

PLANNING COMMITTEE: 16th April 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0848

LOCATION: Former Blackthorn Middle School, Blackthorn Road

DESCRIPTION: Erection of 115no dwellinghouses together with associated access, parking, open space and landscaping

WARD: Rectory Farm Ward

APPLICANT: Countryside Properties
AGENT: Peter Brett Associates

REFERRED BY: Head of Planning
REASON: Major application requiring S106 legal 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) The provision of on-site public open space, including play equipment, and for it to be provided, maintained and made available for public access in perpetuity;
 - iv) A payment towards the provision and/or improvement and/or maintenance of off-site public open space facilities;
 - 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 and BN5 of the West Northamptonshire Joint Core Strategy and Policy E20 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 applicant seeks planning permission to redevelop the site to create 115 dwellings. The composition of the development would be 12 one-bedroom, 14 two-bedroom, 68 three-bedroom and 21 four-bedroom dwellings. The bulk of these buildings would be two storeys, however, the flats (the one bedroom dwellings) would be over three storeys. In addition, a total of 239 car parking spaces would be provided (including garages).
- 2.2 In addition, the development also contains an area of public open space (that would also include play equipment) and a sustainable urban drainage system.

3 SITE DESCRIPTION

- 3.1 The application site was originally utilised as a middle school, however, this has been vacant for some time following the reorganisation of school provision within Northampton. The surrounding area is generally characterised through the provision of residential accommodation of varying types, which was generally constructed during the mid-part of the 20th century. Notwithstanding this prevailing characteristic, there are some comparatively small commercial units to the north of the site.
- 3.2 The sites does not feature any significant variations in topography, however, it does generally slope downwards in a southerly direction. The site features a number of trees on its periphery. The site is located towards the east of the town, in close proximity to Great Billing Way, which in turn feeds off of the A45.

4 PLANNING HISTORY

- 4.1 None relevant.

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), Northampton Local Plan (1997) saved policies, and emerging Neighbourhood Development Plans where relevant .

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 H1 - Housing Density and Mix and Type of Dwellings
Policy H2 - Affordable Housing
Policy H4 - Sustainable Housing
Policy BN3 - Woodland Enhancement and Creation
Policy BN7 - Flood Risk
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 policy is material to this application:

Policy E20 – New Development

5.5 **Other Material Considerations**

Growing Together Neighbourhood Plan

The Growing Together Neighbourhood Plan (Covering Blackthorn, Goldings, Lings and Lumbertubs) was made in April 2017, and now forms part of the development plan for Northampton.

DES1 – High quality design
DEV1 – Priority development areas
H1 – Housing mix

6 CONSULTATIONS/REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Anglian Water** – Request a condition regarding drainage provision.
- 6.2 **Arboricultural Officer** – The proposals within the arboricultural assessment are well argued. The tree protection measures should be implemented within a timely manner.
- 6.3 **Archaeology Advisor (NCC)** – Owing to the potential for matters of archaeological matters to exist, further survey work should be carried out, which can be the subject of a condition.

- 6.4 **Development Management (NCC)** – Request the securing, through a Section 106 Agreement, of financial contributions for the provision of primary education, fire hydrants and the library service.
- 6.5 **Ecology Advisor (NCC)** – No objections.
- 6.6 **Environmental Health** – The proposal should reduce the likelihood of there being an adverse impact on air quality, whilst the development should ensure that contamination is appropriately investigated. An acceptable noise assessment has been submitted. A condition should be imposed regarding the securing of a Construction Environment Management Plan.
- 6.7 **Highway Authority (NCC)** – Request amendments to the layout of the scheme and supporting documents (NB. These have been submitted).
- 6.8 **Highways England** – No objections .
- 6.9 **Lead Local Flood Authority (NCC)** – Request amendments to the Flood Risk Assessment (NB. These have been submitted).
- 6.10 **Natural England** – No objections.
- 6.11 **Northamptonshire Police Crime Prevention Design Advisor** – The majority of comments made have been included within revised iterations of the scheme. Further details should be secured regarding lockable access gates, and the maintenance of the open space.
- 6.12 **Growing Together Neighbourhood Forum** – Support the development, but would request the securing of the highest proportion of affordable housing. In addition, planning obligations are requested regarding the maintenance of open space and the control of noise during the construction process. In addition, some concerns are raised regarding the highway impacts of the development.
- 6.12 Representations from the occupiers of five properties have been received. Comments can be summarised as:
- There will be an adverse impact on the transport system.
 - Concerns are raised regarding the tenure mixture of the development.
 - There is a lack of school places and other infrastructure within the surrounding area.
 - Concerns are raised regarding the noise impacts of the development, including during the construction process.

