



**PLANNING COMMITTEE:** 23<sup>rd</sup> October 2018  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1593

**LOCATION:** University Of Northampton Park Campus , Boughton Green Road

**DESCRIPTION:** Variation of Condition 6 of N/2014/0475 (Outline permission for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units) to amend wording of condition to ensure the provision of an average of two parking spaces per dwelling (up to a maximum of 800 dwellings)

**WARD:** Obelisk Ward

**APPLICANT:** University of Northampton  
**AGENT:** Savills

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

**DEPARTURE:** Yes

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

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

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a Legal Agreement to secure:

- 1.1
- i) On-site affordable housing;
  - ii) A payment towards education provision;
  - iii) An additional payment towards education; affordable housing; open space; and/or health care provision as may be determined by the Council;
  - iv) The provision of on-site open space and sports facilities and for this space to be continually maintained and made available for public access; and
  - v) The Council's monitoring fee.

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 and H1 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 Policy INF1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 The applicant has applied to vary Condition 2 of the original planning permission, which required the provision of a minimum of 1,600 car parking spaces across the entirety of the development and was predicated on the basis that the final developer would build the maximum permitted number of dwellings. As this appears to be no longer the case, it is proposed that this condition be amended so that an average of two spaces per dwelling can be provided.
- 2.2 As this would result in the granting of a new planning permission, a new Section 106 Agreement would need to be entered into.

## **3. SITE DESCRIPTION**

- 3.1 The application site consists of an area of approximately 30 hectares in area that is situated south of Boughton Green Road. The site was originally developed in the early 1970s. The site forms one of two campuses within Northampton and features a number of buildings that support the academic function of the operator. The buildings are of various styles and scales, although the general trend is that buildings are between one and three storeys in height. The site also features residential accommodation for 1,300 students, sports facilities, students union and shops.
- 3.2 Following the opening of the new campus at Waterside, the academic use of Park Campus has ceased, apart from the retention of various units of student accommodation to the east of the site. It is understood that the commencement of the redevelopment process is imminent (commencing with the demolition of the now disused academic buildings).
- 3.3 The site features two vehicular accesses that are both situated within Boughton Green Road. The site currently features 1,608 car parking spaces. A footpath running from Boughton Green Road that links into the network of open space to the south and east of the site is situated adjacent to the south western boundary.
- 3.4 The surrounding area is characterised by a mixture of residential accommodation, which is generally situated north, west and south west of the application site. The area to the east of the site is in use for a variety of commercial purposes. These buildings are of a variety of scales and styles. The site is also adjacent to two other academic institutions: Kingsthorpe College and All Saints Primary School.

## **4. PLANNING HISTORY**

- 4.1 N/2014/0475 – Outline application (with all matters reserved, except access) for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units, associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road – Approved 19.09.14.

## **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.

Paragraphs 7-12 – Presumption in favour of sustainable development

Paragraph 60 – Housing needed for different groups in the community

Paragraph 76 – Viability within residential developments

Paragraph 127 – Creating places with a high standard of amenity for existing and future users

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Paragraph 109 – development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Section 12 – Achieving well-designed places

## 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.

Policy S1 – Distribution of development

Policy S3 – Scale and distribution of housing development

Policy S10 – Sustainable Development Principles

Policy H1 – Housing Mix

Policy H2 – Affordable Housing

Policy INF1 – Infrastructure delivery

Policy INF2 – Contributions to infrastructure requirements

## 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.

Policy E20 – New development

Policy H17 – Housing for those with disabilities

## 5.5 Supplementary Planning Documents

Northamptonshire Parking Standards

Developer Obligations

## 6. CONSULTATIONS/REPRESENTATIONS

### 6.1 Environmental Health (NBC) – No objections.

6.2 Highway Authority (NCC) – Object on the grounds that it is considered that the assessment of parking provision should be judged to the requirements of the revised standards, adopted in 2016.

## 7. APPRAISAL

7.1 The proposed amendment to the parking provision was agreed by the Council's Planning Committee in April 2017. There have been no changes to planning policy in the intervening period, nor have any other significant developments been permitted within the environs of the application site.

7.2 Furthermore, it would appear that the likely number of dwellings to be constructed on the site may be a little lower than the maximum number permitted in 2014. The current wording of the condition lacks the flexibility to address this scenario. Therefore, should the condition stay as worded, there is a risk that the developer would be required to provide a greater number of parking spaces than would be strictly required. This would potentially reduce the ability to retain as many trees or areas of green space as possible. As a consequence, it is considered that the principle of varying the condition regarding parking provision remains acceptable.

