



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 2 October 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2007/1570**                      **Outline application for housing (up to 625 dwellings), primary school and community resource centre local centre facilities including shops (Class A1), financial and professional services (Class A2), restaurant/café (Class A3), drinking establishment (Class A4), hot food takeaway (Class A5), structural public open space with associated access, parking, ground works, infrastructure, landscaping and access Land at Pineham North, Banbury Lane.**

**WARD:**                              **West Hunsbury**

**APPLICANT:**                      **Prologis Developments Limited**  
**AGENT:**                              **Holmes Antill**

**REFERRED BY:**                      **Head of Planning**  
**REASON:**                              **Scale and significance of development proposed**

**DEPARTURE:**                      **No**

---

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVE IN PRINCIPLE** subject to the following:

(1) Prior finalisation of a S106 agreement to secure the following matters or such amendments or additional obligations as the Head of Planning may consider appropriate in the circumstances:

- a) Education and Community Facilities Package to secure as part of the development:
  - Funding and land to deliver a one form entry primary

- school with the potential for it to be a two form entry primary school;
- A Community Resource Centre providing rooms and facilities for community use and delivery of local services including health care, libraries, police, fire and rescue including a management regime and constitution to ensure dual use operation and full community use (including joint use of enhanced school/community hall) outside of school hours; and
  - Outdoor recreation facilities for the school and Pineham Village community;
- b) Funding to improve existing and deliver new transport facilities supported by a Travel Plan to:
- Enhance bus services / facilities;
  - Provide and enhance cycle and pedestrian facilities off-site to improve the development's links with the surrounding area and the town centre; and
  - Measures to prevent HGV's passing through the development;
- c) Affordable Housing at a blended rate of 22.5% on-site provision (20% phase I and 25% phase II) of which 70% to be Social Rent and 30% Intermediate Housing. NB also see (2) below in respect of 36 units of affordable rent;
- d) Open Space and Play Space:
- Submit for approval a public open space and play space / equipment strategy including location, programme of delivery and management / maintenance provisions;
  - Implement approved strategy in accordance with specification and phasing; and
  - Transfer public open space and play space to management company with commitment to maintain in accordance with approved management plan;
- e) On-site skills related training during construction works;
- f) S106 monitoring payment; and
- g) Phased independent re-assessment of viability and review of obligations accordingly.
- (2) Receipt by the Borough Council of documentation from the Homes and Communities Agency (HCA) that confirms it would provide grant funding to ensure the delivery of 36 affordable rent homes (additional to those to be secured via the S106 agreement obligations) as part of the development here proposed; and
- (3) The conditions set out in this report or such amendment or

additional conditions as the Head of Planning may consider appropriate in the circumstances.

### **Reasons for Approval:**

The proposed development is acceptable given its location within the South West District of Northampton, an identified area for planned growth of the town. The proposed scheme will bring forward a sustainable residential community, will facilitate improved infrastructure and services in the area and will contribute towards meeting the housing needs of Northampton. The scheme is considered to be in accordance with the policies of the development plan and National Planning Policy Framework. Furthermore, any adverse impacts identified within the Environmental Statement are capable of being mitigated through appropriate design and the imposition of conditions and/or the obligations contained within the S106 agreement. Consequently the environmental impact is considered to be acceptable.

- 1.2 In the event that the S106 Agreement has not been completed and signed within four months of the date of the Committee decision, the Head of Planning is granted delegated authority to be able (but not obliged) to refuse or finally dispose of the application, at their discretion, on the basis that the necessary mitigation had not been secured for the development proposed.

## **2. THE PROPOSAL**

- 2.1 The proposal is an outline application considering access only with all other matters reserved. The proposal is for housing (up to 625 dwellings), a primary school and community resource centre (up to 1.9 hectares), a local centre (0.7 hectares) including shops (Class A1), financial and professional services (Class A2), restaurant/café (Class A3), drinking establishment (Class A4) and hot food takeaway (Class A5), with structural public open space (up to 4.25 hectares) with associated access, parking, ground works, infrastructure and landscaping.
- 2.2 In order to set clear parameters for the application and to enable the environmental impact to be assessed, a series of four 'parameter plans' have been submitted to define the scope of the application. These are:
  - Development Zones and Land Use – this sets out the general land use distribution for the application site including primary street alignment.
  - Public Realm and Open Space – this shows the main open space and landscape corridor within the site.
  - Density and Maximum Building Heights – this shows the proposed average density and building heights.
  - Access and Movement – this shows the road hierarchy and

possible non-vehicular links to surrounding areas.

2.3 The site access points have been designed and approved in the context of a reserved matters application submitted to West Northamptonshire Development Corporation (WNDC) (ref WN/06/0098) for highway infrastructure for the wider Pineham development area as a whole. This has been implemented. The vehicular access points are from existing roundabout junctions at the eastern and western site boundaries with a linking main spine road running through the development. Footpath and cycleway links to the Upton Country Park to the north and surrounding development (existing and proposed), also form part of the proposals.

2.4 Additional Reports submitted for consideration include:

- Planning Statement Aug 2007
- Design and Access Statement Aug 2007
- Environmental Statement Aug 2007
- Environmental Statement Non-Technical Summary Aug 2007
- Flood Risk Assessment Aug 2007
- Energy Impact Assessment September 2007
- Health Impact Assessment September 2007
- Pineham Residential Framework Travel Plan November 2008
- Pineham Residential Travel Plan November 2008
- Pineham Employment Framework Travel Plan November 2008
- Air Quality Assessment January 2009
- Flood Risk Assessment Addendum Report September 2008
- Flood Risk Assessment Addendum Report February 2009
- Ecological Appraisal Rev C August 2010
- Design and Access Addendum
- Planning Policy Update 2011
- Environmental Impact Assessment Review
- Energy Impact Assessment
- Transport Summary Update note January 2012
- Framework Travel Plan January 2012

### **3. SITE DESCRIPTION**

3.1 The application site is approximately 20.4 hectares in area and lies to the west of Northampton town centre. It forms part of the South West District of Northampton which is currently being developed as a major urban extension to the town. The site comprises open land previously used for agricultural purposes and is part of a larger area known as Pineham North. The site presently comprises fields with established peripheral hedges and trees.

3.2 To the north, the application site is bounded by the Upton Country Park. To the west the site is bounded by Upton Valley Way North (link road) beyond which is a large distribution warehouse. To the south the

site is bounded by an employment area beyond which is the Pineham/Swan Valley distribution warehouse development and the M1. To the east, the application site adjoins the open area created by the floodplain of the Wootton Brook which has been crossed by new road infrastructure (Upton Valley Way East) linking with the Banbury Lane residential area. This housing area lies to the south east and includes Pineham Locks development which is currently under construction.

#### **4. PLANNING HISTORY / CONTEXT**

- 4.1 There is a significant planning history to this site and the wider area dating back to before the adoption of the 1997 Northampton Local Plan. Proposals for the development in the Pineham area were originally in the South West District Plan. This document was never formally adopted, although the development proposals were taken forward in the Northampton Local Plan. The application site is allocated for a mix of residential and business use within Policy D14 of the Local Plan.
- 4.2 A development brief for the area, now known as Pineham North, was prepared by the Borough Council (NBC) in accordance with the Local Plan. NBC adopted the Pineham North Development Brief in February 2000. The development brief encouraged a mixed-use sustainable development. It also states that the Borough Council would require the provision of a Local Centre / Business Support Centre to serve the needs of the proposed residential development and the adjoining business area.
- 4.3 In June 2000, NBC's Development Control Sub-Committee considered planning application N/1998/1010 for mixed housing and employment uses with support facilities at Pineham North. This included the site of the current application and a wider area. NBC supported the proposal, citing the allocation for housing in the Local Plan and the subsequent adoption of the Development Brief for the site. The Secretary of State called in the application in the light of the then recently introduced restrictions on the release of additional greenfield sites for housing contained in the national planning policy prevailing at that time, notably PPG3 Housing.
- 4.4 Pursuant to the 'call in' a Public Inquiry was held in September 2001. The Secretary of State refused the application on the grounds of prematurity, in that the release of additional greenfield land for housing was not justified in 2001 given the brownfield capacity within Northampton urban area at that time. The Inspector also commented that a review of the South West District should be carried out to determine the planning potential of the area. In addition the Inspector said that the solution to develop the Cross Valley Link Road (connecting the area to the south of the River Nene where the application site is located with the area to the north through to Weedon Road) was worthy of further examination.

