

PLANNING COMMITTEE: 22nd January 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0904

LOCATION: Parklands Middle School, Devon Way

DESCRIPTION: Outline application with all matters reserved except access for up to 132no dwellings

WARD: Parklands Ward

APPLICANT: Northamptonshire County Council
AGENT: The Environment Partnership

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

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure:

- 1.1.1 i) 35% on-site affordable housing;
ii) A payment towards primary school education;
iii) A payment towards healthcare facilities;
iv) A payment towards highway signal improvements at the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction;
v) A minimum of 1.2 hectares on-site Public Open Space be provided, maintained and made available for public access in perpetuity;
vi) A payment towards the provision and/or improvement and/or maintenance of off-site public open space facilities;
vii) A payment towards the provision and/or improvement and/or maintenance of off-site outdoor sports facilities;
viii) Construction worker training opportunities and a financial contribution towards the operation of the scheme; and;
ix) The Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The conditions as set out below and for the following reason:

The proposed development would contribute to the Council's five year housing land supply and, as part of a balanced assessment, is considered acceptable subject to conditions and a Section 106 Legal Agreement. Therefore, no objections are raised to the proposal with regards to the National Planning Policy Framework; Policies S1, S3, S10, C2, RC2, H1, H2, H4, BN1, BN2, BN3, BN5, BN7a, BN7, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Saved Policy E7, E20 and L2 of the Northampton Local Plan.

- 1.1.3 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 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 up to 132no dwellings with all matters reserved except access. This means that if this application were to be approved, a subsequent application(s) would need to be submitted to the Council in order to agree the landscaping, scale, appearance and layout of the development.
- 2.2 The proposed development would be served by two accesses. The existing access from Devon Way to the south east corner of the site would be improved and a new access would be formed off Goodwood Avenue to the south west of the site.
- 2.3 The application site has a total area of 5.2 hectares, of which some 4 hectares would be developable once drainage areas and open space are taken into account. This equates to a density of approximately 33 dwellings per hectare. The application proposes 35% affordable housing.
- 2.4 An indicative layout has been submitted with the application. The application has also been supported by a Design and Access Statement, Planning Statements, Transport Statements, Flood Risk Assessments including Drainage Strategy, Noise Report, Air Quality Assessment, Tree Survey and Constraints Report, Ecological Assessment, Phase 1 Land Contamination Assessment, and a Heritage Statement.

3 SITE DESCRIPTION

- 3.1 The application site comprises the former site of Parklands Middle School. Historically the school buildings and playgrounds were located to the east of the site, enclosed by fencing and the school playing fields were located to the west, with a woodland coppice/spinney located to the north of the site. However, the main school buildings were demolished in 2011 following the vacation of the site by Northampton School for Girls in 2008, with only hardstanding, foundations, the former caretaker's bungalow and a small number of amenity trees remaining on the eastern part of the site. The coppice to the north of the site remains and the playing fields are presently overgrown with its northern and western boundaries enclosed by a low earth mound, vegetation and sections of chain link fencing. There are numerous notices displayed around the boundaries of the site identifying that the land is private, although it appears that there is some informal use of the site by walkers / dog walkers.
- 3.2 The application site is located to the north of the Parklands residential area and is accessed off Devon Way. It is bounded to the southern side by residential gardens serving bungalows on Devon Way, Druids Way and Stoke Walk. The site is neighboured by open space to the north, east and west. Parklands Park is located to the east of the site and includes a community centre, playing pitches and children's play facilities accessed off Devon Way. Moulton Park industrial estate is located some 25 metres to the north of the site, beyond a strip of park land that includes a shared pedestrian/cycle way.

4 PLANNING HISTORY

- 4.1 WN/2006/0154: Proposed residential development (184 dwellings) including means of application – outline. Withdrawn.

5 PLANNING POLICY

5.1 Statutory Duty

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.

5.2 National Policies

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.
Section 5 - Housing Supply
Section 8 - Promoting healthy and safe communities.
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Paragraph 148 - Planning system should support the transition to a low carbon future.
Paragraph 163 - Ensuring development does not increase flood risk
Paragraph 165 - Incorporating sustainable drainage systems in major developments
Section 12 - Achieving well designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

Policy S1 - The Distribution of Development
Policy S3 - Scale and Distribution of Housing Development
Policy S10 - Sustainable Development Principles
Policy C2 - New Developments
Policy RC2 - Community Needs
Policy H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable Housing
Policy H4 - Sustainable Housing
Policy BN1 - Green Infrastructure Connections
Policy BN2 - Biodiversity
Policy BN3 - Woodland Enhancement and Creation
Policy BN5 - The Historic Environment
Policy BN7a - Water Supply, Quality and Wastewater Infrastructure
Policy BN7 - Flood Risk
Policy BN9 - Planning for Pollution Control

Policy INF1 - Approach to Infrastructure Delivery
Policy INF2 - Contributions to Infrastructure Requirements

