



**NORTHAMPTON**  
BOROUGH COUNCIL

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

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

**WARD:** Nene Valley

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

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

**DEPARTURE:** Yes

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## **APPLICATION FOR DETERMINATION**

### **1. RECOMMENDATION**

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

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

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

## **2. THE PROPOSAL**

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

## **3. SITE DESCRIPTION**

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

## **4. PLANNING HISTORY**

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

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

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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

### **5.2 National Policies:**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPG 13 -Transport

PPS 23 - Planning and Pollution Control

PPS 25 - Development and Flood Risk

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

Policy 2 – Promoting Better Design

Policy 13b – Housing Provision within Northamptonshire

Policy 14 – Regional Priorities for Affordable Housing

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

E6 - Greenspace

E19 - Implementing Development

E20 - New Development

H7 - Housing Development Outside Primarily Residential Areas

H10 - Backland Development

### **5.5 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing SPG 2004

## **6. CONSULTATIONS / REPRESENTATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7. APPRAISAL**

### **Principle Of Residential Development**

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

### **Highways and Access**

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

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

### **Design and Layout**

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

### **Affordable Housing**

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

### **Flood Risk**

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



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

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

### **Other Issues**

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

## **8. CONCLUSION**

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

## **9. CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason - To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with PPS 23 "Planning and Pollution Control".

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

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

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

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

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

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

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

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

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

## **10. BACKGROUND PAPERS**

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

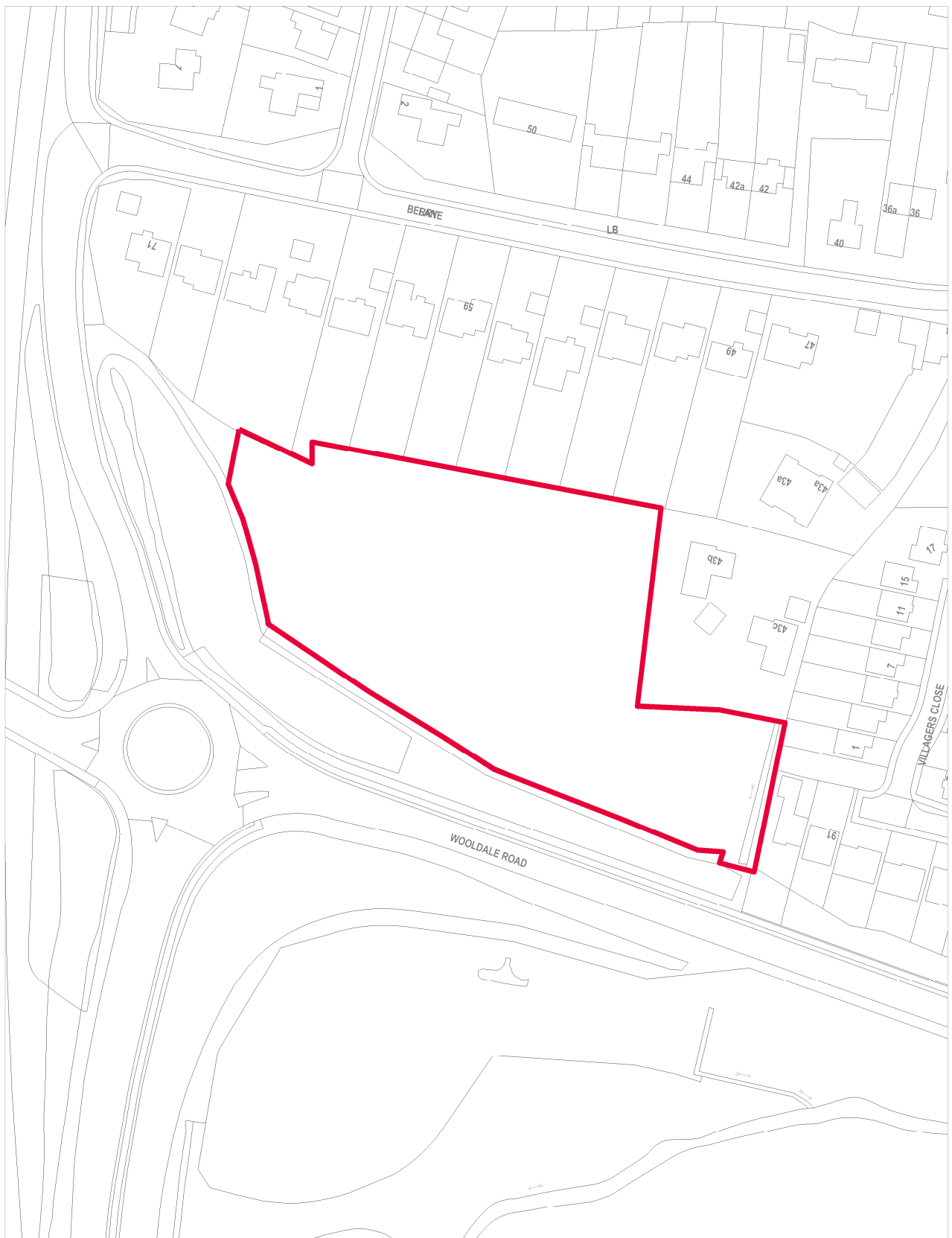
## **11. LEGAL IMPLICATIONS**

12.1 None.

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

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

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



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

Title

## Land to rear of 51-65 Berry Lane, Wootton

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