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| <b>PLANNING COMMITTEE:</b> | <b>6<sup>th</sup> September 2016</b>   |
| <b>DIRECTORATE:</b>        | <b>Regeneration, Enterprise and Planning</b>   |
| <b>DIRECTOR:</b>           | <b>Steven Boyes</b>  |
| <b>APPLICATION REF:</b>    | <b>N/2016/0790</b>   |
| <b>LOCATION:</b>           | <b>Land At Former Bective Middle School , Whiston Road</b>   |
| <b>DESCRIPTION:</b>        | <b>Erect 100 pupil all-through (3-18 years) special school including associated parking, play spaces and landscaping</b> |
| <b>WARD:</b>               | <b>Sunnyside Ward</b>  |
| <b>APPLICANT:</b>          | <b>Greenwood Dale Foundation Trust</b>   |
| <b>AGENT:</b>              | <b>Gotch, Saunders &amp; Surridge LLP</b>  |
| <b>REFERRED BY:</b>        | <b>Director of Regeneration, Enterprise and Planning</b>   |
| <b>REASON:</b>             | <b>Major application requiring S106 agreement</b>  |
| <b>DEPARTURE:</b>          | <b>No</b>  |

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

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

###### **1.1 APPROVAL IN PRINCIPLE** subject to:

1.1.1 The prior completion of a S106 Agreement to secure a payment towards the provision of highway improvements in the vicinity of the site.

1.1.2 The Conditions set out in section 9 below and for the following reason:

The proposed development represents an appropriate land use and subject to conditions, would have a neutral impact upon the character and appearance of the area, neighbour amenity, the environment and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policies S19 and E6 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

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 that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

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

- 2.1 The applicant seeks planning permission for the erection of an all-through school (for up to 100 pupils of between 3 and 18 years of age). In planning terms, all schools are categorised as falling within Class D1 of the Use Classes Order; however, the applicant has specified that the proposed development would be a school for those with special educational needs and learning difficulties.
- 2.2 The proposed school would be accessed via Whiston Road. This would lead to a car park, which contain parking for 63 cars, including 9 drop off bays and 7 spaces for use by people with disabilities.
- 2.3 The building consists of single structure arranged around two internal courtyards. The building would consist of a mixture of single and two storey elements, with a variety of building materials, including bricks and render. The proposal would include open space and sports facilities.

### **3. SITE DESCRIPTION**

- 3.1 The application site is a portion of the land which originally contained a middle school; however, this was closed and subsequently demolished a number of years ago following the reorganisation of education provision within Northampton. The site has an area of approximately 2.13 hectares and is currently undeveloped. The site contains a number of plants, including some which appear to be self-seeded.
- 3.2 The surrounding area includes a primary school (Green Oaks Academy) and residential accommodation, which predominantly dates from the early to mid-twentieth century. The application site is also located in reasonably close proximity to Harborough Road and Eastern Avenue, which are served by a number of public transport routes.
- 3.3 The site features some variations in land levels; however, the application site is on land that is of a higher level than much of the immediate surroundings. As a consequence, the site has a certain prominence within the area, although views onto the site from public areas are limited due to the pattern of development in the surrounding area.

### **4. PLANNING HISTORY**

- 4.1 N/2014/0315 – Outline planning application, with all matters reserved except access (from Bective Road and Whiston Road) for a residential development comprising 170 dwellings and public open space – Approved.
- 4.2 The above development gained planning permission earlier in 2016; however, this development encompassed the entirety of the former school site. Subsequent to the granting of planning permission, the landowner has divided the site, which has resulted in this scheme coming forward. A different residential scheme has now been submitted to the Council to develop the remainder of the site and this will be reported to the Planning Committee at a later date.

