



PLANNING COMMITTEE: 2nd September 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2015/0647: Outline application with all matters reserved except access (from Penfold Close/Northfield Way) for residential development of up to 195 dwellings, public open space and associated access at former Kingsthorpe Middle School site, Northfield Way

WARD: Spring Park

APPLICANT: Mr. D. Smith, Northamptonshire County Council
AGENT: Mr. T. Bode, Atkins

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Major development requiring a Legal Agreement

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development would result in the satisfactory reuse of this previously developed 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 and neighbour amenity. The proposal is therefore in compliance with the National Planning Policy Framework, Policies BN2, BN3, C2, H1, H2, S1, S3, S10, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Policies E20, T12 and H17 of the Northampton Local Plan.

1.2 That delegated authority is given to the Director of Regeneration, Enterprise and Planning to negotiate and secure the necessary mitigation in the form of financial and non-financial planning obligations through the completion of a Section 106 Legal Agreement. The Legal Agreement will secure the following heads of terms:

- i) 35% on site affordable housing;
- ii) A payment towards primary and secondary education provision;

- iii) A payment towards the provision of health care facilities;
- iv) A payment towards the provision of and/or enhancements and maintenance of public open space;
- v) The provision of at least 0.8ha of on-site open space and for this space to be continually maintained and made available for public access;
- vi) A payment towards the provision of highway improvements within the vicinity of the site;
- vii) A payment to fund improvements to bus shelter provision within the vicinity of the site and their ongoing maintenance;
- viii) A scheme for the provision of construction worker training opportunities and a payment towards the operation of this programme; and
- ix) The Council's monitoring fee subject to the Director of Regeneration, Enterprise and Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.3 That delegated authority be given to the Director of Regeneration, Enterprise and Planning in order to continue a dialogue with Sport England with a view to removing their objection and/or referring the application to the Secretary of State as may be necessary.

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 Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application seeks outline planning permission for the erection of up to 195 dwellings. This is a reduction of 35 dwellings from a recently considered proposal. All matters are reserved with the exception of access. Vehicular access to the development would be provided by an access situated at the junction between Penfold Close and Northfield Way. This is in addition to a pedestrian access that would be situated in Liddington Way.

2.2 As the application is in outline form, no detailed layouts have been submitted; however, the submitted documentation indicates that the resultant residential buildings would be between one and three storeys, with the dwellings having between one and four bedrooms. The development would also include areas of public open space.

3. SITE DESCRIPTION

3.1 The application site was originally developed to provide a school to serve the surrounding residential accommodation, much of which was constructed around the same time of the school. However, the reorganisation of school provision within Northampton meant that this school was deemed surplus to requirements and it has been vacant since late 2007. A comparatively small proportion of the site was developed (in 2009) to form a children's centre. This land is excluded from the current application.

- 3.2 Although the school has been vacant for some time, its former use is material to this planning application. In particular, the school was of a significant size with around 300 students (of between nine and 13 years of age). As a consequence of this, it should be recognised that high level of traffic has been previously associated with this site.
- 3.3 The immediate surroundings of the site are predominantly residential in character, with many of the surrounding dwellings being constructed since the 1970s. The site lies between the Kingsthorpe Recreation Ground (to the east) and allotments (to the west). The application site is served by Northfield Way, which is a comparatively short road of approximately 145m running from Welford Road and also serving a number of culs-de-sac. Northfield Way is also unusual in that it has a width of 7.5m, which is in substantially more than the widths normally associated with such estate roads.
- 3.4 Welford Road serves as one of the main routes into the town from the north-west and is also served by a number of public transport services. The application site is also approximately 700m from the allocated Kingsthorpe Centre, which contains an array of commercial and leisure facilities as well as additional public transport links.

4. PLANNING HISTORY

- 4.1 N/2014/0316 – Outline planning application with all matters reserved except access (from Penfold Close/Northfield Way) for a residential development comprising 230 dwellings and public open space – Refused.
- 4.2 The above planning application was refused at the Planning Committee meeting held in February 2015. The reason for this is that it was considered that insufficient justification had been submitted regarding the proposed highways mitigation and means to ensure that there would be no significant adverse impact upon pedestrian or vehicular safety.

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 adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

National Policies

- 5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application.
- 5.3 Paragraph 49 requires 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.

