Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Billing Brook School
Penistone Road
Northampton
NN3 8EZ

Name and address of agent (if any)
Lambert Smith Hampton
Pyramus House
Roman Way
Grange Park
Northampton
NN4 5EA

Part I - Particulars of application

Date of Application
12th January 2009

Application No.
NCC ~ 09/00004/CCD
NBC ~ N/2009/0029

Particulars and location of development

Extension to playground area, including new fencing, at rear of 14-16 year ASD suite at Billing Brook School, Northampton

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

1. The development to which this relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application.

Reason: To define the scope of the permission and in the interest of clarity.

Hours of Construction Works

3. Except as may otherwise be agreed in writing by the County Planning Authority all construction works shall be confined to the hours of 7.30am to 5.30pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, with no works on Sundays or Public Holidays.

Reason: To protect the amenities of nearby occupiers of property from noise and other disturbance.

Materials

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type and colour those detailed in the application, and shall be in accordance with details/samples of which shall be submitted to and approved in writing by the County Planning Authority, prior to works commencing on the site.

Reason: To ensure that the proposed development is in keeping with the scale of the existing development on the site, and to have regard for saved Policy GS5 (Design) of the Northamptonshire County Structure Plan (2001) and Saved Policies E20 (New Development - Design) and E40 (Crime and Vandalism) of the Northammon Borough Council Local Plan (1997).

Informative(s)

1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:
   - Application Form – December 2008
   - Supporting Statement and Design and Access Statement – Proposed Enclosed Playground Extension to 14-16 years ASD Suite: Billing Brook Special School, Northampton
   - Plans:
     - Enclosed Playground Extension Location Plan – Ref 2003.53 – November 2008 (BHC Architects)
     - Enclosed Playground Extension Planning Scheme – Ref 2003.52 – November 2008 (BHC Architects)

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
2. Informative Statements from the Environment Agency:

- Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

- It should not be assumed that such consent will be automatically 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. The applicant is requested to contact the Environment Agency’s Development Control team in Kettering on 08708 506 506 for further information.

- In addition, the applicant may also wish to access the Environment Agency's website at www.environment-agency.gov.uk/subjects/flood/ and follow the link to 'Living on the Edge', which offers a comprehensive guide to the rights and responsibilities of a riverside owner, including the powers and duties of the Environment Agency and other bodies.

REASONS FOR APPROVAL

The proposed playground is considered appropriate in terms of the Northampton Borough Local Plan Policy E20 (Design – New Development); and also with the Northamptonshire County Structure Plan Saved Policy GS5 (Design). The scale of the development, and the materials proposed, are considered appropriate in terms of the scale and form of existing built form on the site. The secure fencing proposed ensures the security of the site from the exterior, while also ensuring the students utilising the playground are safe and secure. Therefore, the proposal is appropriate in terms of the Northampton Borough Local Plan Policy E40.

Date: 25th February 2009
Signed: [Signature]

For Chief Planning Officer

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.


Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.