



PLANNING COMMITTEE: 29th July 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0475: Outline application (with all matters reserved, except access) for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units, associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road at University of Northampton Park Campus, Boughton Green Road, Northampton

WARD: Obelisk

APPLICANT: University of Northampton
AGENT: Savills

REFERRED BY: Head of Planning
REASON: Major development

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That the application is considered acceptable in principle for the following reason:

The proposed development would result in the satisfactory reuse of this previously development site on account of the proposal representing a sustainable residential development that would address the established need for housing within Northampton. Furthermore, the proposal has established a number of acceptable design parameters that would ensure that the proposed development would be of a satisfactory scale and design whilst ensuring a neutral impact upon the site's mature trees, heritage assets and neighbour amenity. The proposal is

therefore in compliance with the National Planning Policy Framework, Local Plan Policies E11, E19, E20, E40 and H7.

- 1.2 That determination of the application be delegated to the Head of Planning in order to resolve the outstanding objections as detailed within the report (including amending and adding to the list of Conditions as included within Section 9 of this report) and, if necessary, refer the application to the Secretary of State.
- 1.3 The prior completion of a Section 106 Legal Agreement to secure:
 - i) On site affordable housing;
 - ii) A payment towards education provision;
 - iii) The provision of on-site open space and sports facilities and for this space to be continually maintained and made available for public access; and
 - iv) The Council's monitoring fee.
- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at her discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 This is an outline application for the erection of up to 800 dwellings with associated car parking. The proposed development would also feature some retail facilities. The application is made in outline form, with all matters reserved for future consideration with the exception of access. The development proposes the retention of the two existing vehicular entrances from Boughton Green Road; however, the northernmost entrance would be reconfigured in order to change its layout from a roundabout to a junction. As part of these works a right hand turning lane would be installed within Boughton Green Road. These works necessitate the repositioning of part of the existing stone wall adjacent to Boughton Green Road.
- 2.2 As the application is in outline form, no specific layouts have been submitted; however, the indicative details indicate that the proposed development would be between two and three storeys in height (up to 11m to ridge height). In addition to the vehicular accesses as described previously, the site would include potential pedestrian accesses from Boughton Green Road (adjacent to the former Lodge building and utilising the original entrance avenue), the footpath to south west of the site and Scirocco Close (to the north east of the site).

- 2.3 The proposed development would include the provision of 1600 car parking spaces, which is a reduction of eight from the current provision.

3. SITE DESCRIPTION

- 3.1 The application site consists of an area of approximately 30 hectares in area that is situated south of Boughton Green Road. The site was originally developed in the early 1970s in order to provide a teacher training college. This use developed over the ensuing years and is currently operated by the University of Northampton. The site forms one of two campuses within Northampton and features a number of buildings (of various styles and scales, although the general trend is that buildings are between one and three storeys in height) that support the academic function of the operator. The site also features residential accommodation of 1,300 students, sports facilities (which are predominantly only used by university students) students union and shops.
- 3.2 The application site is of a consistent level, although there are some minor variations in site levels to the north of the site (adjacent to the existing student accommodation buildings). The site is also distinctive in featuring a significant number of mature trees, many of which are covered by Tree Preservation Orders.
- 3.3 The site features two vehicular accesses that are both situated within Boughton Green Road. The site currently features 1608 car parking spaces. A footpath running from Boughton Green Road that links into the network of open space to the south and east of the site is situated adjacent to the south western boundary.
- 3.4 The surrounding area is characterised by a mixture of residential accommodation (typically of two storeys in height), which are generally situated north, west and south west of the application site. The area to the east of the site is in use for a variety of commercial purposes. These buildings are of a variety of scales and styles. The site is also adjacent to two other academic institutions: Kingsthorpe College and All Saints Primary School. The former is separated from the application site by the aforementioned footpath, whilst the latter is surrounded by the application site on three boundaries. Both institutions are accessed from Boughton Green Road. Gallagher Fields (situated to the south of the application site) is in use as playing fields and are currently leased to the University.
- 3.5 The site was originally the location of Moulton Park House; however, this was rebuilt during the late 1800s. The buildings were used for a variety of uses until they were demolished to accommodate the original university facilities in the 1970s. Despite this, a number of historic features remain, which comprise a ha-ha to the west of the site, the tree lined avenue from Boughton Green Road and the sections of the original stone wall adjacent to Boughton Green Road. None of the

historic built structures are listed or included within any Conservation Area.

