



PLANNING COMMITTEE: 18 October 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0504: Demolition of existing school buildings and erection of 14 dwelling houses and associated access and car parking
Former St James Church of England Lower School, Greenwood Road, Northampton

WARD: St James

APPLICANT: Stead Goodman
AGENT: RG+P

REFERRED BY: Cllr. T. Wire DL
REASON: The building is of historical interest and concerns exist regarding access and car parking

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the prior completion of a S106 legal agreement and conditions and for the following reason:

The proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. As a result of this, the proposal complies with the requirements of PPS1, PPS3, PPS5, PPS23, PPS25, PPG13 and PPG24 and Local Plan Policies E20, E40 and H6

1.2 The S106 agreement shall secure the following matters:
i) Payment is made to fund the provision of primary school education within the vicinity in order to meet the future needs of occupiers of the proposed development
ii) Payment is made to fund improvements to the provision of open space within the environs of the application site.

- 1.3 It is also recommended that in the event that the S106 legal agreement is not secured within three calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 The applicant seeks permission to erect 14 houses within the now disused school site. This composition of house types comprises 12 three bedroom dwellings and two, four bedroom dwellings. The proposed development would include the provision of 16 on site car parking spaces. Access to the site would be provided via Greenwood Road. As a result of this, the access road from Althorp Road would not be utilised for the proposed development. The dwellings would be of 2.5 stories in height.

3. SITE DESCRIPTION

- 3.1 The application site was previously used as a school and opened in 1866. Construction work on the church located to the south of the site, commenced in 1868. The Church is a Grade II Listed Building, although no such designation can be attached to the school buildings. The educational use of the site ceased approximately four years ago. The surrounding land uses are predominantly residential in nature, although the St James Centre is located to the south of the application site. The site is located within Flood Zones 2 and 3.

4. PLANNING HISTORY

- 4.1 None relevant.

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPS23 – Planning and Pollution Control

PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise

- 5.3 Northampton Borough Local Plan
E20 – New Development
E40 – Planning and crime and anti-social behaviour
H6 – Residential Development

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards
Planning Out Crime in Northamptonshire

6. **CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Environment Agency** – It is considered that the development passes the sequential test. The submitted Flood Risk Assessment is compliant with PPS25 and therefore there are no objections subject to conditions requiring that the development is carried out in accordance with the recommendations of the FRA including finished floor levels and drainage systems.
- 6.2 **Development Management (NCC)** – Would request that a financial contribution is secured to provision of primary school education within the vicinity. This is required on the basis that there is already limited capacity in terms of school places, which would be exacerbated by the type of the proposed development. Financial payments are also requested towards the fire and library services.
- 6.3 **Highway Authority (NCC)** – Commenting on the position of the pedestrian access adjacent to Greenwood Road and requesting amendments to its position and the layout of the road in this respect. The provision of five in line parking spaces should be amended to four and the size of the parking spaces adjacent to Plot 4 should be increased to a combined 11m. The provision of a privacy strip is required adjacent to Plot 3 and the surface treatment adjacent to parking near this dwelling should be revised. It is also considered that only two parking spaces can be provided within St James Road. *(Officer's Note: Revised plans have been submitted that address some of these points and are the subject of further consultations. Any additional comments will be reported to the Committee by means of the addendum. A discussion of highway matters follows.)*
- 6.4 **Northamptonshire Police Crime Prevention Design Advisor** – The boundaries of Plots 8-12 will need to adequately treated in order to prevent forced entry from the alleyway to the rear. Access gates would need to be fitted with locks. Car parking spaces should be overlooked in order to provide security and a uniform level of lighting should be provided.