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy L2 – Leisure Proposals
Policy E7 – Skyline Development
Policy E20 – New Development (design)

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Planning Obligations Strategy SPD 2013
Biodiversity SPD for Northamptonshire (adopted September 2017)
Affordable Housing Interim Statement 2013

5.6 **Other Material Considerations**

Northampton Green Infrastructure Plan (2016)
Open Space, Sports & Recreation Strategies for Northampton Borough (2017/18)
Open Space, Sport and Recreation Needs Assessment and Audit (2009)

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water** – There are Anglian Water assets close to or within the site. There is available capacity for foul drainage / sewerage arising for the site. Any hardstanding within the site should be constructed in accordance with a surface water strategy.
- 6.2 **Arboricultural Officer** – No objections subject to an arboricultural impact assessment and an arboricultural method statement, including a tree protection plan, accompanying a reserved matters application.
- 6.3 **Archaeology Advisor (NCC)** – Application site lies within the former Moulton Park, a deer park in existence by the time of Henry II. Also, to the south west of the site, modern industrial and military remains have been recorded, and, to the north west of the site, Iron Age settlement activity has been found. No objections subject to a condition to secure a scheme of archaeological works.
- 6.4 **Construction Futures** – Request opportunities for construction worker trainees and a financial contribution towards the operation of the scheme.
- 6.5 **Development Management (NCC)** – Request a financial contribution towards the provision of primary school provision. In addition, a financial contribution towards the library service is requested, as is the provision of fire hydrants. Contributions to secondary school provisions would be addressed by the Community Infrastructure Levy (CIL).
- 6.6 **Ecology Advisor (NCC)** – Having assessed the submitted Ecology Report, and whilst acknowledging that surveys undertaken at suboptimal time, raise no objections subject to conditions requiring the submission of a Construction Environment Management Plan (including Reasonable Avoidance Method Statement for reptiles), pre-commencement checks for badger and bats, and remedial measures for Japanese knotweed.
- 6.7 **Environment Agency** – No objections.

6.8 **Environmental Protection** – Make the following comments:

Land contamination

A Phase 1 investigation accompanies the application and identifies the need for on-site sampling. Therefore, a condition is required to secure further investigation of land contamination on site.

Air Quality

No objection subject to conditions to mitigate air quality impacts relating to electric vehicle charging points, minimum standards for gas boilers and a travel plan.

Construction Works

Recommend an advisory note relating to construction hours.

Noise

The site can be developed for housing, but the current indicative site layout does not consider the recent application N/2018/0888 for warehouse development to the north east of the site on Moulton Park industrial estate. However, it is noted that the application is in outline, and layout can be considered further at reserved matters stage. The current indicative layout for residential housing would not be viewed positively on a reserved matters application. Therefore, recommend that the developer engage in early dialogue with Environmental Protection ahead of any reserved matters application on this site.

6.9 **Highway Authority (NCC)** – Make the following observations following a review of the submitted information:

Layout

The detailed plans of the access arrangements into the development are acceptable. It is noted that there are significant issues with the internal layout on the indicative plan and the applicant is advised to review the highway authority's standards prior to submission of the reserved matters application, including the NCC Parking standards which must be applied.

Transport Assessment

The transport assessment demonstrated that the development traffic would increase traffic on a number of junctions that are shown to be over capacity in the future year assessment (2031). However, other than the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction, the impact is very minor and therefore any works to provide a nil-detriment scheme on those would not have any meaningful impact. As a result the LHA have taken a view that providing a nil-detriment scheme on the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction, which is the most significantly impacted and most sensitive to the highway network, would be acceptable in this instance.

Changes to the signal timings at the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction have been agreed with Northamptonshire Highways Signal Team as providing nil-detriment mitigation. Therefore, the LHA would request a suitably worded condition to ensure the necessary works are undertaken to alter the timings prior to first occupation of any dwellings within the development.

The works required to mitigate the impacts on the queuing of the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction, would be to implement the proposed signal timings on site (making the changes in the controllers' RAM initially) and fine tuning the plans. Subsequently the plans should be incorporated onto new permanent eProms / installed on site; our UTC system will also need to be updated with revised timings.

6.10 **Highways England** – No objections.

6.11 **Lead Local Flood Authority (NCC)** – Insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the development.