### **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.

- 5.3 Paragraph 17 states that planning decisions should always endeavour to secure high quality designed developments, which secure a good standard of amenity for existing and future occupiers of land and buildings. In doing this, planning should also take into account the differing roles and character of areas. The same paragraph also encourages the redevelopment of previously used sites and the promotion of mixed uses.
- 5.4 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised.
- 5.5 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. The NPPF also requires that new developments be of a good quality design (paragraph 56).
- 5.6 Paragraph 103 states that when determining planning applications, care should be taken to ensure that flood risk is not increased elsewhere and that priority should be given to the use of sustainable urban drainage systems.
- 5.7 Of specific relevance to this application is paragraph 72, which states that the Government attaches great weight to the ensuring a sufficient choice in school places and local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.

#### 5.8 **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.

- 5.9 Policy S10 requires that developments be of a good standard of sustainable design and incorporates safety and security considerations in order to promote a good sense of place. In addition, development should be sustainably located in order to encourage access by walking, cycling and public transport.
- 5.10 Policy E6 states that new education facilities would be encouraged and should be sited on sites that are accessible.
- 5.11 Policy INF2 requires that new developments will only be permitted in instances where there is a reliable mechanism in place to ensure that required mitigation can be delivered.

#### 5.12 **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.

- 5.13 Policy E20 requires that new developments be constructed to a good design and to ensure that there would be no significant adverse impact upon the occupiers of neighbouring properties in terms of considerations such as light, outlook and privacy.

- 5.14 **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 **Anglian Water** – Request a condition relating to drainage.
- 6.2 **Archaeological Advisor (NCC)** – Request a condition relating to the investigation of matters of archaeological interest.
- 6.3 **Environment Agency** – No objections, request a condition to cover a strategy for dealing with unexpected contamination.
- 6.4 **Environmental Health (NBC)** – Request conditions in respect of unexpected contamination and noise.
- 6.5 **Highway Authority (NCC)** – Request a financial contribution to fund highway improvements within the vicinity.
- 6.6 **Lead Local Flood Authority (NCC)** – Require further information on the discharge rate of the drainage system.
- 6.7 **Northamptonshire Police Crime Prevention Design Advisor** – Request amendments to the scheme to improve security to certain elements, such as the external staircase. CCTV and lighting to the car park is also required.
- 6.8 Comments from the occupiers of **1 Marburg Street** and **45 Whiston Road**, which can be summarised as:
- The development would have an adverse impact on the highway system.
  - Parking is limited within the vicinity.
  - The construction process would have an adverse impact on neighbour amenity.
  - Concerns are raised regarding the suitability of the building's layout to meet the needs of children.
- 6.9 Comments from the occupier of **174 Ruskin Road**, which can be summarised as:
- The development is an appropriate use of the site.
  - The development should include traffic mitigation for Kingsthorpe.
  - The site has been reclaimed by nature.

## 7. APPRAISAL

### Principle of the development

- 7.1 Whilst it is appreciated that the site has been cleared, it remains allocated for education purposes. As a result of this, it is considered that the principle of developing the site for a school is an acceptable land use. Furthermore, it is recognised that the proposed school would be complimentary to the existing primary school and the nearby residential accommodation as the siting of educational facilities within such areas does promote the concept of sustainable development.

- 7.2 it is noted that the development is for the provision of a school for those with special educational needs, for which there is a need within the Borough. Therefore the development would offer significant benefits in terms of providing a bespoke building that would deliver this required educational facility.
- 7.3 The proposed development would result in the loss of a site that could be developed for housing and benefits from planning permission to do so. Whilst it is appreciated that there is an established need for new housing within the Borough, it is also acknowledged that there is a need to provide suitable education facilities. As a result, the fact that this development would prevent the extant permission from being implemented is not overly significant.
- 7.4 On account of the site's last use as school, the development technically involves development on playing fields. However, given the significant passage of time that has elapsed since the original school use ceased, the lack of public access to the playing fields in period, the facilities that would be provided within the new development and the fact that an extant planning permission exists to develop housing on the site means that it is considered that this matter carries less weight and should not serve as a barrier to the proposed development proceeding.
- 7.5 The application site is located to the east of Harborough Road and is a short distance outside the area of known historic settlement. There are some records of unstratified finds of Roman artefacts in the vicinity. There has been an amount of re-levelling and landscaping, which is not unusual given the past uses of the site; however, there is some potential for archaeological remains to be present. As a consequence, and in line with the advice of the County Archaeological Advisor, a condition is recommended that would ensure that an appropriate investigation is carried out.
- 7.6 By reason of the previously developed nature of the site, some degree of land remediation is required. The applicant has submitted a strategy in order to address this, the implementation of which would be secured by a condition. A further condition is required in order to allow for the eventuality of unsuspected contamination.
- 7.7 On account of the proximity of the development site to existing residential properties, a condition is recommended that would require that a Construction Environment Management Plan is submitted and agreed by the Council. This would include (but not be limited to) the hours in which construction works would take place, the routing of construction traffic and the suppression of dust. A further condition is recommended that would ensure that the development operates in accordance with the submitted noise assessment, which demonstrates that the proposal would not have a significant detrimental impact on the occupiers of surrounding properties arising from the operation of plant and equipment.