- 4.5 In light of the outcome of the Public Inquiry, Halcrow on behalf of English Partnerships carried out a Strategic Planning Review in the period 2002-2004. The basis of the Review was the development of six individual self-sustaining communities across the South West District, of which Pineham was one. The Review went into greater detail about the nature of the employment proposals at Pineham and the residential area. It envisaged that Pineham would consist of the then proposed housing at Banbury Lane and the proposed mixed use development at Pineham North. The Review noted that the completion of the Pineham North residential site was seen as the most important of the proposed greenfield communities as it is physically removed from other communities and their supporting facilities. It went on to say that it was of great importance for the Pineham community to become self-sufficient at the earliest possible stage.
- 4.6 NBC considered the South West District Review in June 2004 and adopted interim planning guidance for the area based upon the findings of the Review. There was support for the employment and residential proposals at Pineham North. Classes B8 and B1 employment uses were acceptable, with Class B8 uses to be located nearer to the M1 motorway and Class B1 uses closer to the proposed residential development forming a more neighbourly relationship.
- 4.7 A mixed employment uses application, N/2002/1676, was made to NBC in December 2002 for Pineham. The application was considered in the light of the integrated approach to housing and employment. A Zoning Plan for the site was considered showing the employment uses in relation to an anticipated future proposal for housing and community facilities. NBC approved the proposals, including the Zoning Plan in March 2006.
- 4.8 Subsequently, detailed proposals for the strategic infrastructure of the employment area at Pineham were submitted to WNDC which by that point in time had become the local planning authority for development of this type; these were approved in November 2006. This infrastructure would also serve any future housing development and includes the provision of roads linking Pineham with Danes Camp Way and the southern end of the Cross Valley Link Road. This highway infrastructure, including the Cross Valley Link Road, has now been implemented.
- 4.9 The current planning application was submitted in 2007 to WNDC. Although WNDC officers accepted the development in principle additional / revised information was required as a result of consultation. Furthermore certain elements of the scheme required further consideration. The principal concerns, due to the location of the development being somewhat isolated from other nearby residential development, was to ensure that the development was inclusive and sustainable.

- 4.10 Extensive discussions commenced regarding these issues with all relevant parties to enhance the connectivity of the development with the remainder of Northampton and to decide on the optimum location for the proposed community facilities, which were to form part of the application. These included enhanced pedestrian linkages to Banbury Lane, improvements to footpaths in River Nene Country Park and location of the community facilities and primary school in a 'community campus' located to the eastern boundary of the site. These locations were mutually agreed between NCC Education, NCC Highways, NCC Public Rights of Way, WNDC and the applicant.
- 4.11 As a result of these lengthy discussions elements of the documentation submitted with the original application were considered to be outdated for the purposes of determining the application. For example sections of the Environmental Statement were based on data which was collected a number of years previously and the Transport Statement did not take account of current modelling work and background data. Similarly the Planning, Design and Access Statement did not reflect the changes to the scheme and national and local guidance since the application was submitted. The relevant chapters of the Environmental Statement have subsequently been updated, as have the Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan. As a result of additional and updated information a new round of consultation / notification was undertaken. These various stages of consultation are reflected in the representations reported in sections 6 and 7 below.
- 4.12 In April 2012 the application remained undetermined and therefore passed to NBC following the return of planning powers from WNDC. Since that time a further Travel Plan and Transport Summary Update have been submitted and relevant consultations carried out. Discussions have also taken place regarding the viability of the site and the considerable infrastructure requirements associated with bringing forward this complex scheme and associated infrastructure.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies**

National Planning Policy Framework

5.3 **East Midlands Regional Plan 2009**

Policy 2 – Promoting Better Design

Encourages highway access and parking that improves both safety and the quality of public space, whilst seeking design that reduces crime and the fear of crime.

Policy MKSM SRS Northamptonshire 1 – The Spatial Framework

Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area.

Provides a framework for growth around Northampton including showing housing growth figures of 1,775 new homes per year between 2011 and 2026.

5.4 **The emerging West Northamptonshire Joint Core Strategy –**

although it makes no specific reference to this site, the WNJCS has been drafted in the context of the Council's five year housing supply monitoring which assumes that the site will be developed, at least in part for residential purposes. It requires that development proposals must be supported by information to demonstrate how the land use elements positively respond to context, design issues, connectivity and sustainable planning requirements.

5.5 **Northampton Borough Local Plan (Saved Policies)**

E1 – Landscape and open space

E6 – Greenspace

E7 – Skyline

E9 – Locally Important Landscape Area

E12 – Hedgerows, trees and woodland

E17 – Nature Conservation

E19 - Implementing Development

E20 – New Development

E40 – Crime and vandalism

H1 - Major New Residential Development

H7 - Housing Development Outside Primarily Residential Areas

H8 – Residential Development

H14 - Amenity space and play facilities

H17 – Housing for people with disabilities

H32 – Affordable housing

D14 – Pineham North Development Site

L6 – Maintenance of open space

R11 – Shopping facilities in major residential development

B9 – Pineham and Milton Ham: landscaping zone

B10 – Pineham and Milton Ham

R11 – Shopping facilities in major residential development

5.6 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

Parks and Open Space Strategy for Northampton (November 2009)



## 5.7 **Other Planning Considerations**

South West District Strategic Planning review (approved by NBC cabinet April 2004)

Development Brief for Pineham North – adopted February 2000

Northampton Five-Year Housing Land Supply Assessment (April 2012)

Affordable Housing – NBC Policy Statement December 2004

NBC Draft Affordable Housing Interim Statement June 2012

## 6. **CONSULTATIONS**

### 6.1 **NBC Planning Committee – *comments of 15<sup>th</sup> December 2009* – no objection provided the following measures are achieved:**

- a) Conditions relating to noise, construction management and decontamination are applied as laid out by NBC Public Protection in their consultation responses.
- b) 10% of all dwellings are to be constructed to NBC's mobility Standard. 35% of all dwellings are to be affordable with 70% committed to Social rented housing and 30% for intermediate affordable housing.
- c) Movement corridors and general accessibility, including vehicular access to the primary school must be suitably addressed for improvement by planning condition for the masterplanning stage of the planning process.
- d) The open space provision overall is acceptable, but it is subdivided by type of use and future maintenance must be agreed in consultation with NBC when masterplanning and reaching a legal agreement.
- e) The retail permitted within the local centre shall be limited to a maximum of 500 sq m gross floor space for convenience use and a maximum of 300 sq m for other retailing in order to ensure the local centre responds to local needs and does not harm other recognised centres.

### 6.2 **Central Networks – *comments of 27<sup>th</sup> December 2007* – no objection.**

### 6.3 **Natural England – *comments of 19<sup>th</sup> March 2009* – satisfied that no statutory designated nature conservation sites will be impacted upon as a result of the above development and that at present the site is of generally low value of biodiversity. However the Extended Phase 1 Habitat Survey was undertaken in October 2006 and would consider this data to be out of date, being over two years old.**

***Comments of 16<sup>th</sup> September 2011*** – have reviewed the updated ecological work provided and confirm that Natural England is satisfied with the survey and assessment in relation to European Protected Species.

