure introduced earlier this year, it is no longer possible to pool contributions towards an infrastructure improvement secured by S106. Notwithstanding this, there are no other apparent potential development sites in the vicinity of the route with a reasonable chance of being developed within the near future that might potentially provide the deficit in funding. In any event, it is considered that there is an insufficient policy basis to make such a request on account of the close proximity of the site to existing pedestrian routes of good quality and bus services. For these reasons, the site has sufficient access to sustainable transport methods and a financial contribution would fail the relevant S106 tests.

#### *Open Space*

- 7.14 As set out within Paragraph 2.1 of this report, the proposed development contains 244m<sup>2</sup> of linear open space, which is predominantly located to the south of the development site. This accords with the standards as set down within the Council's 2009 Open Space, Sports and Recreation Needs Assessment and Audit for on site provision of open space. In order to secure its availability, it is recommended that an obligation be added to any legal agreement requiring that the open space is secured for public access and it is maintained in perpetuity. The applicant has indicated that these obligations would be acceptable.

- 7.15 In terms of open space within the wider area, there is the provision of a number of areas of amenity green space that included play facilities, including one area adjacent to the application site and another within 65m of the site. In terms of the assessment carried out within the 2009 Open Space, Sports and Recreation Needs Assessment and Audit these existing areas are of a sufficient quality. Given the level of accessibility of these levels of open space to the scale of the development and the on-site provision, it is considered that, in this instance there is no planning policy basis to support further obligations.

#### *Other Section 106 Requests*

- 7.16 The revised key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.

- 7.17 Representations received from Northamptonshire County Council identify the need to provide primary school education within the vicinity. This is particularly relevant given the proportion of family accommodation that is to be provided within the development and a projected lack in capacity within the area's primary schools with the next five years. For these reasons, the County has requested the payment of £72,400 to be secured via a Section 106 Agreement to upgrade local school facilities to address additional educational needs arising as a result of the development. This information has been put to the applicant, who has raised concerns that this payment would render the scheme unviable in part due to the development being 100% affordable. The developer is willing to enter into a legal agreement guaranteeing that the development in its entirety would be used for affordable housing. An appraisal regarding the viability of the scheme has been submitted and at the time of preparing this report is being evaluated. Any updates on this matter will be reported to the Planning Committee by means of the Addendum.
- 7.18 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it considered that any request for a financial contribution to these matters could not be reasonably sustained.

#### *Other Environmental Considerations*

- 7.19 The application is accompanied by a contamination survey and whilst this report is satisfactory, it concludes that there may be the need for further risk assessments or remedial works. Given this context, it is considered that conditions requiring the submission of a remediation strategy and reporting of any unexpected contamination with a means for its remediation is necessary to ensure that the proposal accords with the requirements of PPS23 Pollution Control.
- 7.20 The Environment Agency has no objections to the principle of the development. It recommends that a condition be attached to any approval requiring a scheme to be submitted detailing the provision of mains foul drainage. This is to reduce the risk of flooding and pollution as a result of inappropriate systems being installed and would enable the proposal to comply with the PPS23 Pollution Control and PPS25 Flooding.

## **8. CONCLUSION**

- 8.1 The proposed development would represent the reuse of a previously developed piece of land and would be an appropriate form of development given the context of its environs. A suitable design has



been proposed and there would be no undue negative impacts on the occupiers of surrounding residents. The proposal is therefore acceptable subject to suitable conditions and obligations to be secured by a Section 106 Agreement.

## **9. CONDITIONS**

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

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

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

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

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

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

4. Full details of all access gates, including the mechanisms for their opening and closure shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E40 of the Northampton Local Plan.

5. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the first occupation of the buildings and thereafter maintained.

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

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

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

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

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

8. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it

must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

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

11. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and the approved implementation programme and maintained thereafter.

Reason: To secure satisfactory drainage of the site in accordance with the advice contained in PPS23 Planning and Pollution Control and PPS25 Development and Flood Risk.

