



PLANNING COMMITTEE: 26th June 2012
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/1266: Application to extend time limit for implementation of 06/0130/OUTWNN for residential development including means of access (all other matters reserved) at Former St Marys Middle School, Grange Road.

WARD: Eastfield

APPLICANT: Northamptonshire County Council
AGENT: Atkins LTD

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

DEPARTURE: No

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 86 houses.

3. SITE DESCRIPTION

- 3.1 The application site measures approximately 2.47 hectares and is designated as an existing school site in the Northampton Local Plan. The total area of the former St. Mary's Middle School was 4.6ha. Of that 1.88 ha has been retained for the new St. Gregory's Catholic Primary School. For clarification, in addition to the new St Gregory's Primary School, 0.25 hectares of land, which is not included in the

application site, will be retained as playing fields for school education/recreation purposes.

- 3.2 The application site is the site of the former St Mary's Middle School building and former grassed playing fields which slope down towards the eastern boundary on Booth Lane South.
- 3.3 The primary access to the former St Mary's Middle School was taken from Grange Road. There was a secondary pedestrian access from Thirlmere Avenue which is now locked and has become overgrown.
- 3.4 There were at one time two accesses to St Mary's Middle School from Grange Road, however the access to the north of the site has been adopted by the new St Gregory's Catholic Primary School.
- 3.5 To the south and west of the site are primarily residential areas. Booth Lane South runs adjacent to the eastern Boundary of the site with Northampton College Campus and Weston Favell Upper School opposite. To the north west of the site, two storey blocks of flats front Grange Road and to the north are terraced residential properties.
- 3.6 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 23rd 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 **NBC Environmental Health** – no objections but request that conditions on the original application are replicated on any new permission.
- 6.2 **NBC Housing Strategy** – no objections.
- 6.3 **NBC Planning Policy** – no objection as the proposal is broadly compliant with emerging local, strategic and national planning policy. In addition the principle for the development of this site has already been established through a previous planning permission, although it is acknowledged that planning policy context has changed since the previous permission was granted. In addition the site is included in the Council's 5-year housing land supply, showing further compliance with National Planning Policy.
- 6.4 **Anglian Water** – no comments received.
- 6.5 **Environment Agency** – no objection but request that conditions 11, 12, 13, 14 and 15 of planning permission 06/0130/OUTWNN are carried forward to this application.
- 6.6 **NCC Development Management** – no comments received.
- 6.7 **NCC Highways** – no objections.
- 6.8 **NBC Access Officer** – no comments received.
- 6.9 **Police Crime Prevention Design Advisor** – The development should be built to conform to Secured by Design New Homes guide with the aim of achieving the full award.
- 6.10 **NCC Travel Choices Manager** – no comments received.
- 6.11 **NCC School Services (Education Service)** – no comments received.
- 6.12 The application site was advertised by site notice, press advertisement and notification letters were sent to 44 properties. Comments were received from **St. Gregory's Catholic Primary School** as follows -
Have no issue regarding the playing school space however have serious reservations regarding the access onto Grange Road.

Consider that any increase in traffic presents a serious danger to the public and in particular those coming to St. Gregory's School.

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 WNDL.
- 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. Whilst concerns have been raised from St Gregory's school about access to the site and additional traffic the situation and circumstances have not changed significantly from the previous application. Moreover the County Council as Highway Authority has raised no objection. It is therefore 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: 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) 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: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

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 Policy E20 of the Northampton Local Plan.

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 Policy E20 of the Northampton Local Plan.

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 Policy E40 of the Northampton Local Plan.

9) Prior to the commencement of construction works on site (including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted 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 National Planning Policy Framework.

10) Prior to the first occupation of the dwellings hereby approved, a travel plan for the residents shall be submitted 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 National Planning Policy Framework.

11) Prior to the commencement of development a detailed stage 2 flood risk assessment, including an assessment of overland flood routing/flow paths through the site prior to and after development shall be submitted to and approved by the Local Planning Authority. The stage 2 FRA shall also include a detailed surface water drainage strategy for the design, provision, implementation and long term maintenance of surface water drainage.

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework.

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 the increased risk of flooding in accordance with the National Planning Policy Framework.

13) The approved scheme for 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 with the Local Planning Authority within one month thereafter.

Reason: To prevent the increased risk of flooding in accordance with the National Planning Policy Framework.

14) 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.

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

1. 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.

2. 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 be comprehensive enough to enable:
 - a. 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
 - b. The development of a Method Statement detailing the remediation requirements.
3. The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
4. 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.
5. 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.
6. Not to commence development until a further unilateral undertaking or agreement made pursuant to s106 of the Town and County Planning Act 1990 binding those parts of the site not already bound in accordance with the terms of the Section 106 Agreement related to this permission, has been entered into and submitted to the local planning authority to its written satisfaction.

