



Applicants:

Northamptonshire
Healthcare NHS
Foundation Trust

Application No:

11/0041/REPWNN

Date Registered:

05/05/2011

Expiry Date:

04/08/2011

Grid Ref:

471973 (E) 260514 (N)

Ward:

West Hunsbury

Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 25th August 2011

Agenda Item: 5

Description: Redevelopment to provide for residential and employment land uses (application for new planning permission to replace existing outline planning permission ref: 07/0004/OUTWNN dated 24/03/2009, in order to extend the time limit for implementation).

Address: Princess Marina Hospital, Weedon Road, Upton, Northampton

1. Recommendation

1.1 That outline planning permission be **Approved** subject to:

- Delegated authority being given to the Director of Planning Services to issue the decision notice upon finalisation of a legal agreement taking forward the obligations associated with the previous outline planning permission ref. 07/0004/OUTWNN and applying them to this permission.

For the reason set out below and subject to the conditions set out within the report.

Reason for Approval

1.2 The principle of residential and a limited element of commercial development on this site is considered appropriate subject to conditions and certain matters addressed through a S106 legal agreement and in accordance with Policies 1, 2, 11, 22 of the East Midlands Regional Plan (2009) and MKSM SRS Northamptonshire Policy 2 (Northampton Implementation Area) and Policies E1, E19, E20, H7, H14, H17, H32, L1 and B13 of the Northampton Borough Council Local Plan (1997) and the objectives of PPS1, PPS3, PPS4, PPS5, PPS22, PPS23, PPS25 and PPG13.

2. Description of Site

- 2.1 The site is that of the existing Princess Marina Hospital which lies on the western edge of the existing built up area of Northampton. It is a relatively large site of some 18.3 hectares. It fronts Weedon Road to the south where the existing and only vehicle access to the site is currently afforded. To the south of Weedon Road is the Upton development which is progressing and will eventually be built out up to Weedon Road. The eastern boundary is formed by existing residential properties in Southfield Road, Stanfield Road, The Scarplands and Weedon Road. To the north-west is located the ongoing St Crispins development. To the west is located as yet undeveloped land which is planned for further residential development in the future.
- 2.2 The site itself is now largely redundant with numerous vacated and inactive hospital buildings, although there is some evidence on-site of the buildings still being partially operational. To the south-east area of the site these buildings were previously used to house staff. The main hospital buildings are concentrated in two groups, one in the centre of the site and the second at the north-western end. The remaining undeveloped parts of the site are given over to car parking, soft landscaping including a number of mature/semi-mature trees and a former playing field at the southern edge. The buildings are modest in scale and massing and predominantly single storey with one small element of two storey.
- 2.3 The proposals incorporate plans to retain selected aspects of hospital / health care use. There are 2no. facilities located adjacent to the northern boundary of the site and a further facility to be accommodated upon the eastern boundary.
- 2.4 There is a public footpath which runs along the majority of the eastern boundary of the site which at its southern most point links with Weedon Road and in two places within the site links through to the adjoining housing development to the east.
- 2.5 Physically the site is relatively flat but does gradually rise in height from Weedon Road at its southern end up to its northern limit. There are no apparent existing physical features of any substance.

3. Description of Proposal

- 3.1 This application is to extend the time limit for implementation of an extant outline planning permission (07/0004/OUTWNN) for the redevelopment of the existing hospital site for primarily residential development but with some mixed use development along the Weedon Road frontage. The application was approved at the October 2007 Northampton UDA Planning Committee subject to the signing of an appropriate S106 agreement. Planning permission was subsequently granted upon the agreement of the S106 in March 2009 with a condition requiring an application for the approval of reserved matters to be made within a period of 3no. years. Should this

application be approved, this 3no. year time period would affectively be reset from the date of the new decision notice being issued.

- 3.2 The present permission is in outline form with all matters reserved for future submission and approval, namely: layout, scale, appearance, access and landscaping. To set the context, the existing site has been identified for closure by the Healthcare Trust and is to be sold off for development.
- 3.3 The detail of the proposal follows the form established in the 'Princess Marina Hospital Development Brief' which was adopted by Northampton Borough Council as Supplementary Planning Guidance in December 2004. The application seeks to closely follow the broad parameters and form established by the Brief, which envisages some 550 residential units on the site with an element of mixed use development along the Weedon Road frontage to include possibly retail, offices, residential and community/leisure uses.
- 3.4 Consideration was given in 2007 at the initial application stage to the potential need for an Environmental Impact Assessment. Whilst the site is relatively large the proposal does not raise any issues that would lead to any substantial environmental effects on the area.

4. Policy Considerations

WNDC Purpose

- 4.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory "objective" to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective. The proposal is consistent with the Corporation's objectives.

National Policy:

- 4.2 PPS1: Delivering Sustainable Development
PPS1: Delivering Sustainable Development: Planning and Climate Change
PPS3: Housing
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPG13: Transport
PPS22: Renewable Energy
PPS23: Planning and Pollution Control
PPS25: Development and Flood Risk

Emerging National Policy:

- 4.3 Draft National Planning Policy Framework (July 2011)

Development Plan:

- 4.4 East Midlands Regional Plan: Policies 1, 2, 11, 22, MKSM SRS Northamptonshire 2 (Northampton Implementation Area).

NBC Local Plan: E1 (Landscape and Open Space), 19 (Implementing Development), E20 (New Development – Design), H7 (Other Housing Development), H14 (Open Space Provision), H17 (Housing for people with Disabilities), H32 (Affordable Housing) and L1 (Safeguarding Recreation Facilities), B13 (Infrastructure provision for commercial development) (As saved by the Secretary of State)

SPGs SPDs

- 4.5 Princess Marina Hospital Development Brief - adopted by Northampton Borough Council as Supplementary Planning Guidance on 6 December 2004.

