



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 3<sup>rd</sup> April 2012  
**DIRECTORATE:** Planning and Regeneration  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1249:** **Erection of 14 detached dwellings with associated works following the demolition of single existing dwelling (as amended by revised plans received on 21 February 2012) at Land to Rear of 55 Berry Lane**

**WARD:** Nene Valley

**APPLICANT:** Lodge Park LTD  
**AGENT:** DLA Piper

**REFERRED BY:** Head of Planning  
**REASON:** Major development requiring legal agreement

**DEPARTURE:** No

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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:

- A contribution towards education provision.
- 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 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).

- 1.2 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 allowed 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 The proposal entails the demolition of no. 55 Berry Lane and the erection of 14 detached dwellings. The dwellings would all have four bedrooms and would be two storeys in height, with only the narrower house fronting onto Berry Lane having rooms in the roofspace.

## **3. SITE DESCRIPTION**

- 3.1 The application site includes the house and garden of no. 55 Berry Lane as well as an overgrown area of land which was historically in use for agricultural purposes and also included a brick kiln. 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 19th 2007, under reference N/2007/1161. The Section 106 agreement was never signed for this application.
- 4.2 A further outline application was made under reference N/2009/0762 on the same site area as the current application, for 27 houses. This was approved in principle by the Planning Committee and following the signing of the Section 106 the approval was issued on 31<sup>st</sup> October 2011.

## **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:**

PPS 1 – Delivering Sustainable Development

PPS3 – Housing

PPG 13 -Transport

PPS 23 - Planning and Pollution Control

PPS 25 - Development and Flood Risk

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

E6 - Greenspace

E19 - Implementing Development

E20 - New Development

H7 - Housing Development Outside Primarily Residential Areas

H10 - Backland Development

### **5.4 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 Environmental Health (NBC) –**

Air Quality: No assessment of air quality impact has been included with the application. Records indicate that an assessment was provided as part of the submission of a previous scheme on the site. The site is located close to an existing air quality management area. It is therefore recommended that clarification is sought from the applicant to confirm that the same is true of this proposal. It is noted that the impact of the previous proposal was assessed to be minimal and confirmation that this is the case for this proposal should be sought from the applicant.

Contaminated Land - A phase one and phase two contamination assessment are provided with the application. These assessments were carried out in 2009 and do not cover the full extent of the application site. It is therefore recommended that a supplementary contamination risk assessment should be required to cover the areas of the site not previously assessed and to ensure that the risk assessment has been carried out in accordance with current best practice. I would therefore recommend that if you are minded to

recommend approval it should be subject to the conditions on the attached schedule

Traffic Noise - The report provided with the application indicates that the site is within NEC C. If you are minded to grant consent appropriate noise mitigation and ventilation measures should be installed. The report gives some general recommendations as to appropriate measures but does not give specific details of what will be provided. It is therefore recommended that the condition below is used.

Please note that with effect from 6 April 2008, a Site Waste Management Plan (SWMP) must be produced for all construction projects worth over £300,000. A SWMP records the amount and type of waste produced on a construction site and how it will be reused, recycled or disposed.

- 6.2 **Housing Strategy (NBC)** – Given the above application comes under the current affordable housing threshold I do not have any official comments. However I would ask that planning consider whether this application for 14 is a reasonable density for the size of site, and not seeking to under supply to circumvent the affordable housing requirement.
- 6.3 **Arboricultural Officer (NBC)** – There are a number of trees that are either located within the development area or which overhang into it from adjacent land. To the East of the site there is a tree group that overhangs into the development area and which are included within TPO No.74. I would recommend that tree protection measures are included within the conditions of any future planning consent.
- 6.4 **Environment Agency** - No objection, subject to conditions requiring submission of a drainage scheme and compliance with the flood risk assessment.
- 6.5 **County Archaeological Advisor** - In light of the degree and type of disturbance on the site and the depth of made ground as established by the ground investigations, I consider that the potential for archaeological remains to survive on the site is low. I would not therefore require a condition for archaeological work in this instance.
- 6.6 **Police Crime Prevention Design Adviser** - Where the houses back onto the embankment which abuts Wooldale Road the rear garden boundary should be supplemented with a robust trellis topping to reduce opportunities for climbing. Defensive prickly planting should be planted against the exterior face of the fence line to further protect the boundary. If possible the applicant should seek to secure the land to the rear of the plot from unauthorised pedestrian access. The illustrated street elevations show a five barred gate leading into the rear garden of plot 1. This does not constitute a secure boundary and if gates are required they should be constructed and be of sufficient height to prevent easy climbing.