4. PLANNING HISTORY

- 4.1 None relevant to this planning application.

5. PLANNING POLICY

Development Plan

- 5.1 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 Development Plan for the purposes of this application comprises the Central Area Action Plan (hereafter referred to as the CAAP) and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

National Policies

- 5.2 Paragraph 47 of the National Planning Policy Framework (hereafter referred to as the NPPF) requires that Local Planning Authorities ensure that the planning process meets the full, objectively assessed needs for the area. Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.
- 5.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Northampton Local Plan

- 5.4 Although exceedingly dated, which raises questions regarding the precise amount of weight that can be attached to each policy; the Local

Plan remains a material consideration in the determination of this planning application.

- 5.5 The relevant policies include Policy L2, which identifies the application site as an education institution and states that planning permission for the redevelopment of such sites will only be granted in such instances when where it can be demonstrated that the land or facilities likely to be lost are needed in the long term for recreation use; that the scheme retains open space of significant amenity and landscape value and the existing sports and recreation facilities can best be retained or enhanced through the redevelopment of the site. E11 that requires developments to have a neutral impact upon trees of significant value; Policy E19 requires the securing of adequate mitigation; E20 that states that developments should be of a satisfactory standard of design; and E40 that compels developments to be designed in such a way so as to minimise opportunities for crime and anti-social behaviour.
- 5.6 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

5.7 **Supplementary Planning Guidance**

Affordable Housing
Developer Contributions
Parking
Planning out Crime

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

- 5.8 Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.
- 5.9 Policy S1 states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

- 5.9 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.10 Policy RC2 requires that new developments meet their own demands in terms of sporting, recreation, cultural and community facilities and to meet this demand either through on-site provision or through contributions
- 5.11 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure to be provided.

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

- 6.1 **Anglian Water** – Recommend conditions relating to drainage in the event that the application is approved.
- 6.2 **Arboricultural Officer (NBC)** – In the event that the application is approved, efforts should be made to retain the maximum number of trees. A number of conditions are also recommended.
- 6.3 **Archaeological Advisor (NCC)** – The assessment of most heritage assets is generally agreed; however, there is a need for more work into a potential ring ditch and potential archaeological deposits.
- 6.4 **Daventry District Council** – The scheme should ensure the provision of adequate car parking to prevent an overspill into the existing residential areas.
- 6.5 **Development Management (NCC)** – Request Section 106 obligations to fund education and library provision in addition to the fire and rescue service.
- 6.5 **Environment Agency** – Object to the proposal as the submitted Flood Risk Assessment does not fully address surface water drainage. Amendments to the Flood Risk Assessment are therefore requested.
- 6.6 **Environmental Health (NBC)** – Request conditions relating to a Construction Environment Management Plan, the investigation of contaminants and noise mitigation
- 6.7 **Highways Agency** – No objections
- 6.8 **Highway Authority (NCC)** – Identify areas for additional information within the Transport Assessment and areas for amendment with

regards to the site access. It is also requested that a Section 106 Agreement fund highway alterations and provide additional bus shelters and travel cards for residents.

- 6.9 **Housing Strategy (NBC)** – The development would contribute to the identified need within Northampton for housing. Evidence should be submitted to demonstrate the issues of viability on the scheme. Conditions should also ensure the provision of 10% of homes being constructed to mobility standards.
- 6.10 **National Grid** – Provide guidance to the developer regarding the implementation of works.
- 6.11 **Natural England** – The proposal is unlikely to affect any protected sites or landscapes.
- 6.12 **NHS** – Request a Section 106 obligation to fund improvements to existing surgeries or to be able to pool the contributions to enable long term capacity issues to be addressed.
- 6.13 **Northamptonshire Police Crime Prevention Design Advisor** – No objections, but make a number of recommendations regarding parking, open space and footpath design.
- 6.14 **Sport England** – The proposal has been assessed against Sport England's objectives and it is considered that the residents of the development would make a demand for sporting facilities, which may be exacerbated by the loss of playing fields. Mitigation could be secured through a Section 106 obligation.
- 6.15 **Urban Designer (NBC)** – The development includes the retention of historic items and provides an appropriate suburban development. Although located on high ground, the surrounding trees and developments limit views of the application site. Wider pedestrian linkages have been assessed.
- 6.16 **Western Power** – No objections.
- 6.17 **Four objections** have been received. Comments can be summarised as:
- a) The proposal would increase demand for school places
 - b) There are concerns regarding the level of traffic generation
 - c) Consideration should be given to accommodating another traffic access
 - d) There are concerns regarding future boundary treatments and potential impact on security
 - e) Additional planting could be accommodated
 - f) The proposal would affect existing flora and fauna
 - g) There are currently no plans for the future use of Gallagher Fields.

