



PLANNING COMMITTEE: 10 January 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1070: Erection of 17 dwellings
Robinson House Site, 11 Burrows Court,
Northampton

WARD: Brookside

APPLICANT: Orbit Homes (2020) Ltd
AGENT: Mr. J. Pearce; Barton Willmore LLP

REFERRED BY: Head of Planning
REASON: Major application affecting Council owned
property

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the prior completion of a S106 legal agreement and conditions and for the following reason:

The proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6.

1.2 The **S106 Legal Agreement** shall secure that the provision of 100% of the development to be used for affordable housing. The reasons for this are set out in section 7 below (paragraphs 7.12 – 7.14).

1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, **delegated authority be given to the Head of Planning** to refuse or finally dispose of the application on account of

the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 This is an application for full planning permission to erect 17 dwellings, of two storeys in height. The composition of the development is that 10, two bedroom dwellings and seven, three bedroom units are proposed. The proposed density of the development is 35 dwellings per hectare. The proposed development would include the provision of 32 car parking spaces.

3. SITE DESCRIPTION

- 3.1 The application site previously contained Robinson House, a large building featuring 66 bedsits for single person occupation. This building is in the advanced stages of demolition; demolition was granted prior notification consent by the Council in July 2011. The surrounding area is residential in character, with the majority of dwellings being houses of two and three stories in height. The site contains a number of mature trees and is adjacent to Lumbertubs Way to the west, which serves as one of the main orbital routes around Northampton. The site is also adjacent to the Grade II Listed Billing Arbours House to the north.

4. PLANNING HISTORY

- 4.1 N/2011/0570 – Application for Prior Notification of proposed demolition – 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
PPS5 – Planning for the Historic Environment
PPS 23 – Planning and Pollution Control
PPS 25 – Development and Flood Risk
PPG13 – Transport
PPG24 – Planning and Noise

- 5.3 **Northampton Borough Local Plan**
E11 – Trees and hedgerows
E19 – Implementing Development
E20 – New Development
E40 – Crime and anti-social behaviour
H6 – Housing Development within Primarily Residential Areas

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environmental Health (NBC)** – The submitted noise assessment demonstrates that a satisfactory level of residential amenity can be secured for the future occupiers of the development. Boundary treatments to the rear of Plots 1-8 would need to be of 2m in height and continuous. It is recommended that opportunities to relocate the dwelling on Plot 9 away from the A43 due to the level of noise that would be prevalent within the garden. A condition covering contamination is also requested.
- 6.2 **Arboricultural Officer (NBC)** – There are numerous trees that could be retained. It is therefore recommended that a condition be applied to any permission requiring that the development is carried out in accordance with the requirements of the submitted arboricultural assessment.
- 6.3 **Housing Strategy (NBC)** – There is a requirement for at least 35% of the development to be used for affordable tenure types. The dwellings will meet Code for Sustainable Homes Level 3 and 10% should have a mobility design.
- 6.4 **Development Management (NCC)** – Requesting financial payments towards the provision of primary school education, the library service and the fire service.
- 6.5 **Highway Authority (NCC)** – Footpaths would need to be constructed to highways standards and tactile materials should be used for pedestrian crossings. There are concerns regarding the level of visibility to serve the dwelling on Plot 13. A standard turning head should also be included within the development. *(Officer's Note: Revised plans have been submitted in response to these comments and are subject to further consultations at the time of preparing this report. Any further comments will be reported to the Committee by means of the Addendum).*
- 6.6 **Anglian Water** – Requesting a condition that would require the submission of a surface water strategy.

6.7 **Environment Agency** – Requesting a condition that would require the submission of a scheme for dealing with foul sewerage.

6.8 **Northamptonshire Police Crime Prevention Design Advisor** – Rear boundaries should have a height of 2.1m in order to promote security; the car parking areas should have either a 1.8m fence or a foliage screen. The side boundary adjacent to Plot 14 should be extended.

7. APPRAISAL

Principle of the development

7.1 By reason of the site's allocation within the Northampton Local Plan (existing primarily residential area), it is considered that the principle of redeveloping the site for residential purposes is acceptable. In particular, the provision of 17 houses would result in a development that is of an appropriate density which reflects and complements the character of the wider area. In addition, the proposal features the provision of family housing, including sufficient private amenity space in the form of enclosed rear gardens. Overall the proposed development would in principle represent the effective reuse of a previously development site.

