



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 14th January 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/0241: Amendments to site layout for plots 16 - 22 and plot substitutions to plots 23, 24 & 25 of planning approval N/2011/0241 (erection of 52 dwellings), land at former Millway Primary School site, Millway

WARD: Old Duston

APPLICANT: Westleigh New Homes
AGENT: JS & P Architecture

REFERRED BY: Head of Planning
REASON: Major Development requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- (1) Prior finalisation of an agreement to tie this application with the S106 agreement for the original full planning application covering the site as a whole to secure:
 - The provision of 23% affordable housing (12 units) on the whole site.
 - A contribution towards off site affordable housing of £370,000.
 - 10% of the total units on the site to be mobility units.
 - The provision, retention and maintenance of the open space.
 - The adoption, maintenance, operation and management in perpetuity for all elements of the surface water drainage scheme, with contingency arrangements.
- (2) Planning conditions below and for the following reason:

The proposed development as an amendment to the previous permission would have no additional impact on the amenities of neighbouring occupiers or on the character and appearance of the area. The development would therefore be in line with the Policies H6, H17, H32, E20, E40 of the Northampton Local Plan and the advice contained in 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 Amendments to 10 of the previously approved plots forming the application for 52 single dwellings. The amendments include the re-positioning of plots 16-22 and house type substitution on plots 23-25.

3. SITE DESCRIPTION

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

4. PLANNING HISTORY

- 4.1 Full application N/2011/0241 for the erection of 52no. dwelling houses and associated parking and open space was approved on February 3rd 2012.
- 4.2 The development has subsequently been amended by three planning applications and two non-material amendment applications for amendments to house types and various minor amendments on a total of 27 of the plots. These were dealt with under application references N/2013/0224, N2013/0253, N/2013/0504, N/2013/0884, N/2013/0859.
- 4.3 Development work has now commenced on site, principally on the site access.

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 saved policies of the Northampton Local Plan 1997.

5.2 **National Policies**

National Planning Policy Framework (NPPF)

5.3 **Northampton Local Plan**

E19 - Implementing Development

E20 - New Development

E40 – Planning and crime and anti-social behaviour

H7 - Housing Development Outside Primarily Residential Areas

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing SPG 2004

6. **CONSULTATIONS/REPRESENTATIONS**

6.1 **Duston Parish Council** – No comments to make.

6.2 The application was advertised by site notice and notification letter and two separate objections were received from the same local occupiers, making the following points:

- This application for 52 houses on a relatively small plot needs to be reconsidered. Having reviewed the plans I feel that the central element is particularly ill conceived and will undoubtedly lead to car parking issues. As such I would conclude that no more than 40 houses should be allowed on the site.

- I am concerned that the planning application failed to recognise the existence of a public right of way over the site or make any reference to its closure during development.

7. **APPRAISAL**

7.1 Full planning permission was granted for the erection of 52 no. dwellings on this site in February 2012, following the finalisation of a S106 agreement to secure planning obligations. This application seeks to vary the house type and layout of 10 of the plots on the site. The principle of development has already been established and the main issues to consider are the impacts of the proposed changes in terms of the streetscene and the impact on adjoining occupiers.

7.2 It is also necessary to ensure that the Section 106 agreement in respect of the previous approval is repeated for this application to secure affordable housing across the whole development site.

7.3 In respect of the amendments proposed, plots 16 – 22 would have the house types as previously approved, but siting would be varied. For plots 16 to 18, which are adjacent to established dwellings to the north boundary, the alterations would be minor in nature and whilst these would bring the siting of the dwelling on plot 16 1m closer and plot 17

1.5m closer to the boundary with the neighbouring properties, this would still leave a separation of 15m from the boundary with the garden of no. 47 Hawkstone Close and 16m from the boundary with the garden of no. 51, and 34m between the facing walls of the proposed house and this neighbour. Whilst there are windows facing towards these neighbours, including main bedroom windows, it is considered that the remaining separation is sufficient to prevent any overlooking overshadowing or visual dominance in respect of these neighbouring properties.