7. APPRAISAL

Principle of the development

- 7.1 As discussed in Section 5 of this report, it is necessary for Local Planning Authorities to demonstrate the provision of a five year housing land supply. In instances, where such a supply cannot be demonstrated, the relevant local plan policies cannot be considered to be up to date. In the specific case of Northampton, such a five year supply is not available and accordingly, the relevant Local Plan Policies can only be given a small amount of weight in the determination of this planning application.
- 7.2 The proposed development would result in the delivery of up to 800 dwellings, which would make a significant contribution to addressing the established need for housing within the Borough as identified by JCS Policy S4. The policy position of the JCS is that the housing need for Northampton can only be fully addressed through the development of sites within the existing urban fabric.
- 7.3 The over-riding objective of the NPPF is that in situations where the Local Plan is out of date, applications should be determined on the basis of whether they represent sustainable development. By reason of the site's location within an existing residential area when combined with the links to surrounding areas (through road, pedestrian and public transport links) and the retention of a significant number of mature trees means that the residential development of this site is sustainable. Although the proposed site features some recreation space/sports facilities (provided as part of the operation of the University), the site represents previously developed land and is located within a suburban location and therefore is in conformity with this objective.
- 7.4 It is accepted that the site is allocated within the Local Plan as being an educational establishment; however, due to the likely relocation of the university, a strong case can be made that the retention of this site is no longer necessary and the site can be released for other uses, particularly in the case of residential accommodation, which would assist in addressing an identified need within Northampton. Furthermore, the allocation within the Local Plan is exceedingly dated and does not reflect recent planning decisions.
- 7.5 This development is linked to an approval in principle to redevelop the site off of Nunn Mills Road for a new University campus (Planning Application reference: N/2013/0912). The proposal has previously been considered by the Council's Planning Committee at the December 2013 meeting, where members resolved to approve the application subject to a Section 106 Agreement. Work on the legal agreement is nearing completion and members are due to consider some comparatively minor revisions to the proposal at the meeting on the 29th July. This proposal would significantly contribute to the enhancement of the town centre and would deliver the regeneration of

a significant and prominent site within the town centre, which has been vacant for a substantial amount of time. The proposal would also support the continued growth of the university's facility and reputation of the University of Northampton, which would in turn improve the profile of Northampton as a whole.

- 7.6 The redevelopment of the Park Campus site would contribute towards the delivery of the new campus as the University is committed to reinvesting any capital receipts from Park Campus into the Nunn Mills project. As a consequence of this, a strong case can be made that the proposed development, in addition to providing needed residential units, would also indirectly lead to the delivery of town centre regeneration and contribute to meeting the aims and objectives of the Central Area Action Plan.

Design and layout

- 7.7 On account of the large scale of the site, it is considered that the provision of 800 dwellings is acceptable as the development is of an appropriate scale and density when compared to the nature of the surrounding area. As this is an outline application, with all matters reserved with the exception of access, the layout of the development is yet to be formally determined; however, the applicant has submitted an indicative proposal.
- 7.8 The indicative parameters indicate that the proposed buildings would generally be between two and three storeys in height and have a maximum height of 11m. These proportions are complementary towards the prevailing character of the surrounding area and would prevent the development from adversely impacting upon the amenities of the existing properties. The indicative parameters would also allow for the retention of a significant number of mature trees, including those adjacent to the northern boundary and a substantial band of trees in the centre of the site.
- 7.9 The indicative layout (which should be taken as a strategy to demonstrate the suitability of the site to accommodate a suburban form of development in a well landscaped setting) accommodates a development that maintains the character of the existing area and would ensure through the various pedestrian and vehicular links that the development would be well integrated with the surroundings. The indicative layout also highlights the possibilities of securing strong pedestrian links throughout the development. These would include direct links to the entrances and exits and the areas of open space. The proposal also utilises less formal pedestrian routes that would facilitate the use of the existing tree belts for recreational activity. The indicative proposal also demonstrates that these pedestrian routes could benefit from natural surveillance, thus creating a safe development.

