



**PLANNING COMMITTEE:** 26<sup>th</sup> June 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1268:** Application to extend time limit for implementation of 06/0153/OUTWNN for residential development including means of access (all other matters reserved) (80 houses) at the Former Millway Middle School, Millway.

**WARD:** Old Duston.

**APPLICANT:** Northamptonshire County Council  
**AGENT:** Atkins LTD

**REFERRED BY:** Head of Planning  
**REASON:** Amended legal agreement required

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to the following:

- (1) Prior finalisation of a S106 agreement to secure:
- Public Open Space
  - Play Area and recreation Equipment Contribution
  - Affordable Housing at 35%
  - Sport and recreation Contribution
  - Bus Infrastructure Contribution
  - Bus Services Enhancement Contribution
  - Community Fund Contribution – to pay for a range of community uses
  - Employment Co-ordinator Contribution – used to fund a co-ordinator of skills and training relevant to development schemes in Northampton.
  - Footpath / Cycleway Contribution

- Design Contribution – this is used to pay the costs of agreeing the final design.
- Monitoring Contribution – this is used to pay the costs of monitoring compliance.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton.
- Public Art Strategy
- Sustainable Urban Drainage Scheme
- Sustainability Strategy.
- Securing community use of neighbouring or alternative facilities.

(2) Planning conditions below and for the following reason:

*The Local Education Authority has confirmed that the site is surplus to requirement and is located within the settlement area where government and local plan policy support residential development which is appropriate to the character of the area and in this instance does not result in the loss of needed playing fields. The access and principle are considered to be appropriate in accordance with Policies L2, H7, H17, H32, E11, E12 and E17 of the Northampton Local Plan and the National Planning Policy Framework.*

- 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 The proposal is for the renewal of an outline application for the erection of houses on the former school site. The proposal is for 80 houses.

## **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.
- 3.2 The site is designated on the Local Plan Proposals Map as a “School / College Site” to which Policy L2 applies. However, as the site has been

determined by the County Council as being surplus to requirements it is considered that this policy is not applicable.

#### **4. PLANNING HISTORY**

- 4.1 The application for which renewal is sought was approved by WNDC on 23<sup>rd</sup> December 2008.
- 4.2 An application for the erection of 52 dwelling houses and associated parking and open space, submitted under reference N/2011/0241, was approved in principle by the Planning Committee on 7<sup>th</sup> February 2012, subject to negotiations on the level of affordable housing to be provided.

#### **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:**

National Planning Policy Framework.

##### **5.3 Northampton Borough Local Plan**

E19 - Implementing Development

E17 – Nature conservation

E19 - Implementing Development

E20 - New Development

E40 – Planning and crime and anti-social behaviour

H7 - Housing Development Outside Primarily Residential Areas

H17 – Housing for people with disabilities

H32 - Affordable housing

L2 – Community use of existing schools and colleges

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

- 6.1 **Police Crime Prevention Design Adviser** – No formal objection.
- 6.2 **Environmental Health** – No objections.
- 6.3 **Arboricultural Officer** – Would not anticipate any changes to tree protection conditions.
- 6.4 **Housing Strategy** – No objections.
- 6.5 **Planning Policy** – no objection as broadly compliant with local,

strategic and national planning policy.

6.6 **Natural England** – This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

6.7 **Sport England** – No objection.

6.8 **Highway Authority** - After reviewing the proposal we have no observations on the planning application. The time limit can be extended.

