



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

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

N/2011/1264: Application to extend time limit for implementation of 06/0030/OUTWNN for outline residential development and means of access only on land at former Blackthorn Middle School, Blackthorn Road.

WARD: Rectory Farm.

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) Completion of a S106 Planning Obligation to secure:
- Public Open Space
 - Contribution to Sport and Recreation activities including Play Areas and recreation equipment contribution
 - On site Affordable Housing at 35%
 - Sport and recreation Contribution
 - Bus Infrastructure Contribution to include the provision of new/replacement bus shelters (design siting and appearance to be agreed) and real time displays in the proximity of the site
 - Bus Services Enhancement Contribution
 - Community Fund Contribution – to pay for a range of community uses including youth provision, libraries and employment coordination workers.

- 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 and prevent standard highway layout and house types being utilised.
- Strategic Infrastructure Contribution
- Public Open Space Maintenance Sum
- Provision and maintenance of a sustainable urban drainage system and a commuted sum of monies as necessary to ensure adequate funding of the maintenance for a minimum of 30 years or the design life of the development which ever is the greater.
- Technical Support Contribution
- CTEMM Plan – Construction Training And Employment Method Management Plan, this seeks to maximise job opportunities for residents of Northampton, creation of job opportunities and the provision of skills training, the means of advertising all vacancies (to include subcontractor organisation vacancies jobs).
- Public Art Strategy
- Lighting improvement to the site
- Improvements to car parking in the vicinity of the site.
- Provision and maintenance of a Sustainable Urban Drainage Scheme on site and a commuted sum of monies as necessary to ensure adequate funding or maintenance for a minimum of 30 years or the design life of the development which ever is the greater.
- Sustainability Strategy including the need to achieve Eco Homes “Excellent” standard.
- Details of a submission consultation strategy with Local residents, residents groups and elected members for a development brief/pre application process to take forward the scheme in terms of future reserved matters application matters.
- Contributions towards closed circuit television cameras
- Monitoring Contribution – this is used to pay the costs of monitoring compliance of s106 Obligation.

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

The Local Education Authority previously 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 relevant the relevant policies 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 signed and completed within two calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or 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 Proposal is for an extension of the time limit to implement a previously approved application. The previously approved application involved an outline planning application to establish the principle of residential development on the site with only details of the means of access submitted for consideration with all other matters relating to siting, design and external appearance and landscaping being reserved. Vehicular access to the site would be secured from Blackthorn Road.

3. SITE DESCRIPTION

- 3.1 The site comprises of hard playground areas and foundations of the previous Blackthorn Middle School building playing fields, which was demolished in June 2005, following a declaration that it was surplus to requirements. The site itself is approx 3.3 hectares.
- 3.2 The site surrounded by Great Billings Way to the east and a wooded recreation area to the east.

4. PLANNING HISTORY

- 4.1 23.12.2008. Outline planning permission granted for residential development. All matters reserved except access. (PA Ref; 06/0030/OUTWNN).

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

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Northampton County Councils Archaeologist** – No objections subject to condition requiring a written scheme of investigation.
- 6.2 **Highway Authority** – No objections.
- 6.3 **NBC – Director Of Housing** – No objections.
- 6.4 **NBC – Environmental Services** – No objections subject to conditions.
- 6.5 **Environment Agency** – No objections subject to conditions being repeated from previous consent.
- 6.6 Press and Site notices were displayed and nearby occupiers notified. No representations 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 would 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.
- 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 taken back to the WNDC committee, due to the absence of a suitable neighbouring site.
- 7.10 The site remains as a playing field 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. CONCLUSION

- 8.1 It is considered that the given the lack of any significant material change in planning policy or the circumstances of the development of the proposed 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 appearance, landscaping, layout and scale of the site (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

(2) Applications for approval of any of the reserved matters, relating to appearance, landscaping, layout and scale must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last of the reserved matters to be approved.