Other Material Considerations:

- 4.6 WNDC Planning Principles (2009): Set out in this document are WNDC's three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

WNDC Manual for Design Codes (2009)

WNDC Sustainability Manual (March 2010)

WNDC Planning Obligations Strategy (December 2008)

Ministerial Statement – Planning for schools development August 2011

5. Representations.

- 5.1 NBC Development Control: No objections subject to the revision of Condition 10 to better control the type and quantity of town centre uses in this out of centre location in accordance with PPS4. Specifically it is requested that an upper limit be imposed on units within the B1a use class (1000 sq m total floor space and a maximum 250 sq m for each individual unit) and that D2 uses be excluded.
- 5.2 A S106 agreement should secure 35% affordable housing while provision should be made for mobility housing. Financial contributions towards educational and community facilities, the provision of Primary and Secondary School places, the provision of health care facilities and the provision of an area of open space to include

a LEAP and upgrading of the NEAP at St. Crispin is to be made. A commuted sum for the landscaped areas or alternative arrangement and additional works to the Upper Nene Valley Country Park should also be secured. WNDC are also requested to enter into discussions with the developers, the County Council and St. Lukes School to explore the possibility of pedestrian access to the school being provided from the site.

- 5.3 NBC Environmental Health: No comments received.
- 5.4 NBC Conservation: Since the application was originally determined PPG15 has been superseded by PPS5: Planning for the Historic Environment, which places greater emphasis on the setting of historic assets. The details of the proposed development will need to adhere to the principle laid out in these policies and guidance notes. There are no objections to the principle of the development.
- 5.5 NBC Housing Strategy Section (Policy): No objections to the timeframe being extended. There must be the provision of 35% affordable housing to be accommodated as part of the residential element. The affordable housing must be delivered in a way that integrates with the scheme rather than sitting apart and delivered to a minimum of Sustainable Code Level 3 and the HCA's scheme design standards. The general principles that were required under 07/0004/OUTWNN should be reapplied.
- 5.6 NBC Planning Policy: The mixed use nature of the proposals complies with the principle of promoting sustainable mixed use development as established in a wider national planning policy along with Policies EC10 and EC13 in PPS4. Nevertheless the range of uses proposed can in theory be regarded as main town centre uses for which the sequential test needs to be applied. There has to be some common sense shown on this issue as long as WNDC are convinced that the provision of employment floorspace is reasonable in scale and kind to the housing area being proposed. It is not clear if Condition 10 (applied to 07/0004/OUTWND) provides the necessary certainty.
- 5.7 It is suggested that Condition 10 be amended to ensure that a substantial amount of main town centre use identified (employment B1a and D2) is not provided as a single entity. Condition 10 fails to provide B1a with an upper limit for its total floorspace, which could in theory therefore rise up to the 4,000 sq m limit. Condition 10 also fails to stop the provision of this B1a floorspace as a single unit, as it has done for A1, A2, A3 and A4 retailing, which could lead to the provision of a 4,000 sq m office block in an out of centre location. Providing an upper limit both in terms of total floorspace – say 1000 sq m with a maximum size per unit of 250 sq m could do this.
- 5.8 Condition 10's allowance of up to 2,000 sq m of D2 floorspace which 'shall complement the residential use hereby permitted' – it's difficult to see what D2 uses would realistically fall within this definition. NBC Planning Policy suggests that the D2 use element of the condition is removed, unless adequate information can be provided on the type of D2 use class that would meet this definition.

- 5.9 In summary, no objection to the proposed renewal in principle, although Condition 10 should be amended to cover the issues highlighted above. This would provide more certainty that the proposed uses would not conflict with the provisions of PPS4 and the emerging Joint Core Strategy principles of seeking to ensure that wherever possible main town centre uses will be directed to the town centre.
- 5.10 NCC Archaeology: The application site lies within a landscape rich in archaeological activity. The Archaeological Desk Based Assessment (2002) provides a clear assessment of the archaeological potential both above and below ground within the study area. Despite the age of the DBA, the results regarding archaeological potential are still largely valid. The potential for pockets of archaeological activity should not be discounted. The proposed application will have a detrimental impact upon any archaeological deposits present, but this does not represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. A standard archaeological condition in agreement with paragraph HE12.3 of PPS5 should be appended to any permission granted.
- 5.11 NCC Education Services: No comments received.
- 5.12 NCC Growth Management Planning Policy: No comments received.
- 5.13 NCC Rights of Way: No comments received.
- 5.14 NCC Sustainable Transport: No objections subject to the previously requested highway infrastructure being secured, this being a service level agreement for the provision of a half hourly daytime and hourly evening and Sunday bus service to the Town Centre, a contribution of £500k for improvements to Tollgate Way between Weedon Road and Bants Lane to mitigate the impact of traffic generated by the proposals and a Travel Plan being submitted and approved by the Highways Authority prior to occupation of any of the development.
- 5.15 Anglian Water: No comments received.
- 5.16 Northants Bat Group: No comments received.
- 5.17 Environment Agency: No objection to the proposed development, as submitted, subject to the conditions requested in the consultation responses to 07/0004/OUTWNN being appended to any subsequent approval.
- 5.18 Highways Agency: No comments received.
- 5.19 Northamptonshire PCT: No comments received.
- 5.20 Northamptonshire Police: No formal objection to the application.
- 5.21 Ramblers Association Northampton: No comments received.
- 5.22 Sport England East Midlands: The site is not considered to form part of, or constitute, a playing field as defined in Article 16(1) of the Town and Country Planning (Development

Management Procedure) (England) Order 2010. Sport England therefore respond on a non-statutory basis and refer to their response upon the original application (07/0004/OUTWNN). It is also recommended that the provision of onsite Public Open Space and sports facilities and contributions to community facilities be reassessed having regard to the latest information available, which would include the Sports Facilities Strategy for West Northamptonshire (2009) and the Playing Pitch Strategy being prepared by Northampton Borough Council. This being the case, Sport England does not wish to raise an objection to this application.