- 5.4 In terms of providing additional housing, planning proposals should 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 supports sustainable development, mitigating impacts on amenity and facilitating mixed uses (paragraph 17).
- 5.5 The NPPF requires that new developments are of a high quality design, which secures a good standard of amenity for all existing and future occupiers of land and buildings (paragraph 17). The same paragraph also requires the effective reuse of previously developed land and focuses significant new developments on sites that are sustainable.
- 5.6 Paragraph 34 requires developments that are likely to generate a significant amount of movement be located in positions where the need for travel is minimised. This is expanded upon in paragraph 35, where the creation of safe and secure road layout are required which minimise conflicts between pedestrians, cyclists and traffic.
- 5.7 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. The NPPF also requires that new developments be of a good quality design (paragraph 56).

West Northamptonshire Joint Core Strategy (2014)

- 5.8 The West Northamptonshire Joint Core Strategy (JCS) is an up-to-date plan, which complies with the current Government requirements for plan making and which is in full conformity with the NPPF. Policies of particular relevance are:
- 5.9 Policy S1 of the JCS states that new developments will be concentrated primarily in and adjoining the existing principal urban area of Northampton. Policy S3 requires the construction of approximately 18,870 houses within Northampton Borough over the plan period and 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 to satisfy the West Northamptonshire Objectively Assessed Housing Needs.
- 5.10 Policy S10 requires that new developments be located where services and facilities can be accessed by walking, cycling or public transport.
- 5.11 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing. Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift away from private cars.

- 5.12 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.
- 5.13 In assessing applications where there may be an impact upon biodiversity, it is necessary to give weight to Policy BN2, which requires that development management decisions reflect the hierarchy of biodiversity and that appropriate weight should be given to the status of the site. Policy BN3 states that existing trees should be retained unless it can be demonstrated that the loss of trees would be outweighed by the need for and benefits of development.

Northampton Local Plan 1997 (Saved Policies)

- 5.14 Due to the age of the plan, weight that can be attributed to the aims and objectives of this document is diminished, however, the following policies are material to this application.
- 5.15 Policy L2 allocates this site as an education establishment and states that planning permission to redevelop the site should only be granted if it can be demonstrated that the land or facilities are not needed in the longer term for recreation or leisure purposes; and if the site does not have any significant amenity or landscape value; and that the scheme retains or provides adequate outdoor or indoor recreational facilities for public use.
- 5.16 Policy E20 states that new buildings should be of an appropriate design; and Policy T12 necessitates that new developments have sufficient manoeuvring space for commercial vehicles. In addition, Policy H17 requires the provision of a suitable level of housing for people with disabilities.

5.17 Supplementary Planning Documents

Affordable Housing
Developer Contributions

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – No objections, but request a condition relating to the implementation of the proposed surface water management system.
- 6.2 **Archaeology Advisor (NCC)** – Request a condition relating to the investigation of matters of archaeological note.
- 6.3 **Construction Futures** – Request a financial and time contribution to providing construction worker training opportunities.
- 6.4 **Development Management (NCC)** – Request Section 106 obligations to secure the provision of primary and secondary school education, and contributions to the fire and rescue service and libraries.
- 6.5 **Environment Agency** – No objections.

- 6.6 **Environmental Health (NBC)** – Make observations regarding the impacts of the development on air quality; however, these can be mitigated. In addition, conditions are recommended regarding the investigation of ground contamination.
- 6.7 **Highway Authority (NCC)** – No objections, subject to the securing of highways mitigation works and new bus shelters through the legal agreement and conditions relating to the technical specification of the new entrance and pedestrian route.
- 6.8 **Highways England** – No objections.
- 6.9 **NHS England** – No objections, but request that a payment towards the provision of healthcare facilities is sought through the legal agreement.
- 6.10 **Northamptonshire Police Crime Prevention Design Advisor** – Make a number of recommendations, which should be taken into account by the developer in designing the final layout.
- 6.11 **Sport England** – Raise objections as the development would result in the loss of playing fields.
- 6.12 10 letters of objection have been received. Comments can be summarised as:
- The number of dwellings is too high.
 - The surrounding road network is heavily used and congestion occurs.
 - There would be an increase in the use of Northfield Way over the current situation.
 - On street car parking is already in high demand.
 - There would be an increase in the demand for school places and healthcare.
 - The site is popular with wildlife.
 - The site has been used for playing fields.
 - The development of some three storey dwellings will be out of character with the area.

