



**PLANNING COMMITTEE:** 5<sup>th</sup> March 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0048**                      **Erection of 15 dwellings comprising 11 houses and four self-contained apartments including associated landscaping and parking. Re-submission of Planning Application N/2012/0987. Former Morris Man Public House site, Witham Way, Northampton**

**WARD:** Kings Heath

**APPLICANT:** Home Group CTP  
**AGENT:** Mr S. Bratby; Greenspace Solutions Ltd

**REFERRED BY:** Head of Planning  
**REASON:** Major development and requires a legal agreement

**DEPARTURE:** No

---

**APPLICATIONS FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to conditions the matters in paragraphs 1.2 and 1.3 for the following reason:

The proposed development would result in the effective reuse of this vacant site and would have a neutral impact upon visual and neighbour amenity and highway safety. The proposal is therefore compliant with the requirements of the National Planning Policy Framework and Local Plan Policies E20, E40 and H6.

**1.2** As the statutory consultation period does not expire until 14<sup>th</sup> March, it is requested that the final decision on this application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee are raised within this timescale.

- 1.3 That the application be approved, subject to the prior completion of a Section 106 Agreement covering the following Heads of Terms:
- (i) 35% affordable housing on-site
  - (ii) A payment for the provision of primary school education facilities
  - (iii) Training opportunities for construction workers and associated administration costs
  - (iv) The Council's monitoring fee.
- 1.4 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at their discretion) on account of the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 The applicant seeks full planning permission to erect 15 dwellings comprising 11 houses and four flats. The proposal also includes the provision of 19 off-street car parking spaces. These spaces are arranged within four clusters one within a central parking area and the others at the back of the pavement.

## **3. SITE DESCRIPTION**

- 3.1 The application site formerly contained a public house; which has now been demolished and the site left vacant. The land generally slopes upwards in a northern direction. The surrounding area primarily consists of residential accommodation of variety of scales and types. By reason of this, the surrounding built environment features a reasonable amount of diversity. Towards the north of the application is a pedestrian walkway that links Park Crescent West and Park Square.

## **4. PLANNING HISTORY**

- 4.1 N/2006/0060 – Redevelopment to provide two blocks of flats comprising a total of 14 units with car parking and amenity space – Refused, allowed on appeal

N/2012/0987 – Erection of 15 dwellings – Refused

- 4.2 The 2006 planning permission was not implemented and has since expired. In 2012, the Council considered a scheme for 15 units (comprising 12 houses and three flats), which was refused permission due to the lack of separation distances between dwellings and the lack of natural surveillance to the entrance of the communal parking area. The applicant has now submitted a different scheme of which the main

changes are revised positions to some dwellings and a relocation of the access to the communal car parking area.

## **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:**

National Planning Policy Framework and specifically the following paragraphs:

- Paragraph 17 sets out the core principles of planning including the promotion of sustainable developments; seeking to achieve high quality buildings, a good standard of amenity and that planning be a plan led system that provides a practical framework for the determination of planning applications. Local Planning Authorities should also ensure that a mixture of housing is provided and that the reuse of previously developed land.

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

E19 – Implementing development

E20 – New Development

E40 – Planning and crime and anti-social behaviour

H6 – Residential Development

### **5.4 Supplementary Planning Policy**

Planning Obligations SPD – agreed by Cabinet 13 February 2013

Northamptonshire County Parking Standards

Planning Out Crime in Northamptonshire

## **6. CONSULTATIONS / REPRESENTATIONS**

**6.1 Highway Authority (NCC)** – No objections in principle, but would request that the access gate is set back by 5.5m from the highway edge.

**6.2 Environmental Health (NBC)** – Requesting a condition in respect of potential contamination.

**6.3 Development Management (NCC)** – Requesting Section 106 obligations to make payments towards primary school education and the fire service.

- 6.4 **Housing Strategy (NBC)** – Support the application for it will provide 35% affordable housing, although it is understood that the developer will provide a level of affordable housing in excess of this.
- 6.5 **Construction Futures** – Requesting a Section 106 obligation for the provision of construction training opportunities.
- 6.6 **Anglian Water** – Requesting a condition requiring the submission of a drainage strategy.