Reasons: The proposal is an outline submission only and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

(3) Prior to the commencement of the development hereby permitted, a Construction Environmental Plan (CEMP) shall be submitted to, and approved in writing by the Borough Council's Planning Authority. Development shall than be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- a) A site waste Management Plan
- b) A Traffic Management Plan incorporating the routing construction traffic and details of heavy vehicle movement patterns (including earliest and latest times and suspension of trips during local peak traffic times.
- d) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle-reversing alarms;
- e) Details of siting of all vehicles of site operatives and visitors;
- f) The unloading and loading arrangements for heavy plant and machinery;
- g) Details of the design, appearance, erection and maintenance of security hoardings to include informative displays;
- h) The location, extent and duration of any temporary compounds and stockpiling areas;
- i) Measures to prevent mud being deposited on the surrounding highway;
- j) A programme of implementation for items (a)- (i)

Reasons: To protect the amenity of neighbours and in accordance with objectives of the NPPF.

(4) No construction operations shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays or 09:00 to 14:00 on Saturdays. No such operations shall take place at any time on Sundays or Bank/Public Holidays.

Reasons: To protect the amenity of neighbours and in accordance with objectives of the NPPF.

(5) Prior to the commencement of any work on site a full ecological survey of the site, shall be undertaken and a report shall be submitted to and approved in writing by the Borough Council's Planning Authority. The scope of the survey shall be agreed in advance with the Borough Council's Planning Authority. Should any protected species be identified on the site. (as defined under the Wildlife and Countryside Act 1981 [as amended]). The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development shall be implemented in

accordance with the approved details of the mitigation strategy approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife and nature conservation and promote biodiversity and in accordance with objectives of the NPPF.

(6) The landscaping details in connection with the reserved matter for landscape shall be provided within 4 months of the date of commencement of the development hereby permitted, a landscape and aftercare scheme detailing both hard and soft landscaping works and 5 year aftercare shall be submitted in writing for the written approval of the Borough Council's Planning Authority.

The scheme shall include the following;

- a) Evidence of prior written consultation with neighbours concerning the boundary landscaping to be submitted as part of the landscape scheme;
- b) Landscaping of the boundaries to the Site, including, car parking areas, vehicle and pedestrian circulation area.
- c) Fully annotated planting plans, showing locations of individually planted semi mature trees, shrubs, hedges and areas of grass. Within ornamental planting area plans should be sufficiently detailed to show the locations of different single groups in relation to one another, and the location of any individual to one another, and the location of any individual specimen shrubs. Other information shall include planting schedules noting species, plant sizes and proposed numbers/densities, method of cultivation and details of the proposed planting implementation programme;
- d) Surfacing materials for the paths, internal access road and parking spaces;
- e) Details of an enhanced boundary treatment along the rear boundary of the proposed development with Nene Valley Way.
- f) A scheme for biodiversity enhancement of the Site which shall include the creation of habitats for bats and details of the number, design location of bird nesting boxes/bat boxes/bricks/tubes and
- g) The 5 year aftercare for landscape management and maintenance, which among other things shall provide for a replacement tree of the same species and size as that originally planted to be planted for any tree which, within a period of five years from its date of planting, is removed, uprooted or is destroyed or dies or becomes in the opinion of the Borough Councils Planning Authority, seriously damaged or defective.

(7) The landscaping and aftercare scheme approved in connection with Condition 6 above shall be implemented in full no later than the end of first available planting season after the development hereby permitted being bought into use.

Reasons: In the interest of visual amenity, to protect the amenity of neighbours to accord with saved policy E20 of the Northampton Local Plan and promote biodiversity enhancement and in accordance with objectives of the NPPF.

(8) No development shall take place within the application site until in written prior consultation with the County Council's Archaeologist, the developer, or

their successors in title has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Northampton Borough Councils Planning Authority in writing.

Reason: To allow investigations to be made and ensure that features of archaeological interest are properly examined and recorded and in accordance with objectives of the NPPF.