- 6.5 **Public Protection (Environmental Health) (NBC)** – There is the potential for amenity to be lost as a result of nearby traffic noise. Therefore a condition requiring an assessment of noise levels is required and, where appropriate, noise mitigation measures identified.
- 6.6 **Conservation (NBC)** – The site is not curtilage listed and therefore an application for Listed Building Consent is not required. The key conservation issue is therefore the impact of St James Church, a Grade II Listed Building. In respect of this the site layout creates an open vista to the rear of the church. There are concerns regarding the number of dormer windows within the building and it is considered that position of some of the dwellings could be revised to provide a greater sense of enclosure, although it is recognised that this could cause some logistical problems. The house types selected are appropriate for its context.
- 6.7 **Cllr T. Wire DL** – The buildings are of historic interest and some of the site's features could be retained. There are also concerns regarding the access to the site and the level of car parking.
- 6.8 **St James Residents Association** – Objecting to the proposed as the demolition of the school buildings would remove a feature that has played a significant part in the history and culture of the St James area. It is also claimed that the buildings are curtilage listed and therefore should be retained. Demolishing good quality buildings is not environmentally sustainable, particular as parts of St James and Weedon Road have poor air quality.
- 6.9 A second letter has been submitted by the Residents Association, which comments further on the linkages between the school and church. In particular, the church operated within the school buildings prior to the erection of the place of worship. Further links can be demonstrated through the name of the school, that the vicar of St James Church has always been a governor of the school and that the school and church buildings are of a comparable style. The proposed development will put more pressure on local schools. St James also lacks many facilities and a Section 106 Agreement could contribute to the area's needs.
- 6.10 **St James's Church** – The present school buildings provide security to the church and it is important that this security is maintained. It would be preferred that the rear boundary of the site be marked by a 2m brick wall and that street lighting be provided.
- 6.11 **10 Althorp Road** – The garden of the new houses is adjacent to the site boundaries, which does not give room for maintenance to existing garages. Access from Althorp Road is private. Parking within the area is already difficult and the proposed development incorporates limited car parking, particularly when compared to the scale of the dwellings.

- 6.12 On account of revised plans being submitted, this report is prepared prior to the conclusion of the consultation period. Therefore any additional consultation responses will be brought to the attention of the Committee by means of the addendum.

7. APPRAISAL

Principle of the development

- 7.1 On account of the site being located within an existing primary residential area, it is considered that the principle of developing this site for residential purposes is acceptable.
- 7.2 The design of the proposed houses makes reference to the prevailing vernacular in terms of the form of buildings, the proposed materials and the use of comparative features, such as door and window detailing. In addition, the linear pattern of the proposed dwellings reflects the surrounding character. By creating a central roadway into the development, a vista would be created in which, the rear window of St James's Church would be clearly visible from within the development and Greenwood Road and as a result of this, it is considered that a positive contribution to visual amenity would be secured.
- 7.3 By reason of the separation distances of approximately 20m in instances where rear elevations of the existing dwellings directly face onto rear elevations of the proposed dwellings it is considered that there would be no undue detrimental impact upon the amenities of surrounding properties in terms of securing a satisfactory level of light, outlook and privacy for both the occupiers of proposed and existing dwellings. Although the proposal features a number of dormer windows, it is considered that due to the separation distances between the proposed and existing dwellings, combined with the oblique angles between some of the dwellings, this arrangement would not lead to any significant loss of privacy to surrounding residents. As a result of these considerations, the proposed development complies with the requirements of Local Plan Policies E20 and H6.
- 7.4 It is considered that there would be adequate natural surveillance of the site's car parking spaces offered by the proposed site layout and therefore the scheme is in accordance with the requirements of Local Plan Policy E40 within this regard. It is noted that Northamptonshire Police's Crime Prevention Design Advisor has recommended a number of specifications in relation to items such as gates, doors and windows. Whilst these are not land use planning matters, it is recommended that if the scheme were approved, informative notes covering these matters be included within the decision notice.

- 7.5 In order to secure a satisfactory standard of development and due to the positioning of the site close to the St James centre with reference to the advice of the Council's environmental health service, a condition requiring an assessment of noise levels is necessary in order to ensure that the proposed development complies with the requirements of PPS24 – Planning and Noise. A further condition is proposed that would require details of potential contamination and remediation to be submitted.

Heritage considerations

- 7.6 The site is adjacent to the Grade II Listed St James's Church. Representations have been submitted debating whether the school buildings are curtilage listed. In determining if a building holds curtilage listed status the following tests are applicable.

- the historical independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of listing;
- whether the structure forms part of the land; and
- the use and function of the buildings and whether a building is ancillary or subordinate to the principal building.

- 7.7 In terms of the history of the building, the school opened in 1866. Construction work on the church commenced in 1868 and the church site being consecrated in 1871. As a result of this, it would appear that the school was built as a separate entity and not as an ancillary element of the church. The school was constructed as a 'national school', which like many Church of England Schools had a relationship with the church; however, they were not run by the church or controlled by it and as a result of this it would appear that the school exercised operational independence from the adjacent church.