7.3 The varying of a condition creates a new 'chapter' in the planning history of the site and, as a consequence, a new Section 106 Agreement needs to be entered into. A legal agreement entered into in 2014 secured an element of affordable housing (8%) with a separate legal agreement covering the financial payment towards education provision. The reason for the reduced Heads of Terms at that time was that it was appreciated that the site was marginal in terms of viability and that the university needed to reinvest a significant proportion of the capital receipt for the land into the development of the new university campus.

7.4 Owing to the nature of the applicant, it was always envisaged that the site would be sold to a housebuilder after the granting of planning permission, in order to implement the approved housing. When this permission was granted, a further Section 106 Agreement was entered into which specified that should an expected purchase price be reached, the Council would receive 50% of any additional receipts, which could be used for further off site mitigation or infrastructure. This therefore means that the development, as currently permitted, is subject to a number of differing Section 106 Agreements. The creation of a new planning permission would effectively allow for all agreements to be merged into one, which creates a more streamlined process that can be better understood by all parties, including members of public and prospective purchasers of the permitted dwellings.

7.5 This was accepted owing to the desirability of bringing forward the site for residential accommodation on the grounds that the Council could not demonstrate a five year housing land supply. This situation remains. In addition, the development of the new university campus was identified as a key regeneration objective for the town, as well as resulting in the appropriate reuse of a significant, previously developed site on the periphery of the town centre. A new campus would also improve the tertiary education offer within the town.

7.6 Since 2014, the site has been marketed and it is understood that agreements are in place for a house builder to take possession of the site and to bring forward the proposal and to that affect, the Council has approved the first phase of the Reserved Matters.

7.7 It is noted that the site sale has progressed and the final purchase price is now known. Whilst this is higher than originally anticipated, it is also understood that the build costs and relocation of the new campus are significantly higher than that expected in 2014. To that affect, the applicant has submitted an updated and revised viability report, which has been the subject of a thorough, independent assessment by the Council's own consultants. This process has revealed that the increase in costs has been substantial and are an unavoidable result of the construction of the campus and relocation of activities. This process has also demonstrated that this increase in costs means that potentially no Section 106 obligations could be justified due to the links between the two sites.

- 7.8 This situation has been discussed at length with the applicant, who has stated that their intention is not to remove all such obligations and that they would prefer to make a contribution towards infrastructure within the vicinity of the Park Campus site. As a compromise solution, the applicant has made an offer that the previously agreed levels of affordable housing and education contributions are maintained and that instead of the 'purchase price excess', a further, significant, payment be made to the Council which would be utilised for education, healthcare, open space or off site affordable housing (at its discretion).
- 7.9 Whilst this new figure would be less than the originally agreed 'purchase price excess', it would be higher than one of the scenarios envisaged in 2014 (i.e. there was a chance that the 'purchase price excess' may not ever need to be activated) and would also be higher than the offer that could be made given the changes in viability in the intervening period since 2014 as discussed above.
- 7.10 In light of this scenario, it is considered that the proposed new Heads of Terms, as identified in paragraph 7.8 above, are acceptable. Furthermore, weight should also be given to the fact that the new campus has recently began operating and this has a significant positive impact upon the viability and vitality of the town as a whole. Furthermore, the resolution of this particular matter would enable the delivery of a significant number of houses within this site, which would make a significant contribution to addressing the need for new housing within the Borough.
- 7.11 It is also noted that, at present, the university intends to retain the on site purpose built student accommodation in the eastern section of the site. This is important as once the permission has been implemented anywhere on the larger campus, this area could be redeveloped for housing under the provisions of the 2014 permission. It would not be desirable for this section of the site to come forward without consideration for Section 106 matters. This could be overcome by securing the affordable housing provision, the education contribution and the additional financial contribution against the sections of the site where residential development is expected in the foreseeable future. A separate obligation would be entered into which would require the submission of a further viability appraisal for the student accommodation portion of the site as and when it comes forward for residential developments, which would enable further mitigation to be secured if viable.

## **8. CONCLUSION**

- 8.1 Due to the lack of changes in material considerations, it is considered that the variation of condition in respect of parking provision remains acceptable. Following a review of the mechanisms for the securing of mitigation through the Section 106 legal agreement process, the revised Heads of Terms are also considered acceptable.

## **8. BACKGROUND PAPERS**

- 8.1 N/2016/1593

## **9. CONDITIONS**

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

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

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the 18<sup>th</sup> September 2020.

