



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 7th February 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0241: **Erection of 52no. dwelling houses and associated parking and open space. (As amended by revised plans received 9th December 2011).**

WARD: Old Duston

APPLICANT: Westleigh New Homes
AGENT: JS & P Architecture

REFERRED BY: Head of Planning
REASON: Major Development

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- (1) No objections being received from the Environment Agency to the revised Flood Risk Assessment.
- (2) Prior finalisation of a S106 agreement to secure:
 - The provision of an appropriate level of affordable housing within the site, given the question over viability. The level to be required to be delegated to the Head of Planning to negotiate.
 - 10% of the total units on the site to be mobility units.
 - The provision, retention and maintenance of the open space
- (3) Planning conditions below and for the following reason:

The proposed development would have no undue detrimental impact on the amenities of neighbouring occupiers as adequate separation can be provided to prevent any overlooking and overshadowing and would be in keeping with the character and appearance of the area due

to the density of development proposed. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in PPS1, PPS3 and PPG13 and PPS25.

- 1.2 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 Erection of 52 single dwellings comprising 50 two-storey houses (23 detached, 10 pairs of semis and 17 houses arranged in four terraced rows) and a pair of semi detached bungalows. The dwellings would provide a mix of accommodation ranging from 2 – 5 bed units.

3. SITE DESCRIPTION

- 3.1 The site is an undeveloped former school site north of the remaining Millway School located to the west of Tollgate Way in south Duston. A footpath runs across the site from Millway in the existing residential area to the west through to Tollgate Way.

4. PLANNING HISTORY

- 4.1 In 2006 an outline application for the redevelopment of the application site was approved by WNDC. An application for the renewal of this permission has now been submitted to the Borough Council.

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

PPG13 –Transport

PPG17 – Planning for Open Space, Sport and Recreation

PPS23 - Planning and Pollution Control

PPS 25 - Development and Flood Risk

Circular 05/05: Planning Obligations as amended by the Community Infrastructure Regulations 2010

5.3 Northampton Borough Local Plan

E19 - Implementing Development

E20 - New Development

E40 – Planning and crime and anti-social behaviour

H7 - Housing Development Outside Primarily Residential Areas

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing SPG 2004

6. CONSULTATIONS/REPRESENTATIONS

6.1 County Council Development Management – Contributions should be included for libraries, fire and rescue and fire hydrants.

6.2 Planning Policy – Principle of residential development is acceptable, some concerns regarding detail of design.

6.3 Environment Agency – objection based on the Flood Risk Assessment (FRA) as initial submitted. Comments on amended FRA awaited at the time of writing the report.

6.4 Conservation – No objections

6.5 Police Crime Prevention Design Adviser – No objections subject to amendments to suitable boundary treatment, lockable gates to alleyways, buffer between open space and adjacent houses, no furniture within the open space, overlooking and lighting of parking areas and secured by design standards being met.

6.6 Anglian Water – We are obliged to provide water and wastewater infrastructure for new housing. Assets crossing the site should be taken into account. A condition should be imposed requiring a surface water strategy / flood risk assessment.

6.7 Natural England – Further information required re impact on protected species.

6.8 Arboricultural Officer – Landscape plan and tree protection plan required.

6.9 Environmental Health – Air quality assessment required, desktop study required to investigate possibly of naturally occurring arsenic, noise insulation required.

- 6.10 **Housing Strategy** – Support the redevelopment of the site. The applicants requested a reduction in the amount of affordable units due to viability issues has yet to be agreed.
- 6.11 **Duston Parish Council** – Plans do not indicate if any of the buildings will be three storeys, concerned that the development would lead to an increase in traffic to Tollgate Way.
- 6.12 **Archaeological Officer** – A condition will be required for archaeological evaluation.
- 6.13 **Highway Authority** – raised a number of issues with the scheme as originally submitted. The site layout has been amended in response to these comments. At the time of drafting the report comments were awaited from Highway Authority but are anticipated to be received before the Committee meeting.
- 6.14 The application was advertised by site notice, press advertisement and notification letter and objections were received from the occupiers of nearby properties at **9 and 11 Millway, 609 Harlestone Road, 47 Hawkstone Close, 56 Manorfield Close and 81 Duston Wildes** (with more than one letter coming from some addresses), making the following points:
- Archaeological remains may exist beneath the site and this should be investigated.
 - A high pressure water main would be built over, this should be considered.
 - The boundary line is inaccurate.
 - Concern that affordable housing is proposed next to existing gardens, should be located adjacent to Tollgate Way.
 - Secure boundary must be provided.
 - Playing fields are being sold off to balance the books, most weekends it has been used by football clubs teaching young children.
 - The entrance to the development beggars belief, accidents occur regularly at this roundabout and the traffic impact from 100 new cars will have a significant impact on the road network.
 - Do not object to the development in principle but have concerns, particularly about the risk of flooding. The watercourse that borders the development site has a long history of flooding after heavy rains. No planning permission should go ahead without adequate investigation and plans.
 - The width of the highway spur has been reduced.
 - Incorrect to say there has been no reporting of flooding, there has been a long history of flooding.
 - Would seem sensible to culvert the open watercourse.
 - Third floor window from one of the plots would overlook our garden (9 Millway).

