



PLANNING COMMITTEE: 30th June 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1291: Erection of 34 dwellings comprising 10 one bedroom flats, 14 two bedroom houses; and 10 three bedroom houses with associated access roads at land between Booth Rise and Talavera Way, Northampton

WARD: Boothville

APPLICANT: Westleigh Partnerships Ltd
AGENT: RG+P

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Major development requiring a Section 106 Agreement and affecting land owned by Northampton Borough Council

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development, subject to conditions, would represent the satisfactory reuse of the land and contribute to the established housing need in Northampton. The development is of a satisfactory design and layout and would not impinge upon the amenities of surrounding occupiers or highway safety. The development is therefore in accordance with the National Planning Policy Framework, Policies H1, H2, S3, S10, BN2 and INF2 of the West Northamptonshire Joint Core Strategy and Policies E20, H17 and H32 of the Northampton Local Plan.

1.2 The prior completion of a Section 106 Legal Agreement to secure:

i) 35% of the development to be used for affordable housing;

ii) A financial payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;

iii) A financial payment to fund highway improvement works within the vicinity of the site;

iv) A financial payment to fund the provision of two bus shelters and their ongoing maintenance within the vicinity of the site;

v) A financial payment to fund the provision of primary (at Boothville Primary School) and secondary school education (at Northampton Academy) within the vicinity of the site;

vi) A payment towards the provision of and/or improvement to and/or maintenance of facilities at Boothville Community Centre; and

vii) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

- 1.3 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 his 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. BACKGROUND

- 2.1 A similar proposal for the erection of 35 dwellings on this site was considered at the Planning Committee meeting held in January 2015, where it was resolved to approve the application in principle, subject to the prior completion of a Section 106 Legal Agreement to secure a number of areas of mitigation; including affordable housing, highway works, education provision, open space enhancements and improvements to Boothville Community Centre.

- 2.2 Negotiations in respect of the Section 106 Agreement are ongoing; however, in the interim, the applicant has undertaken further survey works on site. These have revealed that a larger sewer easement than previously envisaged is required. This has necessitated some reconfiguration to the site layout and the removal of one unit from the scheme as shown in the current submitted revised application.

3. THE REVISED PROPOSAL

- 3.1 The applicant has amended the application and now seeks permission to erect 34 new dwellings comprising 10 one bedroom flats; 14 two bedroom houses; and 10 three bedroom houses. These buildings would all be of two storeys in height. The proposed

dwellings would be surrounding by landscaping, which would be a combination of existing and new planting.

- 3.2 The development would be accessed via the original section of Booth Rise, which lies to the west of the existing alignment. A new junction would be created; however, it would utilise an existing turning head.

4. SITE DESCRIPTION

- 4.1 The application site is a vacant plot of land situated between Booth Rise and Talavera Way that is not allocated for any particular purpose in the Local Plan or any other planning document. The site features a number of variations in land levels and is currently in a somewhat overgrown state. The site also features a number of trees.

- 4.2 The surrounding area is characterised by the presence of residential accommodation of traditional design, which has been developed in a ribbon form alongside Booth Rise and Thorpeville. These dwellings, which are typically of one and two storeys, play a significant role in defining the character of the area. Also within the area are a number of more modern housing developments, which provide a greater degree of variety in terms of building heights as some units within the Booth Park development (to the east of the application site) and the flats at 69-71 Booth Rise are of three storeys in height. As a consequence, there is a varied streetscene.

- 4.3 Although the application site is undeveloped, it has no allocation within any local planning policy document. The areas to the north of Talavera Way have also been developed for residential accommodation in a similar density and style to Booth Rise. As discussed, the site is adjacent to Booth Rise, which serves as one of the main routes into Northampton from Kettering. The site is also adjacent to the Spinney Hill roundabout, which forms a junction between Booth Rise, Thorpeville and Talevera Way, in addition to access to the Stone Circle Road Industrial Estate.

5. PLANNING HISTORY

- 5.1 N/2013/1263 – Erection of 38 no. new dwellings comprising 12 no. flats and 26 no. houses with associated parking and installation of new access road – Refused.