- 7.8 The original conveyance describes the site as being bounded to the north by St James National School. The conveyances for the school site date from 1865, 1889 and 1900 with that conveyance being held by the Bishop of Peterborough in his corporate capacity as Bishop as opposed to his ecclesiastical role. This is in contrast to the original conveyance for the church site, which dates from 1870 and was held by the Church Commissioners. Therefore, although it would appear that there are links between the two sites, they were owned by two different bodies and this situation has been maintained throughout the lives of the buildings, with the school site now being in the ownership of the applicant.

- 7.9 A further factor to emphasise the differentiation between the school and the church is that in the main, the school would have derived its funding from various national and Governmental sources with the intent of providing educational facilities. As such, the school would

not have been reliant on the church for its existence and from this, it can be concluded that the two buildings were not linked to the extent where they could be said to occupy the same curtilage.

- 7.10 The two sites have clearly defined curtilages, with the site entrances from the church site (onto St James Road) and the school site (onto Greenwood Road) being of differing styles and types, thereby reinforcing the idea that the buildings are not within the same curtilage. Furthermore, a low wall is in place between the boundaries between the two buildings that appears to date from the time of the school's construction. By reason of this layout, it is considered that the school cannot be considered ancillary to the church or within its curtilage.
- 7.11 For these reasons, it is considered that the school is not curtilage listed and consequently it does not benefit from protection as a heritage asset. Hence, the matter of demolition can be given little weight within the determination of the application. It is therefore considered that refusal of this application on the grounds that the buildings would be lost would be unreasonable and could not be sustained.
- 7.12 Notwithstanding this, it is considered that the buildings do have social interest relating to the development of the St James area and as a result of this, it is considered that should the application be approved, it be subject to a condition that would require details of the school buildings to be recorded in order to aid future understanding of the area's past. By reason of these factors, it is considered that the proposed redevelopment of the site would not be contrary to the requirements of PPS5 – Planning for the Historic Environment.

Flooding

- 7.13 As set out previously, the application site is located within Flood Zones 2 and 3. The applicant has submitted, in support of the application, a Flood Risk Assessment, which has demonstrated that the proposal would not have an undue detrimental impact upon flood risk within the vicinity of the application site and other locations. In order to achieve a satisfactory standard of development, conditions are proposed that would cover the finished floor levels within the development and require that details of foul water drainage are submitted to and approved by the Local Planning Authority.
- 7.14 Further to this, the sequential test as required by PPS25 – Development and Flood Risk has been passed and by reason of the satisfactory flood risk statement being submitted, the fact that the site would represent the reuse of previously developed land and by reason of the site's sustainable location, it is considered that the proposal has also passed the Exceptions Test detailed within PPS25. The Environment Agency has raised no objection. For these factors, it is considered that the proposed development complies with the

requirements of PPS25, with regards to ensuring that developments do not increase flood risk.

Highways

- 7.15 The proposed layout includes the provision of 15 car parking spaces. Additional spaces (of which four are shown on the submitted plans) are to be created through the removal of existing car parking restrictions within Greenwood Road. It is considered that this provision is acceptable given the close proximity to the St James Centre, which includes access to public transport and other services and business as well as the closeness of Victoria Park.
- 7.16 Comments have been received regarding the size of the car parking spaces, although it should be recognised that the bulk of the car parking spaces comply with the standards as set out within the County Council's Parking Supplementary Planning Guidance. The sole exception to this is that the tandem spaces that serve Plot 4, which have a depth of 4.85m as opposed requested 5.5m. However, given that these spaces would be in the control and use of the same household and are the same size as the non-tandem spaces, it is considered that this arrangement is acceptable.
- 7.17 The proposal has been amended during the application process to increase the size of the turning head. This amendment ensures that there is sufficient space within the site to allow for large vehicles to turn around without needing to reverse onto Greenwood Road. Furthermore, the site entrances have been amended to increase the level of visibility in the interests of highway safety.
- 7.18 On account of the slightly differing land levels between Greenwood Road and the application site, the access road would need to gradually slope upwards for a distance of 7m. The scheme has been designed so that this change in levels has been set back from the front boundary of the site in order to allow those pedestrians that are crossing the site entrance to have a level surface to cross on and have a reasonable level of visibility of vehicles entering and leaving the development.
- 7.19 It is noted that concerns have been raised by NCC as Highway Authority regarding this arrangement, however, it is considered that pedestrians are more likely to cross the access road at its junction with Greenwood Road as opposed to entering the site and crossing away from junction. As a level surface has been provided and a good level of visibility is available, it need not form a reason for refusing this application.
- 7.20 The proposed layout of pavements is considered satisfactory given the mews style of development that has been proposed, combined with the comparatively low level of traffic and low speeds. The comments received from the Highway Authority regarding the surface

treatments adjacent to the car parking space in front of Plot 3 would be addressed via a condition. For the above reasons, it is considered that the proposal is compliant with the aims and objectives of PPG13 – Transport.