**Comments of 5<sup>th</sup> January 2012** – no further comments.

- 6.4 **British Waterways – comment of 5<sup>th</sup> January 2012** – note the reference in the Design and Access addendum to the potential construction of a new bridge over the Grand Union Canal to facilitate pedestrian access over the canal to the towpath and wider footpath network. There is insufficient information to allow them to comment in any detail about the possible bridge crossing in the general location highlighted, and in any event they note it does not form part of the current application. At this stage they would advise that any new bridge crossing the canal would require British Waterways consent.
- 6.5 **Council for British Archaeology – comments of 7<sup>th</sup> January 2008** – Recommend a condition to secure the implementation of a programme of archaeological work.
- 6.6 **Rights of Way and Community Liaison Manager – Comments of 8<sup>th</sup> June 2009** – welcome the recognition of the missing link for Banbury residents which is a major opportunity for promoting ‘off road’ routes for school trips to a new primary school in Pineham North. The bridge concept is achievable but it needs to accommodate cyclists.
- 6.7 **CPRE – comments of 16<sup>th</sup> January 2008** – Does not contest the development principle but concerned about infrastructure. Consider WNDC should take a more robust approach regarding the provision of infrastructure. Delivery of infrastructure as a priority should be insisted upon. Also in the details of the proposal some regard to the vernacular would seem desirable albeit the already extensive development within the immediate locality has little affinity with such.
- 6.8 **English Heritage – comments of 14<sup>th</sup> January 2008** – the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 6.9 **Public Health Directorate PCT – comments of 16<sup>th</sup> January 2008** – The Health Impact Assessment is well laid out. The PCT would welcome the adoption by the developer mitigation and enhancement measures outlined in the HIA report alongside those described in the accompanying sustainability strategy and environmental impact assessment.
- 6.10 **Finance and Performance Department PCT – comments of 16<sup>th</sup> January 2008** –  
The health service in Northamptonshire is currently operating at or above capacity in some/all areas. Given the rapid population growth occurring within the Local Planning Authority because of the number of large and smaller residential developments, the PCT will experience serious funding gaps. Require planning obligations to assist the PCT to satisfy need during the funding gap period.

6.11 **East Midlands Development Agency - comments of 14<sup>th</sup> January 2008** – The development does not appear to be linked to any adjacent development. Proper links to surrounding areas need to be ensured. Moreover the proximity of the River Nene means that flood risk would need to be considered. Subject to the mixed use scheme being in line with the planning policies and wider growth needs for the area, achieving high levels of quality build design that contribute to a sustainable community on this Greenfield site, EMDA supports and recommends approval.

6.12 **Upton Parish Council - comments of 16<sup>th</sup> January 2008** –

Strong objection on the following grounds:

- Building on flood plain (Ashpole Spinney would be particularly at risk).
- It is in contravention of PPG25 and PPS26
- Estimated flood levels are below the 1949 levels.
- It is in contravention of the Northampton South West District development plan.

**Comments of 18<sup>th</sup> January 2012** – Request careful consideration be given when full planning is applied for so that the same mistakes are not repeated on this site as on other areas of Upton Parish and list a number of issues that are causing major problems within the Parish.

6.13 **Sport England – comments of 18<sup>th</sup> January 2012** - Raises no objection to this planning application subject to the use of planning conditions and a section 106 agreement (or similar mechanisms) to ensure that developer contributions are secured and to ensure that there is adequate provision of playing fields and indoor recreational facilities for local residents.

**Comments of 5<sup>th</sup> January 2012** – Continues to raise no objection and reiterates the above.

6.14 **Kislingbury Parish Council – comments 21<sup>st</sup> January 2008** -

Objects to the planning application on the grounds of increased flood risk to Kislingbury caused by the development at Pineham North and the linking Cross Valley Link Road to the site, supported by:

- The material consideration for the Strategic Development Plan is unsafe
- The neglect to use operating standards approved for the Washlands Reservoir Scheme after public inquiry.
- The contract work for the downstream river channel was not completed for the increase in discharge.

6.15 **Anglian Water – comments of 17<sup>th</sup> January 2008** - Our records show that there are no assets owned by Anglian Water within the development site boundary. There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by

the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing states and the instillation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will help to minimise the growth in demand for water from new development and help to ensure the sustainable use of our region's water resources.

**6.16 South Northamptonshire Council – comments of 31<sup>st</sup> December 2008** – objects on the following grounds:

- The site partially lies within an indicative flood plain and a flood risk assessment and a drainage strategy should be submitted with the application in accordance with the provisions of PPS25.
- The application has been submitted without full transport impact assessment. This is necessary to fully assess a development of this size.
- The proposed number of dwellings result in a density of development that is far higher than is stipulated in the South West District Northampton Strategic Planning Review (Final Report 2004) and could result in an over development of the site or an inappropriate mix of house styles and types.
- If WNDP are minded to approve the application South Northamptonshire Council would wish to see conditions requiring details of lighting to be submitted to ensure light pollution is reduced to a minimum. Also the height of the proposed dwellings should be carefully monitored and any development within the flood plain should be carefully considered.

**Comments of 10<sup>th</sup> February 2012** - Objects to the application as insufficient information has been provided to confirm when and where a secondary school will be provided within Northampton to serve the development and urban extensions adjacent to it. Objects until the following matters have been adequately addressed:

- Transportation
- Details regarding the level of developer contribution to support the development, including the heads of terms for any S106 legal agreement.

**6.17 Highway Authority – comments 14<sup>th</sup> July 2008** – No objection to the principle of the development which has previously been given the support of the Council following the submission of an earlier application. Bearing in mind the immediate enabling highway infrastructure provision and improvements that have already been carried out or currently in the process of being carried out in support of the master plan for the whole site (based on denser development), the supplementary transport assessment carried out in support of this application is generally accepted.

**Comments of 19<sup>th</sup> May 2009** - Note the introduction section of the Framework Travel Plan could provide more detail on the development proposal either in the document itself or by reference to the Transport Assessment. NCC has also advised on Heads of Terms.

**Comments of 20<sup>th</sup> July 2012** - Following receipt of an Updated Transport Assessment, Residential Travel Plan and Area Wide Travel Plan the Highway Authority has no objection to the principle of the development subject to the developer providing the Local Highway Authority with a financial contribution of £750,000 towards the required mitigation and the imposition of planning conditions.

6.18 **The Ramblers Association – comments 23<sup>rd</sup> March** – No comment

**Comments 19<sup>th</sup> December 2011** - No objection

6.19 **NCC response:**

**NCC Education** – A development of 625 dwellings would contain some 150 secondary aged pupils and 175 primary-aged pupils. There will be no requirement for a secondary school on this site although we would seek a contribution towards the additional places that will be required to accommodate the growth planned for Northampton. A primary school of 210 places to serve the development will be required. A site of around 2 hectares will therefore be sought. The County Council is keen that the new schools should offer extended services and is currently working with partners in health and other services to see how this can be achieved.

**Fire and Rescue** – Require contribution of £92 per household towards service capacity improvements and £10,426 for fire hydrants. Will require that that fire safety including fire appliance access is addressed within the development.

**Northamptonshire Police** – keen that contributions towards capital costs are made into general rather than specific police budgets through the use of Section 106.

#### **Culture, Sport and Leisure**

**Playspace** – the residential developments should include areas of innovative play-space and not just fixed play equipment to promote healthy development.

**Library facilities** – the opportunity for this development to contribute to the enhancement of library facilities should be discussed.

**Arts** – the opportunity for this development through art and culture provision to help build local identity, such as through the introduction of public art, should be made.

**Affordable Housing** – provision should be in accordance with that proposed in the West Northamptonshire Housing Market Assessment.

**Health and Social Care / Community Development** – There is lack of detail in relation to affordable housing, health provision and integrated community facilities. The applicants should illustrate how they will undertake the actions identified within the Health Impact Assessment to mitigate the impact of the development.

