



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 29<sup>th</sup> May 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1263:** Application to extend time limit for implementation of 06/0029/OUTWNN for residential development and means of access at Former Emmanuel Church Middle School, Birds Hill Walk.

**WARD:** Brookside.

**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.

(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 (109 dwellings). Means of access to the site would be via the existing access from Birds Hill Walk. It is proposed that access is to be widened to 5m, with 1.8m pavements either side. All other matters are to be reserved for future consideration.

## **3. SITE DESCRIPTION**

- 3.1 The application site is located to the east of Billing Brook Road. It is the site of the former Emmanuel Middle School and has an area of approximately 2.3 hectares. Weston Favell District Centre is located to the south west and includes the Health Centre, business units, Sacred Heart and Emmanuelle Churches and the retail shopping centre. Land to the east of the site is reserved for use by Northampton Academy.

- 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 There is no other relevant planning history.

#### **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**

E11 & E12 – Hedgerows, trees and woodland

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 **Sport England** – Sport England were consulted on the original application and, given the grass playing field was unaffected by the proposal (it was being retained for use by the Northampton Academy), we had no objection. The red edged area remains the same and there appears to be no impact on the playing field. This being the case Sport England raises no objection.
- 6.2 **NBC Planning Policy** – no objection as the proposal is broadly compliant with emerging strategic and national planning policy. In addition the site is included in the Council’s 5 year housing land supply showing further compliance with PPS3.

- 6.3 **Police Crime Prevention Design Advisor** – no objections. State it is important that the Crime Prevention Design Advisors are consulted early in the design stage to discuss the layout to reduce the chance of crime and anti-social behaviour from occurring.
- 6.4 **Environment Agency** – no objection but request that conditions 8, 9 and 10 of planning permission 06/0029/OUTWNN are carried forward to this application.
- 6.5 **NCC Highways** – no objections.
- 6.6 **NBC Environmental Health** – no objections. Desktop study required to investigate possibility of naturally occurring arsenic and other contaminants.
- 6.7 **NBC Arboricultural Officer** – no objections.
- 6.8 **NBC Access Officer** – no comments received.
- 6.9 **NBC Estates and Valuation Section** – no comments received.
- 6.10 **NBC Parks Section – Street Care and Environment Division** – no comments received.
- 6.11 **Anglian Water** – no comments received
- 6.12 **Natural England** – no comments received
- 6.13 **NCC Travel Choices Manager** – no comments received
- 6.14 **NCC Education** - no comments received
- 6.15 **NCC – Access Development** - no comments received
- 6.16 **Northamptonshire Wildlife Trust** - no comments received
- 6.17 **NBC Housing Strategy** - no comments received
- 6.18 The application site was advertised by **site notice, press advertisement and notification letters were sent to 44 properties**. No comments were received.

## 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 above. It is considered that the same Heads of Terms remain appropriate and there is no justification for any items to be dropped.
- 7.9 The site of the school has now been cleared and the surrounding properties remain 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.

## **8.0 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: To ensure that the development is satisfactory and to comply with Section 92 of the Town and Country Planning Act 1990.

(2) Application for the 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 the 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 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) 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 has 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 Local Planning Authority prior to that investigation being carried out on site. The investigation must 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 Local Planning Authority 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 Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority 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 in accordance with National Planning Policy Framework.

(6) 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 Policy E20 of the Northampton Local Plan.

(7) 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 Policy E20 of the Northampton Local Plan.

(8) Prior to the commencement of any development, a detailed surface water drainage strategy 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 National Planning Policy Framework shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increase in flood risk in accordance with National Planning Policy Framework.

(9) The approved surface water drainage strategy for the flood risk protection shall be implemented fully in accordance with the requirements of the flood risk assessment and with the approved implementation programme. The applicant shall confirm the completion of the approved scheme in writing to the Local Planning Authority within one month thereafter.

Reason: To prevent the increase in flood risk in accordance with National Planning Policy Framework.

(10) Prior to the commencement of any development, a detailed assessment of overland flood routing/ flow paths through the site prior to and after the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increase in flood risk in accordance with National Planning Policy Framework.

(11) All trees on the site, unless indicated as being removed, shall be retained and protected to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (BS 5837) for the duration of works on site and for at least five years following practical completion of the approved development, unless otherwise agreed by the Local Planning Authority. Any trees immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site. Any trees removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with trees of such size and species and in such number and positions as may be agreed with the Authority.

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.

(12) 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 Policy E40 of the Northampton Local Plan.

(13) A maximum of 109 dwellings 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.



## **10. BACKGROUND PAPERS**

10.1 N/2011/1263 and 06/0029/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>	Rowena Simpson	120/6/2012
<b>Development Control Manager Agreed:</b>	Gareth Jones	13/06/2012



Name: SW  
Date: 14th June 2012  
Scale: 1:2500  
Dept: Planning  
Project: Site Location Plan

Title

## Emmanuel Church Middle School, Birds Hill Walk

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