Planning obligations

- 7.21 The key tests in determining the justification for planning obligations are laid out in Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010, which states that planning obligations must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 7.22 On account of the proposed development being for family housing, it follows that a reasonable number of school age children would be residing within the development. It is therefore considered that the requirement of a financial payment towards the provision of education payment is necessary and reasonable and related to the type of the development proposed. Furthermore, the application site is located within an area in which the surrounding primary schools have a limited capacity, which is projected to remain the case for the foreseeable future. It would appear more likely that residents occupying one of the proposed dwellings would prefer for their children to attend one of the more local primary schools and therefore due to the shortages of places, a financial payment is directly related to the scale and type of the development and is therefore in accordance with the requirements of Circular 05/05.
- 7.23 No on-site public open space has been proposed. If an on site provision of open space were to be insisted upon, it would be of such a small scale that it would not be a practical nature. Therefore, it is considered that an off site contribution to enhance existing recreational facilities is a reasonable alternative. Given the proximity of Victoria Park, a potential project would be the installation of lighting to the park's multi-use games area.
- 7.24 The County Council has also requested financial contributions towards funding of library and fire services. However, given the scale and type of the development, the fact that it is not clear how such contributions would not be directly related to the proposed development and as described above, such capital costs can no longer be pooled and secured by a Section 106 Agreement, it is considered that any request for a financial contribution to these matters could not be reasonably sustained.

8. CONCLUSION

- 8.1 It is considered that the principle of developing this site for residential purposes is acceptable due to the character of the surrounding area and the neighbouring land uses. Although the proposal would see the loss of the former school buildings, these are not listed and therefore there is no statutory protection of these structures. Furthermore, although the site is of a limited size, it is considered that the proposed dwellings are of a good standard of design and such they would make a positive contribution to visual amenity. Furthermore, a satisfactory level of residential amenity would be secured through reasonable separation distances and private amenity space. Through the Section 106 Agreement, sufficient infrastructure would be provided to meet the needs of the future occupiers of the development.

9. **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Notwithstanding the details submitted, full details of all surface treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy E20 of the Northampton Local Plan.

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

5. No development shall take place until 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 the advice contained in PPS23 Planning and Pollution Control.

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 in accordance with the requirements of Condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5 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 in accordance with Condition 5.

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 PPS23 Planning and Pollution Control.

7. Prior to development commencing the applicant shall assess the Noise Exposure Category(ies) of the site due to its exposure to transportation noise. This must take into account, where appropriate, Roads or Railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The applicant shall also submit for approval by the LPA a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site. The agreed scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: To protect the enjoyment of future occupiers of their dwellings amenity in accordance with the advice contained in PPG24 Planning and Noise.

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 indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

9. Notwithstanding the details submitted, a historical recording exercise shall take place prior to the demolition of the existing buildings. The methodology of this shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a record of the site's history in accordance with the requirements of PPS5 – Planning for the Historic Environment.

10. Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

11. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to Greenwood road 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.

12. Unless otherwise agreed in writing by the Local Planning Authority, the car parking spaces as shown on drawing 7243/010 F shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development and to ensure a neutral impact upon highway safety in accordance with the requirements of PPG13 – Transport.

13. The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment prepared by Ironside Farrar Limited, Rev A, reference 3866/SRG, dated July 2011, and the following mitigation measures detailed within the Flood Risk Assessment:

- i) Finished floor levels are set no lower than 60.80m above Ordnance Datum (AOD);
- ii) The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on

the site should be considered for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the requirements of PPS25 – Development and Flood Risk

14. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site 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 approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the requirements of PPS25 – Planning and Flood Risk.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted or outbuildings, shall take place without the prior written consent of the Local Planning Authority on Plots 5, 6, 9, 10 and 11 as shown on drawing 7243/010 G

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2011/0504

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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	03/10/11
Development Control Manager Agreed:	Gareth Jones	04/10/11



Name: CH
 Date: 5th October 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

Former St James C of E Lower School

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