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 and so that the Local Planning Authority is satisfied the development will be brought forward in accordance with the requirements of the S106 Agreement for the proper planning of the area.

16) A maximum of 86 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.

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 Policy E20 of the Northampton Local Plan.

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 Policy E20 of the Northampton Local Plan.

19) No development shall start until a Method of Construction Statement, to include details of:

- a) Parking of vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plants and materials
- c) Storage of plants and materials
- d) Programme of works (including measures for traffic management)
- e) Provision of boundary hoarding behind any visibility zones
- f) Hours of construction
- g) Construction traffic being limited to Booth Rise

Has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

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

10. BACKGROUND PAPERS

10.1 N/2011/1266 & 06/0130/OUTWNN.

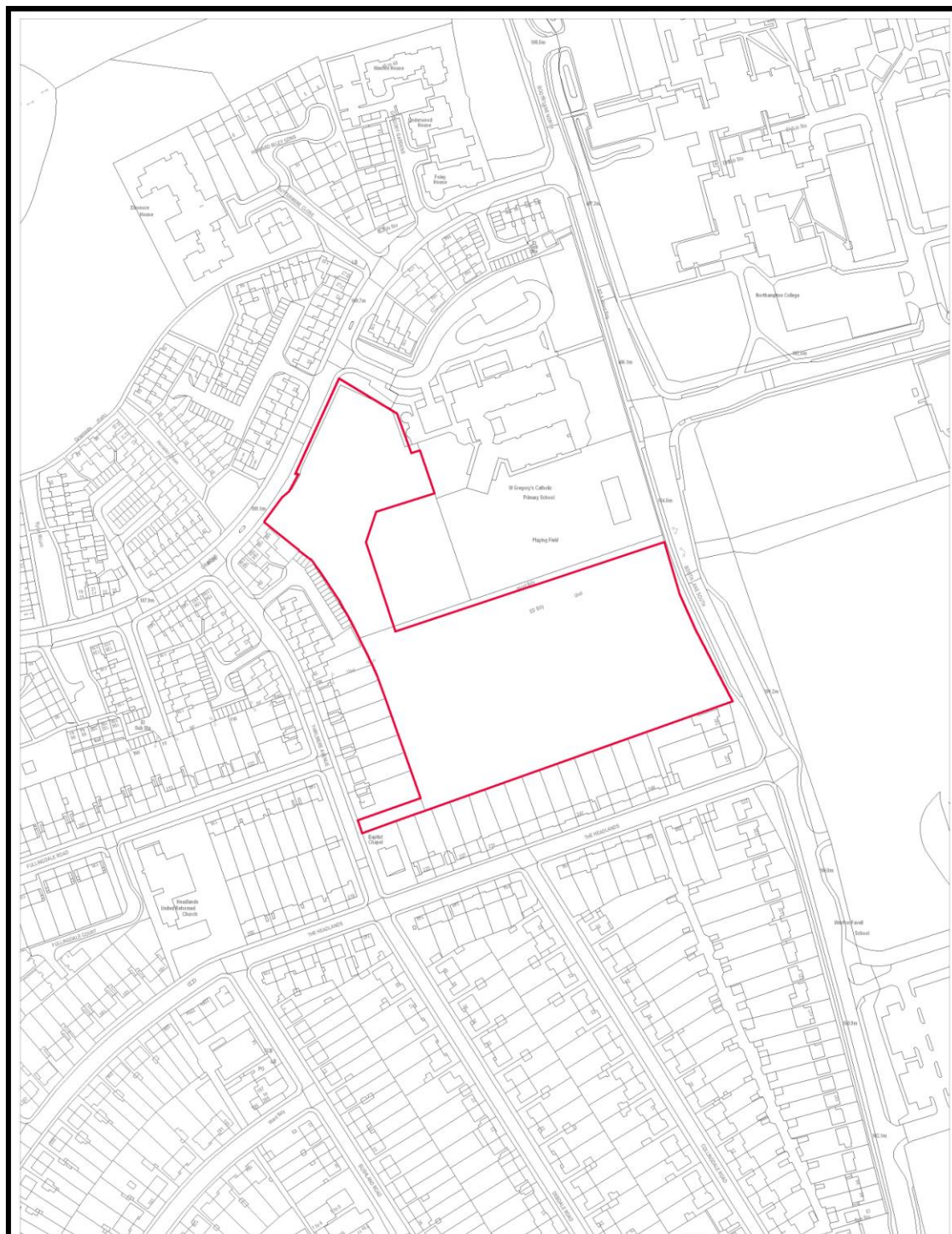
11. LEGAL IMPLICATIONS

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.

Position:	Name/Signature:	Date:
Author:	Rowena Simpson	12/06/2012
Development Control Manager Agreed:	Gareth Jones	13/06/2012



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

Title

Former St Marys Middle School, Grange Road

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