### **Design and appearance**

- 7.8 The building is a combination of one and two storeys. These low level buildings are compatible with the prevailing character within the environs of the site. Furthermore, these proportions when combined with the siting of the building would prevent a significant detrimental impact upon the amenity of surrounding properties in terms of considerations such as light, outlook and privacy as required by national and local planning policies.
- 7.9 In terms of the actual building, the applicant is proposing a varied palette of materials. These are considered appropriate given the use and siting of the building. In addition, the materials palette serves to break up the massing of the building through the introduction of variety as well to emphasis key parts of the building, such as the two storey element. A condition is recommended that would enable the Council to approve the precise materials prior to building works taking place, which would provide certainty of this. Although it is appreciated that the building has to

serve a specific function, efforts have been to improve the form of the building. This includes variations in the roof shape, which also serve to add visual interest.

- 7.10 The development includes an external staircase, which is necessary to provide a safe means of access to maintain the roof mounted plant and equipment. The comments from Northamptonshire Police in respect of this are noted and in response, the applicant has revised the scheme by including a 2.4m high fence around the access to this staircase that would be of an anti-climb specification. It is recommended to impose a condition that would ensure that these measures are provided prior to the first use of the building and for it to be retained throughout the life of the development.
- 7.11 The development's car parking would be located to the front of the building (the south side). This would therefore ensure that these spaces would benefit from natural surveillance, which would promote a sense of security. Whilst it is feasible that the majority of pupils would arrive and depart the school in daylight hours, it is probable that staff may be on site whilst it is dark. As a result, a condition is recommended that would ensure the provision of lighting to the car park and for its retention.
- 7.12 In line with the advice of Northamptonshire Police's Crime Prevention Design Advisor, a condition is recommended that would ensure that the Council approved details of a CCTV scheme and for this to be implemented and retained.
- 7.13 The proposed development features a number of landscaped areas, which is necessary to ensure a good standard of development. In particular, planting would be provided towards the west of the car park, which would provide something of an entrance feature for vehicular traffic. In addition, there would be landscaping on the site's boundaries, which would reduce the impacts on the occupiers of neighbouring properties.

### **Highway impacts**

- 7.14 The site was most recently used as a school and as a consequence, there was a level of road usage associated with this function. In addition, there is an extant residential approval on this site. The nature of the development is that a number of children would arrive at the school by taxi.
- 7.15 Comparing the proposed school with the likely traffic impacts of the residential development that has previously been approved on this site, the area is likely to see a net reduction in the number of traffic movements; however, there would be an increase in the morning. Given that the peak time traffic within the morning tends to be more concentrated, it is therefore concluded that this increase should be mitigated. As a result, the applicant would be entering into a S106 legal agreement in order to contribute to the Highway Authority's planned programme of works for upgrades to the Harborough Road corridor.
- 7.16 The development does include a satisfactory amount of car parking and vehicle manoeuvring areas and a condition is recommended that would ensure that this is provided prior to the development coming into use as the encouragement of parking within the surrounding residential streets would not be desirable.
- 7.17 In order to encourage more sustainable means of travel, the applicant would be providing secure cycle storage on site.