- 7.10 The indicative layout would see the retention of the ha-ha within an area of allocated open space within the development. In addition, the existing stone wall adjacent to Boughton Green Road would be retained. The exception to this would be a section of a wall that needs to be resited to provide the necessary visibility splays for the reconfigured access. In order to provide certainty that these works would not be detrimental to visual amenity, a condition is recommended that would require that details of the materials used for the resited wall are subject to the approval of the Council. The scheme has also been amended to include the provision of additional landscaping within the pedestrian access route running from Boughton Green Road, adjacent to the former Lodge building. This feature would reflect the original entrance avenue to the site. For these reasons, the proposal would have a neutral impact upon the site's heritage assets.
- 7.11 In order to secure a good standard of development, a condition is recommended that would require the submission and agreement of a design code prior to the submission of a reserved matters application. This would provide a greater amount of detail regarding matters such as scale and style of the development, in addition to matters such as the potential palette of building materials. These details would inform the submission of the reserved matters application.
- 7.12 It is considered that due to the scale of the development proposed, the site area and the natural constraints of the site (e.g. the need to retain a number of mature trees), it is likely that a final design could be developed that would ensure that there would be no undue detrimental impact upon the amenities of surrounding residents in terms of matters such as light, outlook and privacy.
- 7.13 Northamptonshire Police's Crime Prevention Design Advisor has recommended that car parking be provided in front of building plots or are sited in areas that are readily overlooked; that footpaths should be overlooked; that play equipment is sited in such a way so as to take into account the potential for nuisance to be generated from such facilities. In addition, the use of back-to-back residential boundaries is a positive addition to the scheme as this prevents a potential means of unauthorised access. Whilst these points are noted, they are matters to be addressed within the Reserved Matters application as opposed to this Outline proposal; however, they have been brought to the attention of the applicant. Matters relating to site and plot boundary treatments will also be addressed at the Reserved Matters stage.

Retail provision

- 7.14 The proposal has been revised to include a number of potential sites for retail facilities. This is considered to be important due to the lack of such facilities within the vicinity of the site, with the nearest significant facilities being situated within Harborough Road and Newnham Road (both in excess of 1000m away from the application site). As a consequence of this, there is a risk that occupiers of the development

would be reliant upon private cars in order to undertake routine tasks. The placement of a retail unit would therefore promote sustainable development as it would allow for some trips to be made on foot.

- 7.15 The various potential sites for retail development are considered acceptable. As there is currently no agreed occupier for the retail development, the applicant has proposed a number of locations, which have been informed by the need to prevent undesirable parking on Boughton Green Road and the need to ensure that the site is easily accessible. This has led the store sites to be located to the south of the site, adjacent to the main circulatory road within the development.
- 7.16 Notwithstanding this assessment, there is a concern that retail facilities could potentially compete against the allocated hierarchy of centres within Northampton to the detriment of their viability and vitality. Furthermore, an overly large retail provision could also have impacts on highway capacity and neighbour amenity. Accordingly, it is recommended that a condition be attached to the approval notice requiring that the total amount of net retail floor space is less than 500 square metres. This provision could be provided within one or more, smaller units. More specific matters pertaining to the retail unit, such as opening and delivery times, would be addressed in the resultant reserved matters application, once the precise location of the retail provision is known.

Highway impacts

- 7.17 A transport assessment was submitted as part of the initial application, which has been assessed by the Highway Authority. The response of the Highway Authority is that additional information is required in order to satisfy a number of technical points. At the time of preparing this Committee report, additional information to address these matters has been submitted, but the views of the Highway Authority are awaited. An update on these matters will therefore be provided to members at the Committee meeting. In the event that objections are still in place at the Committee meeting, it is requested that delegated authority be given in order to enable officers to resolve any such points in order to enable the scheme to proceed.
- 7.18 All vehicular traffic would enter and exit the site via Boughton Green Road. This is acceptable on the grounds that the developer has carried out an assessment of the likely impacts of the development on the flow of traffic within the vicinity, which has concluded that the proposed development would lead to a reduction (particularly during the peak morning period) in the number of journeys being made to and from the site. As a consequence of this, it is likely that the proposed development would not have any greater impact on the surrounding highway system than the existing, permitted use and therefore there would be no undue increase in congestion or detrimental impact upon highway safety.

