

**PLANNING COMMITTEE:** 13<sup>th</sup> February 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1659

**LOCATION:** 58 Booth Rise

**DESCRIPTION:** Outline planning permission with all matters reserved except access for 4 residential dwellings with associated car parking and access from Booth Rise

**WARD:** Boothville Ward

**APPLICANT:** Oxygen Real Estate Group Ltd.  
**AGENT:** Armstrong Rigg Planning

**REFERRED BY:** Councillor M Hallam  
**REASON:** Impact on traffic and neighbouring properties

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

##### **1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity, wildlife and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policies E20 and H10 of the Northampton Local Plan

##### **2. THE PROPOSAL**

- 2.1 The applicant seeks planning permission for the erection of up to four dwellings. The application is submitted in outline form and therefore all matters, with the exception of access, have been reserved for future consideration.
- 2.2 Access to the development would be via a new entrance created to the south of 58 Booth Rise. This access road would include a small spur in front of the existing dwelling

##### **3. SITE DESCRIPTION**

- 3.1 The application site consists of a hitherto undeveloped plot located to the rear of 56 and 58 Booth Rise. This street is residential in character and contains a variety of single storey and two storey dwellings. Separate to this, there are two areas of land adjacent to the northern side of Booth Rise that have been the subject of more recent residential developments. These developments include houses and some flats.
- 3.2 In addition to serving residential accommodation, Booth Rise also serves as one of the main routes into the town centre and as a consequence, it does experience a significant level of traffic. Lumbertubs Way (the A43) is located to the east of the application site.
- 3.3 The site features a small amount of variation in terms of level, ranging from a high point adjacent to Booth Rise to a lower point next to Lumbertubs Way. The application site is therefore higher than Bibury Crescent, to the south.

#### **4. PLANNING HISTORY**

- 4.1 N/2016/1073 – Outline planning permission with all matters reserved except access for residential development of up to 30 residential dwellings with associated open space, car parking and vehicular access from Booth Rise and demolition of 58 and 62 Booth Rise. Dismissed at appeal 9/08/17.

#### **5. PLANNING POLICY**

##### **5.1 Statutory Duty**

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) and Northampton Local Plan (1997) saved policies

##### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 14 – the overarching aim of providing sustainable development

Paragraph 17 – aims of the Planning system

Paragraph 34 – minimising need to travel and maximising use of sustainable transport modes for developments generating significant movement

Paragraph 35 – protecting and exploiting opportunities for the use of sustainable transport modes for movement of goods or people

Paragraph 49 – presumption in favour of sustainable development for housing applications

Paragraph 50 – delivering a wide choice of high quality homes

Paragraph 56 – Good quality design

##### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

Policy BN3 – Woodland Enhancement and Creation  
Policy H1 – Housing Density and Mix, and Type of Dwellings  
Policy S1 – The Distribution of Development  
Policy S3 – Scale and Distribution of Housing Development  
Policy S10 – Sustainable Development Principles

#### 5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 – New development  
H10 – Backland development

#### 5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Arboricultural Advisor (NBC)** – No objections, provided that the arboricultural assessment's recommendations are fully implemented.
- 6.2 **Archaeological Advisor (NCC)** – Request a condition requiring an archaeological investigation prior to the commencement of building works.
- 6.3 **Public Protection (NBC)** – Request conditions regarding noise mitigation and contamination investigation
- 6.4 **Highway Authority (NCC)** – No objections to the visibility splays, but make recommendations regarding the surfacing of the access road, gradients and drainage.
- 6.5 **Councillor M. Hallam** – Requests that the application be determined by planning committee due to the impacts on traffic and neighbouring properties.
- 6.6 19 objections have been received. Comments can be summarised as:
- The development would lead to a loss of privacy
  - Excessive noise would be generated, including during the construction process
  - The surrounding road network is already busy, which other developments in the nearby area have added to
  - Booth Rise also experiences a high number of speeding vehicles
  - The development would have an adverse impact on trees and wildlife
  - The development would create pollution
  - A similar scheme has already been refused planning permission
  - There is a lack of infrastructure, including internet speeds.

