



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 13th June 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0400

LOCATION: Former St Marys Middle School , Grange Road

DESCRIPTION: Variation of Condition 3 of planning permission N/2015/1074 (erection of 81no. dwellings) to allow alternative roof tiles and rendering to plots 38, 46, 55, 56, 66, and 78

WARD: Westone Ward

APPLICANT: Westleigh Partnerships Ltd
AGENT: RG+P Ltd

REFERRED BY: Head of Planning
REASON: Major application requiring S106 agreement

DEPARTURE: No

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 and that 10% of all dwellings are constructed to mobility standards;
- ii. A financial payment to fund the provision, improvements to connections and/or enhancements to areas of off-site public open space within the vicinity of the site;
- iii. A financial payment to fund the improvements of bus services within the vicinity of the site;
- iv. A financial payment to fund the provision of primary and secondary school education within the vicinity of the site;
- v. A financial payment to fund improvements to and/or the provision of pedestrian ways and/or cycle ways;
- vi. An obligation to ensure that the specification for the on-site proposed open space (including play equipment) is submitted to and approved by the Local Planning Authority and that this is made available for public access and is maintained in perpetuity;
- vii. A scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
- viii. The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The Conditions as contained in Paragraph 9 below and for the following reason:

The proposed variation would secure a satisfactory standard of development and a neutral impact upon the visual and neighbour amenity. As a consequence, the proposed amendment is in conformity with the requirements of the National Planning Policy Framework, Policy S10 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 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 Full planning permission was previously granted to erect 81 dwellings and construction works have commenced. This comprised 73 houses (breaking down to 19 two bedroom houses, 28 three bedroom houses and 26 four bedroom houses) and 8 one bedroom flats. The proposed dwellings were arranged in two groups, with 29 being accessed from Grange Road and the remaining 52 being accessed from Booth Lane South. This permission was subject to a condition requiring the building to be constructed from a prescribed palette of materials. It is now proposed that to vary the materials on six plots.

3. SITE DESCRIPTION

- 3.1 The application site was formerly a school; however, the site has, in the main, been cleared as the school use ceased in 2004 following a review of education provision in the Borough. Part of the site has subsequently been redeveloped to form the St Gregory's Primary School.
- 3.2 The nature of the surrounding area is predominantly residential in character. Dwellings in the vicinity are typically of two storeys in height and are generally houses.

4. PLANNING HISTORY

- 4.1 06/0130/OUTWNN – Outline Planning Application for residential development, with all matters reserved, except access – Approved.

N/2011/1266 – Application to extend time limit for implementation of 06/0130/OUTWNN for residential development including means of access (all other matters reserved) – Approved 2014.

N/2015/1074 – Erection of 81no. dwellings comprising 1-bed flats, 2, 3 & 4 bed houses and associated access roads and 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 The NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (Paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant developments on sites that are sustainable.
- 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. This is expanded upon in Paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.
- 5.5 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.
- 5.6 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (Paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (Paragraph 17).
- 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. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

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 S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.10 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.

5.11 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

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 states that new buildings should be of an appropriate design; minimising crime and anti-social behaviour; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles.

5.14 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

5.15 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2016
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

6.1 None received.

7. APPRAISAL

7.1 Condition 3 of Planning Permission N/2015/1074 required that the 81 dwellings permitted be constructed from a specific palette of materials, which were of a general traditional appearance and included a variety of red bricks, including those of a red mixture. This ensured that the development would be of a good standard and made a positive impact on the visual amenity of the locality.

7.2 The proposed variation would broadly maintain this established palette, but would seek amendments to the final finished materials of six properties. These dwellings would now be constructed with a rendered finish, with brick detailing. It is considered that this proposed amendment would assist in adding interest to the streetscene of the proposed development, given that these dwellings would be located at key points in the development adjacent to the entrance from Booth Lane South and within key vistas, such as those in close proximity to the public open space.

7.3 Given the proposed dwellings would not increase in size or change in form, this proposed amendment would not cause any different impact upon the amenities of surrounding properties in terms of matters such as light, outlook and privacy. As a consequence, the proposed amendment is acceptable in this regard.

7.4 The proposed variation would, in effect, create a new 'chapter' of the site's planning history and it is necessary to restate all of the previous conditions that were applied to the original planning permission, and for a new legal agreement to be entered into. This would encompass the same Heads of Terms as the original Section 106 Agreement and would include the same amount of affordable housing, on and off site open space, education, highway works and construction worker training opportunities. As a result, the previously agreed infrastructure and mitigation would be secured going forward.

8. CONCLUSION

- 8.1 The proposed amendments of relatively small scale and would have a neutral impact on visual amenity and neighbouring properties. As a result, they are in conformity with the requirements of national and local planning policies.

9. CONDITIONS

- 9.1 1. 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.

2. The development hereby permitted shall be constructed in accordance with the materials detailed on drawings 40367 125B.

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.

3. The development hereby permitted shall be carried out in accordance with the proposed ground levels and finished floor levels as shown on drawings WD/260/07 and WD/260/08.

Reason: In the interests of residential and visual amenity 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 and to the area of public open space 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. The development hereby permitted shall be carried out in accordance with the requirements of the submitted Ground Investigation Report (reference: STD1120G-G01).

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.

6. 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.

7. All trees shown to be retained in the approved plans shall be protected for the duration of the development by stout fences to be erected and maintained on alignments in accordance with the details submitted to the Council on the 27th September 2016.

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 BN3 of the West Northamptonshire Joint Core Strategy.

8. Notwithstanding the details submitted, full details of lighting to serve the pedestrian link adjacent to Plot 31 (as shown on drawing 40367 001H) 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 occupation of Plot 31 and shall be retained thereafter.