- 7.19 The applicant has assessed the possibility of incorporating a third access to the site. These options include creating a link with Scirocco Close, Kings Park Road, Talavera Way or The Avenue (Spinney Hill). These options have been discounted as they would involve significant land acquisitions, be exceedingly costly (which would impact upon the viability of the proposal), potentially have a significant negative impact upon the surrounding network of open space and ecology and could encourage additional 'rat running'. Given the limited impacts that a third access would have in assisting in the ease of movement and the reduction in traffic that this proposal would represent, this matter has not been pursued.
- 7.20 The design of the north eastern most existing junction would be revised so that it becomes a junction as opposed to a roundabout. This is an appropriate response as it would prevent vehicles travelling along Boughton Green Road in a north easterly direction from having to give way to traffic leaving the application site. This arrangement would therefore reduce the potential for congestion in Boughton Green Road. The required design code, as referenced previously, would ensure that the final design of the development is carried out in such a manner to ensure that this serves as the main entrance to the site.
- 7.21 The installation of a junction would require the existing stone wall to be resited. This could have some impacts upon the health of the mature trees adjacent to this junction. The applicant has submitted information, which contends that these trees would not be unduly affected. This information is in the process of being assessed and a further update will be provided to members at the Committee meeting. In the event that some of the trees need to be removed, it would be possible to secure mitigation in the form of replacement trees of suitable types and maturity.
- 7.22 The proposed development includes the provision of 1600 car parking spaces, which is appropriate given the scale and type of the development.

Open Space and sports facilities

- 7.23 The indicative plan shows the provision of a number of areas of open space, which are necessary to provide a suitable level of recreation facilities for residents of the proposed development and to ensure that the resultant residential development is a usable and attractive place. The indicative layout highlights that the proposed open space would comprise formal areas of recreation space and areas that would assist in creating a strong sense of place. These facilities would be in addition to the private gardens that would serve each dwelling. In order to ensure that the reserved matters application comes forward in a manner consistent with the submitted indicative proposals, it is considered that the associated legal agreement requiring a minimum level of public open space and sports facilities is necessary and reasonable. This obligation would also ensure that the open space is

provided at an opportune time during the delivery of each phase of the development and that these facilities are maintained and made available for public access throughout the life of the development.

- 7.24 It is noted that a holding objection has been received from Sport England with regards to the loss of sports facilities. In considering the application, officers have concluded that there is a mechanism (as described previously) to secure suitable on site open space and recreation facilities to meet the needs of the future occupiers of the development. Whilst it is accepted that this provision would represent a decreased on site provision, when compared to the existing situation, officers consider that this situation should be considered holistically along with other developments within the Borough.
- 7.25 As discussed previously, this proposal would only be implemented upon delivery of the new University campus off of Nunn Mills Road. As part of this development, the new campus would include a full complement of sporting facilities. As the university needs to be operational at all times, Park Campus would only be closed at the point in which the Nunn Mills Campus is ready to become operational. As a consequence of this, there will be no overall reduction in provision, even on a temporary basis. All sports currently played at Park Campus would be offered within Nunn Mills Campus, with potential additional capacity for Tennis and Table Tennis.
- 7.26 The vacating of Park Campus by the University would also result in the institution terminating their lease to occupy the adjacent Gallagher Fields site as it would not be desirable to continue to operate these facilities on a 'satellite' basis separate from all other student facilities. Therefore, these playing pitches would be returned to community use only.
- 7.27 Although there is some community use of the sporting facilities within Park Campus, these are extremely limited (in essence, three events take place each on a monthly basis and only at weekends). The new Campus would be able to offer an enhanced community offer, including the facility to play sport during some weekday afternoons and evenings, in addition to weekends. Furthermore, officers consider that the Nunn Mills site represents a more sustainable location for such facilities due to the greater accessibility that arises from being situated adjacent to the town centre. Furthermore, there is a greater amount of public car parking within the general vicinity than Park Campus and a docking station for the new 'Cycle Connect' service is situated within the nearby Becketts Park.
- 7.28 At the time of preparing this Committee report, the holding objection remains; however, officers and the applicant are in correspondence with Sport England on this subject. It is therefore requested that this matter be delegated to officers to enable a continued dialogue with Sport England to take place and, in the event that the objection

remains in place, to refer the planning application to the Secretary of State for consideration.