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

(3) The development hereby permitted shall be begun either before 18<sup>th</sup> September 2024, or, if later, before the expiration of six years from the date of approval of the last of the reserved matters to be approved.

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

(4) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 (Rev. C); and 002.

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

(5) The development hereby permitted shall be for a maximum of 800 dwellings and a maximum of 500 square metres of nett floor space for uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure conformity with the National Planning Policy Framework.

(6) The development hereby permitted shall include an average of at least two car parking spaces per dwelling.

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

(7) The development hereby permitted shall be carried out in accordance with the Building Heights Parameter Plan (drawing number Z-01-007, Rev. P1).

Reason: In the interests of visual and residential amenity in accordance with the National Planning Policy Framework and the Northampton Local Plan.

(8) Prior to the commencement of development, a phasing plan for the implementation of the development 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 securing a satisfactory development in accordance with the National Planning Policy Framework.

(9) Prior to the submission of any reserved matters application, a Masterplan and Design Code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be formulated having regard to the approved Design and Access Statement, parameters plan, landscape strategy and shall respond to the recommendations of Building for Life 12 and shall include the following details.

i) A phasing plan of the development, including an affordable housing plan.

ii) The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycle connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking.

iii) The proposed layout, use and function of all open space within the development.

iv) The approach to and design principles applied to car parking (on and off street), including surface treatments.

v) Phase layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.

vi) The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.

vii) External materials to include a palette of wall and roof finishes, porches, heads, cills, chimneys, eaves and verges in addition to the colour palette for doors, windows and rain water goods.

viii) The design principles that will be applied to the development to encourage security and community safety.

ix) The routing and treatment of all footpaths and pedestrian routes throughout the site.

Thereafter, any reserved matters application for any phase of the development shall comply with the principles established within the approved Design Code.

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

(10) Notwithstanding the details submitted, full swept path analysis for four axle Heavy Goods Vehicles and junction visibility splays at the junctions with Boughton Green Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and the junctions with Boughton Green Road 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 National Planning Policy Framework.

(11) The development hereby permitted shall be carried out in accordance with the Method Statement for the retention of trees along Boughton Green Road report (dated July 2014) and the Tree Impact Appraisal (dated July 2014).

Reason: In the interests securing a satisfactory standard of development in terms of the impacts upon the site's trees in accordance with Policy E11 of the Local Plan.

(12) Details and/or samples of the proposed external facing materials for the resited boundary wall adjacent to Boughton Green Road 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.

(13) 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 then 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.

(14) Prior to the commencement of development on each phase of the development an assessment of the noise exposure of each habitable room on the exposed façades due to transportation, which must take into account the likely growth of traffic over the next 15 years shall be submitted to and approved in writing by the Local Planning Authority.

Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of  $L_{Aeq, 8 \text{ hour } 30\text{dB}}$  with window open, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will require the provision of ventilation or heat control systems. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of each affected dwelling and retained thereafter.

Reason: In the interests of securing a satisfactory standard in terms of residential amenity in accordance with the National Planning Policy Framework.

(15) Prior to the commencement of development on each phase of the development, a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the first occupation of each phase of the development and retained thereafter.

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

(16) Prior to the commencement of development on each phase of the development, a surface water strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the construction of any areas of hard standing within each phase of the development and retained thereafter.

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

(17) Prior to the first occupation of each phase of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the phase and retained thereafter.

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

(18) The development hereby permitted shall be carried out in accordance with the recommendations of paragraphs 7.5.9 and 7.5.10 of the Environmental Statement (dated April 2014) in respect of biodiversity mitigation.

Reason: In the interests of securing a satisfactory standard of development in terms of mitigating the impacts of the proposal on biodiversity.

(19) The development hereby permitted shall retain the ha-ha as shown on the Illustrative Landscape Masterplan (revision B).

Reason: In the interests of maintain a feature of historical interest in accordance with the National Planning Policy Framework.

(20) 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.

(21) The retail development hereby approved shall only be open to customers between the hours of 7am and 10pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(22) All deliveries to the retail development hereby approved shall take place during the hours of 6.30am and 8pm only on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(23) Prior to the first occupation of the retail development, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise from the retail development whether from fixed plant or equipment or noise generated within the building(s) and the provisions to be made for its control. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the retail development and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(24) No development within any phases of the development shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 0.5% probability critical storm with climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall comply with the principles set out in the agreed Flood Risk Assessment and shall also include details of how the scheme shall be maintained and managed after completion

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

(25) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the approved details.