7.2 Whilst it is recognised that the proposal states that the development would be used in its entirety for affordable housing, which is contrary to the guidance contained within PPS3 – Housing, which states that new developments should contain a mixture of tenure and housing types. However, weight should be attached to the former use of the site as a 60 individual bedsits. Therefore, there is little difference in the likely numbers of occupiers between the two developments and therefore, the proposed development is acceptable on this basis.

Design and Appearance

7.3 It is considered that the design of the proposed dwellings is appropriate and adequately reflects the character and appearance of the surrounding dwellings. The use of rendered panels provides additional definition in terms of the treatment of the building. The orientation of dwellings with the rear elevations abutting Lumbertubs Way reflects the design and layout of existing dwellings within the vicinity.

7.4 The proposed layout would see the main elevation of the development being set back from Tonmead Road, which is perhaps not ideal in urban design terms. However, it is recognised that locating the proposed dwellings adjacent to the highway would have an adverse impact upon residential amenity as a result of noise and disturbance from traffic. On balance, it is considered that setting then dwellings back from the highway is an acceptable design solution particularly as the proposed dwellings reflect the location of the former Robinson

House building and would still offer an appropriate response to this important frontage.

- 7.4 The main section of the development would be open plan in nature, which reflects the prevailing vernacular in the locality. However, the parking area to the front of the site would feature relatively low railings, which when combined to additional landscaping and the natural surveillance secured via the layout and orientation of the development are considered to provide an appropriate response to potential anti-social behaviour, whilst maintaining the open character of the development.
- 7.5 It is considered that the rear path serving the dwelling situated at Plot 16 is somewhat sinuous in nature. Officers have discussed the possibility of resiting the dwelling with the applicant in order to overcome this matter. However, these discussions have revealed that such a resited dwelling northward closer to Billing Arbours House (a listed building) thereby potentially having an adverse impact upon its character and appearance. For these reasons it is considered that this aspect of the proposed layout is acceptable; nonetheless, the developer has agreed to the provision of lockable gates to this path and lighting, which would be subject to a condition. The development is therefore considered to be compliant with the requisites of Local Plan Policy E40.
- 7.6 By reason of the separation distances between the proposed buildings and the existing properties, there would no undue detrimental impact on the amenities of surrounding properties, in terms of consideration such as light, outlook and privacy. The layout of the proposed development would also ensure that each of the proposed buildings would have a satisfactory level of amenity, including privacy. The proposed dwellings all have suitably sized gardens, which is consistent with the objectives of PPS3 – Housing, which specifies the importance of securing gardens in instances where family housing is being proposed.
- 7.7 There are a number of trees on the site, which although not protected by planning controls, make a positive contribution to the general character and appearance of the site. The proposed development has been designed in such a way so as to prevent any significant impact upon these trees and allow for their long term retention. Therefore the development is in accordance with the requirements of Local Plan Policy E11.
- 7.8 As set out previously, the site is in close proximity to the Grade II Listed Billing Arbours House (which dates from the early-mid 19th century). Due to the separation distance between this building and the proposed dwellings, combined with the limited scale and height of the proposed development and intervening areas of landscaping proposed, it is considered that the development would have a neutral impact upon the

character and setting of the Listed Building, in line with the requirements of PPS5 – Planning for the Historic Environment.