7. APPRAISAL

Principle

- 7.1 It is accepted that the site is allocated as a school site; however, it is noted that the school had been vacant for a significant period of time following the reconfiguration of school provision in Northampton and the associated school buildings have since been demolished. As a consequence, there does not seem to be a realistic possibility that the site could be used for educational purposes within the foreseeable future. Policy L2 is of specific relevance; however, as the site does not have any significant landscape value nor does it include facilities that could be used for sports or leisure uses, it is therefore considered that this policy has not been breached and it is reasonable to consider the merits of alternative uses for the site.
- 7.2 It should be also be recognised that the Local Plan is exceedingly dated and more recent policy documents carry greater weight. In particular, the adopted JCS recognises that there is a substantial need for new housing, which will require the redevelopment of sites within the existing built area. In addition, the

NPPF requires that local authorities demonstrate a five year supply of housing land. The bringing forward of this site for residential uses would contribute towards addressing these issues.

- 7.3 Northampton currently does not have a five year housing land supply. In these circumstances any relevant local plan policy cannot be considered to be up to date and the NPPF requires that any application should be determined on the basis of a presumption in favour of sustainable development.
- 7.4 The site is adjacent to an existing residential area and close to an existing centre containing a mix of leisure and commercial facilities. It is therefore likely that future residents of the development would have relatively easy access to facilities and services. In addition, the site has good public transport links and there is generally good accessibility to schools and open space nearby. It is therefore considered that the proposal represents sustainable development and is acceptable. The sustainable nature of the proposal is further emphasised by the fact that the development would result in a previously developed site being brought back into a productive use.
- 7.5 35% of the dwellings would be affordable and a minimum of 10% of the development would be constructed to the Council's mobility standards. The mix of dwellings, in terms of houses and apartments and the variation in the number of bedrooms means that the development would provide choice, which would be in conformity with the aims and objectives of the NPPF.

Environmental issues

- 7.6 The Council's Environmental Health section has made some observations regarding the potential impact of the development upon the Air Quality Management Area within Harborough Road. However, the site has a historic use that would have generated a significant amount of traffic, and the design of the proposed development includes significant pedestrian links to the surrounding area. Consequently, the overall impact upon air quality in this area would not be significant. The Section 106 Agreement would secure some practical works (such as improvements to bus shelter provision) to reduce the impact of the development upon air quality.
- 7.7 Although the site was undeveloped before the school was built, naturally occurring contaminants may still be present, together with potential contamination from the school's (now removed) heating system. Conditions are therefore recommended to ensure that these matters are properly investigated and remediated, if necessary.
- 7.8 Prior to the area being developed for the school and housing, crop marks indicating archaeological features were observed. Furthermore, there have been archaeological finds of interests from the prehistoric, Roman and medieval periods within the wider area. Consequently, the site may be of archaeological interest. A condition is therefore recommended to ensure that this possibility is fully investigated prior to the first implementation of the permitted development.
- 7.9 The development has been assessed by the Environment Agency, which has raised no objections to the development with regards to flood risk.