### 7. **APPRAISAL**

#### **Principle of the development**

- 7.1 Whilst it is appreciated that the site is not currently allocated for housing within the Northampton Local Plan, the fact remains that the Council cannot currently demonstrate a five year housing

land supply. The proposed development therefore would make an additional contribution (albeit small) to addressing this particular need. Of further note, the NPPF 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 and that, in such instances, the overarching aim of providing sustainable development should be used to determine planning applications

- 7.2 The surrounding area is characterised by residential accommodation and the application site is not widely visible from public areas. As a consequence, it is considered that the development of the site for residential accommodation is appropriate.
- 7.3 Furthermore, it should also be acknowledged that the previous application (reference: N/2016/1073) considered the principle of developing the site for residential accommodation. Whilst the planning application was refused, and ultimately dismissed on appeal (in August 2017), the reason for refusal pertained to the impacts of the development upon noise levels rather than the actual principle of developing residential accommodation on this site. By reason of the limited period of time between the determination of the appeal and the consideration of this application, it is considered that there are no substantive changes in material considerations that would lead to a different outcome.
- 7.4 As discussed previously, the previous appeal was dismissed on the grounds that the noise assessment submitted with the application did not consider that the potential impacts of noise, arising from the use of the access road, on the occupiers of 56 and 60 Booth Rise. As a consequence, the Inspector was unable to make a determination regarding the impacts on the amenity of these properties.
- 7.5 In submitting the current proposal, the application has been accompanied by a noise assessment, which fully considers the impacts of the two existing dwellings at 56 and 58 Booth Rise. This assessment, which has been evaluated by the Council's Public Protection section concludes that the level of usage of the site access would not pose an unacceptable detrimental impact on the amenities of surrounding properties. As a consequence, it is concluded that the previous reason for refusal has been overcome. Furthermore, it should also be acknowledged that the proposed number of dwellings has been significantly reduced to a maximum of four new units.
- 7.6 It is acknowledged that the surrounding area is associated within some archaeological activity, however, it is understood that this does not form an over-riding constraint to the redevelopment of the site. As a consequence, a condition is recommended that would require the submission and an agreement of a scheme of archaeological works in accordance with the requirements of the Joint Core Strategy.

### **Design, appearance and impact on neighbouring properties**

- 7.7 Given that this is an outline application, with all matters reserved for future consideration (with the exception of access), formal consideration of matters such as the layout of the development, the scale of the properties and their appearance would take place at a later stage. Nonetheless, the applicant has prepared a series of indicative parameters. These demonstrate that there is the potential to accommodate a development of the number of dwellings proposed, without detriment to the amenities of occupiers of neighbouring properties, in terms of consideration such as light, outlook and privacy. In order to provide some certainty of this conclusion, a condition is recommended that would ensure that any forthcoming outline permission would be limited to a maximum of four additional dwellings only.
- 7.8 In addition, the indicative parameters highlight that the proposed dwellings would be one and half storey dwellings and conditions can also be imposed to limit the maximum heights of the

buildings. This therefore provides some certainty that the development would not have a significant adverse impact the amenities of neighbouring properties, including their gardens.

- 7.9 It is considered that a condition that would require details of the finished land levels being submitted to the Council prior to the commencement of development would be necessary and reasonable.

### **Highway impacts**

- 7.10 The indicative layout shows that 12 car parking spaces and 4 double garages would be provided across the development, including two spaces to serve the existing dwelling at 58 Booth Rise. This ensures that the parking requirements arising from the development could be accommodated on the site, which is of particular importance given the nature of Booth Rise and that the displacement of parked vehicles onto this road would not be desirable. The amount of car parking to be secured, and its provision prior to the first occupation of the permitted development, could be secured via a condition.

- 7.11 Whilst it is appreciated that Booth Rise is a widely used road, and that this development would result in a greater number of vehicles using it, the level of increase is unlikely to be significant given the comparatively limited number of dwellings that are now proposed. The traffic impacts of the development have also been assessed by the Highway Authority, to which no objections are raised. It should also be noted that the preceding application (for a significantly greater number of houses) was not refused on highway grounds. Whilst the Inspector had due regard to the increase in vehicle movements in deciding the appeal, it was ultimately concluded that there would be no severe highway impacts. Given the limited passage of time and the reduced number of dwellings, it is considered that these conclusions are still relevant.