- 6.12 **Northamptonshire Police Crime Prevention Design Advisor** – The illustrative master plan is acceptable from a crime prevention perspective with the only potential issues relating to undefined areas of greenspace becoming areas of anti-social behaviour.
- 6.13 **NHS England and Nene CCG** – No objections subject to a contribution for healthcare facilities.
- 6.14 **Sport England** – Acknowledge that application is part of reorganisation of Northamptonshire’s school for which careful calculations have been undertaken to ensure that there is not an overall loss of sports opportunities. However, the Council’s playing pitch strategies indicate that the pitches at Parklands Park are overused and the development is likely to increase demand for these pitches, which are only considered to be of standard quality. Therefore, no objections subject to a mitigation package being secured to improve the quality of pitches at Parklands Park.
- 6.15 **Councillor M Hallam** – Called in the application due to traffic and highways concerns.
- 6.16 125 third party objections have been received. These objections include the following points:
- The proposal would relate to greenfield land; brownfield sites should be prioritised.
 - Development would result in the loss of a large area of open space / greenspace.
 - There is not enough open space / greenspace in the area to serve more housing.
 - There is a shortfall of playing pitches in the area; the loss of the playing fields on site would be contrary to policy.
 - Development would result in the loss of a buffer to Moulton Park Industrial estate.
 - Concerned that Parklands would effectively merge with Kingsthorpe.
 - Proposal would erode the existing strong sense of local community.
 - Scheme is an overdevelopment of site; the number of properties is excessive and the development would be too dense.
 - The development would not integrate with neighbouring properties or surrounding park land.
 - Development should be restricted to single storey buildings only.
 - New dwellings would be too close to existing properties and give rise to overlooking issues.
 - Additional housing will increase noise and pollution and have an adverse impact on the quality of life of neighbours.
 - Road infrastructure in the area will not cope with extra traffic; roads are too narrow and are already over capacity / heavily congested with traffic and parking.
 - There is only one main road in and out of Parklands; it is effectively one large cul-de-sac.
 - Proposal will increase congestion and risks of accidents in Parklands.
 - Bus services running through the estate are already disrupted by traffic issues.
 - The proposed accesses for the development are in dangerous locations on inadequate roads and will result increase in traffic on dangerous junctions; Devon Way and Goodwood Avenue are small residential streets unsuitable for the quantum of development. There is also a risk of accidents due to the relationship with the access to the community centre.
 - There is not enough parking at the Parklands Community Centre when events take place, which contributes to parking and traffic problems in the area.
 - The application site is presently used for overflow parking for the playing pitches.
 - Increased congestion arising from the development will hamper access for emergency vehicles in the area.
 - Transport assessment has an over emphasis on junctions beyond Parklands and does not adequately reflect existing highway situation or take into account school traffic at school drop off and pick up times.
 - Traffic Assessment should not dismisses junctions that are over capacity and the proposed changes to signal timing would not help the congestion problems in the area.
 - There should be offsite highway works such a speed cushions on nearby roads.
 - A new road is needed to serve Parklands.
 - Concerned workers on Moulton Park would use new development for parking.
 - Traffic will increase pollution / reduce air quality.
 - The schools in Parklands are oversubscribed and give rise to parking problems in the area.

- Ecological assessment conducted outside optimum time of year, is nearly 3 years old and includes no reptile survey. Also it should be subject to consultation with independent organisations.
- Site is a haven for wildlife and proposal would reduce habitats.
- There is Japanese knotweed on the site.
- Proposal would increase pressure on wildlife on Bradluagh fields and encroach onto park area.
- Site floods every winter and there are problems with water run-off from the site; proposal would result in the loss of a natural flood plain.
- Parklands has a high proportion of elderly and vulnerable people.
- There are no doctor surgeries on Parklands and proposal would increase strain on medical services in the area.
- Concerned utilities and services will be overloaded, such as water supply and sewerage.
- The application does not include proposals for community facilities.
- Important improvements made to existing park such as facilities for older children.
- The public have right of way over the site and it is used by the community for walking.
- Concerned regarding construction issues such as traffic, noise and disturbance.
- The applicants and the planning application consultation exercises were not wide enough.
- Concerns of local residents not recognised in application documents.

7 APPRAISAL

Principle of the development

- 7.1 The application site is located within the urban area of Northampton and therefore residential development of the site is acceptable in principle under Policy S1 of the Joint Core Strategy.
- 7.2 The site is however also allocated for education purposes under Saved Policy L2 of the Local Plan. Although, the site was last used as a school 10 years ago and has subsequently been cleared as part of the local education authority's reorganisation programme for surplus school sites. Furthermore, this reorganisation programme took into account open space and playing pitch provision and the Council raised no objections in principle to residential development in 2007 as part of application WN/2006/0154 for 184 dwellings on the site, which was subsequently withdrawn. In addition, the applicant has advised that the Department of Environment granted consent in 2015 for the disposal of the school. As a consequence of this, it is considered that it is highly unlikely that the site would be used for education, sports or other community uses within the foreseeable future and objections could not be sustained to the loss of the land or facilities under Saved Policy L2 of the Local Plan.
- 7.3 Notwithstanding the above, the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development of the site for housing would contribute towards the Council's housing supply with associated social and economic benefits and this therefore weighs in favour of the proposal.

Previously developed land

- 7.4 The NPPF sets out in Paragraph 117 that planning should make an effective use of land in meeting the needs for housing and seek to use as much as possible of previously developed or "brownfield" land to meet housing need. In addition, Paragraph 118 of the NPPF details that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other needs.
- 7.5 The eastern half of the application site was previously occupied by school buildings, playgrounds and a caretaker's bungalows and, whilst the school buildings have been demolished, the hardstanding, foundations of the buildings and the caretaker's bungalow remain. Therefore, this part of the site would comprise brownfield land and its redevelopment to contribute to the Council's identified housing is supported under the NPPF.