Air quality, noise and contamination

- 7.29 At the time of submitting the application, the applicant has undertaken initial investigations, into the potential for contaminants, these have concluded that the site is suitable for redevelopment for residential accommodation. Notwithstanding this, there is a need to undertake more intrusive investigations into matters such as naturally occurring contamination. Accordingly, it is recommended that any permission is subject to a condition that would require this to be carried out. A further condition would also address the matter of unsuspected contamination.
- 7.30 The submitted acoustic assessment identifies that there is a need for some on site mitigation in respect of road noise. As this is an outline application of which the final design is not yet known, a condition requiring the submission of a scheme to address this matter is necessary and reasonable.
- 7.31 The applicant has submitted an assessment, which has demonstrated that the proposal would not negatively impact upon the area's air quality.
- 7.32 In order to ensure that the carrying out of the development does not have an adverse impact upon the amenities of the surrounding residents, a Construction Environment Management Plan (CEMP) would be secured via a condition. This would address matters such as the hours in which building works take place, strategies for the control of noise and dust, the routing of vehicles serving the construction process and methods for preventing mud from being brought onto the public highway.

Drainage and flooding

- 7.33 In accordance with the advice of Anglian Water, conditions are recommended that would require the submission of a foul water drainage management strategy and for this to be fully implemented prior to occupation of the dwellings permitted. A further condition is recommended that would require that no areas of hard standing are constructed until the necessary drainage works have been implemented. These conditions would ensure that the proposal does not increase the risk of flooding elsewhere.
- 7.34 The Council has sought the advice of the Environment Agency (EA) in respect of flood risk. At the point of preparing this report, the Council is in receipt of objections as additional technical information is required to be added to the submitted Flood Risk Assessment. These additional details relate to the need for more clarity relating to the maintenance of drainage system and discharge rates relating to drainage ponds. The applicant has submitted additional information, which is currently being

considered by the EA. A further update will be provided to members at the Committee meeting; however, in the event that they are remaining, it is requested that delegated authority be given to addressing these matters prior to approval being granted.

Trees and ecology

- 7.35 On account of the size and nature of the application site, a biodiversity assessment has been submitted. In terms of habitats, the site's hedgerows are generally of a poor quality. The proposed development would see the retention of a significant number of trees and would also see additional new trees and grasslands being planted.
- 7.36 Conditions are recommended that would ensure that the trees identified for retention within the applicant's submission are maintained in accordance with the submitted mitigation strategy. These are necessary in order to ensure that the development retains part of its original parkland character.
- 7.37 In terms of wildlife, there are a total of four buildings and three groups of trees on site that have the potential to provide a habitat for bats. Following a detailed survey into their presence, it has been confirmed that there is no evidence of an on-site bat population. Given the comparatively poor quality (in terms of variety) grassland on site, it is concluded that the site would not be a suitable habitat for reptiles. In carrying out survey work, a single grass snake was observed; however, this species is highly transitory and given the poor quality environment (i.e. poor grassland, lack of scrubland or water), it is unlikely that site supports a population of this species.
- 7.38 The applicant has assessed the potential impact of the development upon lepidoptera; however, any such impact are likely to be small due to the retention of the bulk of the site's trees, including the large groups around the site's entrance.
- 7.39 The site is unlikely to lead to a loss of habitat for nesting birds; however, in the event that works to remove trees/habitats is carried out within the breeding season (March to August), it is recommended that the a further survey be carried out to establish the presence of any such species and to structure any development around the survey's findings. The development site does include a badger sett; however, through the carrying out of appropriate mitigation works (such as by ensuring that the appropriate separation distances are maintained; preventing access to trenches; and ongoing monitoring works), it is considered that there is unlikely to be any impact upon this species.

Archaeology

- 7.40 The County Council Archaeology advisor has raised concerns as there remains a potential for an undated ring ditch to remain, in addition for potential buried archaeological features to exist. The applicant has

provided an additional survey to address this matter and an update will be provided at the Committee meeting.