(9) Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the dwellinghouses/residential units hereby permitted shall be submitted to the Borough Council's Planning Authority in writing. Sample panels of the proposed materials (walling) (render) (stonework) (brickwork) at least one metre square (showing where appropriate the proposed coursing, method of pointing and colour of mortar) shall be erected on the site for consideration and subsequently approved in writing by the Local Planning Authority. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development will be constructed of materials of a type, colour, texture, design and quality and in a manner appropriate to the site and its surroundings in accordance with saved Policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(10) Within four months of the commencement of the development hereby permitted details of all new external doors/window frames to include materials, visual illustrations, finish, decorative detail have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason To ensure that the development will be constructed of materials of a type, colour, texture, design and quality and in a manner appropriate to the site and its surroundings in accordance with saved Policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(11) The development hereby approved shall not be occupied until a detailed design of all external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and

accord with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking and/or re-enacting that Order, with or without modification, no structures, satellite antenna, apparatus or plant of any sort (including structures or plant in connection with any use for telecommunication systems) are to be installed on any roof or within the curtilage of the premises without the prior written approval of the Local Planning Authority, other than those expressly authorized by this permission.

Reason: In order to define the permission and ensure the satisfactory development of the application site in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(13) No development shall take place until full details of the proposed boundary treatment as specified within the redline plan in connection with the permitted development have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments/materials including railings, all street furniture and paving.

Reason: In order to define the permission and ensure the satisfactory development of the application site in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and/or re-enacting that order with or without modification), no fences, hedges, gates, walls or any other means of enclosure shall be erected without the prior written consent of the Local Planning Authority, other than those expressly authorized by this permission.

Reason: In order to define the permission and ensure the satisfactory development of the application site in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(15) A minimum of 10% of the affordable housing and a minimum of 10% of other dwellings units shall be made available for occupation by people with disabilities and constructed to Borough Council's Planning Authority mobility housing standards details of shall be submitted to and approved in writing by the Borough Councils Planning Authority. The development shall be implemented in accordance with the approved plan and thereafter maintained and retained.

Reason: In order to secure the satisfactory provision of facilities and access for people with mobility and sensory disabilities in accordance with saved

policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF

(16) Prior to the commencement of the development following written consultation with the Environment Agency and Anglian Water a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Borough Councils Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve surface water drainage and protect water quality to ensure future maintenance of these in accordance with objectives of the NPPF.

(17) Prior to the commencement of the development with written consultation with the Within two months of the development hereby permitted commencing in prior consultation with Borough Council's Environment Health Officer, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment, which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

ii) Within two months of the commencement of the development hereby permitted, a site investigation scheme, based on condition 17 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (ii above) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

(18) If, during development in connection with Condition 17 above, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner and in accordance with objectives of the NPPF.

(19) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building 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 and in accordance with objectives of the NPPF.

(20) No development shall take place until details of facilities for the storage of refuse within the rear or side curtilage of the dwelling units approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.

Reason: In order to define the permission and to secure the satisfactory development of the application site in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and/or re-enacting that order with or without modification), no hard surfacing on the front garden of the property shall be constructed,

(22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order amending, revoking and/or re-enacting that order, with or without modification), no enlargement, improvement or other alteration of a dwellinghouse or its roof shall be carried out without the prior written consent of the Local Planning Authority.

Reasons: In order to define the permission and to secure the satisfactory development and protect amenities in connection with the development of the application site in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

(23) No consent is granted for the numbers of the residential units indicated on the illustrative layout proposed for the site.

Reason: To protect the interests of the character of the site and the amenities of the potential future residential occupiers and secure a high quality

development in accordance with saved policy E20 of the Northampton Local Plan and in accordance with objectives of the NPPF.

10. BACKGROUND PAPERS

10.1 N/2011/1264 and 06/0074OUTWNN.

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.

	Name/Signature:	Date:
Author:	Reddy Nallamilli	18/06/2012
Development Control Manager Agreed:	Gareth Jones	18/06/2012



Name: SW
Date: 15th June 2012
Scale: 1:2500
Dept: Planning
Project: Site Location Plan

Title

Blackthorn Middle School, Blackthorn Road

Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655