5.23 Wildlife Trust for Northamptonshire: No comments received.

5.24 Natural England: From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. It is expected that the LPA assesses and considers the possible impacts upon protected species, local wildlife sites and potential biodiversity enhancements.

5.25 Upton Parish Council: No comments received.

5.26 Duston Parish Council: It is recommended that WNDC also consults Upton Parish Council and any householders that border or overlook the site.

5.27 Homes and Community Agency: No comments received.

5.28 Cllr Alan Bottwood: No comments received.

5.29 Cllr Brian W Sargeant: No comments received.

5.30 Cllr Suresh Patel: No comments received.

5.31 Cllr Tim Hadland: No comments received.

6. Notifications and Responses

6.1 Neighbour notification letters were sent out to close proximity neighbours and 4no. site notices were erected adjacent to the site (1no. on Weedon Road, 2no. along the foot path running the eastern side of the site and 1no. at the northern end of the site in close proximity to the St. Crispin Local Centre). The application was also advertised in the local press by virtue of being classified as a Major Development, encompassing a Conservation Area and affecting a designated right of way. 8no. responses were received and can be summarised as follows:

- There are current issues in the area relating to the number of vehicles passing and parking in relation to St Luke's School.

- It is hoped that the access road to be provided from the mini island at the A4500 entrance to the site can be designed to provide a potential solution to this issue.
- Any planning consent granted must be subject to S106 funds being directed to St Luke's School to assist them in alleviating the current car parking issues.
- The developer should work with the Highways Agency to ensure that a suitable road system is put in place to ensure that no further burden is placed upon Kent Road, St Crispins Drive and Berrywood Drive.
- The extant S106 agreement should be reviewed with public consultation being a vital part of this process. Given the growth in the local community needs may have changed significantly. Parking issues on St. Crispin Drive are now a key issue.
- The plans are unclear, particularly in respect to how the mature trees currently located to the eastern boundary of the site are to be treated. Properties should not be built in this area to tower over and overlook existing bungalows; a suitable gap should be maintained.
- It is suggested that further site notices are posted so that local residents have a reasonable chance of being aware of what is going on.
- The site is accruing more and more graffiti, boarding and anti social behaviour.
- The current right of way should be kept where it is.
- The current right of way accrues nuisance and anti-social behaviour including damage to property and cars and joyriding. The problem will magnify with more houses. Consideration should be given to diverting the footpath along the proposed most southerly Cross Route.
- The St. Crispin development needs to be finished / improved before any more development is undertaken; the roads are currently in poor condition.
- It is not clear what provisions are to be made for the handling of demolition dust.

7. Site History

07/0004/OUTWND Redevelopment to provide for residential and employment land uses (Approved 24th March 2009)

8. Considerations

The key points for consideration are: Principle, Policy Developments, Masterplan & Design Code, S106, Playing Field, Right of Way, Other Matters

Principle

- 8.1 The extant permission 07/0004/OUTWNN establishes the principle for a redevelopment of this site, which is designated as 'white land' in the Northampton Local Plan (1997). This position is subject to the consideration of further material planning policy considerations to be covered within the following section of this report. When the application was originally considered in 2007 significant weight was correctly afforded to the contents of the development plan – namely the Northampton Local Plan and the Regional Spatial Strategy. It was established that the residential redevelopment of this brownfield site was acceptable, particularly given the ongoing growth to the immediate north (St. Crispin) and south (Upton) of the application site, which shall effectively encompass the application site in future years.
- 8.2 It was also established that the application was in outline form with all matters reserved, therefore purely seeking to establish the principle of the uses proposed. In accordance with the adopted Development Brief the development is to be predominantly residential (around 550no. residential dwellings) with a mix of potentially retail, offices, residential (flats) and leisure and community uses totalling approximately 8,000 sq m along the Weedon Road frontage. The precise amounts – in addition to the layout, appearance, landscaping and access arrangements for the development – will emerge through any detailed reserved matters in the future.

Policy Developments

- 8.3 As is stated within the submitted Planning Statement, there has been no substantive change in local planning policy since the application was originally approved. The retained policies contained within the Local Plan (1997) continue to constitute a valid part of the development plan, as does the East Midlands Regional Plan (2009), which superseded the original Regional Spatial Strategy (RSS8) and continues to promote housing and the growth agenda as well as the need to develop sustainable communities. It should be noted that the Government's stated intention is to abolish Regional Plans once the Localism Bill becomes legislation but until then it remains a material consideration in determining any planning application. Further, it is noted that the West Northamptonshire Joint Core Strategy (pre-submission version) was published in February 2011 and depicts the Princess Marina site as a development area that is currently unbuilt (Figure 4 – Northampton Related Development Area Map).
- 8.4 In respect to changes in national planning guidance the most notable and relevant change relates to PPS4: Planning for Sustainable Economic Growth, which was published in 2009 and sets out planning policies for economic development. Economic development includes development within the B Use Classes (light industry, research & development, storage & distribution), public and community uses and main town centre uses (such as retail, leisure and eateries). In this instance the indicative proposals incorporate up to 4,000 sq m of such uses; the precise mix, composition and amount of these are presently unknown. This maximum level is governed by the restrictions contained within Condition 10 of the original permission.