Open space and sports facilities

- 7.6 Policy RC2 of the Joint Core Strategy relates to community facilities, sports facilities and open space, and seeks to resist their loss unless it can be demonstrated that:
- There is evidence that improvements can be made through the provision of a replacement facility of equal or better quality taking into account accessibility; or
 - The proposal will bring about community benefits that outweigh the loss of the facility; or
 - Having regard to the relevant open space study, the space is surplus or is little used
- 7.7 In addition, Paragraph 97 of the NPPF seeks to protect against the unjustified loss of open space, sports and recreational buildings and land, including playing fields, with Sports England comprising a statutory consultee for sport related matters.
- 7.8 The western part of the site contains the former school playing pitches and comprises open space. It is acknowledged that there appears to have been some informal use of the site for walking purposes and that it has potential to provide benefits as an area of amenity green space. However, it is private land and is not designated as public open space, with the use of the pitches for sport purposes appears to have ceased some 10 years ago. Furthermore, it must also be acknowledged that the reorganisation programme for surplus school sites took into account open space and playing pitch provision as previously referenced.
- 7.9 It should also be acknowledged that the proposed 132 dwellings would clearly generate a demand for open space and playing pitch use, as well as a need for children's play facilities. The Planning Obligations Strategy SPD sets out requirements for provision of open space, sport and recreation arising from a proposed development. Furthermore, it is noted that the recent Open Space, Sports & Recreation Strategies for Northampton Borough (2017/18) identifies, in particular, that the neighbouring Parklands Park pitches are heavily used. In addition, Sport England have highlighting issues with the qualities of the Parklands pitches in their consultation response to this application.
- 7.10 The proposal, however, includes the provision of on-site open space to meet the requirements set out in the Planning Obligations Strategy SPD and this could be secured as part of a Section 106 Legal Agreement and made available for public access in perpetuity, which would benefit the wider community. In addition, the applicant has agreed to the provision of additional play facilities for children at Parklands Park to accord with the requirements in the Planning Obligations Strategy SPD. The indicative details suggest a Locally Equipped Area of Play (LEAP), although presently it would appear that additional facilities for older children such a trim trail would be more appropriate. However, as the play provision is off-site, this matter would need to be addressed by a financial contribution secured via a Section 106 Legal Agreement to secure the appropriate equipment at the time the development is implemented.
- 7.11 Turning to outdoor sports facilities, the applicant has agreed to provide financial contributions towards the improvement and/or maintenance of the playing pitches at Parklands Park in accordance with the requirements of the Planning Obligations Strategy SPD. Furthermore, it is noted that Sport England raise no objection to the scheme subject to a mitigation package being secured to improve the quality of pitches at Parklands Park to address the increase in demand arising from the development.
- 7.12 Overall, in this instance, it is considered that the harm arising from the loss of the former playing field part of the application site would be outweighed by the benefits arising from the provision of public open space in perpetuity on the application site and improved play facilities and improvements to the playing pitches at Parklands Park.

Design and layout

- 7.13 Policies S10 and H1 of the Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan seek high quality design and this approach is supported by the NPPF. In addition, Saved Policy E7 of the Northampton Local Plan requires consideration to be given to the impact of the development on the skyline of the Moulton Park Area.
- 7.14 The application site was previously occupied by single storey school buildings of institutional appearance, but these have been demolished with only hardstanding, foundations and a former caretaker's bungalow remaining and the site has become somewhat overgrown. The residential area immediately to the south of the site comprises predominantly bungalows laid out in perimeter blocks arrangements with a number of culs-de-sac to the periphery. Industrial and office style buildings of three to four storeys in height are located beyond the parkland to the north of the site in Moulton Park Industrial Estate.
- 7.15 The application is submitted in outline with only access for approval and, therefore, the detailed design of the proposal in terms of layout, appearance, scale and landscaping would be a matter for consideration at reserved matters stage, the assessment of which would seek to ensure the development is in accordance with policy and appropriate to the site surrounds.
- 7.16 The proposal, however, has been accompanied by a Design and Access Statement and an indicative site plan that provide an indication of how the site could potentially be developed. The indicative plan shows a looped road layout running through the site, which would link the accesses from Devon Road and Goodwood Avenue and have minor roads leading off. The dwellings are shown in predominantly perimeter blocks arrangements and the documentation suggests that the site would likely be developed with a range of dwelling types including bungalows to the southern edge to blend into existing housing development and achieve appropriate levels of residential amenity. The indicative plan shows a number of areas of open space including the retention of the spinney area to the north of the site. This would result in a developable site of around 4 hectares and a density of approximately 33 dwellings per hectare, which is acceptable in this location. The indicative layout does include some shortcomings, such as the relationship of the open space to existing and proposed dwellings as identified by the Police CPDA, but an amended layout could be secure at the reserved matters stage. Overall, and having regard to the indicative plan it is considered that the proposed number of residential units could be accommodated within the site without an adverse impact on the character of the area or the skyline of Moulton Park.

