



PLANNING COMMITTEE:	14 th June 2016
DIRECTORATE:	Regeneration, Enterprise and Planning
DIRECTOR:	Steven Boyes
APPLICATION REF:	N/2015/1249
LOCATION:	Ecton Brook Playing Fields, Great Billing Way
DESCRIPTION:	Erection of 64no dwellings comprising 1-bed flats, 2-bed and 3-bed houses and associated access roads.
WARD:	Billing Ward
APPLICANT:	Westleigh Partnerships Limited
AGENT:	Westleigh Partnerships Limited
REFERRED BY:	Director of Regeneration, Enterprise and Planning
REASON:	Major application requiring S106 agreement
DEPARTURE:	Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

1.1.1 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 of primary and secondary school education within the vicinity of the site;
- iii) The provision of on-site construction training and a financial contribution to cover the cost of training monitoring;
- iv) A contribution towards the provision of play equipment in the park neighbouring the development; and
- v) The Council's monitoring fee.

1.1.2 The conditions as set out below and for the following reason:

The principal of residential development has been established by the previous outline permission on this site and the detailed design and layout now proposed is considered to be acceptable, and would provide an acceptable living environment for future residents subject to the proposed conditions. The proposal would have no detrimental impact on the wider highway network or the amenities of neighbouring and nearby occupiers including the adjacent school. The proposed development would therefore be in accordance with Policies Policy H1, H2m S3, S10, and BN2 of

the West Northamptonshire Joint Core Strategy and Policies E20, H17 and H32 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 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 Director of Regeneration, Enterprise and 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 Policy INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The proposal is for full planning permission for the erection of 64 dwellings, these comprising 4 x 1-bed flats, 32 x 2-bed and 28 x 3-bed houses. The proposed houses and flats would be two storeys in height, with the houses either being semi-detached or terraces of three. The proposed buildings would be of conventional design and appearance, with pitched roof and brick construction.

3. SITE DESCRIPTION

- 3.1 The site comprises a part of the former playing fields of Ecton Brook School, which has now been subdivided from the school as it is surplus to requirement. The site is generally flat other than a small area in the centre of the site which slopes downwards. The site fronts onto Ecton Brook Road and would share its access with that of the school. To one side of the site is a remaining part of the school playing fields, whilst to the other side is an area of public open space. To the rear of the site is the A45 trunk road. The surrounding area is characterised by housing of broadly conventional design.

4. PLANNING HISTORY

- 4.1 Outline application 06/0074/OUTWNN for residential development of up to 54 dwellings of the site was approved by the West Northamptonshire Development Corporation in December 2008. This application was subsequently renewed under application N/2011/1265, which was approved in March 2014. This permission therefore remains extant but would require the submission of reserved matters applications.
- 4.2 An application N/2012/1290 to alter the access arrangements to the school and to enable access to the site of the current application was approved on February 15th 2013 and the works have been completed.

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:

The NPPF has a presumption in favour of sustainable development.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 29 advises that the long term protection of employment sites should be avoided where there is no reasonable prospect of the site being used for that purpose.

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 47 requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 states that housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 205 sets out that where obligations are being sought Local Planning Authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled

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 S3: Scale and Distribution of Housing Development – provision will be made for about 18,870 dwellings in the plan period 2011 to 2029.

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations, be located where services and facilities can be easily reached by non-car modes; protect, conserve and enhance the built environment; minimise pollution from noise, air and run-off.

Policy H1: Housing Density and Mix and Type of Dwellings – new housing development will provide for a mix of house types, sizes and tenures having regard to the character of the area; accessibility to services and facilities and public transport; living conditions of future residents and impact on amenity of occupiers of neighbouring properties.

Policy H2: Affordable Housing – required to be provided at 35% on sites of 15 dwellings or more.