6.9 Letters received from the occupiers of neighbouring properties at **53 Hawkstone Close** (signed also by the residents of **47, 49, 51, 28 and 26**) and **5 Millway**, making the following points –

- Concerned that nearly all the affordable housing would be situated overlooking our gardens, after all the trouble caused by social housing in Upton.
- Once again school playing fields are sold off to balance the books, giving no thought to the children and green space to play.
- The entrance to the site beggars belief, accidents regularly occur, Bants Lane already struggles to cope with the traffic and with the proposed development of 80 houses the traffic impact from 200 cars will have a significant impact on the road network.
- The WNDC was asked why this site had a higher density of development, but could not answer. We believe this is because the County Council was more interested in maximising the value of the piece of land than making a fair development. .
- The development on the paddock between St Luke's Church and the plot was turned down because the church would be hemmed in on all sides and spoil the view across the Nene Valley.
- The height of the houses in Hawkstone Close were to be a maximum of 7 metres and in keeping with the surrounding area.
- When Northamptonshire County Council bought the site the price was based on only 6 houses per acre being built. The housing density on the land enclosed by Tollgate Way, Duston Road, and Millway is less than 2 per acre.
- After taking into account the huge amount of land needed to access safely on to Tollgate Way, the necessity of a wide strip of land to keep pedestrians safely away from vehicles and the recommendation by the Planning Inspectorate to keep a good view of Saint Lukes Church, 80 houses on what is left of the site will be too dense a development.

## 7. APPRAISAL

7.1 The application is for an extension of the time limit to implement a previously approved scheme, which was submitted to and the approved by the WNDC.

- 7.2 In respect of such planning applications, paragraph 23 the 2010 Department of Communities and Local Government guidance 'Greater Flexibility for Planning Permissions', states that '*local authorities should, in making their decisions, focus their attention on development plan policies and other material considerations, which may have changed significantly since the original grant of permission*'. Furthermore, Paragraph 24 states '*... Local Authorities may refuse application to extend the time limit for permissions where changes in the development plan or other relevant material consideration indicate the proposal should no longer be treated favourably.*'
- 7.3 Therefore in assessing this planning application the issues to consider are whether there has been any material change in planning policy or the physical characteristics of the site or the neighbouring uses since the previous approval in 2008.
- 7.4 In terms of planning policy, Northampton Local Plan remains the adopted policy document, all policies referred to in the decision notice for the previous approval having been saved. The Structure Plan policies referred to in the decision have not been saved and carry no weight. Additionally, although still forming part of the development plan, the Government has indicated that Regional Spatial Strategies (including the East Midlands Regional Plan) are to be abolished.
- 7.5 The other significant change in planning policy since the previous approval is the introduction of the National Planning Policy Framework in April 2012.
- 7.6 This sets out amendments and simplifications to national planning policy. In respect of housing the Framework states that a mix of housing based on current and future demographic trends should be provided and that this should meet the needs of different groups within the community.
- 7.7 It is considered that the proposal would meet the objectives of planning policy as it is now set out, as the proposal will provide housing on a site which is no longer required for its previous educational purpose, without any detrimental impact on adjoining occupiers, or loss of required playing fields.
- 7.8 The obligations of the section 106 agreement as agreed by WNDC were as set out in the recommendation, other than for the community use of neighbouring school sites, which is discussed below. It is considered that the same Heads of Terms remain appropriate and there is no justification for any items to be dropped.
- 7.9 Another item which was previously in the agreement was for Community Use of Neighbouring Schools. This was dropped by WNDC when the application was reported back to the WNDC committee, due to the absence of a suitable neighbouring site. However, in this case

there is a neighbouring school site which would be appropriate for this purpose, and it is recommended that the clause should be reinstated.

- 7.10 The site of the school has now been cleared and the surrounding properties remain largely unchanged since the approval of the earlier application. Consultation responses do not raise any additional issues and therefore it is considered in terms of the potential impact of the proposal that the recommendation to approve should remain.

## **8. CONCLUSION**

- 8.1 It is considered that the given the lack of any material change in planning policy or the circumstances of the site or its surroundings, that the application for an extension of time to implement the application should be approved.

## **9. CONDITIONS**

(1) Approval of the details of the layout, scale, appearance and landscaping of the site (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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(3) The development hereby permitted shall be begun before the expiration of two years from the date of approval from the last of the reserved matters to be approved.

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

(4) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority’s mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with Local Plan Policy H17.

(5) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Local Plan Policy H7.