- 8.5 Policy EC14 of PPS4 dictates the supporting evidence that should accompany planning applications for main town centre uses. This states that a sequential assessment is required for such uses when not located within an existing centre and are not in accordance with an up to date development plan. In this instance the applicant has explained within their Planning Statement that they consider the commercial elements of the scheme to allow for a sustainable mixed use development of the site, hence complementing the predominant residential elements of the scheme. Officers have sympathy with this position and note that the objectives of providing sustainable development at the Princess Marina site would be compromised should its commercial elements be relocated centrally. A sequential assessment should not be sought in this instance.
- 8.6 Policy EC14 also requires that an assessment addressing the impacts listed in Policy EC16.1 for applications for retail and leisure development exceeding 2,500 sq m in gross floor space. As noted above, permission 07/0004/OUTWNN allows for a maximum of 4,000 sq m of retail / leisure usage under Condition 10. It should however be noted that the present wording of Condition 10 is structured in such a way to restrict the level of floorspace apportioned to particular use classes and to restrict the size of individual units in the interests of providing a sustainable mixed use development. The condition specifies that the amount of uses within Class A shall not exceed 2,000 sq m and that no individual Class A unit shall exceed 200 sq m. In addition, the condition specifies that no more than 2,000 sq m shall be used within Class D.
- 8.7 NBC Planning Policy has stated some concerns in respect to the present wording of Condition 10. This is particularly in light of the condition offering no specific restrictions in respect to the provision of B1(a) offices, which could potentially lead to the provision of a 4,000 sq m office block within an out-of-centre location in non-compliance with PPS4 guidance. WNDC Officers consider that the wording of Condition 10 should be amended to put in place a 2,000 sq m restriction on B1(a) use (this would be consistent with the Class A and D restrictions already in place) and to place a 250sq m limit upon associated individual unit sizes.
- 8.8 The further restrictions to be imposed upon B1(a) offices (a main town centre use as defined by PPS4) would enable any impacts upon the town centre to be adequately controlled in compliance with Policy EC16 of PPS4. They would ensure that any proposals that are forthcoming at reserved matters stage are of a suitable scale in the context of the residential dwellings that they shall serve and their relationship with the town centre. It would rule out any substantial development that should be directed towards Northampton town centre.
- 8.9 NBC Planning Policy has also questioned the relevance of Condition 10 referring to D2 floorspace that shall 'complement the residential use hereby permitted' given that they have difficulty in seeing what could realistically fall within this definition. WNDC Officers consider that individual unit size restrictions of 200 sq m should be applied to Class D uses, which is how Class A uses are dealt with via the original wording of Condition 10. This would again ensure that the development of main town centre uses

is at an appropriate local scale. D1 (Non-Residential Institutions) incorporate such uses as Museums and Galleries & Exhibition Halls.

- 8.10 In respect to D2 (Assembly & Leisure) uses, officers consider that such uses would not normally be provided at a local scale and would not therefore be viable with a floor space restriction of 200 sq m per unit. For example, D2 uses could include a Gymnasium, Swimming Bath or Cinema. On this basis, reference to D2 uses should be omitted from the wording of Condition 10 given that they cannot realistically be provided at a local scale to complement the predominant residential use being applied for.
- 8.11 It is concluded that the applicant should not be expected to submit a full impact assessment as required by Policy EC14 of PPS4 for retail and leisure developments of over 2,500 sq m. Condition 10 of original permission can be amended to ensure that no main town centre use element of the scheme exceeds 2,500 sq m in its own right. Sufficient restrictions can be applied within an amended condition to fully ensure that all commercial elements are provided at a local scale as part of a sustainable mixed use development. No individual unit shall exceed 250 sq m in gross floor area in accordance with the reworded Condition 10.
- 8.12 On a further note, the National Planning Policy Framework Consultation Draft was issued in July 2011 which introduces a presumption in favour of sustainable development. The document suggests that retail and leisure uses should be located in town centres where practical and supports the sequential approach to such development, which is akin to PPS4. The Consultation Draft does not however include any such requirement for the location of offices or other 'town centre' uses. Although the Consultation Draft should be given limited weight in planning decisions at this time, it is of importance to note this potential movement for increased flexibility. The recommended rewording of Condition 10 would allow for up to 2,000 sq m of B1(a) offices.

Masterplan & Design Code

- 8.13 As was noted in the determination of 07/0004/OUTWNN, the adopted Brief does not fully express all the information required to secure an appropriate development of this site. Insofar as it provides broad parameters for the development of sufficient clarity to determine the outline application it is nevertheless sufficient to demonstrate that the proposed form, access and mix of uses are appropriate to the site in principle. There is nevertheless a need to produce a new Masterplan which would not only look at the site itself but ties in with the wider area including Upton Lodge to the west and Upton to the south.
- 8.14 There is a need to retain access for future development to the west of the site. So, whilst the brief contains certain information to support the application, it was considered essential that a further more detailed Masterplan and Design Code(s) be prepared to inform the development of the site prior to the submission of any

reserved matters. This requirement was reinforced through its inclusion as both a planning condition and obligation in the legal agreement.