6. PLANNING POLICY

Development Plan

- 6.1 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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

National Policies

- 6.2 The National Planning Policy Framework (hereafter referred to as the NPPF) requires that all planning applications are determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. Of particular note to this application is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
- 6.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

West Northamptonshire Joint Core Strategy (JCS)

- 6.4 The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has now been adopted by the West Northamptonshire Joint Strategic Planning Committee and therefore carries full weight. As part of the development plan, consistent with Section 38(6) it carries significant weight when considering planning applications.
- 6.5 Of particular note is that Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period. Policy H1 provides further detail regarding the location of these buildings by stating that they should be constructed through a combination of specifically planned Sustainable Urban Extensions and development within the existing built fabric. The same policy states that new developments shall provide for a mixture of house types, sizes and tenures in order to meet varying needs of the community. Applications for residential developments will be assessed against the location and setting of the site; the existing character of the area; the accessibility to services and facilities, including the proximity to public transport routes; the living conditions provided for future residents; and the impact upon the amenities of surrounding properties.

- 6.6 Policy H2 encourages the creation of varied communities that should be ensured through the provision of affordable housing, which in Northampton would represent 35% of the total development.
- 6.7 Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift.
- 6.8 In assessing applications relating to biodiversity, it is necessary to give weight to Policy BN2, which requires that development management decisions will reflect the hierarchy of biodiversity and appropriate weight should be given to the status of the site. Policy BN3 states that the retention of existing trees would be supported unless it can be demonstrated that the loss of trees would be outweighed by the need and benefits of the development.
- 6.9 Policy INF2 states that new development should only be permitted in instances where the necessary infrastructure has either been provided or that there is a reliable mechanism (such as a Section 106 Agreement) to ensure the delivery of such mitigation.

Northampton Local Plan

- 6.10 Although substantially dated and in the main replaced by the JCS, there are a small number of Local Plan Policies that are relevant to this application. These are E20 that states that developments should be of a satisfactory standard of design; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32, which necessitates the provision of some affordable housing.

Supplementary Planning Guidance

- 6.11 Affordable Housing
Developer Contributions
Parking
Planning out Crime

7. CONSULTATIONS/REPRESENTATIONS

- 7.1 **Environmental Health (NBC)** – No objections to the proposed amendments. The wording of Condition 11 should be revised in order to reflect the conclusions of the updated noise assessment.
- 7.2 At the time of preparing this report, the consultation period in respect of the proposed amendments had not completed; therefore any further comments will be reported to the Committee by means of the addendum, which will be circulated prior to the commencement of the meeting.

8. APPRAISAL

Principle of the development

- 8.1 The planning policy context has not changed since the initial consideration of this application in January of this year and as a consequence it is considered that the development is acceptable in planning policy terms. Furthermore, it is acknowledged that the development would contribute to achieving a five year supply of housing land in line with the requirements of the NPPF. The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions).
- 8.2 The over-riding principle of the NPPF is that in instances where a Local Plan is out of date, the greatest weight should be given to the matter of providing sustainable developments. By reason of the site's location adjacent to a major route, proximity to public transport links and employment sites and neutral impact upon ecology, the proposed development is sustainable and in line with national planning policies.
- 8.3 It is accepted that the site currently serves as a landscaped buffer between Booth Rise and Thorpeville, however, it was agreed at the January Committee meeting that the development of this site was appropriate. Given that the proposed revision would not significantly erode the level of remaining undeveloped space, it is considered that the proposal remains acceptable.

Design, layout and highway considerations

- 8.4 The design of the dwellings and materials palette is unchanged from the previous consideration of this application. This design approach is suitable given the traditional form of the surrounding properties. Although there has been a reconfiguration in the arrangement of some dwellings (i.e. there are now a greater number of semi-detached houses and a reduction in terraces of three dwellings); however, due to the variety of house types within the area and the lack of a prevailing trend, it is considered that this arrangement is acceptable.
- 8.5 The houses are of two storeys in height, whilst the flats would have height of three storeys. As with the previously considered scheme, it is likely that positioning and scale of the properties would not lead to a loss of light, outlook or privacy to the occupiers of the surrounding properties in line with the requirements of national and local planning policies.
- 8.6 It is recognised that due to the varied topography of the site, it would be necessary to carry out some alterations to the site's levels. In order to ensure that these works do not harm the amenity of existing residents, a condition is recommended that would ensure that these works are approved by the Council prior to any works commencing.
- 8.7 The layout of the section of the development surrounding the flats is also unchanged. This arrangement is likely to encourage the usage of this facility due to the more attractive location and greater security.

This promotes more sustainable means of travel. This is in accordance with the NPPF and Local Plan Policy E40.