- 7.12 Whilst this is an outline application, access to the site has not been reserved for future consideration. The Highway Authority has confirmed that appropriate visibility splays have been provided at the entrance to the site. As a result, vehicles entering and leaving the site would have adequate visibility of oncoming traffic, vehicles entering and leaving the development and pedestrians. In addition, the access into the site is of the required width. A condition is recommended that would ensure the provision of the access prior to the first occupation of the development.

- 7.13 The Highway Authority has also made a number of recommendations regarding the surfacing of the access, drainage and gradient and these will also be secured by condition.

- 7.14 It is appreciated that the application site is located adjacent to some busy roads, which are, by their nature, noisy. Therefore, and in line with the advice of the Council's Public Protection section, a condition is recommended requiring the implementation of a noise mitigation strategy within the proposed dwellings in order to ensure a suitable environment for the future occupiers of the proposed dwellings.

- 7.15 Separate to the preceding matters, a further condition is recommended that would require the submission of a Construction Environment Management Plan (CEMP). This would cover matters such as the routing of construction traffic, the hours in which deliveries would take place, the hours in which construction works would take place and wheel washing facilities. This is necessary to ensure that there would be a neutral impact upon the highway system and neighbour amenity.

### **Trees and ecology**

- 7.16 It is recognised that the site is adjacent to a number of trees that make a positive contribution to the character of the site and the wider environs. An assessment and method statement was

submitted with the application and demonstrates that the development can be constructed without detriment to the well-being of these trees.

- 7.17 Whilst the site is currently undeveloped, the previous application, and appeal, demonstrated that there were no overriding ecological issues that would prevent the site from being developed. The current application site represents a smaller portion of the wider area, and is characterised by a more domestic form of garden and landscaping. As a consequence, the level of ecology and biodiversity on the site is relatively limited. It has also been demonstrated that the development would not adversely impact any species of ecological significance.
- 7.18 In order to secure a good standard of development, conditions are recommended that would require the provision of bird boxes within the confines of the application site.

## **8. CONCLUSION**

- 8.1 In conclusion, it is considered that the development represents an appropriate land use, would provide additional housing, and has a neutral impact on the character of the area, neighbour amenity, and the highway system.

## **9. CONDITIONS**

1. Approval of the details of the appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority 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

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be for a maximum of four dwellings only.

Reason: For the avoidance of doubt and to ensure a neutral impact on amenity and highway safety in accordance with the requirements of the National Planning Policy Framework.

5. The development hereby permitted shall make provision for car parking in accordance with the Northamptonshire Parking Standards (2016) or any subsequent revision or replacement.

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

6. Notwithstanding the details submitted, full details of new bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior the first occupation of the development hereby permitted and shall be retained thereafter.

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

7. 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 Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required in order to ensure the agreement of such details in a timely manner.

8. 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 and where remediation is necessary a remediation scheme must be prepared, 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.

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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the quality of the water environment in accordance with the requirements of the National Planning Policy Framework.

10. Prior to the commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
  - The control of noise and dust during the development process;
  - Traffic management and signage during construction;
  - Enclosure of phase or sub-phase development sites;
  - Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;

- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

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 pre-commencement to ensure that such details are agreed in a timely manner.

11. The access arrangements as shown on drawings SLK04 P3, 150930-16 A, and 150930-TK09 A shall be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

12. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree such details in a timely manner.

13. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels 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. This condition is required in order to ensure the agreement of such details in a timely manner.

14. The dwellings hereby permitted shall not exceed 7.3m in height.

Reason: In the interests of visual and neighbour amenity in accordance with the requirements of Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

15. The driveway hereby permitted shall be carried out in accordance with the submitted arboricultural assessment and method statement (reference: ACD Environmental Ltd dated 11 December 2017).

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

16. The access road hereby approved shall be include a hard bound surface; have a gradient of not more than 1 in 15 for, at least, the first 5m from the highway boundary; and surface water shall not be discharged onto the highway.

