



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

<b>PLANNING COMMITTEE:</b>	20 <sup>th</sup> December 2016
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2016/1007
<b>LOCATION:</b>	Former Green Oaks Primary School , Bective Road
<b>DESCRIPTION:</b>	Full planning application for 82 residential dwellings including parking and open space with access from Bective Road
<b>WARD:</b>	St Davids Ward
<b>APPLICANT:</b>	Westleigh Homes Ltd
<b>AGENT:</b>	rgp Ltd
<b>REFERRED BY:</b>	Head of Planning
<b>REASON:</b>	Major application requiring S106 agreement
<b>DEPARTURE:</b>	Yes

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to S106 Agreement to secure:

- 1.1.1
- i) 35% on-site affordable housing;
  - ii) Primary School Education payment;
  - iii) A payment towards improvements in highway capacity;
  - iv) A payment towards bus stop provision;
  - v) That the on-site Public Open Space is maintained and made available for public access in perpetuity;
  - vi) A payment towards health care provision;
  - vii) A payment towards the provision and/or enhancement and/or maintenance of off-site open space; and
  - viii) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 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 and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2 and BN7 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 Head of 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 full planning permission for the erection of 82 dwellings, comprising 4 two bedroom flats, 47 two bedroom houses and 31 three bedroom houses. In addition, the development proposes the provision of 146 car parking spaces. The development also includes a central area of public open space. Access to the development would be via Bective Road.

## **3. SITE DESCRIPTION**

- 3.1 The application site was originally a middle school, which closed a number of years ago following a reconfiguration of school provision within Northampton. Outline planning permission has previously been granted for the erection of up to 170 dwellings. This outline application covered the entirety of the former school site. Subsequent to the granting of planning permission, a new application was submitted to develop a new school for those with special education needs on the north eastern portion of the site. This proposal was considered by the Council's Planning Committee in September 2016, where it was approved in principle, subject to the prior completion of a Section 106 Legal Agreement.
- 3.2 Following the progress made on the new school proposal, this new application has been submitted in order to redevelop the remainder of the land.
- 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 into the site from public areas are limited due to the pattern of development in the surrounding area.
- 3.4 The immediate environs of the site are predominantly residential in nature, with two storey houses and some bungalows.
- 3.5 The site is located to the east of the allocated Kingsthorpe centre, which contains a variety of commercial and leisure uses, in addition to public transport links.

## **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.

## **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 Of particular note to residential proposals 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.
- 5.4 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).
- 5.5 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.
- 5.6 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.
- 5.7 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).
- 5.8 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.

## 5.9 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.

- 5.10 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.
- 5.11 Policy E6 states that new education facilities would be encouraged and should be sited on sites that are accessible.
- 5.12 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.

## 5.13 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.

5.14 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.

#### 5.15 **Supplementary Planning Documents**

NCC Parking Standards  
Developer Contributions

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

Comments received are summarised as follows:

6.1 **Anglian Water** – Recommend conditions in respect of drainage.

6.2 **Archaeology Advisor (NCC)** – No objections.

6.3 **Environment Agency** – Recommend conditions in relation to foul water drainage.

6.4 **Environmental Health (NBC)** – Recommend conditions in relation to the investigation of contamination and make observations regarding the impact on air quality.

6.5 **Highway Authority (NCC)** – Raise concerns regarding the number of car parking spaces. Comments regarding landscaping are also made, and if approved, it is requested that a Section 106 Agreement be entered into to secure contributions for road improvements and new bus shelters.

6.6 **Highways England** – No objections.

6.7 **Housing Strategy (NBC)** – The proposed affordable housing types and clustering are acceptable.

6.8 **Lead Local Flood Authority (NCC)** – Consider insufficient information has been submitted in respect of drainage (NB. Revised information has been submitted, which will be the subject of a further update via the addendum).