### **Drainage**

- 7.18 The proposal would result in development on land which is currently grass. In order to demonstrate that the proposal would not have an adverse impact upon flood risk, a drainage assessment was submitted with the planning application. This has been

assessed by the Lead Local Flood Authority, which has requested further details relating to the calculations used to assess drainage rates.

- 7.19 This additional information has been submitted by the applicant and is currently the subject of additional consultation with the Lead Local Flood Authority. Their comments are awaited and will be reported to members by means of the addendum, which will be circulated prior to the committee meeting commencing.

## **Ecology**

- 7.20 It is accepted that the site is predominantly scrub at this moment; however, there are a number of mature trees, albeit none covered by any Trees Preservation Orders. The applicant has carried out a full assessment of the health and wellbeing of the site's trees and has identified a number for retention. The trees that are to be removed are generally of poor quality species or health.
- 7.21 The site has been the subject of an ecological assessment, which has identified evidence of some badger activities on site; however, due to the scale of planting, in addition to the presence of debris in proximity to a potential sett, it is likely that the sett has only been used on an intermittent basis. Although the site features areas of rough grassland and scrub, which would potentially form shelter and a foraging area for reptiles, no evidence of their activity was observed on site. In addition, there is limited evidence of bat activity on site.
- 7.22 The redevelopment of the site could bring forward some ecological benefits in terms of enhancements to landscaping (such as in the use of native species). The submitted ecology assessment recommends that prior to any development commencing additional surveys into the presence of badgers and bats are carried out in order to ensure that such species are not harmed as a result of this development coming forward.
- 7.23 The ecology assessment also recommends the installation of bird and bat boxes in order to enhance biodiversity of the site. This is considered to be a worthwhile objective and would be secured by condition.

## **8. CONCLUSION**

- 8.1 It is considered that the proposal represents an appropriate use of the land, is of an acceptable design and would also address a need for developments within the community. Subject to conditions and the mitigation that would be secured through the Section 106 Agreement, it is considered that the impacts of the development can be satisfactorily addressed in order to ensure a neutral impact upon the surrounding area, including nearby residential properties.

## **9. CONDITIONS**

- 9.1 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 above schedule of approved plans.

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

3. Full details of all proposed external facing materials shall be first 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. 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 the National Planning Policy Framework. This condition is required in order to ensure the agreement of such details in a timely manner.

5. 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 first occupation of the building 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.

6. 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, where present, the location and species of any 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 the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance the National Planning Policy Framework

8. Prior to the commencement of each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall than be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.



Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework.

9. Prior to the commencement of development a method statement of land remedial works (and a phasing programme) shall be prepared for the site based on the findings and recommendations of the Jackson Purdue Lever report (reference GFT00934SI1 – dated February 2016). This shall be submitted to the Local Planning Authority for approval. All remedial works required by the method statement shall be implemented in accordance with it, and confirmation of its full implementation shall be confirmed by way of validation report(s) to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: In order to ensure the remediation of contamination in accordance with the requirements of Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required in order to agree these details in a timely manner.

10. 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.

11. The development hereby permitted shall operate in accordance with the noise rating limits as specified in the AECOM report (dated January 2016).

Reason: In the interests of ensuring a neutral impact upon the occupiers of adjoining properties in accordance with the requirements of the National Planning Policy Framework.

12. 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. This condition is required in order to ensure that such details are agreed in a timely manner.

13. The development hereby permitted shall be implemented in accordance with the recommendations of the submitted Ecological Appraisal, dated May 2016.

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

14. The car parking spaces, drop off areas, vehicle manoeuvring areas and cycle storage as shown on drawing (SK)10 Rev. J shall be fully implemented prior to the first use of the development hereby permitted and shall be retained thereafter.

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

15. Notwithstanding the details submitted, full details of CCTV to external areas 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 to the first use of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a safe and secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

16. Notwithstanding the details submitted, full details of lighting to the car park 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 to the first use of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of creating a safe and secure form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

17. No drainage works shall take place until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water management strategy.