Reason: To ensure the potential risks to controlled waters from contamination at the site are protected in accordance with the requirements of the National Planning Policy Framework.

(26) 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 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 the advice contained in the National Planning Policy Framework.

(27) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

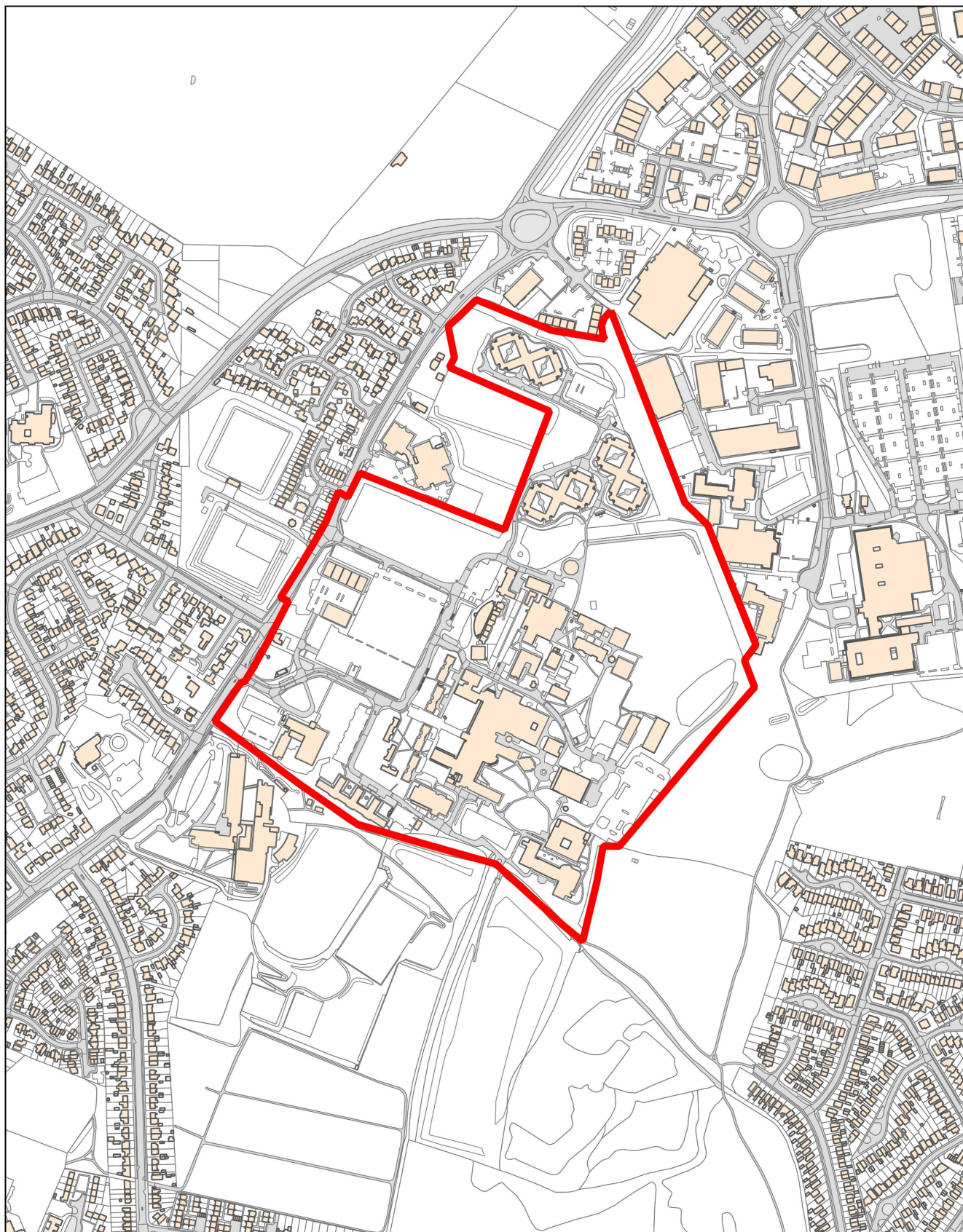
Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration and in accordance with the requirements of the National Planning Policy Framework.

## **9. LEGAL IMPLICATIONS**

9.1 None

## **10. SUMMARY AND LINKS TO CORPORATE PLAN**

10.1 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: **University of Northampton, Park Campus**

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Date: 31-03-2017

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