Highway impacts

- 7.10 The site was formerly a sizeable school, which remains its current permitted use. It is likely that a large number of vehicle movements would have been made to the site at peak travel times either through children being dropped off and picked up or staff entering and leaving the site. Therefore, this is a significant material consideration in the determination of this planning application. The proposed development is unlikely to result in any significant increase in vehicle movements to and from the site over those when the school was open.
- 7.11 Traffic on the general highway system will increase over the current situation. This is of particular sensitivity within the Kingsthorpe Road corridor, which is a widely used route to and from the town centre and most of the traffic from the development is likely to use this road to some degree. Therefore in order to mitigate this impact and in line with the advice of the Highway Authority, the Section 106 Agreement would secure a financial payment across towards improvements to the Kingsthorpe Road corridor.
- 7.12 The Section 106 Agreement obligation would jointly fund (along with a small number of large scale developments) a number of improvements to the Kingsthorpe Road corridor. It is anticipated that the bulk of the proposed work would take place on the southern section of the Kingsthorpe Road corridor (running from the Cock Hotel junction) as it is anticipated that this is the element of the road network that would see the greatest increase in usage should the development be permitted. The likely works to be undertaken would include the reconfiguration of a number of junctions plus works to improve the synchronisation of existing traffic signals.
- 7.13 The scale of the development has been significantly reduced through the removal of 15% (35) of the dwellings from the previous application. As a result, it is likely that the level of traffic generated would be significantly lower than the previous proposal. In addition, the legal agreement would also secure a financial contribution towards the provision of new bus shelters within Welford Road, which would assist in encouraging more sustainable forms of transport.
- 7.14 The proposed access (from Northfield Way) is acceptable in principle and no objections have been received from the Highway Authority to it. The development's vehicular access is therefore considered to be safe and can accommodate the scale of the proposed development. In addition, conditions are recommended that would ensure that details relating to the precise construction of the junction are submitted to and approved by the Council. This would guarantee that amongst other matters, the junction would feature sufficient lighting, drainage and visibility.
- 7.15 As previously noted, Northfield Way has a width that is far greater than that normally associated with roads of this type. As a consequence, there is sufficient room for vehicles to park by the roadside and for vehicles to safely manoeuvre alongside. It is considered that the development would not have a significant adverse impact upon the safety of other road users.
- 7.16 Traffic entering and leaving the development would have priority over vehicles exiting Penfold Close. This is considered necessary as the numbers of journeys to and from the proposed development are likely to exceed those from Penfold Close. The indicative layout demonstrates that the necessary level of visibility at this junction can be achieved.

- 7.17 The indicative layout shows that the internal roadways would be reasonably sinuous and would, in key sections, feature shared surfaces. These arrangements are considered sufficient to maintain relatively low vehicle speeds and ensure pedestrian safety.
- 7.18 The proposed development would feature a pedestrian route to the north running to Liddington Way. This would ensure that the development is well integrated with the surrounding area. In addition, a condition is recommended that would ensure that this new pedestrian link has lighting installed prior to the first occupation of the development. This would ensure that this route is safe and attractive for pedestrians to use. The condition would also require the retention of the lighting, which provides certainty that the path would continue to be lit throughout the life of the development.
- 7.19 The site is close to a number of facilities, such as the nearby recreation ground (approximately 230 metres away) and the Kingsthorpe Local Centre (approximately 700 metres away), which are accessed by a number of existing paths and pavements. It is clear that suitable safe pedestrian facilities are already in situ in order to meet the future needs of the development.
- 7.20 The number of units has been reduced, with the maximum number of dwellings being secured by condition and the mitigation measures and infrastructure improvements would be secured by conditions and the legal agreement. It is therefore considered that the development would have a neutral impact upon the free flow of traffic and on pedestrian and road safety in line with the requirements of national and local planning policies. As a consequence, the previous reason for refusal has been overcome and refusal of the application on this ground would not be reasonable.

Design and appearance

- 7.21 As this is an outline application, there are no details submitted in respect of the design of the proposed dwellings and the submitted layouts are only indicative at this stage. Nonetheless, the submitted plans demonstrate that a development of the scale proposed could be accommodated within the application site without significant detriment to the occupiers of neighbouring properties or the character and appearance of the locality, as it has been demonstrated that a suitable level of open space, private gardens and separation distances could be accommodated. It is accepted that the likely number of units would result in a relatively high density scheme; however, this would not appear incongruous given the character of the surrounding area.
- 7.22 The indicative layout includes the provision of a centrally located area of public open space, which is necessary to ensure that the future needs of occupiers of the development are satisfactorily addressed. As this is an outline application, the final position and design of this space would be considered during the reserved matters stage. In order to provide some certainty, it is recommended that the associated Section 106 Agreement includes the provision of a minimum level of space (0.8ha) and for this space to be maintained and be available for public access in perpetuity. The proposed indicative layout also includes a reasonable amount of landscaping within public areas, which is sufficient to create a strong sense of place and a distinct identity for the proposed development.
- 7.23 The applicant has responded to the observations of the Council's Urban Designer by amending the scheme to provide parameters regarding buildings heights. This would ensure that the taller buildings are located adjacent to the main entrance to

the site (from Northfield Way) and surrounding the proposed area of public open space. This approach would add suitable architectural features at key points in the development and assists in creating a strong sense of identity.