### **Design and Implementation Issues**

**Waste Management** – Policy 5 of the adopted Northampton Waste Local Plan (March 2006) states that proposals for new development should show what measures are to be taken, in the clearing of the site and the construction of the development, for minimising the generation of waste and for the management and disposal of the waste generated. It will be necessary for a Waste Audit and Waste Management Facilities strategy to be prepared.

**Fire and Rescue** – beyond the service infrastructure and water supply matters referred to earlier, the fire and rescue service will require that fire safety, including fire appliance access is addressed within the development.

### **Culture, Sport and Leisure**

Recommend the inclusion of an artist as part of the development design team to ensure high quality design and a sense of place and to assist in community engagement.

### ***Comments of 13<sup>th</sup> January 2012:***

#### **Fire and Rescue**

- Fire £92 Per Household = 92 x 625 = £57,500.00

#### **Fire Hydrants**

- 13 Hydrants will need to be installed = 13 x 802 = £10,426

### **TOTAL FIRE AND RESCUE CONTRIBUTION = £67,926.00**

**Education** – the County Council will require 1.9 hectares of land for the construction of a new 420 place (2 form of entry) Primary School with Community facilities. It will be necessary for us to be consulted throughout the process to ensure that the land provision is acceptable, appropriate and within our requirements. From a community perspective a community use agreement will be required. Further discussions are necessary to ensure that the community needs are met and to establish how the maintenance and operation is managed.

If circumstances change and the developer does not pursue the build of the school and instead passes this responsibility on to the County then the following will be necessary:

- Useable land of 1.9 hectares which can accommodate a 2 form of

- entry Primary School, with appropriate access
- Full education contributions towards Primary and Secondary/Sixth form Education, in line with the most recent Department for Education Cost Multipliers.

*Notwithstanding these earlier comments, the County Council as local education authority has subsequently taken a wider view on the provision of school education in this area, including the residential development at Pineham Locks (Banbury Lane south). In summary NCC now seeks to secure the primary education facilities for both the current application and the on-going development at Pineham Locks as part of the current application's development and the secondary provision from the S106 for the Pineham Locks development.*

**Libraries** – library services should be delivered through this development as part of the Community facilities. How this is achieved should be decided through consultation with the County Council. Should no dedicated space be designated it will be necessary for the developer to contribute towards a local library that will serve this development.

## 6.20 **Environmental Health:**

**Hydrology** – The Environmental Statement section on Hydrology indicates that there is some groundwater contamination on the site. Conditions should be imposed to require an appropriate site investigation and contamination risk assessment and if necessary remediation. It is recommended that conditions are imposed to require the submission and implementation of a construction impact management plan – this should address issues of noise, dust, and spillage control.

**Noise** – Environmental Health has spoken to the consultants who prepared the Noise report. They have discussed with them that the model should allow for a greater increase in traffic over and above the 22% increase used in the modelling. Also the Noise report indicates that some dwellings on the edges of the site may fall within a higher noise category due to their proximity to busier roads. Mitigation measures would be needed for these areas and a condition is suggested. The applicant shall also submit for approval a scheme to protect the site where its noise exposure exceeds NEC A. 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. The report also mentions the importance of the zoning of the business areas to protect the boundaries – i.e. by locating offices on the parts of the site nearest to housing – it is considered important that this is carried forward in the design process.

**Air Quality** – considered the Air Quality report to be inadequate for making a decision as to whether the development would require mitigation measures in its original submission. An Air Quality report as

requested by the EHO was submitted in July 2009 under Regulation 19 of the EIA Regulations 1999 and is now considered acceptable.

***Comments 29<sup>th</sup> December 2011***

No further comments. At the detailed stage they will require further information on the noise and cooking odour control for the commercial units and suggest conditions.

**6.21 Environment Agency**

***Comments of 26<sup>th</sup> February 2009*** – in order to satisfy the sequential test, the EA recommends that a condition is appended to any subsequent approval of planning permission. Object to the flood risk assessment.

***Comments of 26<sup>th</sup> March 2009*** - The Environment Agency has assessed the FRA addendum (provided further to EA's letter of 26<sup>th</sup> February) and previously submitted FRA against the requirements and general principles contained in Annex E of PPS25, and considers that they are proportionate to the scale, nature and location of the development. It should be noted that this site may have a residual risk of flooding from flood events exceeding the mitigated design standards used. Accordingly the EA is prepared to withdraw its previous objection subject to the measures detailed in the FRA being implemented and secured by way of conditions.

***Comments of 12<sup>th</sup> January 2012*** - No additional comments to add. The applicant is advised to request confirmation from the Homes and Communities Agency (HCA) that there is sufficient capacity within Duston Mill Reservoir for this sites surface water runoff. (This was confirmed by HCA in March 2012).

**6.22 Highways Agency**

***Comments of 7<sup>th</sup> January 2008*** – The application as submitted is not supported by a current Transport Assessment. The 2002 supplementary Transport Assessment does not assess the trunk road network and the 1999 Transport Assessment was produced 9 years ago. The development is likely to have an impact upon the M1 Junction 15a and this has not been assessed. A revised transport assessment will need to be submitted.

***Comments of 12<sup>th</sup> April 2012*** – holding objection lifted subject to incorporating the requirements of the most recent version of the travel plan into the section 106 agreement.

***Comments of 26<sup>th</sup> July 2012*** – (following reconsultation on updated Transport Assessment, Residential Travel Plan and Area Wide Travel Plan) - does not feel the need to comment further.



- 6.23 **Crime Prevention Officer**  
**Comments of 12<sup>th</sup> January 2012** – consider insufficient information has been submitted to demonstrate how the development would create a safe and accessible environment where crime and disorder or fear of crime does not undermine quality of life or community cohesion. The applicant should be conditioned to achieve Secured by Design accreditation for all aspects of the development.
- 6.24 **NBC Housing Strategy and Performance – comments of 20<sup>th</sup> December 2011** – No objections to the alterations of the layout of change in proposals put forward for this application. Concerns are raised regarding the lack of commentary and consideration on affordable housing within the updated Design and Access Addendum and Planning Policy update. Although this is an outline application would have expected to see some indicative illustrations about affordable housing locations within the scheme. Also there are no stipulations regarding the affordable housing policy requirement (35%). Understand that viability discussions are ongoing about this.
- 6.25 **NCC Archaeological Advisor – comments of 12<sup>th</sup> January 2012** –  
The current application site includes two areas identified for open area excavation and referred to as settlement 1 and settlement 3. It is recommended that the area identified for settlement 1 extends further to the south to include the small area of land up to the edge of the previously excavated area and that the area between settlement 1 and 3 should be subject to a detailed geophysical survey as it was previously only scanned. This will help clarify the zone between the two settlement foci. It may also be necessary to Strip, Map and Sample strategy proposed for the areas outside the excavations, depending on the results of the excavations themselves. This work can be secured by condition.
- 6.26 **Head of Policy and Community Engagement (NBC) – comments of 23<sup>rd</sup> December 2011** – No comments

## **7. REPRESENTATIONS**

### **7.1 First Round of Public Consultation – 4<sup>th</sup> February 2008**

Site notices were erected, a press notice was published and 757 notification letters were sent to residents of surrounding properties.

Responses were received from 5 properties. The comments are summarised as follows –

- Object due to traffic generation and flood risk.
- Consider developers should build on brownfield land
- Conditions should be applied to ensure community facilities are put in place in parallel with the development.
- Mitigate light pollution from the site in order to protect Upper Nene Park environment.

Letter of support:

- Welcome proposal for local facilities that will complement the surrounding area

Other:

Letter from Drivers Jonas – concerned that any new out of town retail floorspace should not weaken the position of the town centres primary retail function. Do not consider that sufficient level of information has been provided as part of the planning application to satisfy the requirements of Circular 01/2006 in this regard.