S106

- 8.15 There is a S106 agreement linked to the extant permission (07/0004/OUTWNN), this secures a Residential Standard Charge based upon the maximum number of dwellings that could be provided upon the site (this payment is phased based upon the progression of the scheme and, more specifically, the number of dwelling occupations) and a Total Employment Standard Charge based upon the maximum commercial floor space that could be delivered at a rate of £25 per sq m. The agreement also secures 35% Affordable Housing, a Technical Support Contribution, a Travel Plan Monitoring Contribution, a Staff Monitoring Contribution, a Public Open Space Maintenance Sum and a Sustainability Strategy (securing BREEAM Very Good standards for commercial units and Code Level 3 dwellings).
- 8.16 The form and level of contributions was secured in compliance with the Corporation's Planning Obligations Strategy (POS). The Residential Standard Charge secured was £9,936 per dwelling in comparison to the POS's suggested Discounted Residential Standard Charge figure of £18,000. The agreed figure was further discounted to reflect the Healthcare Trust's provision of health services and facilities for the future residents of the site. As explained within the extant agreement, this figure was reached via consideration of factors including the costs of infrastructure required, the likely scale of development that shall come forward and the level of charge that is appropriate for developments to meet without stifling development.
- 8.17 It should be noted that the ethos of a Standard Charge agreement is to allow for the flexible allocation of contributions across an indicative list of infrastructure heads, which is contained within Schedule 11 of the agreement. A comment was received from a local neighbour suggesting that the S106 should be reviewed in light of changing local community needs since the agreement was first drafted, in particular in respect to the local highway network and associated car parking constraints. It should be noted that the agreement already incorporates provisions for funds to be channelled towards transport infrastructure items.
- 8.18 The agreement is also able to satisfy the specific requests of the Local Highway Authority, They have again requested what they did when the earlier outline planning application was being considered i.e. a service level agreement for the provision of a half hourly daytime and hourly evening and Sunday bus service to the town centre, a contribution of £500k for improvements to Tollgate Way between Weedon Road and Bants Lane to mitigate the impact of traffic generated by the proposals and the preparation of a Travel Plan. These were accommodated in the existing agreement but it should be noted that the agreement in adopting a POS approach does not specifically state these measures but rather they fall within a more general heading of Transport which covers infrastructure provision including roads, public transport and local transport.

- 8.19 Having regard to the latest 'Policy Statement – planning for schools development' issued recently by Ministers and which is a material consideration, the POS approach which forms the basis of the existing agreement includes Education as a development type that the monies received pursuant to the agreement can be spent upon to secure delivery of such facilities if the need is evidenced.
- 8.20 It is also considered that the present agreement contains provisions for contributions to be potentially directed to the matters suggested by NBC Development Control, namely educational and community facilities, open space (including LEAP and NEAP contributions), landscape maintenance and pedestrian access improvements. The extant S106 agreement also contains reference to the relevant Affordable Housing standards suggested by NBC Housing Strategy.
- 8.21 There is not considered to be a need to revisit the drafting of the extant agreement, which can be reapplied in the case of this application to extend the period for the implementation of the development by the applicant entering into a further agreement which would seek to take forward the obligations of the existing permission and apply them to this application if granted. The Standard Charge figures that were originally agreed continue to represent a fair solution in light of the site's individual circumstances and compare reasonably with contributions secured elsewhere.

Playing Field

- 8.22 The current site contains a disused playing field within its south western corner. This was last used in a private recreational capacity. Sport England have confirmed that because this area hasn't been used in this capacity for a period in excess of five years it is no longer formally defined as a playing field and, therefore, is not statutorily protected. It is however listed as existing recreational land within Appendix 18 of the Northampton Local Plan 1997, which is linked to retained Policy L1 of the Northampton Local Plan. Policy L1 (A) states that planning permission will not be granted for development on such sites where it would result in the loss of existing facilities for which there is an established or potential need unless suitable replacement facilities are provided.
- 8.23 Sport England within their consultation response suggested that the application be reassessed in the context of the latest information available, which would include the Sports Facilities Strategy for West Northamptonshire (2009) and a Playing Pitch Strategy currently being developed by NBC. The Sports Facilities Strategy identifies the notable future impacts of predicted population growth and lays down future requirements for four additional synthetic turf pitches to serve this growth by 2026. It is suggested within the Sports Facilities Strategy that new pitches are located on new school sites as part of the new housing developments particularly on the western flank of the town.
- 8.24 The Playing Fields Strategy is currently in draft form and yet to be formally ratified by the Council, so can be afforded limited weight at this time. Its broad findings are worthy of note in the context of this application. The site in question, as would be

expected, is not listed within the document's schedule of pitches with a secured community use. In respect to football (the dominant participatory sport within the Borough) the document notes that the existing provision across the Borough is currently adequate. There are greater issues associated with rectifying pitch quality and the prohibitive prices associated with hiring school facilities. It notes, however, that any further pitches should preferably be 3g Artificial Grass Pitches (which can sustain more games and incorporate greater flexibility in terms of kick off times) and be located to the west of the Borough to accommodate demand from areas of high population growth.

- 8.25 Having considered the contents of the aforementioned documents it is considered that the disused playing field in question, although located to the western side of the town where population growth is expected, cannot be considered to constitute a recreational facility for which there is an established or potential need in accordance with Policy L1 (A) of the Local Plan. It is not considered that any specific measures (i.e. planning conditions or planning obligations) should be imposed at this point in time to ensure the retention of this facility. It should be noted that the same approach was taken in respect to the original application (07/0004/OUTWNN).
- 8.26 Given the outline nature of this application, the precise composition of the detailed planning application(s) for the site is as yet unknown. The Development Brief for the site suggests that a LEAP (Locally Equipped Area for Play) and informal recreational areas are to be provided within the site. The details of this will no doubt be negotiated through the formation of a Masterplan and Design Code for the site.
- 8.27 Further, it should also be noted that, as discussed in the preceding section of this report, the extant S106 agreement secures funds on a 'standard charge' basis. The agreement contains an indicative list of infrastructure heads that incorporates the potential for funds to be diverted towards the provision of a new sports/leisure centre or playing pitches in future years.