- 7.24 In addition, there would be a varied road hierarchy containing a primary route across the development with secondary roads and shared surfaces leading from this. These spaces would therefore have a much more residential character, such as landscaping and different surface treatments, which would ensure a varied and more distinctive development.
- 7.25 The development also includes a pedestrian route to Liddington Way, which would assist in creating a sustainable and inclusive form of development by promoting non-car journeys to the surrounding area.

Impact upon neighbouring properties

- 7.26 As the application is made in outline form, the position of dwellings is not fixed; however, the submitted plans indicate that the proposed number of dwellings could be accommodated on the site without resulting in a significant loss of light, outlook and privacy. In order to provide further assurances, a condition is recommended that would ensure that the resultant reserved matters applications are in conformity with the submitted building heights parameter plan. This would ensure that the highest buildings (of between 2.5 and 3 storeys in height) would be located the maximum distance from existing residential properties, with the exception of those buildings that would be directly adjacent to the site's main entrance. In this case, these buildings would provide a suitable entrance feature, whilst their position parallel to existing building and adjacent to a junction would minimise any impact upon amenity.
- 7.27 It is accepted that the carrying out of the development is likely to create some noise and disturbance during construction works. In order to counteract this, a condition is recommended requiring the submission of a Construction Environment Management Plan (CEMP) prior to the carrying out of any development. This plan would cover, but would not be limited to, matters such as the hours during which buildings works would take place, strategies for suppressing dust and noise and facilities for washing the wheels of construction vehicles.

Open space and sports facilities

- 7.28 Objections have been received from Sport England due to the loss of playing fields that would result from the development proceeding. This differs from the representations submitted in the preceding application. Given that the school has been closed since 2007 and there has been no public access to the site since then, officers are of view that these comments are submitted in a non-statutory capacity. Nonetheless, at the time of preparing the Committee report, the view of Sport England remains and must therefore be considered.
- 7.29 In considering this matter, it is noted that the site was formally a school and therefore public access would have been limited. In addition, the site was deemed surplus to requirements by the Local Education Authority following the reorganisation of school provision in the Borough. Furthermore, there are alternative facilities within the general area and therefore there is a reasonable level of access to sports facilities in the vicinity of the site. However, it is

recognised that the demand for such facilities is likely to increase as a result of there being a larger population present.

- 7.30 In considering the previous application, it was agreed that the loss of playing fields (notwithstanding their lack of use over the last eight years) could be adequately mitigated through an obligation in the Section 106 Agreement which would be used to fund improvements to the quantity and quality of existing sports facilities within the vicinity of the application. This approach has been suggested to Sport England and a response is awaited. In order to adequately address this matter, it is requested that delegated authority be given to the Director of Regeneration, Enterprise and Planning in order to conclude these discussions with Sport England and the applicant and to either secure adequate mitigation or refer the application to the Secretary of State as appropriate.

Trees and ecology

- 7.31 The trees adjacent to the south eastern boundary (within Kingsthorpe Recreation Ground) are of importance due to their positive impact upon the character of the surrounding area. As a consequence of this, conditions are recommended that would require details to be submitted with the Reserved Matters application detailing the root protection measures to be implemented and associated method statements in order to prevent the development from having a negative impact upon these trees. These details would be sufficient to ensure that the development of the site is compatible with the requirements of the JCS.
- 7.32 The submitted ecology assessment has not indicated the presence of bats and badgers. Evidence of amphibians was extremely limited as only a single common toad was identified on site. As a consequence of this, it is considered that the redevelopment of the site would not pose any undue adverse impacts on ecology.
- 7.33 The redevelopment of the site could bring forward some ecological benefits in terms of enhancements to landscaping (such as in the use of native species) and would offer some mitigation by replacing existing planting that may be attractive to nesting birds; however, these are matters that would be addressed during the reserved matter stage. The submitted ecology assessment recommends that prior to any development commencing additional surveys into the presence of badgers (particularly as there is a tendency for these to be a transitory species) and bats are carried out in order to ensure that such species are not harmed as a result of this development coming forward.

Legal agreement

- 7.34 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining 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.
- 7.35 As discussed previously, 35% of the dwellings would be affordable housing. 70% of these dwellings would be for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of

housing to provide a varied community in line with the requirements of national and local planning policies.