Reason: In the interests of creating a safe and secure form of development in accordance with the requirements of the National Planning Policy Framework.

9. Full details of the provision for the storage of refuse and materials for recycling to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

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

10. All planting, seeding or turfing comprised in the approved landscaping scheme as shown on drawings 16.1249.001 A; 16.1249.002 A; 16.1249.003 A; 16.1249.004 A; 16.1249.004 A; 16.1249.005; 16.1249.006; 16.1249.007; 16.1249.008; 16.1249.009; 16.1249.010; 16.1249.011; and 16.1249.912 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 the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a travel plan for employees shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented at all times that the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the reliance on the private car for journeys to work in accordance with the National Planning Policy Framework.

12. The development hereby permitted shall be implemented in accordance with the details contained within the Construction Environment Management Plan (CEMP), as submitted to the Council on the 27th September 2016.

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

13. The development hereby permitted shall be carried out in accordance with the surface water drainage scheme as shown on drawings WD/260/05; WD/260/06; WD/260/13; WD/260/14; WD/260/23; WD/260/24; and WD/260/26.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the requirements of the National Planning Policy Framework.

14. The car parking spaces and vehicle manoeuvring areas as shown on drawing 40367 001H shall be fully implemented prior to the first occupation of the development hereby permitted.

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

10. BACKGROUND PAPERS

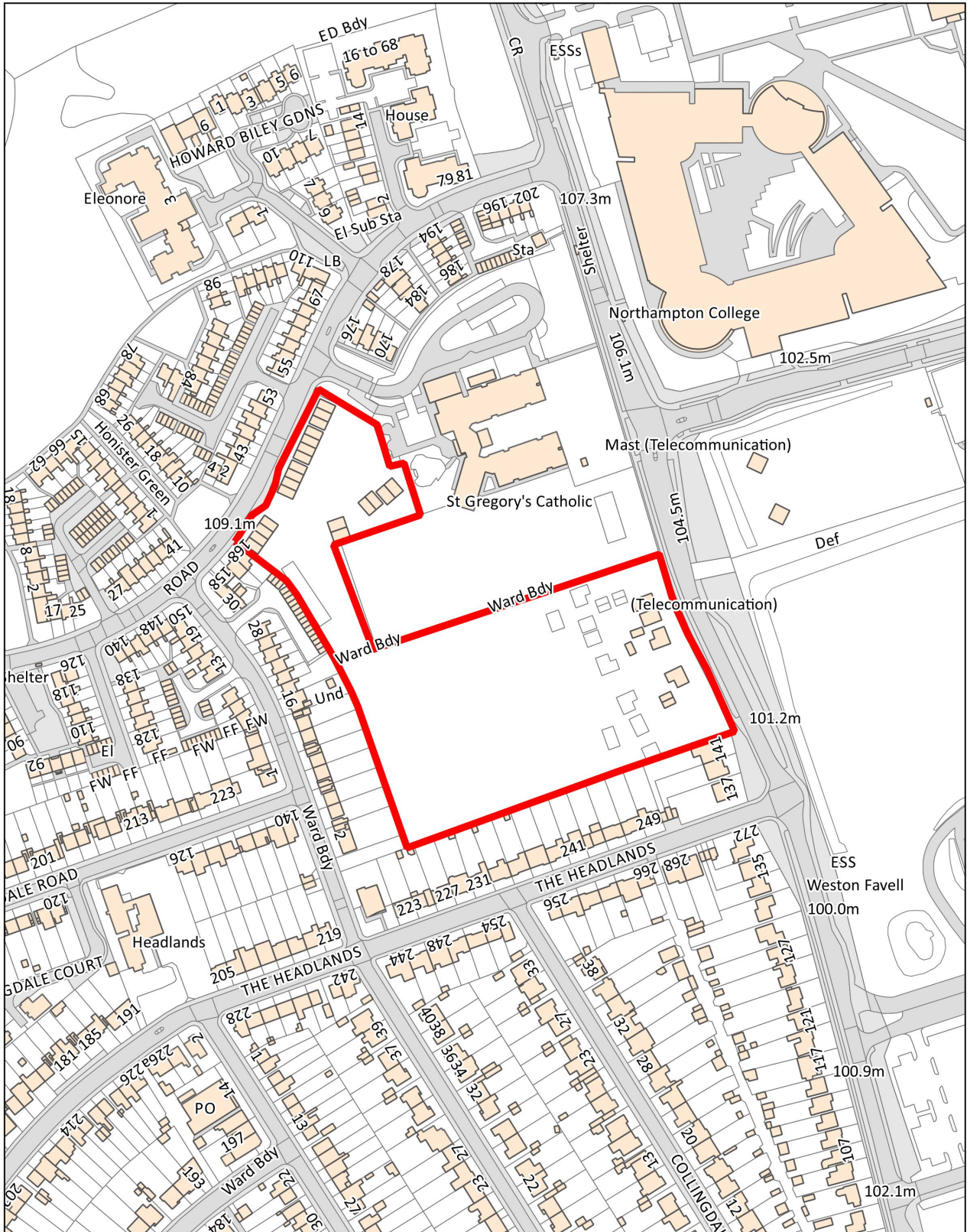
10.1 N/2015/1074.

11. LEGAL IMPLICATIONS

11.1 The development would be CIL liable, but not chargeable. The Section 106 Agreement would include financial obligations for, amongst other matters, Secondary education and highway works.

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 St Marys Middle School, Grange Road**

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Date: 01-06-2017

Scale: 1:2,500

Drawn by: -----