Right of Way

- 8.28 The application site incorporates a foot path running the eastern boundary of the application site, which abuts the rear of residential properties to the east. This adjoins Weedon Road at the southern end of the site. This footpath is within the applicant's ownership as depicted upon the site location plan that has been submitted.
- 8.29 There has been comments received from the occupiers of The Hollies (a dwelling sited adjacent to the western edge of footpath), they have raised concerns in respect to the lack of maintenance that is currently afforded to the footpath and the instances of nuisance and damage that have been encountered. Accordingly they have requested that consideration is afforded to diverting the footpath. This will be an issue to consider in more detail at reserved matters stage when the detailed design and layout of the scheme takes shape. The relevant land is within the applicant's ownership and the potential remains to incorporate the link within the redevelopment plans for the site.

Archaeology

- 8.30 An additional planning condition should be attached to secure a programme of archaeological work in accordance with a written scheme of investigation to ensure that features of archaeological interest are properly examined and recorded in accordance with PPS5 Policy HE12. This is on the basis of advice received from the NCC Archaeologist.

Other Matters

- 8.31 In light of 8no. comments received from neighbouring occupiers, it is worth reiterating the fact that this application is specifically intended to extend the time limit of an extant outline planning permission (07/0004/OUTWNN). Detailed planning issues shall be considered upon the submission of reserved matters application(s) in the future.
- 8.32 Prior to the submission of reserved matters the applicant is required by condition to produce a Masterplan and Design Code for the site. As part of this process (and subsequently via the submission of detailed reserved matters) the applicant will be required to formulate an appropriate layout, scale, appearance and access as well as landscaping details for the scheme.
- 8.33 The comments of local residents have raised concerns in respect to such issues as the potential pressure that would be incumbent upon the local highway network and questions relating to future access arrangements. Comments have also been forthcoming in respect to the proposed scale and position of development in relation to existing bungalows, as well as the treatment of existing mature trees. These issues shall be considered in full at detailed planning stage. It is worth noting that the Local Highway Authority has issued no objections to the principle of the scheme subject to appropriate S106 contributions being secured towards highway infrastructure improvements.
- 8.34 A comment was raised by a local resident in respect to the progress of the adjacent St. Crispin development, stating that this is unfinished with the state of the associated highway being of particular concern. It has been suggested that this development should be fully completed prior to any development commencing at the Princess Marina site. This application is independent and separate to the St. Crispin scheme and shall be considered on its own individual merits accordingly.
- 8.35 It has also been suggested via the consultation process that additional site notices should be displayed in order to offer a strong chance that local residents are informed of this application. In response to this Officers can confirm that 4no. site notices were erected at various points around the site while the application was advertised in the local press and 200no. individual neighbour consultation letters were sent out to households located within the immediate proximity of the site. The Corporation as Local Highway Authority has therefore gone above and beyond its consultation responsibilities as outlined within the General Development Procedure Order 1995.

9. Conclusion

- 9.1 The principle of residential and a limited element of commercial development on this site is considered appropriate subject to conditions and certain matters addressed through a S106 legal agreement and in accordance with Policies 1, 2, 11, 22 of the East Midlands Regional Plan (2009) and MKSM SRS Northamptonshire Policy 2 (Northampton Implementation Area) and Policies E1, E19, E20, H7, H14, H17, H32, L1 and B13 of the Northampton Borough Council Local Plan (1997) and the objectives of PPS1, PPS3, PPS4, PPS22, PPS23, PPS25 and PPG13.
- 9.2 If the application is to be approved, technically a new permission would be issued. Therefore all previous conditions attached to permission 07/0004/OUTWNN shall need to be reapplied. Condition 10 is to be amended as discussed within the Policy Developments section of these considerations. Condition 26 is to be added as an additional condition in light of the comments received from NCC Archaeology.

10. Conditions

1. Approval of the details of the access, appearance, landscaping, layout and scale ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 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 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 reserved matters to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
4. All reserved matters applications shall accord with a Masterplan and Design Codes to be submitted to and agreed in writing by the Local Planning Authority or any agreed variations thereof prior to the submission of that reserved matter. The Masterplan and Design Code(s) shall include details of phasing; layout; provision of public art; hard and soft landscaping defining public, semi-public and private space and their provision of future maintenance; existing levels and proposed finished floor levels; external lighting within both the public and private realm; external boundaries of the site and front and rear boundary treatments including means of enclosure; and footpaths and cycleway links. In the event that separate Design Code(s) are prepared for the housing and commercial elements both documents shall demonstrate to the satisfaction of the Local Planning Authority that the interface between the two forms of development will maintain the principles established in the Masterplan. Any subsequent application

for reserved matters shall be submitted in accordance with the Masterplan or agreed modifications by the local planning authority to it and to the relevant Design Code(s).

Reason: To provide a site layout in general conformity with the Masterplan that demonstrates quality in form and design, maximise public amenity, reduces the potential for crime and anti-social behaviour, and deals with ongoing maintenance.

5. The reserved matters relating to landscaping shall include a survey of existing trees and hedgerows, location of trees and hedgerows to be protected, method of protection and duration of protection.

Reason: In order to ensure adequate protection of existing trees and hedgerows on the site in the interests of achieving a satisfactory standard of development and maintaining the established landscaped character of the area.

6. All planting, seeding or turfing comprised in the approved reserved matter details for a phase shall be carried out in the first planting and seeding season following the first occupation of any building in that phase of the development or the completion of that phase of the development, whichever is the sooner or to such other timescale agreed in writing with the Local Planning Authority. Subsequently if any trees or plants which within a period of 5 years from completion of that phase of the development die, are removed or become seriously damaged they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure any landscaping is undertaken within a reasonable timescale and thereafter adequately maintained until established.