Amenity

- 7.17 Policy H1 of the Joint Core Strategy, Saved Policy E20 of the Local Plan and the guidance in the NPPF seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.18 In terms of the amenity of neighbouring properties, the representations received regarding the amenities of properties with gardens neighbouring the site are noted, however these matters would be considered at the reserved matters stage. Notwithstanding this, the indicative plans show that acceptable separation distances between existing and new dwellings could be achieved on the site and that a development could come forward under a reserved matters application that would not give rise to unacceptable noise, disturbance or loss of daylight to neighbouring properties. However, to safeguard the amenities of neighbours during the construction phase of the development, a Construction Environmental management Plan (CEMP) condition is recommended.
- 7.19 In respect of the amenity of future occupiers of the new dwellings, it is considered that the application site is of sufficient size such that adequately sized amenity spaces, separation distances, privacy and daylighting for future occupiers could be secured at the reserved matters stage. The application has been accompanied by noise reports and these identify that the site is presently affected by noise arising from the playing pitches on Parklands Park and will also likely be impacted by the warehouse development recently permitted in Moulton Park Industrial Estate under application N/2018/0904. These reports have been assessed by Environmental Protection and, whilst not objecting to the principle of the proposed development, the Environmental Health

Officer has highlighted that some of the dwellings shown on the indicative located to the north of the site, adjacent to the spinney, and to the eastern edge of the site would likely be adversely affected by noise arising from Moulton Park industrial estate. However, the layout plan accompanying the application is indicative and it is considered that a revised layout could come forward as part of a reserved matters application to provide the quantum of development proposed in an acceptable form. In any event, it is recommended that a condition is imposed to require a noise assessment to accompany and inform the layout of a reserved matters application should planning permission be forthcoming.

- 7.20 Taking into account the above, it is considered that a good standard of amenity could be secured for both existing and future occupiers at the reserved matters stage for the quantum of development proposed. Therefore, no objections are raised to the proposal on residential amenity grounds.

Green infrastructure, ecology and trees

- 7.21 Policies BN1, BN2 and BN3 seek to enhance existing green infrastructure, woodland areas and biodiversity as well as safeguard protected species.
- 7.22 The application site neighbours a local green infrastructure corridor that runs from Parklands Park around to Bradlaugh fields. In addition, the spinney and former playing fields on the site comprise an area of green space. However, only the spinney part of the site is identified as forming a green infrastructure local network component (i.e. an urban open space) in the Green Infrastructure Plan 2016. Furthermore, the indicative layout shows the spinney to be retained and this could be secured as part of a Section 106 Legal Agreement. Also, an amended layout to the indicative plan could be secured at the reserved matters stage to seek to ensure that the other retained areas of green space better support and buffer the dwellings from the local green infrastructure corridor.
- 7.23 The application has been accompanied by an Ecological Assessment which has been assessed by the County Ecologist. The Ecology Assessment indicates that the site is dominated by a large area of grassland that is of low ecological value and that the main features of ecological value (i.e. the spinney and boundary hedgerow and trees) could be retained as part of the proposal. In addition, biodiversity enhancements in the retained areas of on-site open space could be secured by condition to seek to offset the loss of the grassland. Furthermore, no evidence of badgers setts or bat roosts within the site have been identified and there are no amphibian breeding habitats within the site. It is however recommended that conditions are imposed requiring pre-commencement surveys for bats and badgers; a Construction Environmental Management Plan (CEMP) to secure reasonable avoidance measures during construction for reptiles and birds and the remediation of Japanese knotweed that has been found on the site. In addition, it is recommended that an Arboricultural Report accompany a reserved matters to inform the layout of the development and this matter can be addressed by condition.
- 7.24 Overall, subject to conditions and planning obligations, no objections are raised to the proposal with respect to green infrastructure, ecology and trees.

Parking and highways

- 7.25 Policy C2 of the Joint Core Strategy requires development to mitigate their impacts on the highway network and be supported by a Transport Assessment. Furthermore, Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.26 The application includes full details of the vehicular access arrangements for the outline proposals to serve the 132 new dwellings, which comprise improvements to the existing vehicular access off Devon Way and a new vehicular access formed off Goodwood Avenue to the south west of the site. The Highway Authority has advised that the proposed accesses are acceptable and it is

recommended that a condition is imposed requiring their provision prior to the occupation of the development.