## 7. APPRAISAL

### *Principle of the development*

- 7.1 By reason of the site's allocation within the Northampton Local Plan, it is considered that the principle of developing this site for residential purposes is acceptable. The proposal would also allow for the appropriate reuse of this previously developed and now unused site in a manner that is complementary to the existing land uses.
- 7.2 The proposed development includes the provision of 15 dwellings, which is a density that is consistent with the prevailing character of the environs of the application site. The proposal includes the provision of 19 off-street car parking spaces, which is considered to be an appropriate provision given the scale of the proposed dwellings.
- 7.3 Given the proposed use, a condition requiring the investigation into naturally occurring contamination is considered necessary and reasonable.

### *Design and appearance*

- 7.4 The proposed scale is very much in keeping with the surrounding area. Some of the dwellings include design features that are not common in the locality, such as the inclusion of vehicular entrance within the ground floor of the westernmost block and the inclusion of a flat-over-garage. Nonetheless, it is considered that due to the variety of building types within the vicinity, the overall impact upon visual amenity of these elements would not be significant. The applicant has submitted details of the proposed facing materials, which are considered to be in character with the context.
- 7.5 The proposed layout includes dwellings that front onto South Oval, Park Crescent West and Park Walk. As a result of this the proposal, the development would include adequate active frontages onto key public areas.
- 7.6 The proposed houses include the provision of adequate private garden spaces to meet the future needs of the occupiers of the development. The proposed dwellings are separated and arranged in such a way as

to ensure that each property would have a suitable level of light, outlook and privacy as required by Local Plan Policy E20.

- 7.7 By reason of the layout and scale of the proposed buildings, it is considered that the development would not cause any undue detrimental impact on the occupiers of existing neighbouring properties as required by Local Plan Policies E20 and H6 and the National Planning Policy Framework.
- 7.8 The central parking area would benefit from a good degree of natural surveillance from the first floor windows of the entire development and particularly from the adjacent flat above the garage. Furthermore, the applicant has proposed that the area features 1.8m brick walls on the north-eastern boundary, which would make this private space secure; this can be controlled by condition. In addition, the vehicular entrance from Park Crescent West would feature security gates. The car parking spaces accessed directly from the street would be overlooked through a number of windows in addition to the nature surveillance arising from people passing by the site. For this combination of reasons, it is considered that the proposed development would be in accordance with the requirements of Local Plan Policy E40.
- 7.9 It is noted that the Highway Authority has requested that the secure access gate be set back from the highway by a distance of 5.5m. It is understood that the reason for this request is to ensure that the vehicles do not block the pavement whilst the security gates are opened. Whilst this point is noted, it is considered that the period of time where vehicles are stopped whilst the gates are opening is likely to be relatively small (particularly if the gates are electronically operated). Should the access gate be set back from the front elevation of the building, it is likely that this would result in a cumbersome arrangement that would not be conducive to a good standard of visual amenity as well as creating an area that would be allow for people to congregate contrary to Local Plan Policy E40.

### ***Legal obligations***

- 7.10 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- (i) Necessary to make the development acceptable in planning terms;
  - (ii) Directly related to the development; and
  - (iii) Fairly and reasonably related in scale and kind to the development.
- 7.11 By reason of the amount of development (i.e. 15 dwellings), 35% of the development should be secured for the permanent provision of affordable housing, which would ensure that the proposal complies with

the requirements of local planning policies provide a proportionate response to the housing needs established within the Strategic Housing Market Assessment. The development will also make a payment towards the provision of primary school education, which is considered necessary due to the current shortage of school places and the fact that family accommodation has been proposed within the development. The development will also make a payment and opportunities for the provision of construction worker training.

- 7.12 It is noted that a request has been received from the County Council requesting payments towards the fire service. However, due to the limited planning policy requirements for this and with reference to the tests as described within Paragraph 7.10, it is considered that this request cannot be supported.

## **8. CONCLUSION**

- 8.1 The proposed development is of an acceptable scale and design and would result in the effective reuse of this previously developed site. The scheme includes sufficient parking and would not result in an unacceptable detrimental impact upon residential amenity. Furthermore, through a Section 106 Agreement, the proposed development would secure sufficient mitigation through matters such as education provision, affordable housing and construction training.

## **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. The development shall be carried out in accordance with the following approved plans: 001 Rev. D; 003; 004 Rev. B; 005 Rev. B, 006 Rev. B; 007; and 008.

Reason: For the avoidance of doubt and to accord with the planning application.

3. Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building(s) 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. Prior to the first occupation of any of the dwellings hereby permitted the vehicular access shall be fitted with automatic electronic gates. The details of which shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the method

of hanging the gates and the associated closing mechanisms. The approved scheme shall be retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy E40 of the Northampton Local Plan.