6.9 Letters from the occupiers of seven properties have been received. Comments can be summarised as:

- The development would generate increased traffic and would increase congestion.
- The area has already seen an increase in traffic due to other developments being permitted.
- The development would adversely affect privacy.
- There should be a greater number of accesses to the development.
- Bective Road is of a narrow nature.
- The development would increase pressure on local services.

### 7. **APPRAISAL**

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

- 7.1 The extant outline planning permission, which in place for the development of the entire former school site carries significant weight in the determination of this application, particularly as the proposed density is consistent with the existing approval.
- 7.2 In addition, it is recognised that the development would result in the delivery of 82 new dwellings, which are needed within the Borough, particularly as the required five year housing land supply cannot currently be demonstrated. Due to this conclusion, and in line with the requirements of the NPPF, the proposed development needs to be assessed on whether it represents sustainable development.
- 7.3 Given that the application site constitutes previously developed land, which has now been vacant for a number of years, it is considered that the erection of houses on this site is appropriate. Whilst the development site is currently allocated within the (dated) Local Plan as being a site for educational uses, the fact that it has been vacant for a significant period of time and benefits from an extant approval for residential uses means that this allocation carries a diminished amount of weight. The development would also result in the loss of land that has been previously used as playing pitches, but due to the significant passage of time when these areas have not been in use and the land has not been available for public access, it is considered that the development does not have a significant adverse impact upon access to recreation facilities.
- 7.4 As the site has been previously developed, and in line with the advice of the Council's Environmental Health section, conditions are recommended that would ensure that the potential for contamination is investigated and, if appropriate, remediated. It is also acknowledged that the Environmental Health section have made some observations regarding the potential impacts on air quality. In response, it is noted that the Section 106 Legal Agreement would secure improvements to bus shelters, which would encourage more sustainable means of travel, whilst cycle storage to the proposed flats would be secured via conditions. In reaching this conclusion, weight is also given to the fact that there is an extant condition for residential accommodation on this site, for which similar mitigation was secured.

### **Design and layout**

- 7.5 The proposed development has a comparable density to that approved at the outline stage, which is therefore considered appropriate. Furthermore, all of the buildings are limited to two storeys in height, with the exception of four dwellings that are of two and a half storeys. These four dwellings are sited adjacent to the south eastern boundary. At this point, the dwellings in Wakefield Road have particularly long gardens and as a result, this increase in height is unlikely to have a significant adverse impact upon neighbour amenity.
- 7.6 The development has also been designed to ensure that the future residents of the development have an appropriate level of light, outlook and privacy necessary to secure a good standard of accommodation and in line with the requirements of national and local planning policies.
- 7.7 The central area of public open space will benefit from a good level of natural surveillance as a number of dwellings would front onto it. This would assist in creating a safe and secure form of development and would also encourage the usage of this space. In addition to this provision, the proposed houses would have suitably sized gardens in order to provide suitable recreation facilities. The flats would not feature any privacy gardens (although there would be some communal outdoors space), which is considered appropriate given that flats tend not be occupied as family housing. In order to secure a good standard of development, a condition is recommended that would ensure the provision and retention of cycle and refuse storage to serve these flats.
- 7.8 In order to create a safe and secure form of development, a further condition is recommended that would enable the Council to approve details of boundary treatments. This condition would

also require details to be agreed in respect of lockable gates to the various rear accesses the gardens of the proposed dwellings.

- 7.9 The bulk of the car parking would be located within the curtilage of individual dwellings or in small courts that benefit from a good degree of natural surveillance. These measures ensure that the spaces would be safe and attractive to use.