- 8.8 The residential development includes 44 car parking spaces. This provides an average provision of approximately 1.3 spaces per dwelling. The provision is consistent with the ratios of dwellings to spaces deemed acceptable in January. Furthermore, the site is in close proximity to a bus stop in Booth Rise and cycle storage has been provided for the flats. Therefore, the proposal has addressed the likely parking needs arising from the development. The proposed parking spaces are either situated within the curtilages of dwellings or in areas that would be habitually overlooked and benefit from natural surveillance. The access road that would serve the development is unchanged from the previous scheme.

Landscaping and Ecology

- 8.9 A number of trees are present on this site; however, it is understood that these are generally poor specimens and not necessarily of good species or health. Therefore their removal would not be contrary to the requirements of Local Plan Policy E11. As the site is undeveloped, the applicant has undertaken a full ecological assessment. This assessment concludes that there are no species of any particular significance in the site.

Air Quality, Noise and Contamination

- 8.10 The applicant has submitted an air quality assessment, which has concluded that the air quality surrounding the application site is sufficient to ensure a satisfactory standard of residential amenity for the future residents of the development.
- 8.11 Conditions requiring that the findings of the applicant's noise mitigation strategy are implemented in order to ensure a satisfactory level of residential amenity are recommended. As part of their submission, the applicant has investigated the potential for contamination on the site. As a consequence of this and due to the potential residential use of the site, a number of conditions are recommended that would secure the remediation of naturally occurring contamination.

Legal Agreement

- 8.12 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.

- 8.13 As with the previous consideration, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies.
- 8.14 In addition to these matters, the Section 106 Agreement would secure payments towards the provision of primary and secondary education; open space; highways works; and bus shelters. The development will also make a payment and provide opportunities for the provision of construction worker training.

9. CONCLUSION

- 9.1 The revised development represents an acceptable use of the land and would not be detrimental to the character and appearance of the locality. The development would not have an adverse impact upon neighbour amenity and highway safety. As a result of various conditions and a Section 106 Agreement, the impacts of the development could be mitigated and therefore the proposal is considered acceptable,

10. 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 hereby permitted shall be carried out in accordance with the attached schedule of approved plans.

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

3. The development hereby permitted shall be constructed using Grey Marley Modern roof tiles and Ibstock Village Blend bricks, with red engineering bricks below Damp Proof Course.

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.

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 standard of development in accordance with Policy E20 of the Northampton Local Plan

5. Prior to the first occupation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing 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 Policy E20 of the Northampton Local Plan.

6. 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.

7. All trees shown to be retained shall be protected for the duration of the development by stout fence(s) to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

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 E11 of the Northampton Local Plan.

8. A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

9. No drainage works shall commence until a surface water management 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 fully implemented prior to the construction of all hard standing areas and retained thereafter.

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

10. The approved remediation scheme as submitted on the 26th May 2015 (and dated May 2015) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 National Planning Policy Framework.

11. Noise mitigation measures for individual plots, which covers glazing and ventilation specifications, shall be carried out in accordance with the details contained within noise assessment dated the 16th June 2015 (reference: 1628 Northampton – Booth Rise) prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

12. Details of the provision for the storage of refuse and materials for recycling to serve the flats hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

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

13. Notwithstanding the details submitted, full details of the cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of encouraging more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

15. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
 - i. The control of noise and dust during the development process;
 - ii. Traffic management and signage during construction;
 - iii. Phasing;
 - iv. Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - v. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - vi. The safe means of access of construction traffic to the site;
 - vii. Routing agreement for construction traffic; and
 - viii. Hours of operation of building works

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to amenity and no details relating to these matters have been submitted with the planning application.

16. The development hereby permitted shall be carried out in accordance with the submitted Written Scheme of Archaeological Investigation (reference: 15-205).

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework.

17. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in 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. This condition is required in order to ensure that the development is carried out without detriment to amenity and no details relating to these matters have been submitted with the planning application.

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

18. The parking and roadways shall be provided in accordance with the details shown on drawing 7771/0441 prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

19. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, should be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Confirmation that the hierarchy of drainage has been followed. Further percolation testing is required in accordance with BRE Digest 365 9or Ciria 156).
- Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
- An assessment of overland flood flows.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to flood risk and no details relating to these matters have been submitted with the planning application.

20. No development shall take place until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme and retained thereafter.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the development is carried out without detriment to flood risk and no details relating to these matters have been submitted with the planning application.

11. **BACKGROUND PAPERS**

- 11.1 N/2013/1263

12. **LEGAL IMPLICATIONS**

12.1 None

13. 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.



Name: **Planning**
 Date: **12th March 2014**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title
Development land between Talavera Way and Booth Rise

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