5. The development hereby permitted shall be constructed from materials as detailed upon the schedule as detailed upon drawing 007.

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.

6. The development hereby permitted shall be carried out in accordance with the landscaping scheme as detailed upon drawing 008.

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. 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 the NPPF.

9. No development shall take place until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent amenity and environmental problems arising from flooding in accordance with the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

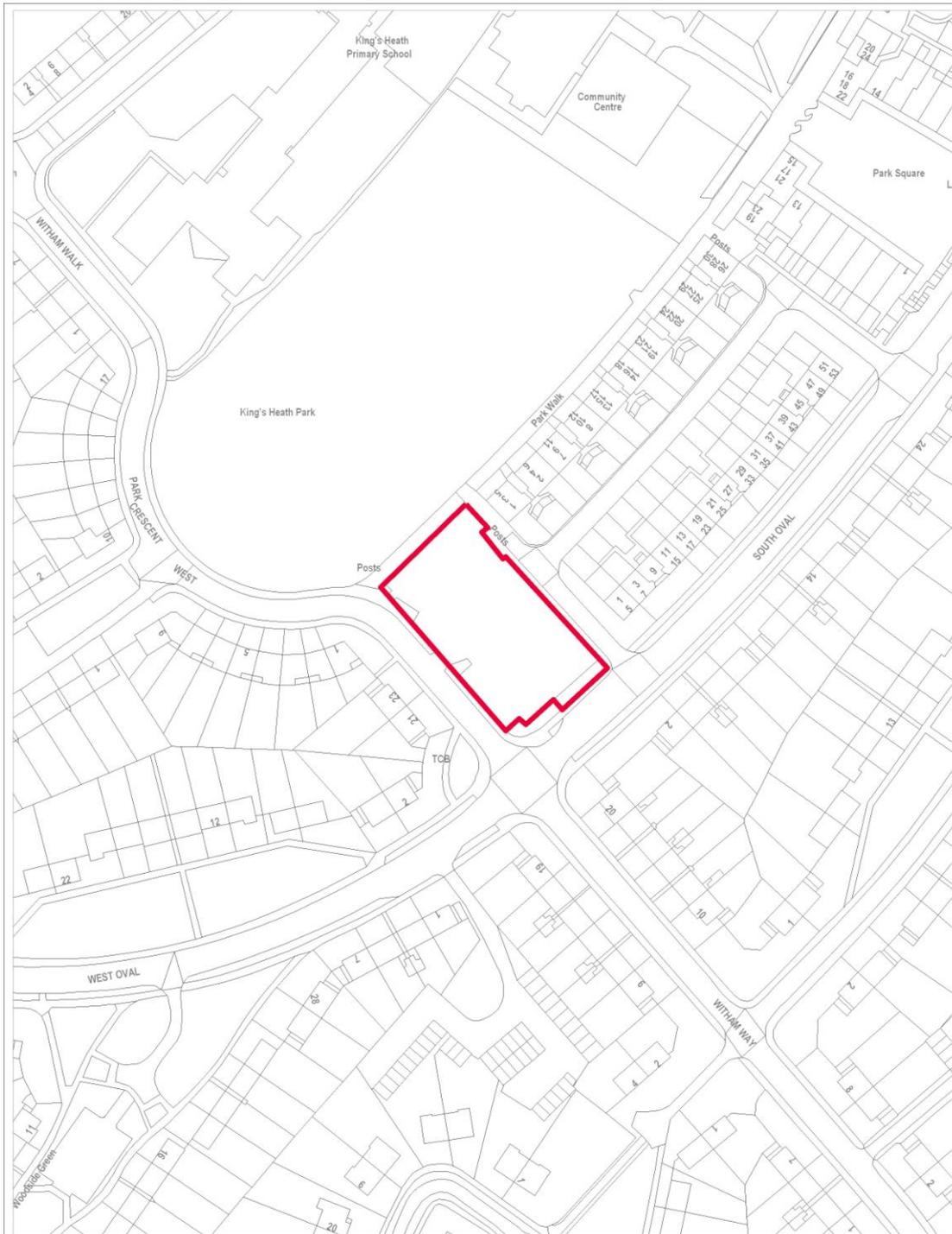
10.1 N/2006/0060, N/2012/0987 and N/2013/0048.

## **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



Name: Planning  
Date: 20th February 2013  
Scale: 1:1250  
Dept: Planning  
Project: Committee

Title  
**Witham Way**

Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655