7. Prior to the commencement of development of a phase, an assessment of the Noise Exposure Category(ies) of that phase shall be made due to its exposure to transportation noise, in particular Weedon Road. This must take account where appropriate roads that may not be immediately adjacent to that phase and the likely growth of traffic over the next 15 years. Where that phase is subject to a noise exposure which exceeds NEC A a scheme to protect this part of the phase shall be submitted to the Local Planning Authority for written approval. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site. Where noise protection measures for that phase are impractical or do not reduce NEC for all amenity areas, all facades or all floors of the proposed residential units to NEC A, the plan shall clearly indicate the site layout and the predicted NEC for all facades. Where facades or floors do not fall into NEC A noise insulation scheme, which will require the provision of artificial ventilation, details shall be submitted for approval in writing to the Local Planning Authority and implemented prior to those units being occupied.

Reason: To safeguard the amenities of the future residential occupiers of the development.

8. A minimum of 10% of the residential units on any phase shall be available for occupation by persons with disabilities and constructed to a mobility housing standard

the detailed layout of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of any residential unit on that phase unless otherwise agreed in writing by the Local Planning Authority.

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

9. The number of residential units to be constructed on the site shall not exceed 550 unless otherwise agreed in writing by the Local Planning Authority and set out in the Master Plan.

Reason: To ensure the provision of a mixed use development and to enable the Local Planning Authority to assess the environmental implications of additional residential development.

10. The employment use hereby permitted shall not exceed 4,000 square metres gross area and shall only consist of uses within Classes A1, A2, A3, A4, B1a, B1c and D1 of the Use Classes Order 1987 (as amended). Uses within Classes A1, A2, A3, A4 shall only be permitted on that part of the site with a frontage onto Weedon Road and no unit shall exceed 200 square metres gross external area at any time (unless otherwise agreed in writing by the Corporation). The amount of uses within Class A of the Use Classes Order 1987 (as amended) shall not exceed 2000 square metres gross external area in total at any time. No more than 2000 square metres gross external area shall be used for Class B1(a) office use and no B1(a) unit shall exceed 200 square metres gross external area at any time (unless otherwise agreed in writing by the Corporation). No more than 2000 square metres gross external area shall be used for Class D1, any such uses shall complement the residential use hereby permitted and no D1 unit shall exceed 200 square metres gross external area at any time (unless otherwise agreed in writing by the Corporation). No more than 1000 square metres gross external area of D1 floorspace shall be occupied until the 100th dwelling hereby permitted has been constructed on the site.

Reason: In the interests of providing a sustainable mixed use development.

11. Prior to the commencement of any development of a phase a bat survey shall be undertaken for that phase, thereafter the results shall be submitted to the Local Planning Authority. In the event bats are present a scheme addressing how this situation is to be managed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase.

Reason: To determine if bats are present on the site and if they are manage this situation accordingly.

12. The submission of reserved matters relating to layout and appearance shall include the provision of secure and safe cycle parking and the location of waste storage facilities for both residential and commercial development types hereby permitted.

Reason: To ensure the provision of adequate cycle facilities to promote the use of modes of transport other than the private car and that waste storage is satisfactorily addressed.

13. Prior to the commencement of any phase on the site a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall accord with the guidance contained within Northampton County Council's Minerals and Waste Development Framework – Development and Implementation Principles Supplementary Planning Document March 2007 Thereafter the scheme shall be implemented in full accordance with the approved Strategy.

Reason: To ensure a sustainable approach is undertaken towards waste management on the development and is in line with Northampton County Council's adopted Supplementary Planning Document.

14. Prior to the first occupation of any commercial unit or individual commercial unit thereafter by a new occupier/user a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority relating to the occupants of that unit. Thereafter the Plan shall come into effect within 28 days of the written approval of the Local Planning Authority and remain in place at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To seek to achieve a more sustainable use of transport modes in the creation of sustainable communities.

15. Prior to the commencement of development of a phase details of surface and foul water drainage of that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is satisfactorily drained.

16. Development shall not commence until a scheme to deal with contamination of any phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the specific extent of contamination and the measures to be taken to avoid risk to the public/environment when that phase is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To safeguard the health of the future occupiers of the development and the environment generally.

17. Work shall not commence on the construction of more than 300 dwellings until the adoptable link road to be provided to the existing adopted road to the west of the site has been constructed and is open for use.

Reason: In the interests of securing a safe and convenient vehicle access to the site to serve the development.

18. As part of the Master Plan a vehicle access shall be included which provides access up to the boundary of the site with the adjoining parcel of land to the west of the site which fronts Weedon Road.

Reason: To ensure the development of the wider area can be facilitated.

19. Prior to the commencement of development hereby approved details of existing sewage capacity flows from the site shall be submitted to and agreed in writing by the local planning authority in consultation with the environment agency. Thereafter based on this information a development construction phasing programme shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency which shall reflect the capacity of the existing system (or as improved), and the proposed level of water efficiency (to satisfy the condition below) to satisfactorily accept sewage outflows from the development. Development shall only be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority in consultation with the Environment Agency.

Reason: To ensure the appropriate off site infrastructure is in place to satisfactorily deal with sewage flows from the development.

20. Development shall not begin until details of a scheme for Water Efficiency achieving a design average consumption of 105 litres/person/day 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 occupied.

Reason: To ensure the development will achieve a reduction in water demand in line with Strategic Policy 3 of the MKSM SRS and Policy 32 of RSS8.

Informative: This is equivalent to Level 3 and 4 of the Code for Sustainable Homes. The above condition refers to Level 3 and 4 of the Code for Sustainable Homes.

21. Development shall not begin until a surface water drainage scheme for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological 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.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

22. The development hereby permitted shall not be commenced until such time as a maintenance strategy for the surface water runoff drainage system has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained for the lifetime of the development.

Reason: To ensure that the proposed drainage system remains in a well-maintained order, such that flood risk is not increased as a result of the proposal.