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:

Policy 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.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Construction Futures** - request the provision of on site construction training and a contribution to the cost of monitoring the training.
- 6.2 **Local Highway Authority** - Initial comments raised a number of technical issues which have now been resolved.
- 6.3 **County Archaeologist** - Will have an impact on archaeological deposits, this can be addressed by a suitable condition.
- 6.4 **Northamptonshire County Council** - Request contributions for education, fire and rescue, libraries and broadband.
- 6.5 **Environmental Health** - request conditions for site investigation, noise from road traffic and construction management plan.
- 6.6 **Police Crime Prevention Design Adviser** - recommends security measures.
- 6.7 **Sport England** - No objection.
- 6.8 **Highways England** - No objection subject to a condition preventing any part of the acoustic fence or its foundations encroaching within the trunk road boundary.
- 6.9 **Anglian Water** - Capacity is available for wastewater treatment and foul sewerage. Surface water drainage should be agreed with the Lead Local Flood Authority.
- 6.10 **NHS England** - A contribution towards healthcare will not be required in this instance.
- 6.11 **Customers and Communities** - A contribution will be required towards the cost of play equipment in the neighbouring park.
- 6.12 **Environment Agency** - Confirm that consultation is not required, this would be dealt with by the Lead Local Flood Authority.
- 6.13 **Lead Local Flood Authority** - Confirm that the impacts of surface water drainage have been adequately addressed.
- 6.14 **Billing Parish Council** - No objection to the application in principle but must consider the overall impact of the development. There could be additional traffic movements of up to 100 vehicles all sharing an access which will also have the main gates to the school. Traffic movements onto and off of the proposed development are likely to add additional traffic flow to the junction of Ecton

Brook Road with Great Billing Way. Contributions for engineering works to redesign dangerous junctions could be made by the developers.

6.15 Representations have been received from the occupier of one nearby residential premises and from the including the adjacent primary school, making the following points in summary:

- Moved to this area as it is quiet, concerned that the development would lead to noise and disturbance from younger residents.
- Will lead to congestion around the school gates, which will be dangerous to pupils and parents.

7. APPRAISAL

Principle of Residential Development

7.1 Given that an outline application for residential development on this site has previously been approved and still extant, it is considered that the principle of residential development is acceptable and well established. Additionally, the development would contribute towards the Council's five year housing land supply.

7.2 The former school playing fields were surplus to requirement following reorganisation of schools in 2007. The site was fenced for some years and the loss of the playing fields is considered acceptable and there is no objection from Sports England.

Highways and Access

7.3 The site is proposed to be accessed from Ecton Brook Road, from which the existing school site is currently accessed. This access was approved in 2013 and was designed with the intention of allowing access to this site.

7.4 Comments from the Local Highway Authority raise no concerns as to this access. In respect of the layout of the roads within the site, some minor alterations have been made following comments from the LHA and this is now considered to be acceptable.

7.5 The LHA did initially express concern as to the level of parking on this site. Amended plans have therefore been produced which reduce the number of units proposed from the original 66 to 64, resulting in all of the 3 bedroom properties and all but 3 of the 2 bedroom properties having two parking spaces, and the one bedroom flats each having one space. The final comment on this amendment is still awaited and will be reported to the Committee via the addendum.

Design and Layout

7.6 The scheme is laid out essentially along a spine road through the site. There is only one entrance to the site and turning heads are provided at the ends of the road.

7.7 The site layout has been constrained by an existing easement across the site which means that where the site backs onto the A45 trunk road, which is a significant source of noise, houses have had to be placed closer to this than would have been preferred. In order to address this impact, acoustic fencing has been proposed to the rear of the gardens backing onto this trunk road. It is considered that subject to compliance with the proposed conditions, this would satisfactorily ameliorate this impact. This is supported by Environmental Health.

7.8 Two areas of public open space are proposed to be provided on site, which would be overlooked by several of the houses. Play equipment is not proposed for these areas due to their size,

however, a contribution has been requested which would go towards play equipment to be provided in the nearby park.

- 7.9 The proposed house types are a variety of terraced and semi-detached, all two storey and of a broadly traditional design, with pitched roof and brick construction. The proposed flats are also of a similar appearance. It is considered that this is appropriate. Whilst the area around the site features a variety of housing types and styles, this site would be in keeping with the general area.

Affordable Housing

- 7.10 The application indicates affordable housing proposed at over 35% of the total stock on the site. This would be secured by the Section 106 agreement.