Legal Agreement

- 7.41 Ordinarily, developments of this size would require a Section 106 Agreement, covering a number of matters including the provision of 35% of the development to be used for affordable housing, and financial contributions towards education provision, open space and public transport enhancements. The developer has submitted a viability appraisal that the Council has had independently assessed. In summary, the proposed development is marginal in terms of viability and as a consequence, the proposal is only able to support the provision of 8% affordable housing on site and a reduced financial payment towards off site infrastructure. By reason of the nature of the proposed development (i.e. family housing) and acknowledged shortfalls within Northampton, it is considered that it would be most appropriate for this money to be used to fund education provision to meet the likely needs arising from the proposal.
- 7.42 It is accepted that these Section 106 obligations are significantly lower than those normally associated with similar sized residential schemes; however, it should be noted that the proposed development would bring forward a significant number of houses that would address the established need within the Borough. In addition, this application is necessary to bring forward financial receipts in order to contribute towards the delivery of new University campus at Nunn Mills Road. Clearly this scheme, would deliver significant regeneration benefits to the town. Furthermore, an enhanced university would also be of significant benefit in terms of promoting the image of Northampton to a wider audience.
- 7.43 All proposed Section 106 obligations need to be balanced against the requirements of the Community Infrastructure Levy Regulations, which specify three key legal tests that should be applied in deciding whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.44 On the grounds that the provision of affordable housing and payments towards education provision would address the likely needs arising from the development such a requirement is in accordance with the above regulations.
- 7.45 It is accepted that, ordinarily, a Section 106 obligation would be required that would secure a payment towards off site public space improvement; however, it is acknowledged that such a payment would

render the scheme unviable and therefore unlikely to proceed. As a consequence of this, which should be combined with the wider benefits of the scheme in terms of promoting town wide regeneration, it is considered that ensuring a viable residential scheme that is deliverable is paramount. Furthermore, the proposal would see the retention of a reasonable amount of open space on site, which would meet the potential needs of residents of the development. It should also be noted that replacement sports facilities would be provided within the new university campus as discussed previously.

- 7.46 It is also accepted that there is some justification for seeking payments towards health care provision; however, the marginal viability of the scheme is such that a Section 106 obligation could render the scheme unviable and therefore may not proceed. As it is probable that the current greatest need is focused upon the provision of affordable housing and education, it is recommended that the Section 106 Agreement focus upon these matters.
- 7.47 The County Council has requested a payment for the provision of the fire service and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured or what needs would be addressed by this obligation. Therefore, it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.
- 7.48 It is noted that the Highway Authority have requested funding towards bus shelter provision within Boughton Green; however, the bus stop serving west bound traffic is already fitted with a shelter, whilst the pavement adjacent to the bus stop serving east bound traffic is adjacent to private land. As a consequence of this, it is doubtful that shelters could be deliverable even if a Section 106 obligation could secure them. In addition, the Highway Authority has requested funding to enable each household of the development to be provided with a temporary travel card in order to promote the use of public transport. Whilst the aims of this suggestion are laudable, it is extremely doubtful that the proposal would have lasting mitigation in terms of enabling a modal shift in travel patterns.
- 7.49 As discussed previously, the proposed development would not result in an increase in the level of road usage surrounding the application site. As a consequence of this, the proposal would not require any mitigation to be provided in terms of physical highway improvements as any such works would not be in conformity with the relevant legal tests as discussed within paragraph 7.43.

8. CONCLUSION

- 8.1 In conclusion it is considered that the proposed development is acceptable in principle due to it making a substantial contribution to the identified housing need in Northampton. Furthermore, the application has established an acceptable set of parameters from which a Reserved Matters application can be developed. It is accepted that the Section 106 Agreement would be somewhat limited in scope; however, this is justified on the grounds of viability as the development of the site would financially contribute to the delivery of a new University campus off of Nunn Mills, which would bring wider regeneration benefits to the town. Without these reduced Section 106 obligations, it is doubtful that either scheme would come forward.
- 8.2 Notwithstanding this assessment, it should be recognised that there are currently some outstanding issues (relating to sports facilities, highways matters, archaeology and flood risk). The applicant and officers are working to resolve these issues; however, it has not been possible to complete this process. Due to the significance and specific circumstances of this application, it is requested that in the event that members consider the principle and the matters not covered by the above points acceptable that the application be delegated to officers to resolve the matters of objection and, if necessary, refer the application to the Secretary of State.

9. CONDITIONS

- (1) Approval of the details of the appearance, landscaping, layout and scale ("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 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010

- (2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of six 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 either before the expiration of 10 years from the date of this permission, or, if later, before the expiration of six years from the date of approval of the last of the reserved matters to be approved.

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

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 001; and 002.