7 APPRAISAL

Principle of the development

- 7.1 The application site was originally constructed as a middle school, however, it has been vacant since the reorganisation of education provision within Northamptonshire some time ago. As a consequence, it is considered that it is appropriate to consider alternative land uses for the site. Owing to the prevailing residential character of the surrounding area, it is considered that the development of this site for residential accommodation is appropriate that this site is development for residential accommodation. In addition, weight should be given to the fact that the Council cannot currently demonstrate a five year housing land supply. The development would therefore make a contribution to addressing this need.
- 7.2 Furthermore, the proposed development would result in the satisfactory reuse of a previously developed site within the existing urban area, which would contribute to the overall delivery of a sustainable form of development.
- 7.3 Whilst the site has been previously developed, it has been vacant for some time. The applicant has undertaken an ecological survey, which has demonstrated that there are no ecological barriers to

the development of the site, in line with the requirements of national and local planning policies. In addition, the development would secure the provision of new bat boxes. The development would not result in the removal of any protected trees, whilst protection measures would be installed with regards to the retained trees. As a consequence, the development is in conformity with the requirements of Policy BN5 of the Joint Core Strategy. Supplementary to this is that the new development would secure landscaping of the public areas, and this would include additional new trees. No objections have been received from the Council's Arboricultural Officer.

- 7.4 A desk based archaeological assessment has been submitted with the application, which identifies that there is evidence to suggest Iron Age and Romano-British activity within the vicinity. Whilst this does not represent an overriding constraint that would prevent the redevelopment of the site, it is considered prudent to place a condition on any consent that would require further archaeological surveying to be carried out.
- 7.5 In order to secure a satisfactory mixture of housing tenure types, and in line with the requirements of the NPPF, the applicant would enter into a Section 106 Agreement to ensure that at least 35% of the development is made available for occupation on affordable tenures. This would also ensure that the development is brought forward in conformity with the requirements of the Council's Affordable Housing Supplementary Planning Document.
- 7.6 The composition of the development comprises a mixture of dwelling types, ranging from one bedroom flats to four bedroom houses. This, in combination with the mixture of tenure types as discussed above, ensures that the development conforms to the requirements of the NPPF in terms of creating a varied form of development that meets the future needs of the community.

Design, appearance and impact on neighbours

- 7.7 Whilst the proposed dwellings are of a relatively standard design, they do feature some architectural features (such as door and window detailing and porches) that serve to break up the massing of the development and add interest to the future streetscene. In addition, it is considered that the proposed development would not appear incongruous in terms of height and scale, when compared to the type and form of dwellings within the environs of the application site.
- 7.8 The design of the dwellings would ensure that the future residents of the development would have a satisfactory level of light, outlook and privacy. This would ensure conformity with the requirements of national and local planning policies and result in residents of the development having a satisfactory level of amenity. In addition, suitably sized garden spaces have been provided, which is considered to be necessary given the provision of family accommodation as part of the development. In order to ensure that these spaces are safe and secure, a condition is recommended that would ensure that suitable boundary treatments are provided. This would also aid the creation of sufficient privacy to these spaces.
- 7.9 Due to the design and layout of the development, it is considered that sufficient separation distances exist between the siting of the proposed dwellings and existing properties to prevent a significant loss of light, outlook and privacy. In order to fully ensure this, a condition is recommended that would ensure that details of site levels are submitted to, and agreed by the Council.
- 7.10 The application has been accompanied by an assessment of noise levels that demonstrates that a satisfactory level of amenity can be secured for the future occupiers of the development. In order to provide certainty of this, it is recommended that a condition be utilised to ensure that the development is constructed in accordance with this assessment's findings (e.g. specification of windows and ventilation).
- 7.11 It is appreciated that the construction process has the potential to have some impacts on neighbouring properties in terms of noise and other activities. In order to counteract this, a condition would secure the submission, and agreement, of a Construction Environment

Management Plan (CEMP). This would cover, but not be limited to, hours in which construction works would take place, the routing of construction traffic and strategies to control noise and dust.