Impact on Surrounding Residents and the Local Area

- 7.11 The site is generally remote from any neighbouring residential occupiers, other than existing houses across Ecton Brook Road, which back onto the site, and houses in the nearby Pennycress Place which are separated from the site by open space. It is not considered, therefore, that existing neighbours would be affected by the proposal.
- 7.12 In terms of wider impacts, these would largely be as a result of increased vehicle movements into and out of the site. The site is well connected to the highway network and it is not considered that such movements would have a significant detrimental impact on existing occupiers in the area.

Ecology

- 7.13 The site was previously in use as a school playing field but unused for some time. Accordingly, the applicant has undertaken a full ecological assessment. This concludes that the site is not of significance for most species but that standard mitigation measures for nesting birds and bats would be appropriate. A condition is proposed requiring that the appropriate measures are put in place.

Archaeology

- 7.14 There is some potential for items of archaeological interest to be found during the development process. Accordingly, a condition requiring the further investigation of matters of archaeological interest is appropriate and in line with the specialist advice that the Council has received on this matter.

Drainage

- 7.15 Following amendments, the Lead Local Flood Authority have confirmed that the matters relating to surface water drainage have been addressed to their satisfaction.

Section 106 Contributions

- 7.16 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.

- 7.17 35% of the development would be utilised for the provision of affordable housing.
- 7.18 The County Council has also requested a financial payment towards the provision of primary school education within the vicinity, which will be included in the legal agreement. Comments from the County Council also request financial contributions for fire and rescue, libraries and broadband. There is no policy basis for such payments and it is not clear how they would conform with the statutory tests set out in CIL Regulation 122. Such contributions are not therefore proposed to be requested.
- 7.19 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.
- 7.20 The NBC Customers and Communities department have indicated that they will require a contribution towards the cost of play equipment in the neighbouring park. This contribution is considered to be necessary as the development will lead to additional requirement for play equipment in the area as it includes family housing.
- 7.21 Comments from the NHS indicate they will not require a contribution towards healthcare in this case.

8. CONCLUSION

- 8.1 The principle of residential development has been established by the previous outline permission on this site and the detailed design and layout now proposed is considered to be acceptable in terms of its layout and the provision of on-site parking, and would provide an acceptable living environment for future residents subject to the proposed conditions.
- 8.2 The proposal would have no detrimental impact on the wider highway network or the amenities of neighbouring and nearby occupiers including the adjacent school.

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 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) 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.

(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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of 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 BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as all retained trees will need to be identified prior to development works.

(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 BN2 of the West Northamptonshire Joint Core Strategy.

(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 BN2 of the West Northamptonshire Joint Core Strategy.

(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 H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as it is essential that details are agreed prior to construction work commencing.

(9) 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 H1 of the West Northamptonshire Joint Core Strategy.

(10) 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.

(11) No development shall take place until a desktop study, including a site walkover, in respect of possible contaminants within the site is completed and the need for a site investigation is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the Local Planning Authority for approval. Any site investigation found to be required 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. All remedial works found to be required 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). 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: In order to safeguard the amenities of future occupiers in accordance with the NPPF. This is a pre-commencement condition as it is essential that these measures are agreed before the commencement of development.

(12) The conclusions of the Acute Acoustic report dated 6/11/15 shall be implemented to the satisfaction of the Local Planning Authority, prior to the development coming into use, and the applicant shall demonstrate that the scheme(s) agreed has achieved its design criteria. Written confirmation of the measures installed shall be provided. The measures agreed and implemented shall be retained thereafter.

Reason: In order to safeguard the amenities of future occupiers in accordance with the NPPF.

(13) 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
- v. loading, parking and turning within the site during the construction period;
- vi. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- vii. The safe means of access of construction traffic to the site;
- viii. Routing agreement for construction traffic; and
- ix. 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.

(14) No development shall take place until the applicant, their agents or their 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: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework.

(15) 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.

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition as it is essential that levels are agreed before construction commences.

(16) No part of the proposed acoustic fence or its foundations may encroach within the trunk road boundary.

Reason: To ensure that the A45 trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road in the interests of safety. In accordance with the National Planning Policy Framework.

(17) Prior to the commencement of any work a strategy, which provides full details of measures for mitigation of the ecological impacts of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of wildlife and nature conservation and promote biodiversity and in accordance with objectives of the NPPF.