7. APPRAISAL

Principle Of Residential Development

- 7.1 Given that an outline application for residential development on this site has previously been approved, it is considered that the principle of residential development is acceptable and well established.
- 7.2 The majority of the site is identified as a School site in the Local Plan. This allocation is superseded by the County school's review and the site is surplus to requirements. Policy H7 is therefore relevant. This sets out the criteria which must be met for new residential developments, as follows:
- a) A satisfactory residential environment can be achieved
 - b) The development would not be at a scale and density which would be detrimental to the character of the surrounding area or would result in an over intensive development of the site
 - c) The development would comply with the council's highway design guide and guide to parking standards
 - d) The development would not be piecemeal in character and likely to prejudice the possible satisfactory development of a larger area
 - e) The development would not result in the loss of, or the loss of potential for garaging, parking, social, educational, recreational or other facilities for which there is a need in the area, or trees or land of significant amenity value.

Highways and Access

- 7.3 The site is proposed to be accessed from Millway, by means of a new spur to the existing roundabout. This represents an amendment to the outline approval which was to incorporate more significant highway alterations.
- 7.4 The site layout has been amended in consultation with the Highway Authority and following on from their comments. Although it is anticipated that the revised layout will be acceptable to the Highway Authority, at the time of writing this report final confirmation of this was awaited.

Design and Layout

- 7.5 The scheme is laid out in two spurs within the site, each forming a cul de sac. This arrangement is considered an appropriate design in that it would produce a suitable living environment for future residents preventing excessive vehicle movements which would potentially result from a circular arrangement.
- 7.6 This does, however, result in the development consisting of two unconnected areas, with adjoining residents only able to visit their near neighbours by car. This point has been put to the applicants, however any pedestrian connection of these areas has been rejected

on the grounds of the potential to attract crime. Any such pedestrian connection would be by means of a passageway that may be uninviting and lead to fear of crime if not actual crime. Notwithstanding this, on balance, given the modest scale of the development and distances concerned, although preferable in principle, pedestrian links between the two parts of the development is not a necessity. The site is linked for pedestrians to the rest of Duston by the existing public footpath which would remain across the site.

- 7.7 An area of public open space is proposed to be retained around the footpath and this would be overlooked by several of the houses. It is considered that this would provide a useful amenity area. Nonetheless, the amount of open space proposed on-site (0.127ha) is less than the amount that should be provided (0.68ha) based on the findings of the Council's Open Space Sport and Recreation Needs Assessment and Audit (2009). However, having regard to the viability issues discussed below it is not considered that further provision could be secured in this case. A S106 agreement would be required to secure the provision, retention and maintenance of the open space.
- 7.8 The proposed house types are a variety of terraced and semi detached, all two storey and of a broadly traditional design. It is considered that this is appropriate and in keeping with the area.

Affordable Housing

- 7.9 The application indicates affordable housing proposed at 23% of the total stock on the site. This is below the policy requirement of 35%. Comments from the Council's Housing Strategy indicate that whilst this reduction may potentially be acceptable in principle, it would need to be demonstrated that the scheme would not be viable at the full requirement.
- 7.10 A viability assessment has been produced and submitted by the applicant. The viability assessment has been reviewed by Council surveyors, who consider that this assessment is broadly correct in its costings and valuations calling into question the viability of the scheme. However, there are a number of factors that could vary, in particular consideration has to be given to the possibility of future upturns in the housing market over the three-year lifespan of this permission.
- 7.11 There is an extant outline permission on this site which is subject to a Section 106 agreement for 35% affordable housing, which would appear preferable. However, there can be no guarantee that this previous scheme will progress or that it will be found viable by future developers. Equally there is no guarantee that the current scheme will progress although that may seem on the face of it more likely given the lower contribution required.

- 7.12 It is considered that further analysis of this issue is required and it is therefore recommended that authority be negotiated to the Head of Planning to obtain the appropriate level of affordable housing.
- 7.13 The affordable housing would be clustered around one cul-de-sac arm of the estate road.