- 7.9 The proposed development includes almost two car parking spaces per dwelling (i.e. 32 designated spaces for 17 dwellings) and there would also be some on-street parking capacity, which is considered sufficient given the type of the development and the requirements of the Supplementary Planning Guidance – Parking. The application has been amended to increase the size of the turning head within the development and increase the visibility to the parking contained within the curtilage of the dwelling situated on Plot 13 as requested by the Highway Authority. Therefore, it is considered that the proposed development has an acceptable layout in highway safety terms and is in accordance with the requirements of PPG13 – Transport. In terms of the level of traffic generated to the proposed development; this is unlikely to be materially different to the situation with regards to the former Robinson House and therefore there would be a neutral impact upon the pattern of road usage within the environs of the site.
- 7.10 The Council’s Environmental Health service has requested that the dwelling situated on Plot 9 be relocated to the opposite side of the site. However as a satisfactory noise assessment having been submitted and the site’s boundary treatment would provide protection to the site’s gardens, although preferable from an environmental health perspective this is not considered to be necessary. Furthermore, the relocating the dwelling in this manner would have an adverse impact upon the setting of the Grade II Listed Billing Arbours House. Therefore, on balance, it is considered that the layout is acceptable and would not give rise to an adverse impact upon residential amenity.
- 7.11 A condition has been recommended that would require the carrying out of a contamination assessment. Given the previously developed nature of the site, it is considered that such a condition is necessary and reasonable and would ensure that the proposal complies with the requirements of PPS23 – Planning and Pollution Control.

Planning obligations

- 7.12 The 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.
- 7.13 It is noted that the County Council has requested a financial payment towards the provision of primary school education within the vicinity.

Whilst it is considered that this request would normally satisfy the tests as set out above if the development were to be a conventional private sector development, the developer has indicated that such a contribution would render the scheme unviable. Moreover in this case the scheme proposed is not a private development but rather provides entirety affordable accommodation. Consequently residents for the scheme would be drawn from the Council's Housing List and therefore those occupiers would already be residents of Northampton, with places within the education system where appropriate and therefore the development would not lead to a net increase on demands on the local education system. Therefore, provided that the applicant enters into a legal agreement to ensure that the entire development would be retained for affordable housing in perpetuity it is not considered that the education payment would be necessary. Therefore it is recommended that the legal agreement secures 100% affordable housing rather than the normal 35% requested. This approach is consistent with other recent decisions of the Council when determining applications of this nature.

- 7.14 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.

8. CONCLUSION

- 8.1 The proposed development represents the effective reuse of the former Robinson House and would provide a source of affordable accommodation within the town. Furthermore, the proposed development is an acceptable design and would not lead to an adverse impact upon the amenities of surrounding properties.

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. Prior to the commencement of development, details of the on-site surface treatments of all internal roads, access ways, parking areas and footpaths including gradients 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: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

4. 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, safe and secure standard of development in accordance with Policies E20 and E40 of the Northampton Local Plan and to protect the houses from highway noise in accordance with PPG24.

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

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

6. No development shall take place until details of a scheme, including phasing, for the provision of mains foul water drainage on and off the site has been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained thereafter.

Reason: To prevent flooding and pollution in line with the requirements of PPS25 – Development and Flood Risk.

7. No development shall take place until a surface water strategy has been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details and implemented prior to the first occupation of the development and retained thereafter.

Reason: To prevent flooding and pollution in line with the requirements of PPS25 – Development and Flood Risk.

8. Notwithstanding the details submitted, full details of lighting and lockable gates to serve the rear access to Plot 16 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the first occupation of the dwelling and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Local Plan Policy E40.

9. 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 Policies E20 and E40 of the Northampton Local Plan.

10. 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 Policies E20 and E40 of the Northampton Local Plan.

11. The parking spaces as shown on the submitted plans shall be constructed prior to the first occupation of the building hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with PPG13 – Transport.

12. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the requirements of the submitted Environmental Noise Assessment (reference: HHACY/50570/01/NB, dated 8th July 2011).

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of PPG24 –

Planning and Noise.

13. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried in accordance with the requirements of the submitted Arboricultural Report as carried out by Acorn Environmental Management Group and dated 8th June 2011. Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy E11 of the Northampton Local Plan.

Informative: Northamptonshire Police recommends that All doors to the houses should meet Pas 23/24 2007 or equivalent standard, which is the minimum requirement for door security. Windows should meet BS 7950 standard, which is the minimum requirement for window security all ground floor glazing should be laminated to 6.4mm and Lighting should comply with BS5489 and have uniformity (no dark/light spotting).