- 7.4 For plot 19, a more significant alteration is proposed, by moving the footprint of the dwelling approximately 6m to the west. However the separation distance with the nearest established neighbour to the north would still remain as 50m. There is therefore no undue impact as a result of the proposed amendment.
- 7.5 Plot 22 would be moved towards the boundary with the established neighbouring properties at 7a and 9 Millway, however a separation of over 50m would remain to these neighbours. No first floor side facing windows are proposed on this unit, and a condition is proposed to prevent the installation of additional windows in the future.
- 7.6 For plots 23, 24 and 25 a different design of dwelling is now proposed, however these are broadly similar in design style to what was previously proposed and therefore would not affect the overall character of the development.
- 7.7 Overall, it is considered that the amended dwellings now proposed would be acceptable and would not affect the overall character of the development, and would not result in any significant additional adverse impact on adjoining occupiers.
- 7.8 The objections received from one nearby occupier are noted. However these refer to the development as a whole i.e. 52 dwellings. This application relates only to ten of these dwellings at the northern end of the site and therefore the reference to the design in the central part of the site or consideration of the public footpath fall outside the scope of the current application. However, concerns over the blocking of the footpath have been conveyed to the County Council as the Local Highway Authority.

8. CONCLUSION

- 8.1 The proposed amendment to the development is considered to be acceptable in principle and would have no additional impact when compared to the previously approved scheme.
- 8.2 The obligations of the previous Section 106 agreement should be applied to this application for consistency.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11-113 113 C, 11-113 114 C, 11-113 P105 C, 11-113 P106 C, 11-113 P131 B, 11-113 P132 B, 11-113 P133 A, 11-113 P134, 11-113 P180 A, 11-113 P181 A, 11-113 P190, 11-113 P191, 11-113 P210, 11-113 P211, 11-113 P220, 11-113 P221, 11-113 P400, 11-113 P402, 11-113 P500-2, 11-113 P901-2.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- (3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The landscaping scheme shall be implemented according to the approved details prior to the occupation of the development.

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

- (4) All trees shown to be retained shall be protected for the duration of the development by stout fences to be erected and maintained on alignments to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan.

- (5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with

the National Planning Policy Framework.

- (6) Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- (7) Prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the National Planning Policy Framework.

- (8) Full details of security measures to be incorporated into the design of the housing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To secure a satisfactory standard of development, in accordance with Policy E20 of the Northampton Local Plan.

- (9) Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in relation to the carriageway surface level of Tollgate Way to the eastern of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

- (10) Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the

development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

- (11) Prior to the commencement of the development hereby permitted, capacity assessments to assess the impact of the development on the local highway network, together with any identified mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory relationship with the highway network in accordance with the National Planning Policy Framework.

- (12) The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) approved under application N/2011/0241 Banners Gate Reference 11021 Revision 5 dated 26 January 2012 and the following mitigation measures detailed within the FRA:

1. Remove blockage from the 375mm diameter surface water drain.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with the National Planning Policy Framework.

- (13) Development shall not begin until a 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 Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Assessment of groundwater levels.
2. Surface water drainage discharge to sewer should be limited to Anglian Water restriction of maximum 10l/s.
3. Onsite surface water drainage should be designed to 0.5% (1 in 200) plus climate change standard.
4. Assessment of overland flood flow.
5. The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site for the lifetime of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance. In accordance with the National Planning Policy Framework

- (14) No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning

Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

- (15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the first floor of the south western elevation of the proposed dwelling at Plot 22 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy E20 of the Northampton Local Plan.