## 7.2 **Second Round of Public Consultation – 15<sup>th</sup> December 2011**

Responses were received from 6 properties. The comments are summarised as follows –

- Concerns about flooding, traffic, pollution and loss of open countryside.
- All measures should be taken to guarantee that local centre facilities are completed before any houses are released for sale.
- State that nursery and secondary schools in the area will not cope with population increase. Also concerned that services of police, ambulance, hospital and doctors will suffer.
- Increase in houses in the area will increase crime.
- Facilities such as shops and restaurants will encourage people to migrate from the town centre.
- There are already significant restaurants, cafes and drinking establishments in the area – no need to have more built.
- Danger of Northampton integrating with Kislingbury.
- Need to fill empty houses before building new ones.
- Hope school is built first so pressure is not put on local schools that are full to capacity.

Letter of support:

- Originally objected to so many houses being built but with facilities being added, no objection.

## 8. **APPRAISAL**

### *Principal Considerations*

8.1 Having regard to the development plan for the area and the location, scale, nature and type of application and representations received to the consultation exercise, the following are considered to be the principal matters for consideration:

- Principle of Development / Planning Policy Considerations
- Design, layout and visual impact

- Access and transport
- Open space, leisure and recreation
- Education and Community Facilities
- Viability, S106 Agreement and Affordable Housing
- Local Centre
- Biodiversity
- Archaeology
- Contamination and geo-technical issues
- Noise
- Flooding and water resources
- Sustainability
- Crime prevention and public order
- Waste Management
- Comments in relation to Environmental Impact Assessment

***Principle of Development / Planning Policy Considerations***

- 8.2 The National Planning Policy Framework came into force on 27<sup>th</sup> March 2012 and sets out the Government's economic, environmental and social planning policies for England. Taken together these policies express the Government's vision for sustainable development which should be interpreted and applied to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that Local Plans are the starting point for the determination of any planning application. In assessing and determining development proposals, local planning authorities should apply a presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the NPPF. It is considered the principle of the proposed development is in accordance with the provisions made within the NPPF. The proposed development seeks to provide a sustainable, good quality built environment and mitigate against any adverse impacts.
- 8.3 The East Midlands Regional Plan (2009) RSS8 is the regional strategy for the East Midlands region of which Northampton forms a part. The relatively recent Localism Act provides for the abolition of Regional Spatial Strategies, although the abolition of individual Regional Spatial Strategies is not expected to take effect until the consequences of abolition have been the subject of Strategic Environmental Assessment. Until the East Midlands Regional Plan is formally abolished it remains part of the Development Plan and development proposals should be in accordance with it unless material considerations indicate otherwise.
- 8.4 Although the emerging West Northamptonshire Joint Core Strategy makes no specific reference to this site, it has been drafted in the context of the Council's five year housing supply monitoring which assumes that the site will be developed, at least in part, for residential purposes. Development proposals must be supported by information

to demonstrate how the land use elements positively respond to context, design issues, connectivity and sustainable planning requirements. The plans and statements accompanying the application as well as the updated Design and Access statement show how the proposal relates to policy guidance and establishes a framework for the proposed development.

- 8.5 With regard to the Northampton Local Plan the site has been allocated since 1997 and forms part of the Pineham area which is designated for development under saved Policy D14. Policy D14 relates to a large area of land (29.9 ha) that fringes the River Nene Country Park. The policy states:

*Within the Pineham development (north of Kislingbury Way) planning will be granted for business development (class B1 of the Town and Country Planning (Use Classes) Order 1987) and in the eastern part of the area, residential development of a type and scale which is appropriate to the character of the river valley.*

- 8.6 The preamble to the policy states that the residential development should be low density, however government guidance also requires efficient use to be made of land housing development. The area to the south and west of the site has planning permission for Classes B1, B2 and B8 business uses and is dominated by large frame constructed, metal clad buildings. The development of the current site for residential development was included in the masterplan for the development of the Pineham area submitted along with the previous outline application. As the site is allocated for residential development in the Northampton Local Plan, the principle of such development is considered acceptable. Furthermore the proposed development at Pineham North makes an important contribution to the Borough's 5 year housing land supply. For these reasons, the principle of residential development with associated social infrastructure at Pineham North is in accordance with planning policy at local, regional and national level.

#### ***Design, Layout and Visual Impact***

- 8.7 Detailed design is reserved for future consideration; nonetheless the application was accompanied by a series of drawings and parameter plans which set the broad scope of the proposal. The parameter plans cover:

- Development Zones and Land Use
- Public Realm and Open Space
- Density and Maximum Building Heights
- Access and Movement

These provide the structure of the development and give certainty that the finished layout and key movement networks will provide an acceptable self-contained and well connected development.

- 8.8 Should Members resolve to approve this outline planning application, a condition is recommended to limit the scope of the permission to that

specified in the Parameter Plans. This will provide a degree of certainty and ensure that any subsequent reserved matters are within the scope of the Environmental Assessment.

8.9 The South West District area to the south of the River Nene currently principally comprises the residential areas to the east around Banbury Lane and the business development at Swan Valley and Pineham to the north of the M1 motorway. These uses currently have very few local social, commercial and community facilities. Therefore they generally rely on facilities elsewhere, links to which are largely dependent on car based travel. The proposed development represents an important opportunity to deliver local facilities and improve links and integration.

8.10 The social, commercial and community facilities would be located at the eastern end of the site to support the housing areas both at Pineham North and Banbury Lane and therefore accord with the requirements of 2004 Strategic Planning Review which states as follows:

*Pineham comprises two areas divided by floodplain along Wootton Brook: the existing and proposed Banbury Lane Housing and the proposed housing that forms part of the mixed use proposals at Pineham North.*

*In order to make the proposed supporting facilities as accessible as possible for all residents of this community, these facilities are proposed to be located as centrally as possible.*

*Within the Pineham mixed-use area, at its eastern edge, a single form primary school is proposed. We believe that the completion of the Pineham Community is the most important of the proposed greenfield residential developments proposed as this is physically removed from other communities and their supporting facilities. It is therefore of greatest importance that this community is "self sufficient" at the earliest opportunity.*

8.11 The proposed residential development is restricted to no more than 12 metres (2-3 storeys) in height. The proposed Community Resource Centre will also be a maximum of 12 metres in height. The density ranges proposed are 35 per hectare close to the Country Park to the north and 50 per hectare closer to the commercial centre. In principle it is considered that the height and scale of the buildings are appropriate to their location and that the proposed density ranges are acceptable in policy and guidance terms. However, comments have been received from the neighbouring planning authority (SNC) which questions the scale and density of development in terms of its relationship with surrounding areas. It is considered that the range of densities put forward, in addition to the building heights and strategic landscaping will provide an acceptable balance between good design and efficient land use whilst reflecting the position of the site between large footprint warehousing and the undeveloped river valley. It is intended that the Design and Access Statement will be developed into a Masterplan and

Design Codes prior to the submission of any reserved matters application and this should be secured by condition.

- 8.12 In terms of visual impact, a landscape and visual assessment has been undertaken for the development site as part of the Environmental Impact Assessment (EIA). The landscape and visual effects were found to be negligible to slight adverse at the outset with positive effects over time as the new landscape framework matures. The conservation and enhancement of the existing hedgerows and trees together with a designed edge of the northern boundary and the interaction with the Upton Country Park would help to mitigate any negative impact. A long term Landscape Management Plan is therefore required and a planning condition is imposed recommended to that effect.
- 8.13 General lighting impact throughout the development site has also been considered in the EIA. It concluded that the proposed development shall seek to adopt best practice guidelines in the design and use of lighting to minimise any potential impact and further consideration of lighting design would be required at the detailed planning stage. It is recommended that a condition to be imposed requiring full details of lighting scheme to be submitted as part of the reserved matters approval.