(6) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Local Plan Policy H7 and the NPPF.

(7) A full Arboricultural survey and report on all existing trees and hedges on the site shall be submitted with the reserved matters application and shall be approved in writing by the Local Planning Authority before any development takes place. The survey and report shall include details of all trees and hedges to be removed and those to be retained and the method of protection of the retained trees during the course of development. The tree and hedge retention and protection shall be implemented in accordance with the approved scheme.

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 Local Plan Policy H7 and the NPPF.

(8) All houses must be fitted with security systems. The standards of locks to be installed in the external doors and windows of the dwellings shall be made secure to standards set out in BS 3621:1998.

Reason: To ensure the development provides an acceptable level of security for future occupiers in accordance with Local Plan Policy H7 and the NPPF..

(9) 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), 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 Local Plan Policy H7 and the NPPF.

(10) Prior to the first occupation of the dwellings hereby approved, a travel plan for residents 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 in accordance with Local Plan Policy H7 and the NPPF.

(11) Prior to the commencement of development a detailed stage 2 flood risk

assessment, in accordance with the submitted stage 1 Flood Risk Assessment reference: 50100851R & C1701DG127 dated February 2006 shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Local Plan Policy H7 and the NPPF.

(12) Prior to the approval of reserved matters a detailed scheme incorporating the design, provision, implementation and maintenance of flood risk protection, fully in accordance with the approved FRA shall be submitted to and approved by the Local Planning Authority.

Reason: to prevent increase in flood risk in accordance with Local Plan Policy H7 and the NPPF.

(13) Prior to the commencement of any development, a detailed surface water drainage strategy including detailed analysis of overland flood flow routings, for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved flood risk assessment and Planning Policy Statement 25 (PPS25) shall be submitted to and approved by the Local Planning Authority.

Reason: to prevent increase in flood risk in accordance with Local Plan Policy H7 and the NPPF.

(14) No development approved by this planning permission shall be commenced until:

- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatic representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation have been designed for the site using the information obtained from the desktop study and any diagrammatic representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken relating to human health, ground and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters, using the information obtained from the Site Investigations has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site
- e) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has



submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

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 and to ensure the proposed site investigations and remediation will not cause pollution of controlled waters in accordance with Local Plan Policy H7 and the NPPF.

(15) Prior to the submission of reserved matters the applicant shall carry out a full archaeological evaluation of the site, to a specification agreed in advance with the Local Planning Authority to establish the extent and nature of any archaeological remains that may exist on the site.

Applications for the approval of reserved matters shall take account of the desirability of preserving important archaeological remains in situ or through additional archaeological recording where this cannot be achieved, and shall include full details of the archaeological measures to be adopted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall take place until the details of archaeological measures have been approved by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of archaeological research in accordance with Local Plan Policy H7 and the NPPF.

(16) A maximum 80 household units are permitted by this approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and amenity of the area and to ensure highway safety is maintained as assessed within the Traffic Report, in accordance with Policy E20 of the Northampton Local Plan in accordance with Local Plan Policy H7 and the NPPF.

(17) Full details of all roads and sewers including cross-sections, longitudinal sections, highway boundaries and proposed ground and floor levels shall be submitted to and be approved by the Local Planning Authority prior to the commencement of construction work on site. The approved details shall be implemented on site.

Reason: To ensure the infrastructure is provided in accordance with Local Plan Policy H7 and the NPPF.

(18) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved by the Local Planning Authority, implemented prior to the occupation or bringing into use of the buildings and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Local Plan Policy H7 and the NPPF.