### **Highways**

- 7.10 The development would be accessed via Bective Road, which is consistent with the extant approval. Notwithstanding this, it is appreciated that the use of the surrounding road network would increase above the existing level (although the scale of the increase that would be attributable to residential developments would be lower than the extant scheme) and as a result, there is a need for mitigation to be secured in order to make improvements to the surrounding road network, in line with the advice of the Highway Authority.
- 7.11 The development includes 146 car parking spaces, which is less than the number recommended by the Highway Authority (160 spaces). Whilst this is a shortfall, it is recognised that a development of a similar density to that proposed does benefit from planning permission. Opportunities to increase the number of car parking spaces have been investigated and it is apparent that in order to achieve the higher provision it would require reductions in the amount of open space and/or the number of dwellings. Given that there is a need to provide open space in order to secure a satisfactory level of amenity for future residents and the fact that there is a shortage of housing within Northampton, it is considered a reduction in these levels would not be appropriate given the aforementioned circumstances and the sustainable location of the site.
- 7.12 In order to encourage the use of public transport, the associated Section 106 Agreement would include a financial obligation to fund the provision of new bus shelters on Boughton Green Road, which is within the general vicinity of the site.
- 7.13 It is appreciated that the Highway Authority has also made recommendations regarding the positioning of trees and planting in order to prevent these from impacting upon vehicular or pedestrian visibility. These matters are normally addressed through the submission of a landscaping strategy, which would be subject to approval by the Council by means of a condition.

### **Drainage**

- 7.14 The development has been assessed by the Environment Agency, which has raised no objections, subject to the imposition of planning conditions. It is acknowledged that concerns have been raised by the Lead Local Flood Authority (LLFA) and the applicant has submitted revised documentation in respect of these matters, which are the subject of on-going consultation at the time of preparing this report. A further update will be provided to members via the addendum, which will be circulated prior the Committee meeting commencing.

### **Legal Agreement**

- 7.15 By reason of the scale and type of the development, a Section 106 Agreement will need to be entered into. The Community Infrastructure Levy Regulations 2010 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.

- 7.16 In line with the requirements of the Council's policies, 35% of the development would be secured for occupation on affordable tenures. The obligation within the legal agreement would provide certainty that a mixed development would be created that addresses the needs of a wider number of people. Furthermore, the legal agreement would ensure that the affordable housing is representative of the overall composition of the development.
- 7.17 In addition, to the highway works and bus shelters as referenced in paragraphs 7.10 and 7.11, the legal agreement would also secure financial contributions for the provision of primary education (secondary education being covered by CIL) and health care provision.
- 7.18 A further obligation would require that the public open space is maintained in accordance with an agreed management strategy and for these spaces to be made available for public use in perpetuity. Whilst it is appreciated that this space would assist in creating a good sense of place and meeting some of the recreation needs of the future occupiers of the development, it can be reasonable anticipated that residents would need access to a wider array of open space facilities. As a consequence, it is recommended that a financial contribution be also secured in order to facilitate enhancements to off-site areas of open space.

## **8. CONCLUSION**

- 8.1 It is considered that the proposed development represents an acceptable land use and would assist in creating new dwellings that are needed in Northampton. The development would also be of an acceptable design and would have a neutral impact upon the occupiers of neighbouring properties. Suitable mitigation would also be secured through the recommended conditions and the legal agreement.

## **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 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 first 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. Full details of facilities for the secure and covered parking of bicycles 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 and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

6. 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 agree such details in a timely manner.

7. 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 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.

8. 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 Policy E20 of the Northampton Local Plan. This condition is required in order to agree such details in a timely manner.

9. 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 with Policy E20 of the Northampton Local Plan.



10. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development 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 agree such details in a timely manner.

11. Prior to the commencement of development a Construction 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 and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

12. Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, implemented prior to the occupation or bringing into use of the buildings)and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

13. The access roads and car parking spaces as shown on drawing 4048/001ab shall be fully constructed prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding. This condition is required in order to agree such details in a timely manner.

15. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to

be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure the agreement of such details in a timely manner.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to the dwellings on Plots 1-25 (as shown on drawing 40481/001ab) hereby permitted.