Highways

- 7.12 Access to the development would be via Blackthorn Way. This was constructed to serve the original school, and therefore is considered to be of sufficient size and proportions to serve the scale of the residential development. In addition, the positioning of the access is some distance away from the existing residential properties. It is considered that the noise arising from vehicles entering and leaving the site would not be significant. No objections have been received from the Highway Authority with regards to the impact on the wider highway network. In reaching this conclusion, weight needs to be given to the fact that the site's previously permitted use was as a school, and as such there would have been a significant number of vehicle movements associated with such a use.
- 7.13 The scheme has been amended in line with the requirements of the Highway Authority with regards to the precise details of the internal layout, in order to ensure that there is appropriate visibility splays at junctions and driveways and that access roads are of the appropriate width. A formal response from the Highway Authority in respect of this revised plan is awaited at the time of preparing this report. Any further updates will be communicated to members of the committee via the addendum, which will be circulated prior to the committee meeting commencing.
- 7.14 It is noted that the Highway Authority have commented upon the level of car parking provision, and in particular, highlighted that a certain number of dwellings (24), which are the four bedroom dwellings feature two off road car parking spaces and a single garage. The standards used by the Highways Authority are that there should be three off street spaces and that a garage can only be counted if it is a double garage (and if so, it can only be classed as being one space). Whilst weight does need to be given to these standards, the matter for consideration within this planning application is whether there would be significant harm arising from the current proposed provision.
- 7.15 In response, it is considered that given the requisite three spaces have been provided, and given that a condition can be imposed that would require the retention of the garage for such purposes to prevent it from being converted to a habitable room at a later stage, it is considered that sufficient car parking has been provided. Furthermore, it should be recognised that should the level of hard surfacing be increased in order to increase the level of car parking provision, this would lead to a further diminishing of the green space, which would create an overly car dominated development that would also prevent a satisfactory level of visual amenity from being created.
- 7.16 The car parking spaces are located in positions that would ensure that they benefit from sufficient natural surveillance in order to ensure that they are safe and secure, which will serve to deter anti-social behaviour, whilst also encouraging their use.

Drainage

- 7.17 The site is not within an area associated with high flood risk, however, it is necessary to ensure that the construction of the development does not increase flood risk either on site, or elsewhere. As a consequence, the scheme includes the provision of a Sustainable Urban Drainage system, which has been revised following representations from the Lead Local Flood Authority. A further update in respect of this matter will be included on the addendum.

Legal Agreement

- 7.18 Due to the scale of the development, it is necessary to enter into a Section 106 Agreement to secure appropriate mitigation and infrastructure. This would include 35% of the development for occupation on affordable tenures.
- 7.19 Owing to the fact that family housing would be provided as part of the development, the legal agreement would secure the making of a financial contribution towards the provision of primary

education facilities within the vicinity. In addition to the provision of on-site open space, the Section 106 Agreement would secure the making of a financial contribution towards the provision and or enhancement of public open space within the surrounding area. This is because it is likely that owing to the scale of the development, some residents would require access to some offsite areas of open space in order to undertake the full spectrum of recreational activity.

- 7.20 Whilst it is appreciated that the County Council have requested obligations in respect of fire hydrants and the library service, it is considered that the former point is more appropriately, and effectively, dealt with under the relevant Building Regulations, whilst there is an insufficient planning policy basis to secure contributions for the latter request. Both of these conclusions are consistent with a number of other decisions previously reached by the Council.

8 CONCLUSION

- 8.1 It is considered that the proposed development represents an appropriate use of the site, and would assist in delivering needed additional housing within the Northampton area. In addition, it is considered that as the proposal would not unduly adversely affect the surrounding area and that the impacts of the development could be mitigated, the proposal is compliant with the requirements of national and local planning policies.

9 CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the schedule of approved plans.

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

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

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

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

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

5. Full, details of the provision for the storage of refuse and materials for recycling for the flats shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the flats hereby permitted and thereafter retained.

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

6. Full details of facilities for the secure and covered parking of bicycles for the flats shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the National Planning Policy Framework.

7. Full details of all proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

8. No development shall take place until a desk top study in respect of possible contaminants within the site 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 (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. This condition is required in order to ensure the agreement of such details in a timely manner.

9. 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 i), 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.

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

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy. This condition is required in order to ensure the agreement of such details in a timely manner.

11. Notwithstanding the details submitted, a scheme for the provision of electric car charging points shall be submitted to, and agreed 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 shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

12. Notwithstanding the details submitted, full details of new bat boxes shall be 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 shall be retained thereafter.

Reason: In the interests of promoting a more ecologically sustainable form of development in accordance with the National Planning Policy Framework.

13. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.

14. The car parking and manoeuvring spaces as shown on drawing 40375/006 AF shall be fully implemented prior to the first occupation of the development and retained thereafter.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage accommodation shall be used as habitable accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of adequate parking facilities in accordance with the National Planning Policy Framework.