10. LEGAL IMPLICATIONS

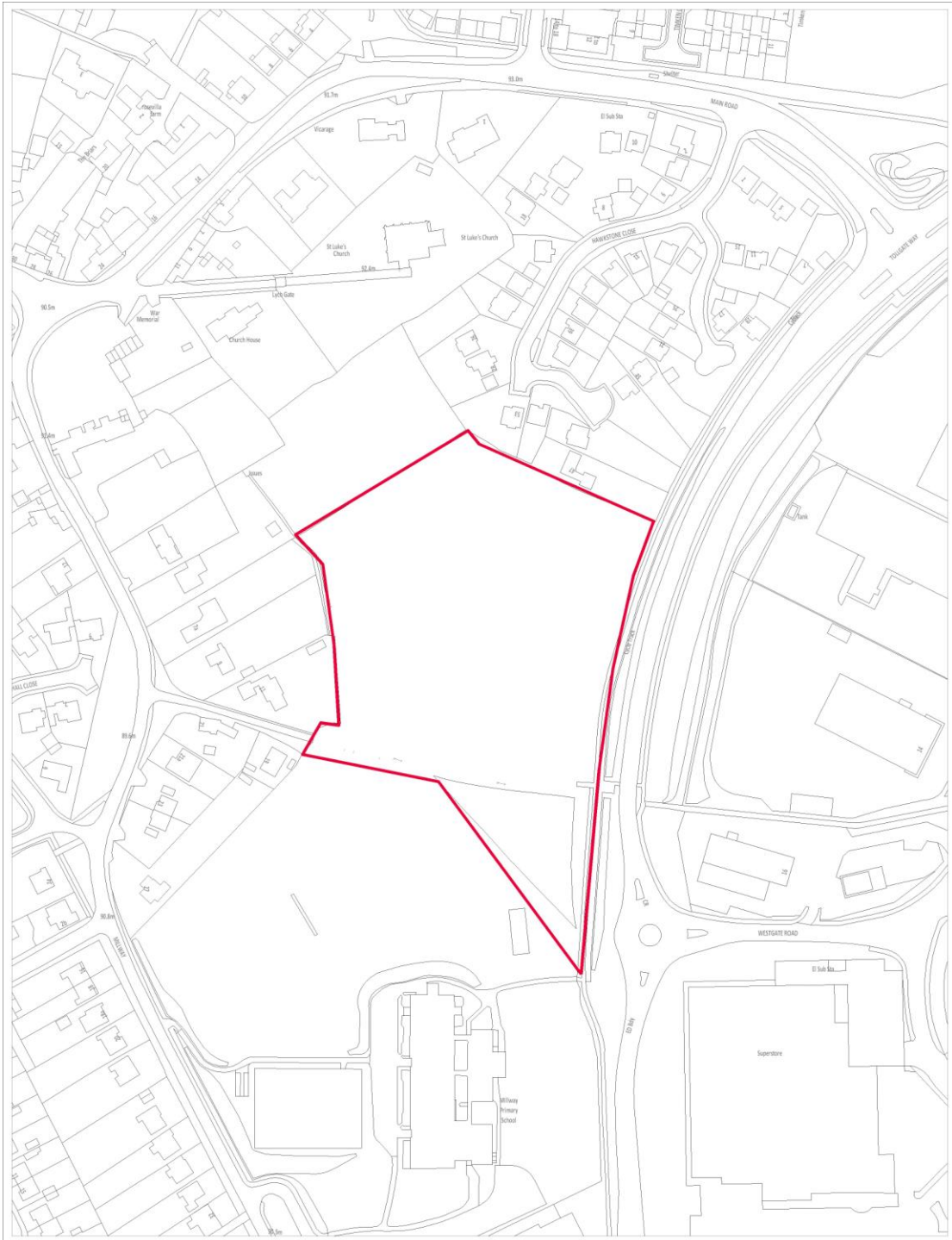
- 10.1 None

11. BACKGROUND PAPERS

- 11.1 Application files N/2011/0241 and N/2013/0889.

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: **Planning**
 Date: **19th December 2013**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title
Former land at Millway Primary School

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