



PLANNING COMMITTEE: 29th October 2014
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1045: Variation of Condition 15 of planning permission N/2011/1262 to allow the proposed road to be constructed to adoptable standards by 1st September 2015 or by the first occupation of the 41st dwelling whichever is the sooner. Former Abington Vale Middle School, Bridgewater Drive

WARD: Park

APPLICANT: Miss Elaine Connolly, Bellway Homes Limited

REFERRED BY: Director of Regeneration, Enterprise and Planning

REASON: Major development with a S106

DEPARTURE: No

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the conditions as set out below and for the following reason:

The principle of residential development of the site has previously been established through the grant of outline consent under application N/2011/1262. The variation of Condition 15 as proposed would not lead to any adverse impact on highway safety and is considered acceptable. The development proposal remains in accordance with Policies L2, H7, H17, H32, E11, E12 & E17 of the Northampton Local Plan, Policies H1, H2 & S10 of the submitted West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

1.2 The prior completion of a S106 to secure obligations as defined in the S106 associated with application N/2011/1262.

- 1.3 That delegated powers are given to the Director of Regeneration, Enterprise and Planning to amend planning conditions as necessary following any subsequent discharge of conditions of the original outline consent prior to issuing the decision notice. An application to discharge conditions of the outline consent is currently under consideration.
- 1.4 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 Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his 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 The application proposes the variation of Condition 15 of the outline consent for the residential development of the site to allow the road from Bridgewater Drive to the school turning facility to be constructed after the commencement of development to adoptable standards either before 1st September 2015 or prior to the occupation of the 41st dwelling on site, whichever is the sooner. The original condition required the following:

‘The proposed adoptable road from Bridgewater Drive to the school turning facility must be constructed to Provisional Certificate Standard prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.’

The condition was imposed in the interests of highway safety and to maintain safe vehicular and pedestrian access and to accommodate construction traffic.

- 2.2 The variation is sought due to the developer not being able to undertake the intrusive works required to construct the road during school holidays thereby avoiding any disruption to access to the school. Timeframes afforded by half-term closures during the school year would offer insufficient time to complete the works and therefore summer 2015 will be the next available time slot in which the works can be undertaken. This would delay commencement of any other building works on site in the meantime. The variation of condition would allow building to commence prior to works being carried out to the road.

3. SITE DESCRIPTION

- 3.1 The application site is approximately 2.5 ha in area and located on part of the former Abington Vale Middle School situated to the northeast of

the town centre and within the vicinity of Abington Park located to the northwest of the site. The surrounding area is predominantly residential in character and the site is bordered on two sides by existing residential development. A small area of open space borders the site with Bridgewater Drive beyond which are further residential properties. To the southeast is Bridgewater Primary School and Abington Vale Pre-School. An informal public footpath runs along the northwest boundary of the site.

- 3.2 The site rises gently from the Bridgewater Drive to the west and northwest with a steep rise towards the western boundary. A sewer easement runs northwest to southeast across the western half of the site. Trees with Tree Protection Order (TPO) are situated along the southwest boundary.
- 3.3 Access to the site is from Bridgewater Drive which also provides access to Bridgewater Primary School and the pre-school located to the south east.

4. PLANNING HISTORY

- 4.1 N/2014/0275 – Application for approval of reserved matters except access pursuant to planning approval N/2011/1262 (application to extend time limit for implementation of outline permission 06/0022/OUTWN) for residential development comprising of 82 dwellings and local area of play. Approved 4.08.14.
- 4.2 N/2011/1262 – Application to extend time limit for implementation of 06/0022/OUTWN for residential development (all matters reserved except access). Approved 19.12.13.
- 4.3 06/0022/OUTWN – Outline application for residential development. All matters reserved except for access. Approved 23.12.08.

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 Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan 1997 (Saved Policies)

E1 – Landscape & Open Space - development should not be detrimental to character and structure of landscape.

E11 – Protection of trees - planning will not be granted for development involving destruction or substantial damage to trees of significant environmental or amenity value unless the features are already damaged.

E19 – Implementing Development - permission for residential development only granted where adverse impacts are mitigated for & where infrastructure and amenities made necessary are provided for.

E20 - New development – design should adequately reflect character of surroundings in terms of layout, siting, form, scale and materials and ensure adequate standards of privacy and daylight.

E40 – Planning and crime and anti-social behaviour - the design of new development should pay adequate regard to the need to deter crime & vandalism.

H7 – *Development outside residential areas* - needs to be in keeping with character of area, comply with highway design requirements, not result in loss of amongst other things educational facilities, trees or land of significant amenity value.

H14 – Provision of children’s play in amenity open space.

H17 – Provision of mobility housing – not less than 10%.

H32 – Provision of affordable housing.

5.4 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Affordable Housing Interim Statement (February 2013)

5.5 **Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy**

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 as it has been prepared in full conformity with the NPPF.