Flood Risk

- 7.14 Whilst the site is not within a flood zone, the risk of flooding as a result of the development needs to be taken into account. The initial Flood Risk Assessment resulted in an objection from the Environment Agency, as did a subsequent revised version.
- 7.15 Further amendments have been produced and are the subject of discussions between the applicants and the Environment Agency. It is anticipated at the time of writing this report that a response from the EA will have been received in good time to be considered and reported to Committee by means of the addendum. The recommendation to approve the application in principle is on the basis that this response is favourable.
- 7.16 Anglian Water has requested a condition for a flood risk assessment to be approved prior to commencement. As no FRA has as yet been approved, a condition to this effect is recommended. However, if the revised FRA is approved by the Environment Agency it will be possible for this condition to be amended to refer to the need for the development to be carried out in accordance with this.

Impact On Surrounding Residents And The Local Area

- 7.17 The site comprises a field, formerly the school playing field and site of the proposed buildings, which is located adjacent to existing neighbouring residential properties on two sides (north and west). On the other sides are the grounds of the retained Millway Primary School (south) and Tollgate Way (east).
- 7.18 The houses along Millway (to the west) have long gardens and as such are set some distance from the proposed housing site, although their gardens would adjoin those of the new houses. The proposed houses along this boundary are set at between 11 and 22m from the boundary. Houses to the north of the site in Hawkstone Close are closer but there is still adequate separation and it is considered, therefore, that there would be no significant impact on these adjoining occupiers.

Other Issues

- 7.19 Comments from one of the objectors refer to the possibility of archaeological remains being on the site. Discussions with the County Council Archaeology service indicate that the archaeological desktop study provided does not fully rule this out, although it does appear from other records that the majority of the site has been subject to quarrying.

An archaeological survey is recommended to be secured by condition, to ascertain whether there are any remains.

- 7.21 The key tests in determining the justification for planning obligations are laid out in Circular 05/05 as amended, 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.
- 7.20 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 considered that any request for a financial contribution to these matters could not be reasonably sustained.
- 7.21 The County has also requested education contributions for Primary and Secondary / Six Form provision. Bearing in mind that this is a “redundant” school site and given the fallback provided by the existing outline planning permission for the site which included no requirement to contribute to education facilities, it is considered that an education contribution in this instance would be unjustified.
- 7.22 Comments from the Wildlife Trust indicate the possibility of protected species on the site. Given the existing outline planning permission for the site and a survey to ascertain this is therefore recommended by condition. The Council’s Environmental Health team have also raised matters that can be adequately addressed via condition.
- 7.23 The Police Crime Prevention design adviser refers to the need to provide adequate security to the new dwellings and a condition to this effect is proposed.

8. CONCLUSION

- 8.1 The proposed development is considered to be acceptable in principle and to have no undue impact on adjoining occupiers or on the highway network.
- 8.2 Subject to the issues of the flood risk assessment and the level of affordable housing being resolved it is recommended that the proposal is approved.

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) 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.
- 3) 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 to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.
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 E20 of the Northampton Local Plan.
- 4) No development shall take place until the applicant or their agents or 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: In the interests of archaeological research in accordance with the advice contained in PPS5.
- 5) 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.
- 6) Prior to the commencement of any construction work on site (including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as

amended) and the Protection of Badgers Act 1992), a scheme for the Protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the advice contained in PPS9 Biodiversity and Geological Conservation.

- 7) Prior to the commencement of the development hereby permitted, an Air Quality Assessment shall be submitted to the Local Planning Authority. This assessment shall identify the measures necessary to ensure a satisfactory standard of accommodation for the future occupiers of the development hereby permitted. The development shall thereafter be carried out in full accordance with the approved details.

Reason:

- 8) 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.

- 9) Prior to commencement of development a survey shall be carried out by a suitably qualified person or organisation to investigate the presence of bats and other wildlife. If the survey confirms the presence of bats in the building to be demolished or in other areas that may be disturbed by the development work, suitable provision should be made for the replacement of these habitats before the work begins. In addition the timing of the work on the buildings should be such that breeding and nesting periods are not interrupted.

Reason - In order to ensure protected species are not adversely affected by the development, to comply with Policy E17 of the Northampton Local Plan.

- 10) No development shall commence until a surface water strategy / flood risk assessment 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 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.

11) Full details of security measures to be incorporated into the design of the housing shall be submitted to and approved in writing prior to the commencement of development. The development shall thereafter be carried out in full accordance with the approved details.
Reason: To secure a satisfactory standard of development, in accordance with Policy E20 of the Northampton Local Plan.

12) 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 the carriageway surface level of Tollgate Way to the eastern of the site 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.

13) 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.

10. LEGAL IMPLICATIONS:

10.1 None

11. BACKGROUND PAPERS

11.1 Application file N/2011/0241

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:	A Holden	27/01/12
Development Control Manager:	Gareth Jones	30/01/12



Name: Sharon Weir
Date: 26th January 2012
Scale: 1:1250
Dept: Planning
Project: Site Location Plan

Title

Millway Primary School, Millway

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