(18) Full details of the security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures, which shall be in place before the commencement of the commercial use and the occupation of the residential accommodation.

Reason: To ensure a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

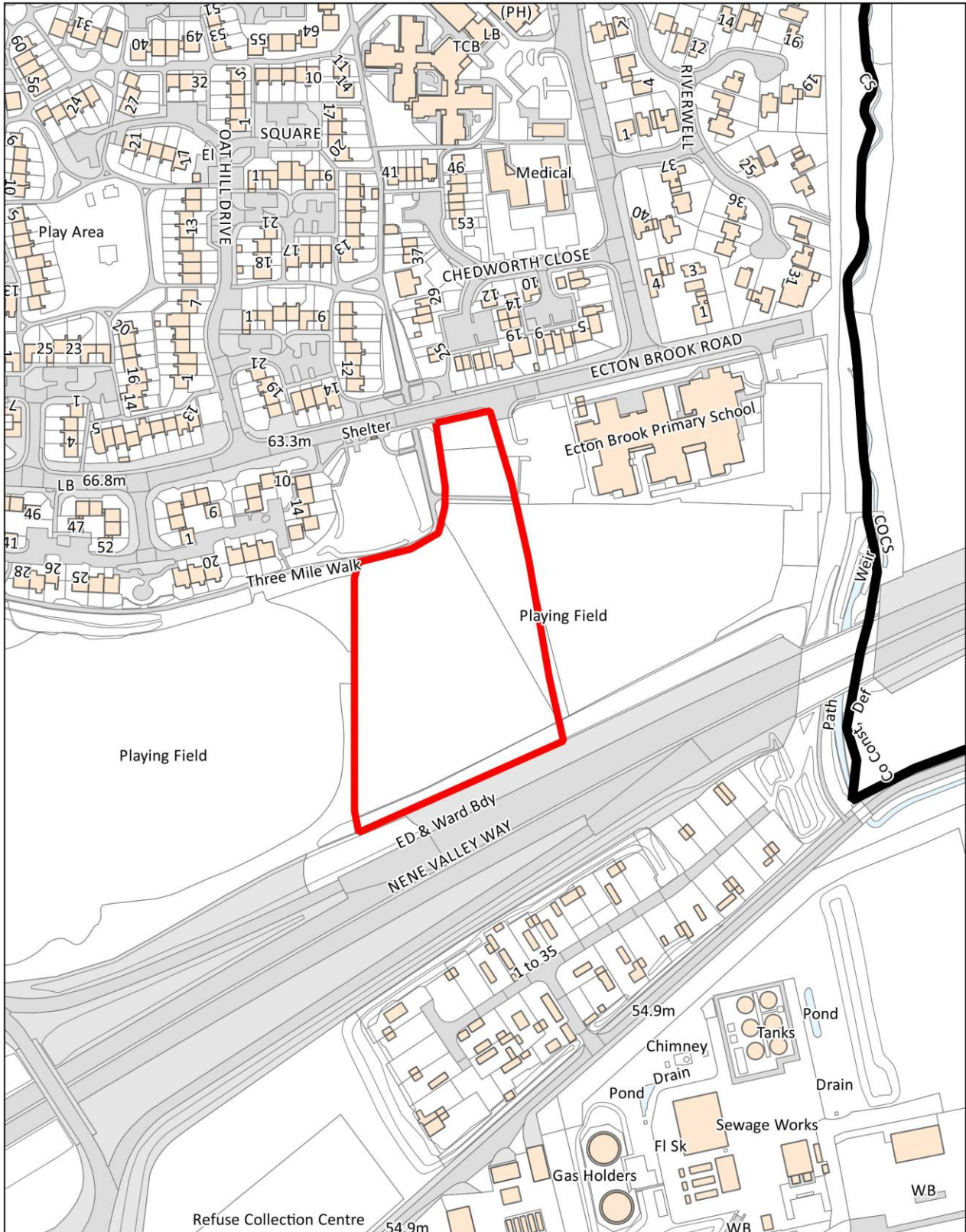
10.1 Application File N/2015/1249.

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.



Title: **Ecton Brook Playing Fields**

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Date: 02-06-2016

Scale: 1:2,500

Drawn by: -----