The Inspector’s report on the examination into the JCS was published on 7th October 2014. The Inspector concluded that the main modifications made to the report (which were subject to public consultation and submitted in January 2014) satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meet the criteria for soundness in the NPPF.

H1 – Housing Density and Mix and Type of Dwellings

H2 – Affordable Housing

S10 – Sustainable Development Principles

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 The **Highway Authority** has no objections to the proposed variation.
- 6.2 The consultation period has not expired at the time of writing this report. Any comments received will be included in the addendum to the committee agenda.

7. APPRAISAL

- 7.1 The main issue for consideration is as to whether the variation of condition would lead to any adverse impact in terms of highway safety and maintaining safe vehicular and pedestrian access to the school in particular during construction.
- 7.2 The existing access road to the site from Bridgewater Drive is adopted at the entrance to the junction with the remainder of the road leading up to the school entrance being a tarmacadam surface which is proposed to be upgraded to adoptable standards as part of the residential development providing access to both the school and the proposed residential development.
- 7.3 To ensure suitable and safe access is maintained to the school during the construction of the residential development the outline consent is subject to a condition to agree and approve a Construction Environmental Management Plan (CEMP) which will include a Traffic Management Plan incorporating the routing of traffic and details of heavy vehicle movement patterns including earliest and latest times and suspension of trips during local peak traffic times.
- 7.4 The applicant has also confirmed that as part of the Transfer Deed, linked to the developers Title to the land, they are required to permit access between Bridgewater Drive and the school land as indicated on the Transfer Plan at all times, with works to complete the roadway to cause minimal disruption to the operation of the school.
- 7.5 The Highway Authority has no objection to the variation of the condition as proposed which would ensure that the road is constructed to adoptable standards within a reasonable time in the development process. The agreement of the CEMP by condition and the requirements imposed on the developer under the land transfer will ensure that safe and suitable access is maintained to the school throughout the construction period.
- 7.6 As a Section 73 variation of condition consent would in effect result in a further planning consent for the development of the site it is recommended that a S106 agreement is secured to ensure the obligations of the previous consent N/2011/1262 are secured.

7. **CONCLUSION**

- 8.1 The variation of condition as proposed would ensure that the road is still constructed to adoptable standards as part of the development albeit at a later stage but without detriment to highway safety. The proposal is therefore recommended for approval.

9. **CONDITIONS**

- (1) Approval of the details of layout, scale, appearance and landscaping of the site (the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- (2) The development shall be carried out in accordance with the plans approved under Condition 2 of the reserved matters consent N/2014/0275.

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

- (3) The development hereby permitted shall be begun before the expiration of two 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) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority 's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

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

Reason: In the interests of residential and visual amenity in accordance with Policy H7 of the Northampton Local Plan.

- (6) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy H7 of the Northampton Local Plan and the NPPF.

- (7) A full Arboricultural survey and report on all existing trees and hedges on the site shall be submitted with the reserved matters application and shall be approved in writing by the Local Planning Authority before any development takes place. The survey and report shall include details of all trees and hedges to be removed and those to be retained and the method of protection of the retained trees during the course of development. The tree and hedge retention shall be implemented in accordance with the approved scheme.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Local Plan Policy H7 and the NPPF.

- (8) All dwellings must be fitted with security systems. The standards of locks to be installed in the external doors and windows of the dwellings shall be made to secure standards set out in BS 3621:1998.

Reason: To ensure the development provides an acceptable level of security for future occupiers in accordance with Local Plan Policy H7 and the NPPF.

- (9) Prior to the commencement of development, a detailed Stage 2 Flood Risk Assessment (FRA) including an assessment of overland flood routing through the site prior to and after development shall be submitted to and approved in writing by the Local Planning Authority. The Stage 2 FRA shall also include a detailed surface water drainage strategy for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved FRA and the NPPF.

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the Local Plan Policy H7 and the NPPF.

- (10) The approved surface water strategy for flood risk protection shall be implemented fully in accordance with the requirements of the approved flood risk assessment and with the approved implementation programme. The applicant shall confirm the completion of the approved scheme in writing with the Local Planning Authority within 1 month thereafter.

Reason: To prevent increase in flood risk in accordance with the Local Plan Policy H7 and the NPPF.

- (11) No development approved by this planning permission shall be commenced until:
- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatic representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatic representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken relating to human health, ground and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters, using the information obtained from the Site Investigations has been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
 - e) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment and to ensure the proposed site investigations and remediation will not cause pollution of controlled waters in accordance with Local Plan Policy H7 and the NPPF.

- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall take place until the details of archaeological measures have been approved by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of archaeological research in accordance with Local Plan Policy H7 and the NPPF.

- (13) A maximum of 112 household units are permitted by this approval.