- 6.7 **Highway Authority** – Initial concerns raised as to detailed design of the road layout which have now been addressed by amended plans.
- 6.8 **County Council Development Management** – request contributions for Fire And Rescue And Education. In discussion agreed that Education contributions would be the same level as previously agreed for this site.
- 6.9 The application was advertised by site notice, press notice and notification letter and representations were received from the occupiers of 34, 43B, 48, 59 and 63 Berry Lane making the following points:
- The proposal is more in keeping with the general character of the area and an improvement over the previous application for twice as many dwellings.
  - Not in accordance with the local plan which designates the land as Greenspace
  - Drainage issues not addressed.
  - Visibility for cars exiting new road would be obscured.
  - Site is described as having no function but acts as a necessary buffer.
  - Site is a haven for wildlife.
  - Increased traffic on Berry Lane
  - Pedestrian safety affected – schoolchildren use Berry Lane.
  - Risk of flooding – entrance is collecting point for flood water.
  - Light pollution from house lights and street lights would affect properties on Berry Lane and spoil the view.
  - Noise pollution would be created by new occupants and vehicles.
  - Would overlook existing properties affecting their privacy.
  - Schools would become overcrowded.
  - Disruption during building process.
  - Road safety, narrowness of Berry Lane
  - Increased Co2 emissions
  - Increased attendance at Caroline Chisholm School
  - I ask you to consider a different access to this development – should be off Wooldale Road.
  - Light pollution from car headlights will affect residents opposite.
  - Will be more difficult to exit from our drive.
  - Replacement three storey house is not in keeping.
  - Pulling down a perfectly good 4/5 bedroom house does not seem very environmentally friendly.
  - Berry Lane is used as a rat run, this development will increase traffic during commuting times.
  - Berry Lane is straight with no traffic calming making it more of a potential accident black spot.
  - Will increase the road noise on the M1 reaching our property.
  - Will interfere with traffic using the post box.

- Existing access from Walkers Way / Villagers Close should be used.
- New road will help with the flooding problem on Berry Lane.
- I would like to see this open space developed into a pocket park.
- There is no provision for additional schooling.
- There is a great shortage of infrastructure in Wootton – Doctors, Dentists, Post Office – these should be provided before more houses are built.
- Where are the low cost starter homes, needed by first time buyers.
- Access should be provided via Walkers Way.
- Flood water will flow down the new road.
- We wish to give our support to the above application on the following grounds – The proposed properties are generally similar to the current surrounding properties and are therefore more in keeping with the area; the reduced number of properties will reduce the negative traffic impact on Berry Lane and the A45 junction; the reduced number of properties will reduce the negative impact on the flooding along Berry Lane.
- Our southern boundary abuts the proposed attenuation pond, we therefore request the developer to build a substantial boundary along our southern boundary.

## **7. APPRAISAL**

### ***Principle Of Residential Development***

- 7.1 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.
- 7.2 However, in determining the previous applications 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.
- 7.3 In conclusion in this regard, given that the application site has previously been the subject of two previous outline permissions for

residential development and therefore it is considered that the principle of residential development on this site is now established.

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

- 7.4 The proposed means of access to the site would be via the site of no. 55 Berry Lane, which would be demolished, as was the case with the two previous schemes. The revised layout shows a road of 4.8m width passing through this site. This provides for a 1m “buffer zone” on one side and a 1.8m footpath on the other, as required by the Highway Authority.
- 7.5 Some 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. In any event the two previous outline approvals, for more dwellings, took access via 55 Berry Lane and it would not now be justifiable to require an alternative access.
- 7.6 Houses on both sides of the proposed access road have some side facing windows, however these are only small secondary windows or serve non-habitable rooms and as such it is not considered that the occupiers of this properties will be significantly affected by the proposed access road or the house adjacent to this.