- 7.27 The indicative site plan also shows pedestrian links to the shared pedestrian/cycleway that runs through the parkland to the north of the site and connects to neighbouring employment areas and open space. It is recommended that a Grampian style condition is imposed to secure connections to this existing pedestrian/cycleway network and promote sustainable forms of travel.
- 7.28 Detailed parking provision would form part of the reserved matters details and would be assessed with regard to the Northamptonshire Parking Standards (September 2016). Notwithstanding this, given the density of the proposed development, it is considered that there is scope for adequate parking to be secured on site as part of a reserved matters application to meet the needs arising from the proposal.
- 7.29 The application has been accompanied by Transport Assessment to assess the impact on the proposal on the highway network and this has been supplemented by a technical note to address the initial comments of the Highway Authority, which included a requirement to extend the assessment of highway capacity until 2031. The Highway Authority has advised that the submitted transport documents indicate that vehicles from the development would increase traffic on a number of junctions in the area that are shown to be over capacity in the future year assessment (2031). However, other than the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction, the impact of the traffic from the proposed development is very minor such that any works to provide a nil-detriment scheme on those junctions would not have any meaningful impact. As a result, the Highway Authority have advised that it is only necessary for the proposed development to provide a nil-detriment scheme on the A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction, which is the most significantly impacted and most sensitive to the highway network. Furthermore, the Highway Authority's Signal Team has advised that changes to the single timing on this junction will provide nil-detriment mitigation. Therefore, subject to the signal timing works being secured by a Section 106 Legal Agreement, the Highway Authority advises that the development would not have a severe impact on the highway network.
- 7.30 It should be noted that the assessments within the submitted Transport Assessment and Technical Note are on the basis of the existing site generating no vehicle movements. However, it should also be acknowledged that the former school use generated traffic and that the site is allocated for education purposes such that a school use, with associated traffic, would be acceptable in principle on this site.
- 7.31 A Construction Environmental Management Plan will be required by condition in order to agree the route of construction traffic, site compounds and construction matters are appropriately mitigated.
- 7.32 Overall, given that the County Highway Authority raise no objections and subject to conditions and a planning obligation, it is considered that the proposal would be acceptable on parking and highway safety grounds.

Planning obligations and affordable housing

- 7.33 By reason of the scale and type of the development, a Section 106 Legal Agreement will need to be entered into. The Community Infrastructure Levy (CIL) Regulations 2010 and Paragraph 56 of the NPPF 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.
- 7.34 In line with Policy H2 of the Joint Core Strategy, 35% of the development would be secured for affordable housing. The obligation within the Legal Agreement would provide certainty that a

mixed development would be created that addresses the needs of a wide number of people. Furthermore, the Legal Agreement would seek to ensure that the affordable housing is representative of the overall composition of the development.

- 7.35 As previously referenced, the Legal Agreement would secure a minimum level of, and the management of onsite public open space and also seek financial contributions for public open space facilities and outdoor sports facilities at the neighbouring Parklands Park. In addition, contributions for signal timing works A5123 Kettering Road/Broadmead Avenue/A5101 Park Avenue/Kenmuir Avenue junction would be secured via the Legal Agreement.
- 7.36 The Legal Agreement would also secure a financial payment towards the provision of primary school education facilities and this would be structured in such a way so that the amount payable would vary depending on the size (i.e. the number of bedrooms) that feature within the final development.
- 7.37 NHS England and Nene Clinical Commissioning Group (CCG) have requested contributions to mitigate the healthcare impacts arising from the development proposals.
- 7.38 Construction Futures have sought the provision of construction worker training opportunities, in addition to a financial contribution towards the operation of the scheme, and this can be secured as part of a Section 106 Legal Agreement.
- 7.39 It is noted that the County Council have requested financial contributions towards the provision of the library service. In response, and with reference to the aforementioned legal tests and the lack of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within the Legal Agreement. The provision of fire hydrants would be addressed through the relevant Building Regulations, rather than planning legislation.
- 7.40 In addition, it is noted that the applicant's supporting submissions suggest the provision of additional car park spaces in Parklands Park to be secured by a planning obligation linked to this application. However, such works are not proposed as part of the application and there is no extant planning permission for this additional car parking. Furthermore, and in any event, given that Parklands Park neighbours and is walkable from the application site, it is considered that an obligation to require such parking provision would not meet the aforementioned legal tests.
- 7.41 It is also noteworthy that the development would be subject to CIL payments. The contributions will be considered against the requirements of the Council's CIL Regulation 123 list, which includes contributions to the provision of secondary education facilities.

Other considerations

- 7.42 The application has been accompanied by a Phase 1 Land Contamination Assessment. This has been assessed by Environmental Protection and it is recommended that a ground contamination conditions are imposed should planning permission be forthcoming.
- 7.43 An Air Quality Assessment supports the application. This has been assessed by Environmental Protection and they raise no objections subject to conditions to secure the standards of new boilers electric vehicle charging points, and a travel plan. The standards of boilers are however controlled by the Building Regulations. Given the magnitude of the development, it is considered that it would be reasonable to secure an electric vehicle charging scheme and travel plan by condition.
- 7.44 Whilst the application site does not fall within Flood Zones 2 or 3, it is a national requirement for the application to be accompanied by a Flood Risk Assessment together with details of sustainable drainage systems for the management of surface water run-off. The application has been accompanied by such details and these have been assessed by the Environment Agency, Anglian Water and the Lead Local Flood Authority and no objections are raised to the proposed development subject to conditions requiring the provision and maintenance of a surface water

scheme. It is also noteworthy that Anglian Water have advised that there is sufficient existing capacity to accommodate the foul drainage and sewerage demands arising from the development.