Reason: In the interests of the amenities of existing properties in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

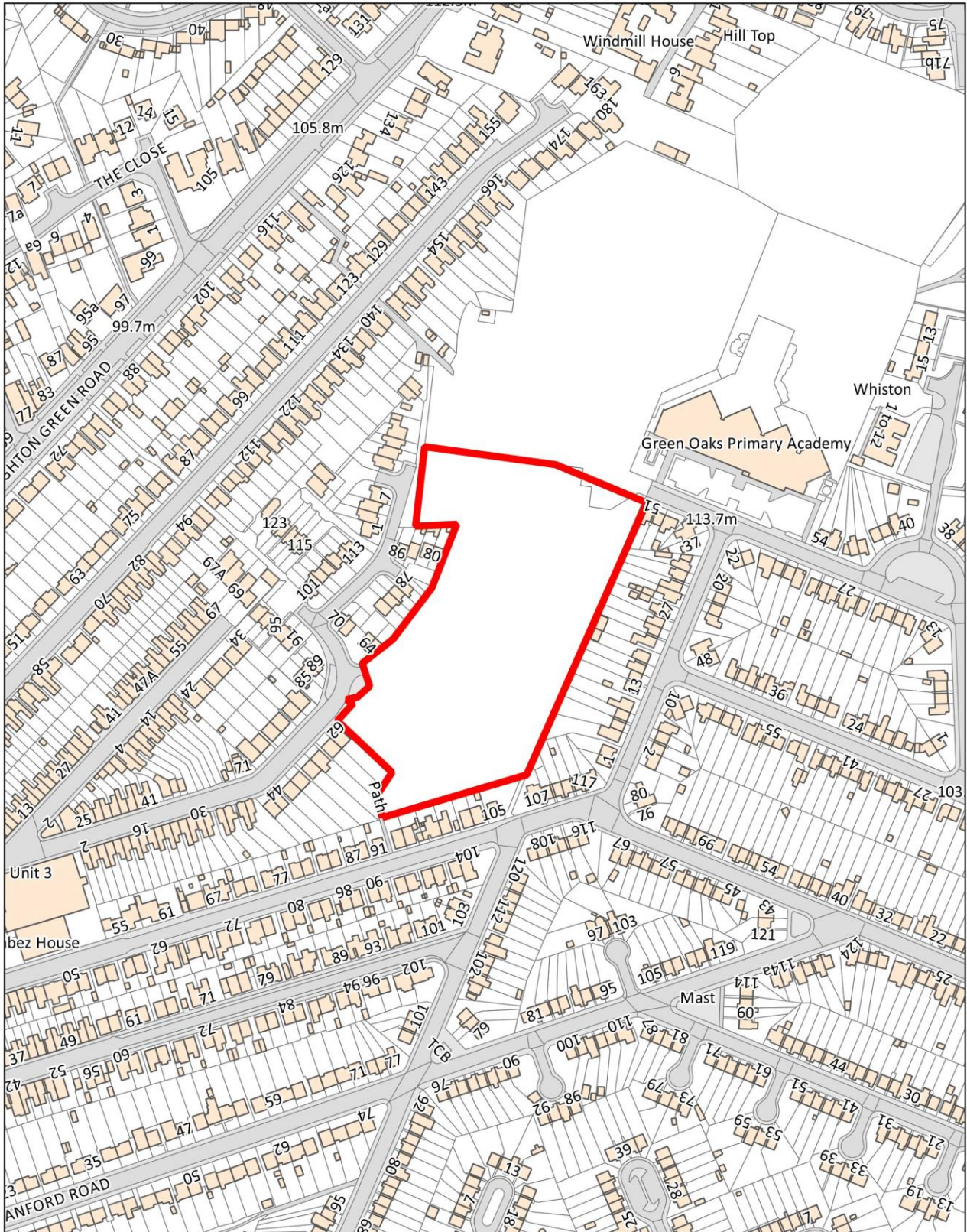
10.1 None

## **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: **Former Green Oaks Primary School, Bective Road**

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Date: 07-12-2016

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