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



**10. BACKGROUND PAPERS**

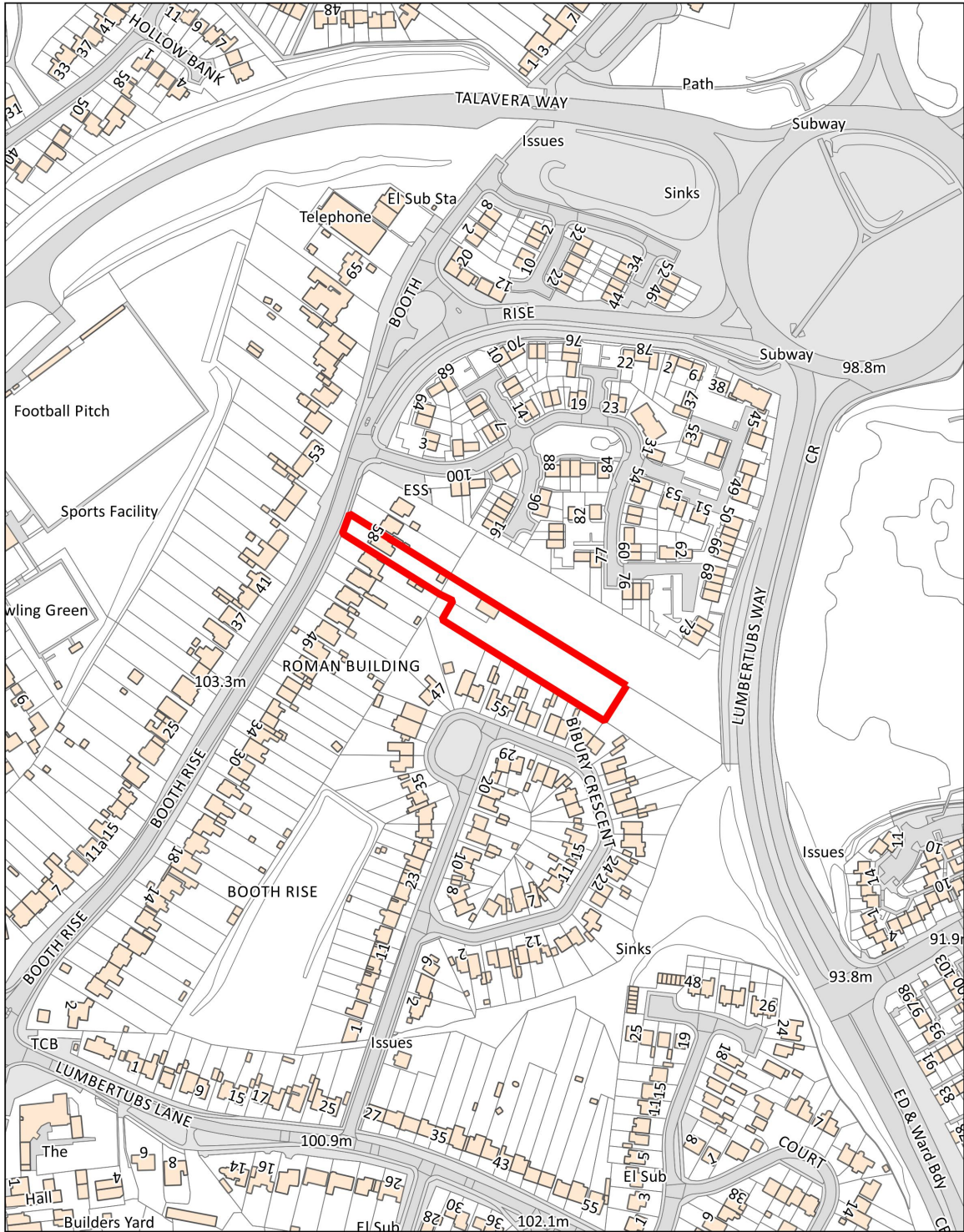
10.1 N/2016/1073, and associated appeal decision (dated 9<sup>th</sup> August 2017)

**11. LEGAL IMPLICATIONS**

11.1 The development is CIL liable.

**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.



Title: **58 Booth Rise**

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Date: 02-02-2018

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