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

- (5) The development hereby permitted shall be for a maximum of 800 dwellings and a maximum of 500 square metres of nett floor space for uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure conformity with the National Planning Policy Framework.

- (6) The development hereby permitted shall include a minimum of 1600 car parking spaces.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

- (7) The development hereby permitted shall be carried out in accordance with the Building Heights Parameter Plan (drawing number Z-01-007, Rev. P1),

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

- (8) A phasing plan for the implementation of the development hereby permitted shall be submitted to and approved in writing. Development shall be carried out in accordance with the approved details.

Reason: In the interests of securing a satisfactory standard of development in accordance with the National Planning Policy Framework.

- (9) Prior to the submission of any reserved matters application, a Masterplan and Design Guide covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be formulated having regard to the approved Design and Access Statement, parameters plan, landscape strategy and shall respond to the recommendations of Building for Life 12 and shall include the following details.

- i) A phasing plan of the development, including an affordable housing plan.
- ii) The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycle connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking.

- iii) The proposed layout, use and function of all open space within the development.
- iv) The approach to and design principles applied to car parking (on and off street), including surface treatments.
- v) Phase layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.
- vi) The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.
- vii) External materials to include a palette of wall and roof finishes, porches, heads, cills, chimneys, eaves and verges in addition to the colour palette for doors, windows and rain water goods.
- viii) The design principles that will be applied to the development to encourage security and community safety.
- ix) The routing and treatment of all footpaths and pedestrian routes throughout the site.

Thereafter, any reserved matters application for any phase of the development shall comply with the principles established within the approved Design Code.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

- (10) The access arrangements as shown on drawings 001 and 002 shall be constructed prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

- (11) The development hereby permitted shall be carried out in accordance with the Method Statement for the retention of trees along Boughton Green Road report (dated July 2014) and the Tree Impact Appraisal (dated May 2014).

Reason: In the interests securing a satisfactory standard of development in terms of the impacts upon the site's trees in accordance with Policy E11 of the Local Plan.

- (12) Details and/or samples of the proposed external facing materials for the resited boundary wall adjacent to Boughton Green Road 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.

- (13) Prior to the commencement of each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:
- i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
 - ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
 - iii) Details of the siting of all vehicles of site operatives and visitors.
 - iv) The unloading and loading arrangements for heavy plant and machinery.
 - v) The location, extent and duration of any temporary stockpiling areas.
 - vi) Measures to prevent mud being deposited on the surrounding highway.
 - vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework.

- (14) No development shall take place on each phase of the development until a desk top study in respect of possible contaminants within that phase is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion of each respective phase

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 the advice contained in the National Planning Policy Framework.

- (15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 the advice contained in the National Planning Policy Framework.

- (16) Prior to the commencement of development on each phase of the development an assessment of the noise exposure of each habitable room on the exposed façades due to transportation, which must take into account the likely growth of traffic over the next 15 years shall be submitted to and approved in writing by the Local Planning Authority.

Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of $L_{Aeq, 8 \text{ hour } 30\text{dB}}$ with window open, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will require the provision of ventilation or heat control systems. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of each affected dwelling and retained thereafter.

Reason: In the interests of securing a satisfactory standard in terms of residential amenity in accordance with the National Planning Policy Framework.

- (17) Prior to the commencement of development on each phase of the development, a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the first occupation of each phase of the development and retained thereafter.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.

- (18) Prior to the commencement of development on each phase of the development, a surface water strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the construction of any areas of hard standing within each phase of the development and retained thereafter.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework

- (19) Prior to the first occupation of each phase of the development a travel plan shall be submitted to and approved in writing by the Local

Planning Authority. The plan shall be fully implemented within two months of the first occupation of the phase and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

- (20) The development hereby permitted shall be carried out in accordance with the recommendations of paragraphs 7.5.9 and 7.5.10 of the Environmental Statement (dated April 2014) in respect of biodiversity mitigation.

Reason: In the interests of securing a satisfactory standard of development in terms of mitigating the impacts of the proposal on biodiversity.

- (21) The development hereby permitted shall retain the ha-ha as shown on the Illustrative Landscape Masterplan (revision B).

Reason: In the interests of maintain a feature of historical interest in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

- 10.1 N/2013/0912 and N/2014/0475

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.



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Date: **18th July 2014**
Scale:
Dept: **Planning Support**
Project: **Location Plan**

Title

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