Reason: In the interests of the character and amenity of the area and to ensure highway safety is maintained as assessed within the Traffic Report, in accordance with Policy E20 of the Northampton Local Plan in accordance with Local Plan Policy H7 and the NPPF.

- (14) Prior to the commencement 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:

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

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

- (15) The proposed road from Bridgewater Drive to the school land as shown on the Transfer Plan 12137 (B) 520 must be constructed to adoptable standards by 1st September 2015 or by the first occupation of the 41st dwelling whichever is the sooner.

Reason: In the interests of highway safety and to maintain safe vehicular and pedestrian access and to accommodate construction traffic in accordance with the requirements of the NPPF.

10. BACKGROUND PAPERS

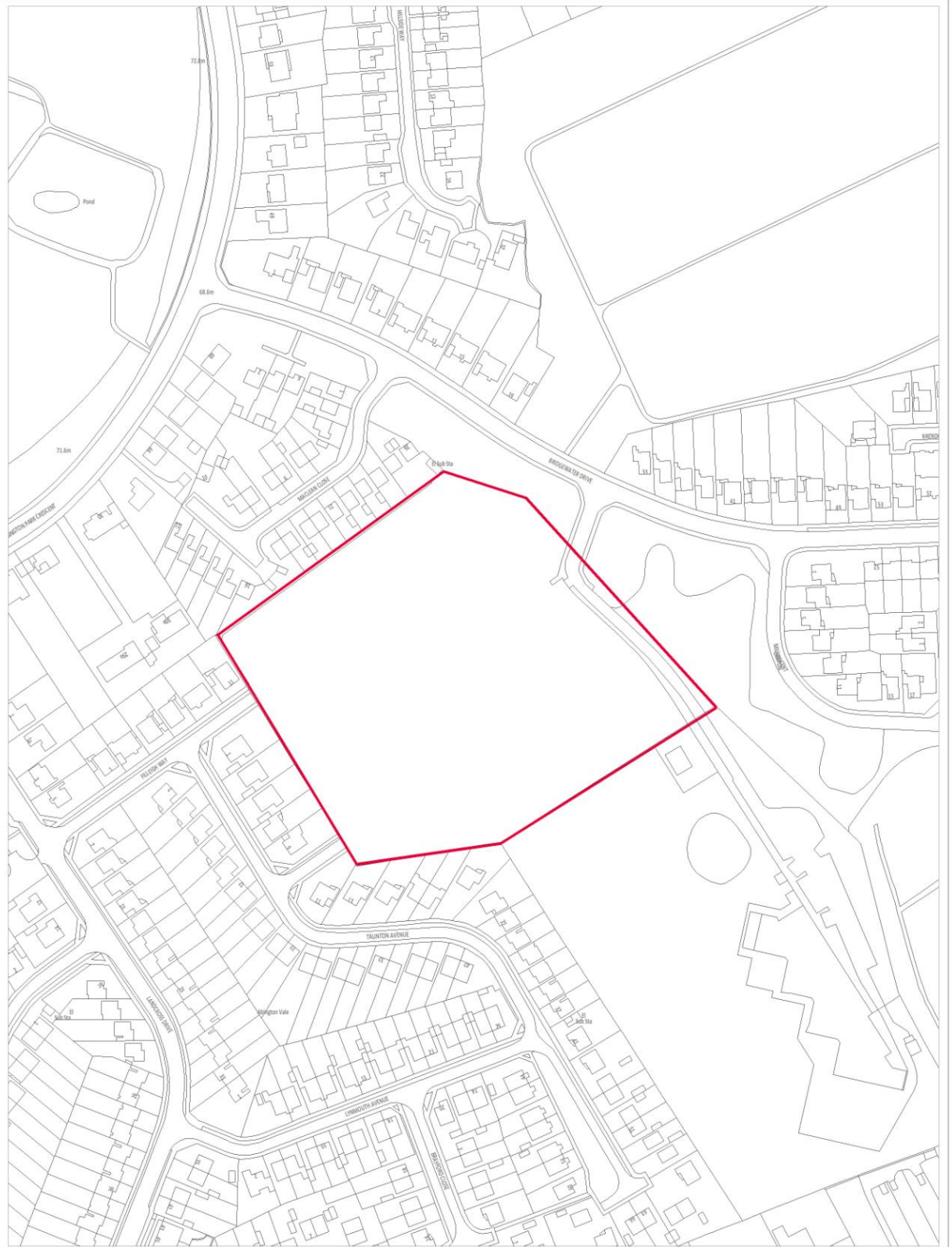
10.1 N/2014/1045.

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: **Location Plan**
 Date: **8th October 2014**
 Scale: **1:2250**
 Dept: **Planning**
 Project: **Planning Committee**

Title
Former Abington Vale Middle School, Bridgewater drive

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