16. All trees shown to be retained in the approved plans shall be protected for the duration of the development in accordance with the details contained within the Tree Survey Report (dated May 2018). Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

17. All planting, seeding or turfing as shown on drawing 50216/001 H shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever

is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with the National Planning Policy Framework.

18. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

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

19. Notwithstanding the details submitted, full details of the surface treatments to all roads, paths and driveways shall be 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 shall be retained thereafter.

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

20. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Noise Assessment (reference: AC106457-1R1, dated June 2018), which shall be fully implemented prior to the first occupation of the development hereby permitted, and retained thereafter.

Reason: In the interests of securing a satisfactory form of development in terms of residential amenity, and to secure conformity with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

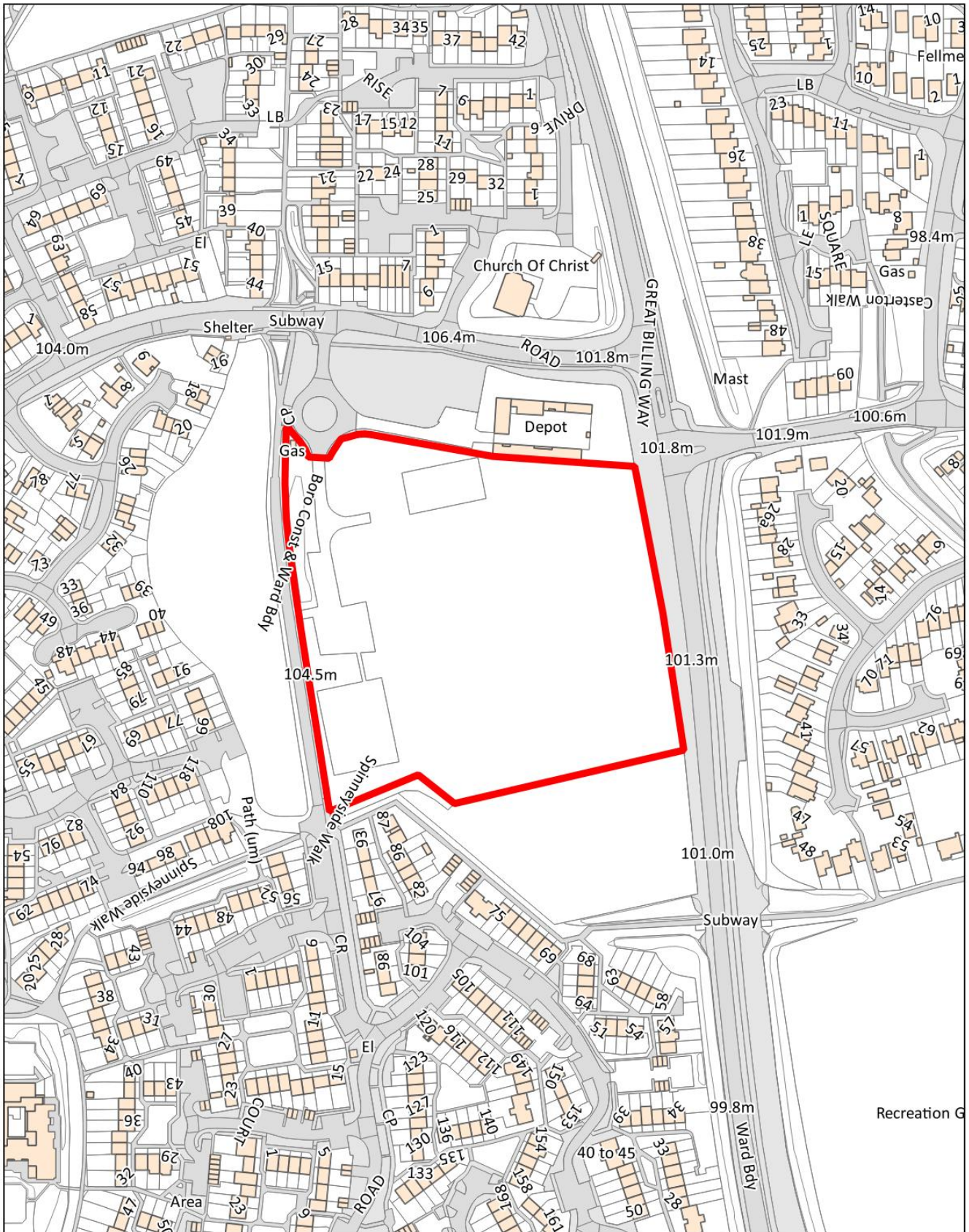
10.1 None.

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.



Title: **Former Blackthorn Middle School**

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Date: 03-04-2019

Scale: 1:2,500

Drawn by: -----