### ***Design and Layout***

- 7.7 The layout of houses on the site avoids any adverse impact on adjoining occupiers, as this provides sufficient distance between facing windows and between the proposed houses and the gardens of existing neighbouring properties, to prevent any overlooking, overshadowing or visual dominance. In the majority of cases this would be between 30 and 45 metres with the minimum distance being 20m in one case, this being well screened by existing boundary vegetation.
- 7.8 Concerns have been raised by the police crime prevention design adviser and by one of the residents as to the security of the site and a condition recommended controlling details of secure boundary, this would refer in particular to the area between the site and Wooldale Road and between the balancing pond area and existing neighbouring residents.
- 7.9 The proposal would result in a density of 15.5 dwellings per hectare, or 17 if the area to be taken by the balancing pond is disregarded. This is

below the 30 dwellings per hectare which would be provided under the previous outline approval and which would comply with the indicative minimum standard as set out in PPS3. However, it is considered that the proposed larger dwellings are in keeping with the broad character of the area and that a lower density is appropriate in this instance.

- 7.10 The design of the individual houses is of a typical current design for houses of this size and is considered to produce a suitable environment and living conditions for future occupiers.
- 7.11 There are a number of TPO trees on adjacent land and therefore conditions are proposed in order to protect these during development in accordance with the advice of the Arboricultural Officer.

#### ***Affordable Housing***

- 7.12 The proposal is for 14 dwellings and this therefore falls below the threshold for the requirement for affordable housing. As discussed above it is considered that the layout and density of the site is acceptable and therefore that the site has not been designed at too low a density in order to avoid the need for affordable housing to be provided.

#### ***Flood Risk***

- 7.13 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.
- 7.14 Comments from the Environment Agency indicate that they have no objections subject to full details of the drainage scheme and compliance with the flood risk assessment.
- 7.15 As with the previous approval on this site it is considered that the development would assist with localised flooding in Berry Lane as this water would be directed through the site and would be dealt with by the new drainage system.

#### ***Other Issues***

- 7.16 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.
- 7.17 Under the previous outline application concerns were raised by some residents as to the presence of bats and other wildlife and this was dealt via condition. It is proposed to repeat this condition in the interests of consistency.



7.18 Comments from the County Archaeological Advisor indicate that a condition is not required for archaeological work in this instance.

## **8. CONCLUSION**

8.1 It is considered that the proposal would result in an acceptable form of development in compliance with adopted standards and would not result in any adverse impact on adjoining occupiers or result in increased flood risk in the wider area.

## **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 92 of the Town and Country Planning Act 1990.

2. A site investigation shall be carried out and the results shall be used to produce a method statement for any remedial works (and a phasing programme), which shall be submitted to the Local Planning Authority for approval.

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".

3. All remedial works found to be required under Condition 2 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 PPS 23 "Planning and Pollution Control".

4. 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 2 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 3.

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".

5. Tree Protection Barriers shall be installed at a distance of at least 1 metre outside of all tree canopies for retained trees located both within the development area and including those which overhang into the site from adjacent land. Tree Protection Barriers shall be installed prior to any construction activity and/or plant and materials being brought onto site. Barriers to be left in situ and undisturbed until all construction is completed and plant and materials removed from site. Protection barriers to be in accordance with Figure 2. of BS 5837:2005, consisting of a scaffold framework 2.3 metres high comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum of 3 metres and driven into the ground to a depth of no less than 600mm. Onto this weldmesh, strong boarding or Heras panels should be securely fixed with wire or scaffold clamps.

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.

6. No building works which comprise the erection of a dwelling required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure. In accordance with PPS 25 (Development and Flood Risk).

7. The development permitted by this planning permission shall only be carried out in accordance with the approved PBA Flood Risk Assessment (FRA) reference 18569/100, document reference 001 dated July 2010 and TH-DA addendum project No:10-0508 dated 29 November 2011 and the following mitigation measures detailed within the FRA:

1. 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;
2. Provision of sufficient storage as shown on New drawing 10-0508/102 Rev A Drainage Strategy and 10-0508/103 Longitudinal Section Through Pond, Orifice Chamber and Outfall;
3. Finished floor levels are set no lower than FFL 74.123m above

Ordnance Datum (AOD).

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).

8. 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.

9. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries, including the security measures to be incorporated, 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.

10. 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.

11. 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.

12. Where facades and floors do not fall into NEC A a noise insulation scheme which included the provision of suitable alternative ventilation, shall be submitted for approval by the LPA and implemented prior to the occupation 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.

13. Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

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

14. Unless otherwise agreed by the Local Planning Authority, the junction of the new access and the existing highway shall be laid out together with the provision of visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the approved details.

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

15. Unless otherwise agreed by the Local Planning Authority, 10% of the total units on the site shall be to full ambulant mobility standard.