- 7.45 The County Archaeologist has advised that the site forms part of a historic deer park and that there are records of modern industrial and military remains and Iron Age finds in the vicinity of the site. As such, it is recommended that an archaeological condition is required to investigate and record any remains that are affected by the development.
- 7.46 It is recommended that a condition is imposed to ensure a proportion of the dwellings are designed to provide accessible and adaptable accommodation to meet the requirements of Policies H1 and H4 of the Joint Core Strategy to ensure the dwellings cater for different and changing accommodation needs.
- 7.47 The applicant has submitted a Statement of Community Involvement in support of the application which includes details of a public consultation event that took place prior to the submission of the application. The applicant also engaged in pre-application discussions with planning officers and key consultees prior to the submission of the application.

8 CONCLUSION

- 8.1 To conclude, the Council cannot presently demonstrate a five year housing land supply and it is therefore necessary to assess the proposal against the presumption in favour of sustainable development in accordance with the guidance in the NPPF. In this respect, the proposal would make a significant contribution towards the Council's housing supply with associated social and economic benefits. Furthermore, subject to conditions and planning obligations, no harm has been identified that would significantly and demonstrably outweigh the benefits. Therefore, it is recommended that outline planning permission is granted subject to conditions and a Section 106 Legal Agreement.

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 attached schedule of approved plans.

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

5. The development hereby permitted shall be for a maximum of 132 dwellings.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of the National Planning Policy Framework.

6. Any subsequent reserved matters applications shall include a noise assessment, including mitigation measures as appropriate, of the exposure of habitable rooms and outdoor amenity spaces of the proposed dwellings based on the final building and estate layout due to noise arising from the adjacent industrial estate and playing pitches.

Reason: To secure a satisfactory standard of development and in the interests of residential amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. Any subsequent reserved matters applications shall include an updated Flood Risk Assessment including drainage details and a statement of compliance with the submitted Flood Risk Assessment & Outline Drainage Strategy (reference 067329-CUR-00-XX-RP-C-92001 Rev V02).

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

8. Any subsequent reserved matters applications shall include an arboricultural impact assessment incorporating an arboricultural method statement and tree protection plan.

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

9. The development hereby permitted shall not commence until a full scheme of works including a timetable for the provision of pedestrian/cycle connections between the development and the existing shared pedestrian/existing cycleway located on the land to the north of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport methods and to ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

10. 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 which shall include:

- i. Traffic management and signage during construction.
- ii. Parking for site operatives and visitors.
- iii. Storage areas for plant and materials.
- iv. The erection and maintenance of security fencing/hoardings and lighting.
- v. Welfare and other site facilities.
- vi. Working hours and delivery times.
- vii. Measures to control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.
- viii. Measures to prevent mud and other debris being deposited on the surrounding highway.
- ix. Ecological mitigation measures including Reasonable Avoidance Method Statement (RAMS) for reptiles.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

11. Prior to the commencement of the development hereby permitted, the implementation of a programme of archaeological work shall be secured in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate provisions is made for the investigation and recording of any archaeological remains in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and the guidance in the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

12. Prior to the commencement of the development hereby permitted, updated site surveys for badgers and bats and any necessary mitigation measures arising from any changes in the presence/abundance of badgers or bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard protected species and biodiversity in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure that ecological surveys are undertaken before development commences.

13. Prior to the commencement of the development hereby permitted, a method statement including a timetable for the removal and disposal of Japanese Knotweed from the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard protected species and biodiversity in accordance with Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner.

14. Prior to the commencement of the development hereby permitted, site investigations for contaminants shall be carried out in accordance with the submitted Phase 1 Detailed Desk Top Study (Reference EB1887/RB/6108) and the results shall be used to produce a method statement for any 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 (or 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 Policy BN9 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

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 prepared 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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

16. Prior to the commencement of the development hereby permitted, a detailed design of the 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 should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

17. Prior to the commencement of the development hereby permitted, a detailed scheme for the ownership and maintenance for every element of the surface water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy. Pre-commencement condition to ensure details are agreed in a timely manner and to ensure a satisfactory standard of development.

18. Prior to the occupation of the development hereby permitted, a verification report for the installed surface water drainage system for the site shall be submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding, both on and off site, in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

19. Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing by the Local Planning Authority. The LEMP shall include details of the long-term management of the retained and new habitats within the site. The development shall be implemented and maintained in accordance with the approved details thereafter.