10. BACKGROUND PAPERS

10.1 N/2011/1070

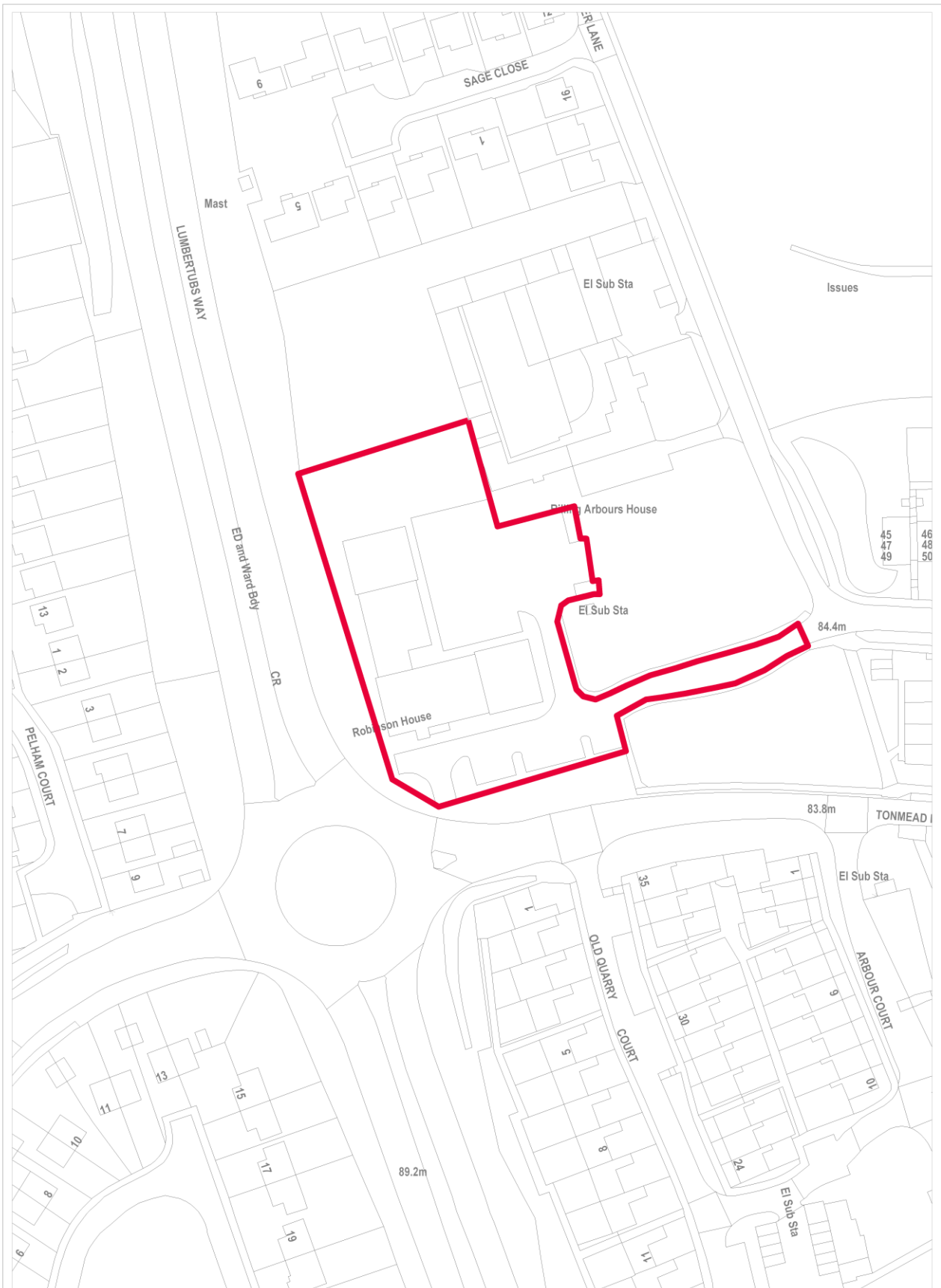
11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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

| | | |
|--|------------------------|--------------|
| Position: | Name/Signature: | Date: |
| Author: | Ben Clarke | 21/11/2011 |
| Development Control Manager Agreed: | Gareth Jones | 28/12/2011 |



Name: **Chris Holder**
 Date: **28th December 2011**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Site Location Map**

Title
Robnson House, 11 Burrows Court

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