- 7.36 In order to provide sufficient infrastructure for the residents of the residential development, the Section 106 Agreement would also secure payments towards improvements to public open space, the health service and construction worker training opportunities. These matters address on going shortages of provision within the vicinity of the application site that would be further exacerbated if this development to proceed without the legal obligations.
- 7.37 Development of this type would ordinarily secure, via the Section 106 Agreement, payments towards education provision. Although the proposed composition (in terms of unit types) of the development is unknown at this stage, it is reasonable to assume that a significant proportion of the development would be in use as family accommodation. As a consequence of this, it is likely that the development would place a greater pressure on school provision within the area. Therefore and with reference to the legal tests as described previously, an obligation to secure enhancements to primary and secondary education is necessary and reasonable.
- 7.38 The County Council has also requested a payment for the provision of the fire service and library facilities. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured 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 does not need to be replicated as part of the planning process. As a consequence, the aforementioned legal tests have not been complied with.
- 7.39 The Section 106 agreement would also secure payments towards the provision of new bus shelters within the vicinity of the site, which would assist in the promotion of more sustainable means of travel. In addition, as discussed previously, an obligation would be secured to fund improvements to the surrounding highway system. The Highway Authority has also 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.

8. CONCLUSION

- 8.1 The proposed development represents the efficient and sustainable reuse of this previously developed site and in addition the proposal would contribute towards addressing the established need for housing within the Borough. Moreover, through the amendments to the scheme, the applicant has submitted a number of indicative parameters, which are sufficient to ensure that the resultant development would have a neutral impact upon the character and appearance of the locality and neighbour amenity and overcome the previous reason for refusal.

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 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015

- (2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- (3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, 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) The development hereby permitted shall be carried out in accordance with the following approved plans schedule.

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 195 dwellings.

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

- (6) The development hereby permitted shall be carried out in accordance with the submitted Building Heights Parameter Plan.

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

- (7) A phasing plan for the implementation of the residential development hereby permitted 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 securing a satisfactory standard of development in accordance with the National Planning Policy Framework.

- (8) Notwithstanding the details submitted no development shall take place until full engineering, drainage and constructional details of the highway works as outlined on drawing 5125794.TP.MT.01 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented 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. This condition is required in order to ensure that the provisions of such infrastructure in a timely manner.

- (9) Notwithstanding the details submitted no development shall take place until full engineering, lighting drainage and constructional details of the proposed pedestrian link to Liddington Way have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework. This condition is required in order to ensure that the provisions of such infrastructure in a timely manner.

- (10) 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. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (11) 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. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (12) 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.

- (13) No hard-standing areas shall be constructed until the works have been carried out in accordance with the submitted surface water strategy (as contained within the Flood Risk Assessment – Level 2, dated October 2014) have been fully implemented.

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

- (14) No development shall take place 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. The scheme shall also include:

1. Detailed surface water calculations to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200) plus climate change.
2. Sustainable drainage system (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
3. An assessment of overland flood flows. Overland floodwater should be routed away from vulnerable areas. For acceptable depths and rates of flow, please refer to Environment Agency and Defra document FD2320/TR2 “Flood Risk Assessment Guidance for New Development Phase 2”.
4. Maintenance and adoption arrangements for every element of the surface water drainage system for the lifetime of the development.

Reason: To ensure that a satisfactory drainage system is provided in accordance with the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (15) 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.

- (16) 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.

- (17) The development hereby permitted shall be carried out in accordance with the recommendations contained within paragraphs 5.6 and 5.7 of the submitted ecological appraisal dated January 2014, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (18) No development shall take place until the applicant, their agents or their 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: To ensure that features of archaeological interest are properly examined and recorded in accordance with the National Planning Policy Framework. This condition is required in order to ensure that these issues are adequately addressed in a timely manner.

- (19) Any subsequent reserved matters applications shall include arboricultural impact assessment that details any trees to be retained as part of the final layout; a plan identifying the location and specification of fences to be installed for the protection of the retained trees; an arboricultural method statement detailing any works to be carried out within the root protection areas of the retained trees.

Reason: In the interests of securing a good standard of development in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

- 10.1 N/2014/0316

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.