#### ***Access and Transport***

- 8.14 Access points to the site are predefined by the road infrastructure that has already been constructed around the boundaries of the site. The parameter plans show the primary route through the site. Detailed design of any other roads within the site will be dealt with at the masterplanning stage.
- 8.15 Following consultation and discussions with NCC Highways a recently revised Transport Assessment and Travel Plan was submitted to NBC. Consultation on this document has been undertaken with no objections being raised. NCC Highways has also advised on Heads of Terms at paragraph 1.1(b) to improve bus services and enhance the public right of way / cycle network.
- 8.16 It is recognised that the site is in a relatively isolated location and it is considered essential to secure appropriate links with the rest of the town for all modes of transport. The layout of the scheme, plus associated off-site mitigation / S106 obligations are considered to meet these objectives. In addition, the provision of on-site facilities and services will be important in achieving a sustainable community.

#### ***Open Space, Leisure and Recreation***

- 8.17 NBC Policy team gave advice on the level of open space required for the development. Using the open space audit they concluded that

12.38 hectares of open space would be required which could be made up of 5.33 hectares on-site provision and 7.05 hectares to be provided off-site. The revised submission provides for 4.25 hectares of on-site open space. Given the proximity of the Country Park immediately to the north of the site it is considered that this level of on-site provision is reasonable. On-site provision is expected to concentrate on locally equipped play areas and informal space arranged along the margins of the site, strategic corridors through the site and in clusters. Open space provision including equipped play areas and provision for their future maintenance are to be secured through the S106 agreement in accordance with the requirements of NBC.

### ***Education and Community Facilities***

- 8.18 It has been identified that a development of this size would be expected to generate 150 – 180 Primary School pupils and 125 – 150 Secondary School pupils, based on an average mix of housing and usual pupil generation multipliers. The County Council as the local education authority has also been working with the developers of the Pineham Locks site in order to establish a holistic approach to education provision in the area. These discussions have led to the County Council requiring the land for and construction of a new 420 place (2 form of entry) Primary School with community facilities at the current application site to provide for the needs of both the current application and the Pineham Locks development, while the Pineham Locks S106 would deliver funds for secondary education facilities for both developments. The land required to deliver the primary school is 1.9 hectares. The school should be designed in conjunction with the County Council, the specification of which will be clarified by the Education Department.
- 8.19 If circumstances change and the developer does not pursue the build of the school and instead passes this responsibility on to the County Council then NCC has advised that it will be necessary for the developer to provide usable land of 1.9 hectares which can accommodate a 2 form of entry primary school with appropriate access.
- 8.20 From a community perspective a community use agreement will be required. Further discussions are necessary to ensure that the community needs are met and to establish how the maintenance and operation is managed. Nonetheless the County Council has a model for this type of dual use facility that has been successful elsewhere.
- 8.21 The application seeks to provide an integrated scheme comprising meeting space, accommodation for young people, health care and community learning. The school and community resource centre will form an integrated building and facility but laid out so that they can be used and managed as discrete spaces within and outside school terms and operating hours as appropriate. The management, operation, and

timing of the provision of this facility are to be secured through the S106 Agreement.

***Viability, S106 Legal Agreement and Affordable Housing***

- 8.22 WNDC and Prologis jointly commissioned an independent agent, CBRE, to carry out a viability appraisal of the application proposals, accounting for infrastructure required to deliver the current proposal that has already been provided as part of the earlier commercial development, notably the highway infrastructure. This existing infrastructure, which is required to release the application site for development, is considered to be a bona fide abnormal cost and should reasonably be considered in lieu of other S106 items. On this basis the viability assessment has concluded that with a full S106 package (based on WNDC's tariff approach) the proposed development would be unviable. Borough Council officers accept this conclusion.
- 8.23 In light of the viability issues officers have taken a balanced approach to the negotiating the heads of terms of the potential S106 agreement as summarised at paragraph 1.1. This work has focussed on the delivery of on-site affordable housing, local facilities (including education and social facilities) for the proposed community on-site as well as existing nearby communities, and enhancing sustainable links and connectivity, while seeking to balance these priorities.
- 8.24 The result of this work indicates that the development can support 22.5% affordable housing (split: 20% phase I and 25% phase II) to be secured in the S106 agreement while leaving sufficient resources available to deliver the other important mitigation included in the draft heads of terms. These include an education and community facilities package, enhanced bus and cycle facilities and open space / play facilities. Excluding affordable housing the combined value of these obligations is some £5.65m.
- 8.25 The applicant is in very advanced negotiations with Taylor Wimpey and Orbit Housing, which intend to develop the site jointly with a scheme of approximately 550 residential units. Their representatives are in initial discussions with officers regarding masterplanning with a view to submitting reserved matters applications in the event that outline planning application is granted. With Homes and Communities Agency grant funding, they also intend to deliver 36 affordable rent units in addition to those to be secured via the S106 Agreement. It is important to note that these 36 homes cannot be included in a S106 Agreement due to the terms of the grant (i.e. homes that are secured via S106 Agreement cannot attract this HCA grant).
- 8.26 Assuming a 550 residential unit development, these 36 units plus the 22.5% to be secured by the S106 legal agreement would equate to a total of 29% affordable housing. Whilst this is below the 35% that the Council normally seeks to secure, due to viability and the



circumstances of the case, it is considered to be acceptable in this instance. The recommendation to grant planning permission is subject not only to the S106 package but also to receipt of documentation from the HCA that confirms it would provide the grant funding in question to ensure the delivery of the additional 36 affordable units as part of the proposed development.

- 8.27 It is acknowledged that there are requests for further S106 obligations from some of the consultees. However, following the financial appraisal it is apparent that the current proposal would not be able to support such requests. A balance would need to be struck between the need to provide certain community facilities and to ensure that the development could be brought forward and priorities would need to be made; these are reflected in the draft heads of terms set out in paragraph 1.1(1) above.
- 8.28 Due to the complexities set out above, there is a potential need for a degree of flexibility in the final negotiations over mitigation measures in the form of both S106 obligations and planning conditions. Therefore, delegated authority is also sought from Members for the Head of Planning to finalise the content of the S106 Agreement as well as conditions.

#### ***Local Centre***

- 8.29 A local centre with a site area of 0.7 hectare is proposed as part of the application. The original submission indicated that the proposed local centre would be located in the centre of the application site. Subsequent negotiation has resulted in the local centre being relocated to the east of the site nearer to the existing roundabout providing better access for the existing residential community at Banbury Lane. The local centre would include a mix of uses including shops (Class A1), financial and professional services (Class A2), restaurant / café (Class A3), drinking establishment (Class A4), hot food takeaway (Class A5) as well as residential use (Class C3).
- 8.30 Whilst there is no detailed information submitted regarding the design and layout of the local centre at this outline stage, the Parameter Plans submitted have highlighted that the local centre would include buildings between the heights of 2.5 metres to 12 metres. In addition, the local centre should include landmarks and be afforded public realm priorities. It is therefore expected that the applicant will submit further information to inform the design aspiration as well as timing for provision of the local centre at the masterplanning and design code stage before the submission of any reserved matters application for the local centre.
- 8.31 In order to ensure that the proposed uses within the local centre would not create undue environmental impact in the future, it is important that suitable planning conditions are imposed to stipulate that information such as operational hours, bin storage and fume extraction details

would be submitted to the Local Planning Authority for approval in the future.

### ***Biodiversity***

- 8.32 An Ecological Impact Assessment was submitted as part of the EIA for the proposed development. A desktop study as well as an extended Phase 1 survey was carried out. It concluded that there are no habitats within the application site of designated national, county or district importance. The intensively farmed arable fields have little habitat value and are of relatively low ecological importance. However, there are existing mature trees and hedgerows present within the site boundaries as well as hedgerow and trees running in a north to south direction in the western quarter of the site. These are proposed to be retained but gaps would be created to allow pedestrian and vehicular access. This may lead to the localised loss of nesting, shelter and foraging resources for a range of species.
- 8.33 Natural England requested that before the application is determined further surveys of mature trees on the site and the remaining buildings are undertaken to enable the potential impact upon bats to be understood. They also requested details of great crested newt presence/absence. The applicant undertook these surveys in August 2010 and Natural England raised no objection.
- 8.34 In essence, the land is former agricultural land and the surveys indicated a low level of ecological / habitat value. The Environmental Statement sets out a number of measures to protect and enhance wildlife value, retaining existing trees and hedgerows and providing new areas of shrubs / tree planting. Other works include the planting of aquatic and marginal species at existing ponds, provision of bat and bird boxes on trees and buildings. These should be secured by appropriate planning conditions including the provision of a site wide Landscape Management Plan to identify retention of existing features and enhancement measures.