Informative: In order to satisfy the above condition, the following information should be submitted:

- details of all parties responsible for the long-term adoption and maintenance of every element of the drainage system and demonstrate methodologies and schedules of maintenance for the various components, for the lifetime of the development.
- In the event of a "management company" or similar being agreed upon to take control of the maintenance of the system, preferred options shall be proposed in the event of that company becoming insolvent or ceasing to exist or trade.

23. The development hereby permitted shall not be commenced until such time as detailed information in respect of overland flow routing both prior to and after development has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the flood risk to the site and third parties is not increased.

Informative: In order to satisfy the above condition, the following information should be submitted to demonstrate:

- the provision and maintenance of existing/proposed overland flow paths, and,
- no increase in flood risk to the development or third party assets.

24. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure an adequate assessment of the potential risk posed is made and to protect controlled waters.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

26. No development shall take place within the area indicated 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 by the applicant 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 PPS5 Policy HE12.

Informatives for the applicant

1. Flood Defence Consent

Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting ordinary watercourses, statutory main river, within the indicative floodplain or within the byelaw distance (9 metres) requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage byelaws.

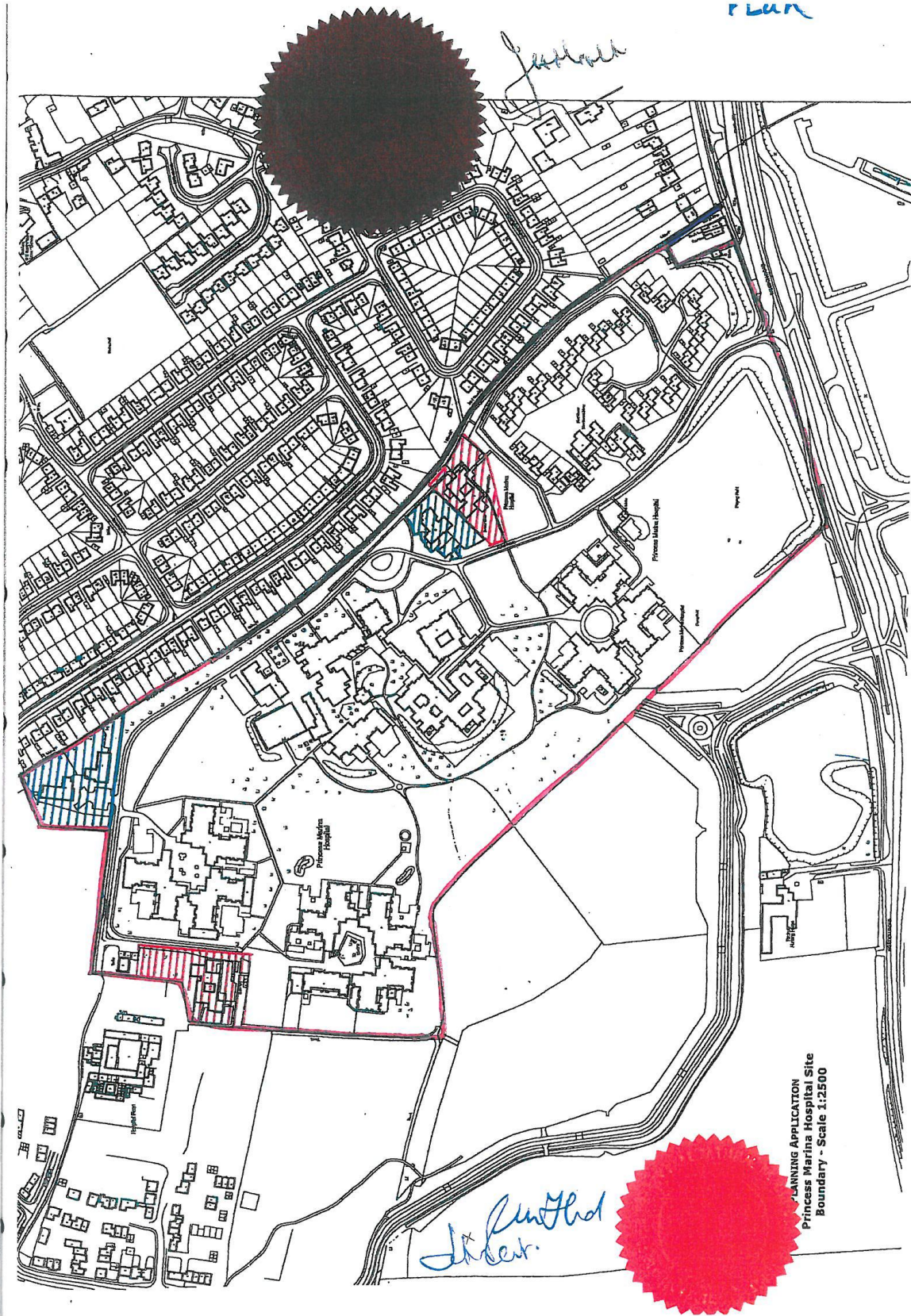
It should not be assumed that such consent will automatically be forthcoming, and the applicant should consult with the Environment Agency at the earliest opportunity in order to determine and secure formal flood defence consent for the proposed works as appropriate.

On this proposed site, the Environment Agency should be consulted before any works are undertaken to any watercourses in order to determine whether flood defence consent is required.

As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions in Planning Permission'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

2. An agreement under Section 106 of the Town and Country Planning Act 1990 contains planning obligations. This agreement restricts development under the planning permission on those parts of the site shown hatched red and blue on the plan annexed to it, which are intended to be retained for existing uses or developed under separate detailed planning permission.

SITE PLAN



PLANNING APPLICATION
Princess Marina Hospital Site
Boundary - Scale 1:2500