**10. LEGAL IMPLICATIONS:**

10.1 None.

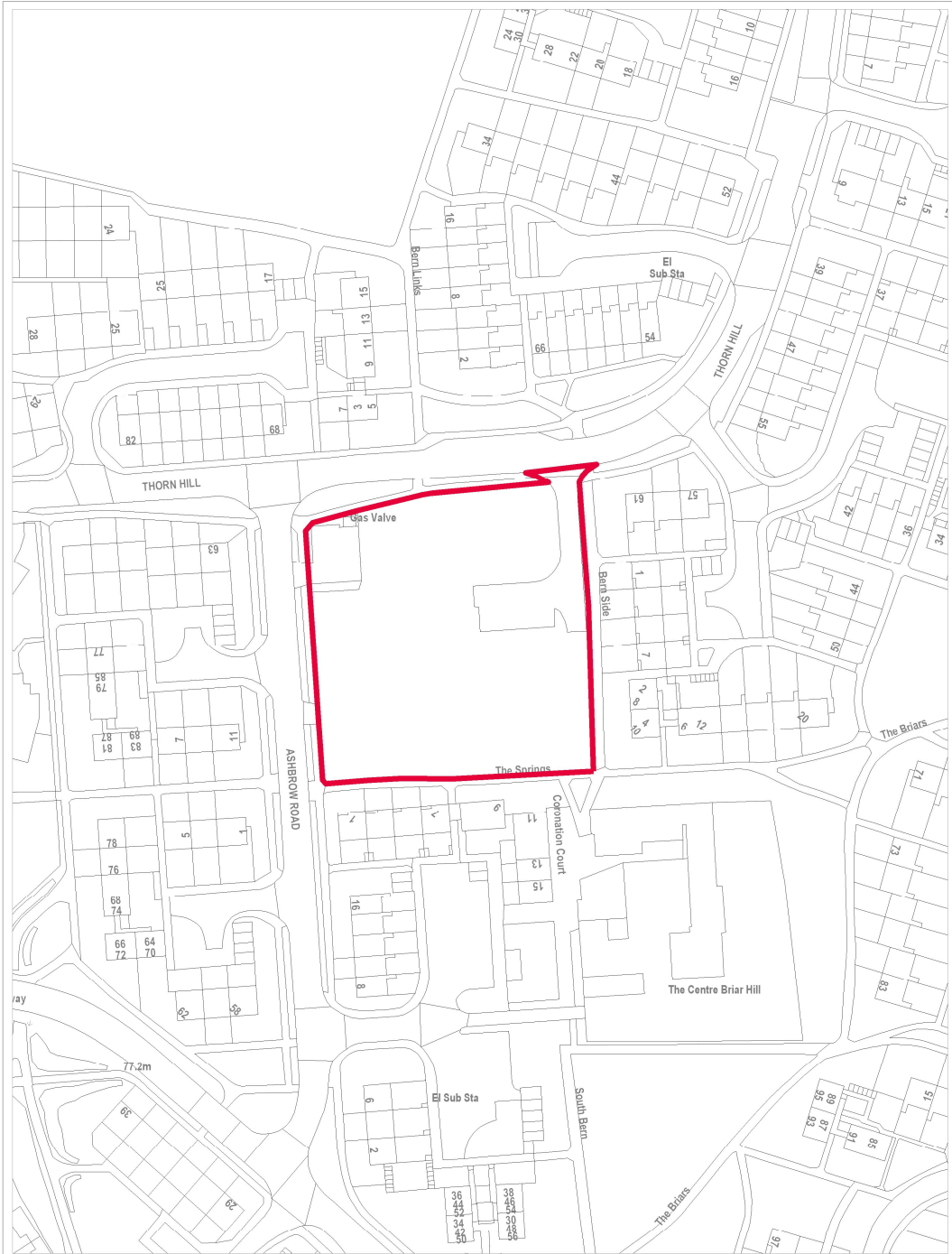
**11. BACKGROUND PAPERS**

11.1 West Northamptonshire Strategic Housing Market Assessment (2009), West Northamptonshire Joint Planning Unit; and Open Space, Sport and Recreational Needs Assessment and Audit (2009), Northampton Borough Council

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

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

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	10/09/2010
<b>Development Control Manager:</b>	Gareth Jones	13/09/2010



Name: **Planning**  
 Date: **16th September 2010**  
 Scale: **1:1250**  
 Dept: **Planning**  
 Project: **Location Plan**

Title

## Nicholls House, Bern Side

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