### ***Archaeology***

- 8.35 The Pineham North residential development site has been investigated as part of a wider study covering both the current residential site and the adjacent employment development. Since 1998 the whole site has been subject to a number of archaeological investigations comprising desk-based assessment, field working, geographical survey and evaluation excavation.
- 8.36 A mitigation strategy has been prepared that covers both the residential and employment areas of Pineham North in 2006 and was approved by the NCC and NBC. The mitigation strategy is split into three elements designed to be accommodated during the development and include:

- Excavation of the Iron Age and Romano-British Settlements
- Strip map and sample excavation during site preparation, construction or access roads and provision of infrastructure
- Watching Brief

8.37 The applicant has informed that all archaeological work on the application site will be carried out in accordance with the approved mitigation strategy and project design by Northamptonshire Archaeology, English Heritage and The Council of British Archaeology accept this mitigation strategy subject to a condition, whilst NCC has requested an extension to the survey area as a result of the findings associated with the works undertaken for adjacent employment sites. It is recommended that a condition be applied to safeguard any archaeology material that may be present.

### ***Contamination and Geo-Technical Issues***

8.38 It is evident from the Hydrology report submitted that some ground water contamination is identified. The Council's Public Protection Officers have not raised objection to the application but have requested that conditions are imposed to require an appropriate site investigation and contamination risk assessment and remediation if necessary.

### ***Noise***

8.39 A noise report has been undertaken and the principle of the assessment methodology has been discussed and agreed between the applicant and NBC. The proposed new predominantly residential development area is potentially subject to two sources of environmental noise

- Noise from infrastructure (roads)
- Noise from commercial operations (Pineham Employment Zones)

8.40 Additionally, noise arising from the construction of the Pineham residential zone poses an impact on the existing surrounding residential areas and possibly on earlier completed phases of the residential development. At this stage however it is deemed inappropriate to undertake an assessment of the noise impacts as the scheme is limited in detail. Road traffic generation is currently the main source of noise affecting the area during the day and night-time due to local traffic and contributions from the A43, A45 and more distant but continuous traffic flow on the M1 to the South. The assessment of predicted levels of traffic noise indicates a need for mitigation to limit noise impact on the application site particularly at the south western boundary. Full details of noise mitigation measures will be required by condition including the submission of a Construction Management Plan as requested by Public Protection Officers. Initial noise surveys identify that potential noise levels are not as severe as to make the site unsuitable for residential purposes. Any impacts can be mitigated by

good design and secured via conditions.

### ***Flooding and Water Resources***

8.41 A part of the site is situated within Flood Zone 3a as defined by the EA flood maps and as such is considered to be at risk from flooding. A Flood Risk Assessment was prepared in relation to the application and this was updated to comply with the (then) requirements of PPS25. The updated FRA identifies a package of flood risk mitigation measures and seeks to demonstrate that the development itself will not be at risk from flooding or that it would increase the risk elsewhere. To the contrary it is demonstrated that the implementation of the proposal could enhance the strategic benefits afforded to the current Upton Flood Alleviation Areas (FAAs) located to the north of the site, north of the River Nene. Key measures put forward include:

- Raising land levels to ensure that the finished floor levels of dwellings are above the 1000 year modelled flood event (including a climate change allowance)
- Increasing the flood storage capacity of one of the FAA structures and thus further enhancing the strategic benefit derive from the strategic scheme and further reducing the flood risk downstream
- Reducing the environmental effect of the bund
- A surface water drainage strategy incorporating Sustainable Urban Drainage Systems (SUDS) will be forthcoming in the detailed stages of the site. It is to be noted however that the soil conditions at Pineham are not suitable for large scale use of infiltration soakaways. It is suggested that informal and soft landscaping areas within the residential site are used to attenuate surface water runoff and that rainwater harvesting and reuse devices are incorporated into the detailed design of the site where possible.

8.42 The Environment Agency originally raised objection to the proposal however following an assessment of the Flood Risk Assessment Addendum withdrew its objection subject to the measures detailed in the FRA and FRA addendum being implemented and secured by way of a planning condition.

8.43 Furthermore as clarification has been received from the HCA that there is sufficient capacity within Duston Mill Reservoir for the site's surface water run-off, the proposal is considered satisfactory subject to conditions.

### ***Sustainability***

8.44 Although a Sustainability Strategy was submitted as part of the Design and Access Statement, the level of information within the present submission in relation to specific details is limited. Equally it is acknowledged that the question of national and local sustainability

standards is likely to evolve significantly over the lifetime of a development of this size.

- 8.45 In 2007 the applicant in the Energy Impact Statement acknowledges that the dwellings at Pineham North will need to meet at least a Code Level 3 against the Code for Sustainable Homes.
- 8.46 The West Northamptonshire Joint Core Strategy (Pre-Submission) specifies that all new residential developments (including mixed use) are required to achieve a minimum of Level 4 standard in the Code of Sustainable Homes and to achieve the zero carbon standard from 2016 or national equivalent. In addition all new non-residential developments over 500m<sup>2</sup> gross internal floorspace are required to achieve a minimum rating of at least BRE Environmental Assessment Method (BREAAM) very good standard or equivalent or any future national equivalent zero carbon standard from 2019. These requirements will apply unless it can be demonstrated that they would make the development unviable.
- 8.47 The current proposal was formulated before 2007 at a time when the development market was at its strongest. The design of the scheme is to meet Code Level 3 and that any changes to higher standards would certainly impact on the viability of the development, bearing in mind the current economic condition. The applicant has confirmed that it is most likely that all the affordable housing elements would be implemented by 2015 should outline planning permission be granted. Whilst it would be desirable to achieve a higher sustainability standard, it is considered that Code Level 3 is acceptable as it would help to bring this much needed site forward which would bring benefits to the wider community in the south west district.
- 8.48 It is recommended that a planning condition is to be imposed requiring full details of a Sustainable Strategy for each phase of development at the Reserved Matters stage. The proposed housing development should meet a minimum of Code Level 3 (or equivalent) and non-residential development should achieve BREAAM very good standard.
- 8.49 In the wider sense, it is considered that the layout and location of the development provides a sound basis on which to build a sustainable community through promotion of enhanced linkages with the remainder of Northampton. The site, albeit somewhat detached from nearby residents, is well located in relation to existing employment and seeks to provide needed facilities not only for the development but also for nearby residents of Banbury Lane. The proposed package of travel plan measures, provision of pedestrian / cycle and public transport incentives will help guide travel choices for future residents.

***Crime Prevention and Public Order***

- 8.50 The Police have commented on the application and have not objected

to the principle of the scheme but have raised concerns about links to the Country Park, the uses in the local centre and the need for clear, direct and non-segregated movement routes through the site. Many of the issues are matters of detailed design that will be covered through the use of design codes and the Police will be fully consulted throughout this process. The S106 agreement will ensure that all areas of public open space will be properly managed.