## **10. BACKGROUND PAPERS**

10.1 N/2011/1268, N/2011/0241 and 06/0153/OUTWNN.

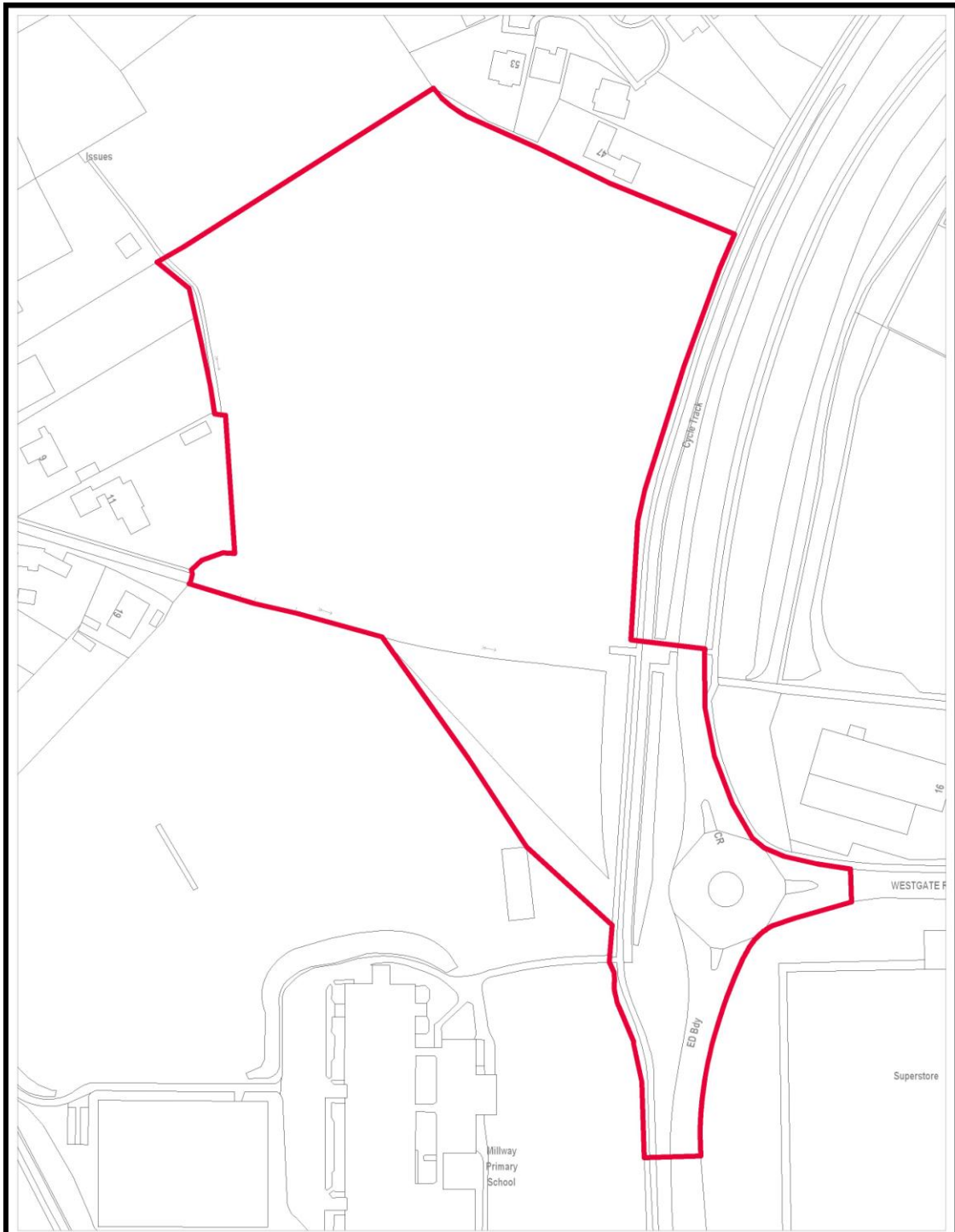
## 11. LEGAL IMPLICATIONS

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Andrew Holden	25/05/2012
<b>Development Control Manager Agreed:</b>	Gareth Jones	12/6/2012



Name: SW  
Date: 14th June 2012  
Scale: 1:1250  
Dept: Planning  
Project: Site Location Plan

Title  
**Millway Primary School, Millway**

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