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

## **10. BACKGROUND PAPERS**

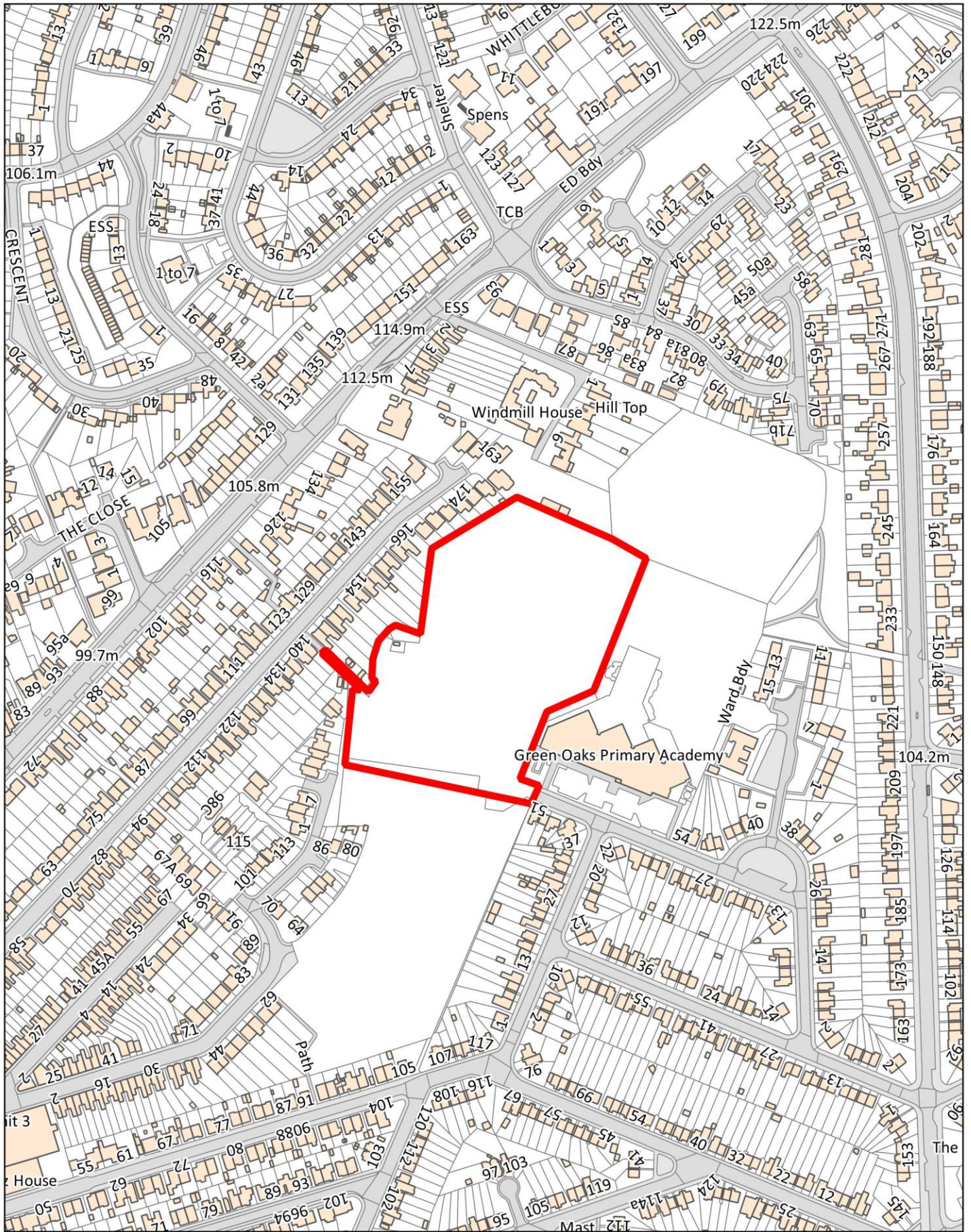
10.1 None

## **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: **Land at Former Bective Middle School, Whiston Road**

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Date: 25-08-2016

Scale: 1:3,000

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