



PLANNING COMMITTEE: 1st October 2013

DIRECTORATE: Regeneration, Enterprise and Planning

HEAD OF PLANNING: Susan Bridge

REPORT TITLE: Update on matters pertaining to Planning Application N/2012/0909 – Proposed residential development at land off Lancaster Way, Towcester Road, Northampton

1. RECOMMENDATION

1.1 That this report is noted.

2. BACKGROUND

2.1 At the Planning Committee meeting held on the 2nd July 2013, planning application N/2012/0909 for the erection of 142 dwellings at the above site was considered and approved in principle, subject to the prior completion of a Section 106 Legal Agreement. At that meeting the issue of land ownership and the correct serving of Notices under Article 11 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 was raised by the residents. This report is by way of updating the Committee on these points and to clarify the position.

2.2 It is not a requisite that the site is owned by the applicant at the time of making a planning application, however, in making such an application, it is incumbent upon developers to submit a certificate clarifying the ownership of the application site. These certificates can take a number of forms and in this particular instance the applicant stated that they did not own the site, but had notified all affected landowners (this is known as 'Certificate B').

2.3 Subsequent to the Planning Committee meeting, it has transpired that the Certificate B had been erroneously completed on account of there being some land in unknown ownership. Furthermore, it has also been established that part of the site is owned by the Borough Council. In order to rectify these matters, the applicant has now completed the correct certificate (referred to as

'Certificate C') together with the developer placing an advertisement in the local press.

3. UPDATE

- 3.1 The fact that an advertisement has been placed in the local press means that any unknown landowners have now been given the opportunity to make representations on this planning application. At the time of preparing this report, no comments have been received by the Council as Local Planning Authority.
- 3.2 Within the planning process, the matter of land ownership is essentially an administrative matter as opposed to a material consideration. The reason is that a planning permission would run with the land as opposed to a specific landowner or developer. The merits of a particular proposal would be the same regardless the identity of the landowner.
- 3.3 It is considered appropriate to bring these matters to the attention of the Planning Committee for information, however, for the reasons specified in Paragraph 3.2 and the fact that there is no change in planning circumstances, it is not necessary to for the Planning Committee to reassess this application. Nevertheless, the matters pertaining to the ownership certificate, the steps taken by the applicant and the fact that the Borough Council is an affected landowner should be noted.

4. BACKGROUND PAPERS

- 4.1 07/0348/FULWNN; N/2012/0909; and Item 10a from the Committee Agenda of the 2nd July 2013.

5. LEGAL IMPLICATIONS

- 5.1 None.

6. SUMMARY AND LINKS TO CORPORATE PLAN

- 6.1 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