Reason: In the interest of biodiversity and to secure a satisfactory standard of development in accordance with the requirements of Policies BN1 and BN2 of the West Northamptonshire Joint Core Strategy.

20. Prior to the occupation of the development hereby permitted, the new and altered vehicle accesses shall be construction in accordance with the plans hereby approved.

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

21. Prior to occupation of the development hereby permitted, a scheme for the installation of electric vehicle charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of reducing carbon emissions and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

22. Prior to the occupation of the development hereby permitted, 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 development hereby permitted 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.

23. A minimum of 10% of the residential units hereby permitted shall be designed to provide accessible and adaptable accommodation that meets the requirements of M4(2) of Part M of the Building Regulations or any subsequent equivalent standard.

Reason: To ensure the provision of a range of housing to meet different accommodation needs in accordance with the requirements of Policies H1 and 4of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10 BACKGROUND PAPERS

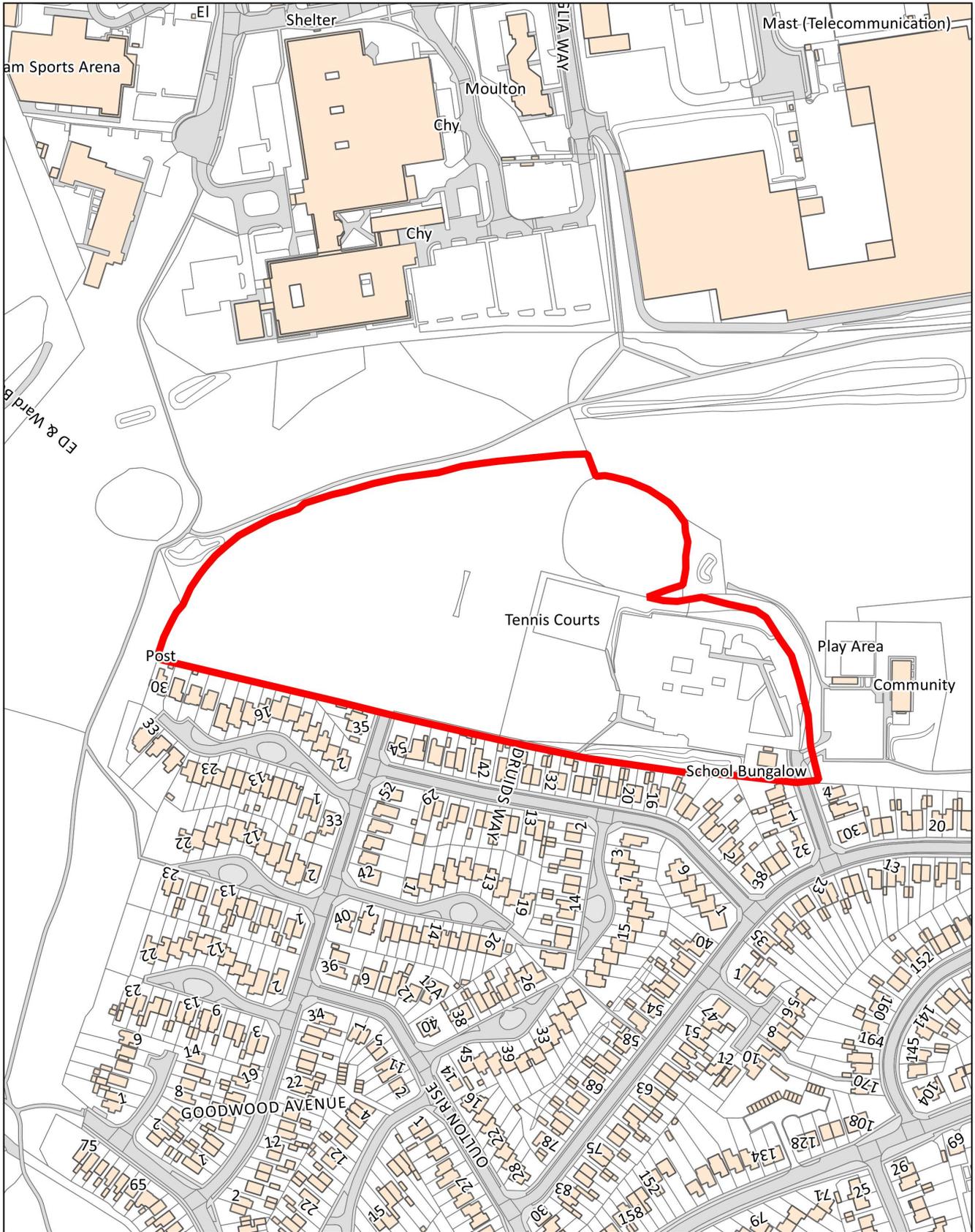
10.1 N/2018/0904.

11 LEGAL IMPLICATIONS

11.1 The development is CIL liable.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Parklands Middle School, Devon Way**

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Date: 08-01-2019

Scale: 1:3,000

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