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

## **10. BACKGROUND PAPERS**

10.1 N/2007/1161, N/2009/0762 and N/2011/1249.

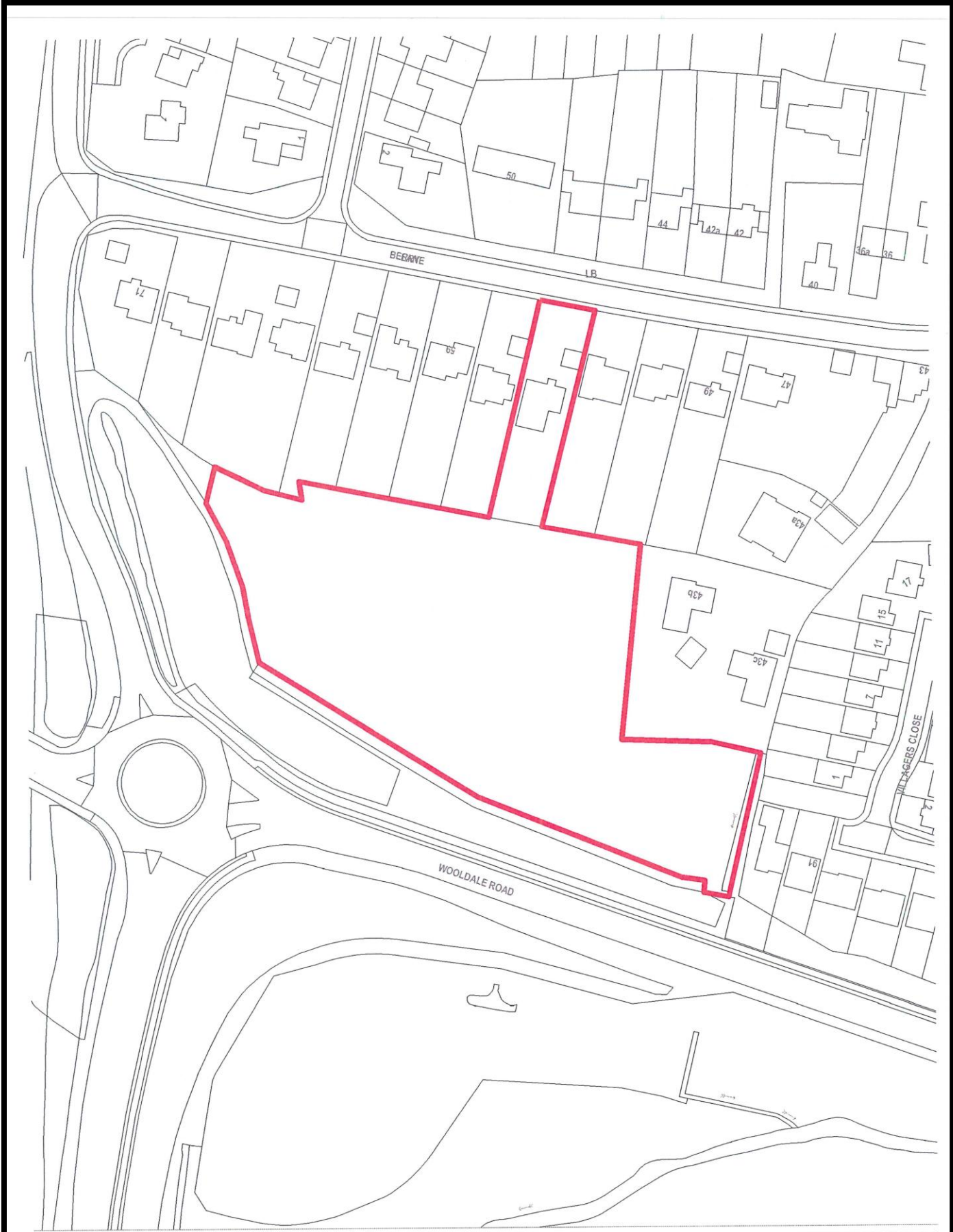
## **11. LEGAL IMPLICATIONS**

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	A Holden	20/03/12
<b>Development Control Manager Agreed:</b>	Gareth Jones	20/03/12



Name: SW  
 Date: 23rd March 2012  
 Scale: 1:1250  
 Dept: Planning  
 Product: Site Location Plan

**Title**  
**Land at Berry Lane**

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