### ***Waste Management***

- 8.51 With regard to operational waste, the layout and design of the scheme can have a significant impact by ensuring suitable bin storage provision and access to recycling facilities. It is essential that careful thought is given to refuse and recycling storage and collection in the early stages of design. NCC has produced Good Practice Guidance *Waste Minimisation in New Developments and Designing for Waste Management (2006)*. A condition is recommended to ensure that the design of the scheme accords with good practice in this regard.
- 8.52 The Environmental Statement submitted with the scheme highlights the potential impacts of Waste Management associated with the development, in both the construction phases and through the lifetime of the development. All wastes occurring during the construction phase are classified as “Controlled Wastes” and any developer will be required to operate a Site Waste Management Plan in order to comply with Waste Management Legislation (SWMP Regulations 2008).

### ***Comments in Relation to the Environmental Impact Assessment***

- 8.53 An Environmental Impact Assessment has been undertaken and the results of this have been compiled with an Environmental Statement (ES), divided into 9 chapters, in order to fully assess the potential environmental effects of the scheme and put forward any necessary mitigation measures. The topic areas covered within the ES are as follows:
- Planning Context
  - Landscape and Visual Impact Assessment
  - Ecological Impact Assessment
  - Traffic and Transport
  - Hydrology, Watercourses and Drainage
  - Noise
  - Air Quality
  - Archaeology
- 8.54 The ES was updated in 2011 in order to ensure that the background data and methodology behind the EIA are based on current baseline conditions and standards. The topic areas have not been amended and the scope of these is still considered to cover all the potential significant environmental effects. No additional items, other than the additional Air Quality Assessment already undertaken in 2009 would

necessitate a change to the breadth of the EIA.

- 8.55 The assessment of the application within this report has taken account of the issues raised within the ES and a number of conditions and obligations in relation to the S106 have been recommended in order to mitigate any impact that may arise. Subject to this mitigation it is considered that there would be no significant adverse environmental impacts that would warrant refusal of the scheme.

## **9. CONCLUSION**

- 9.1 The outline proposals for up to 625 dwellings, a local centre, primary school and open space is the last part of the Pineham picture as originally set out some 10 years ago. The initial call-in decision to delay the release of housing at Pineham North has resulted in the employment and infrastructure being developed first. The Development Plan at both regional and local level now encourages housing growth at Pineham North and furthermore this is an important element of the Borough's 5 year housing land supply. For these reasons, the principle of residential development with associated social infrastructure at Pineham North is in accordance with policy and considered acceptable.
- 9.2 Any impacts can be adequately mitigated through the use of conditions and obligations in accordance with the S106 heads of terms identified above. There are viability issues associated with bringing forward this scheme however it is considered the proposal will bring significant benefits to the area in terms of amenities, community facilities and transport links and will provide a high quality, sustainable residential scheme.

## **10. CONDITIONS**

1. Approval of the details of the appearance of the new development, landscaping of the site, layout and scale of the new development ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced within the area to which the reserved matters relate.

Reason: This permission is in outline only granted under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of five 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. The number of residential units to be constructed on the site shall not exceed 625 units.

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 in accordance with the aims of the NPPF.

5. Prior to the commencement of development or such other timeframe that may be approved in writing by the local planning authority (LPA), a detailed phasing plan for the development that identifies stages at which each element of the proposed development (including the local centre, open space, play equipment, the school, community facilities and housing) shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the LPA. The development shall be implemented in full accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that appropriate infrastructure, mitigation and facilities are in place in a timely manner to support the proposed residential community in accordance with the National Planning Policy Framework.

6. All reserved matters applications shall accord with a Masterplan and Design Codes to be first 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 shall include details of:

- a) a movement network (to include access and circulation connections (including public transport), pedestrian, cycleway and bridleway networks; highways/estate road design and car and cycle parking;
- b) phase layout principles (to include urban structure, form and layout of the built environment, existing and proposed levels, building heights, visualisations, continuity, enclosure, articulation, density, legibility and gateways, character areas, landmark and key buildings and groups);
- c) areas within the public realm, including landscaping, hard surface treatments, boundary treatments, means of enclosure, street furniture (including external lighting) and public art;
- d) servicing (including design for the storage and collection of



waste and recyclable materials, location/type of utility boxes and SuDs);

- e) external materials (to include a palette of wall and roof finishes, windows, doors, porches, heads, sills, chimneys, eaves and verges and rainwater goods);
- f) details sustainability measures in accordance with the proposed Sustainable Strategy, but not limited to building orientation and water butt provision.

Each subsequent reserved matters application shall be accompanied by a statement demonstrating how the scheme complies with the approved Masterplan and Design Code. The development shall be carried out in conformity with the approved the Masterplan and Design Code.

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

7. The development and all reserved matters applications submitted pursuant to this permission shall not materially depart from the following submitted parameter plans as contained within the Design and Access Statement Addendum January 2012:

- a) Development Zones and Land Use (Plan 4)
- b) Public Realm and Open Space (Plan 5)
- c) Density and Maximum Building Heights (Plan 6)
- d) Access and Movement (Plan 7)

Reason: For the avoidance of doubt and to ensure that the development is carried out within the parameters assessed within the Environmental Impact Assessment submitted with the application in accordance with the National Planning Policy Framework.

8. Prior to the commencement of each phase of development, a Sustainability Strategy including pre-assessment checklist detailing a method of achievement of a minimum of Code of Sustainable Homes Level 3 (or equivalent) for any residential development and BREEAM 'very good' (or equivalent) for any non residential development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved Sustainability Strategy.

Reason: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework.

9. The local centre facilities hereby permitted shall not exceed 0.7ha gross area and shall only consist of uses within Classes A1, A2, A3,

A4, A5 and C3 of the Use Classes Order 1987 (as amended).. The retail element (Class A1) within the local centre shall be limited to a maximum of 500m<sup>2</sup> gross convenience goods floor space and a maximum of 300m<sup>2</sup> for comparison goods floor space.

Reason: In the interests of providing a sustainable mixed use development and to ensure that the proposed development does not harm other recognised centres in accordance with the National Planning Policy Framework.

10. Full details of the operational hours along with details of fume extraction and noise mitigation for the proposed Classes A1, A2, A3, A4 and A5 uses within the local centre shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed uses being brought into use. The development shall be used in accordance with the approved details and any mitigation shall be retained and maintained thereafter.

Reason: In the interests of general amenity in accordance with E19 of the Northampton Local Plan.

11. 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 in accordance with Policy E12 of the Northampton Local Plan.

12. All planting, seeding or turfing comprised in the approved reserved matters 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 by the Local Planning Authority. Subsequently if any trees or plants which within a period of five 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 in accordance with Policy E20 of the Northampton Local Plan.

13. 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.

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

14. As part of any reserved matters application, details of the storage areas for the provision of refuse and recycling facilities shall be submitted to the Local Planning Authority for its written approval. Such approved details shall thereafter be implemented prior to the occupation or bringing into use of the buildings on that part of the development to which the reserved matters application relates and thereafter maintained. Details of the storage of refuse and materials for recycling must be provided within the Design Codes.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

15. A scheme to protect the site where its noise exposure exceeds NEC A shall be submitted to and approved in writing by the local planning authority (LPA). 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 the site are impractical or do not reduce the NEC for all amenity areas, all facades or all floors of the proposed dwellings 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 a noise insulation scheme, which will require the provision of mechanical ventilation, shall be submitted for approval by the LPA and implemented prior to the properties being occupied. All mitigation measures included in the approved details shall be fully implemented prior to the first occupation of the building to which the mitigation applies.

Reason: To protect the amenities of future occupiers and users of the buildings and in the interests of the general amenity of the area in accordance with Policy E19 of the Northampton Local Plan.

16. The level of noise emitted from within the site during construction shall not exceed 39dBA Leq (1hr) during the hours of 22:00 to 08:00 when measured at the façade of the nearest residential property.

Reason: In order to protect adjacent residential occupiers from undue noise and disturbance from the development hereby approved in accordance with Policy E19 of the Northampton Local Plan.

17. No development shall take place until the applicant 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. Prior notice shall be given to the Local Planning Authority's nominated archaeologists of the exact date on which it is proposed that construction of the development hereby permitted is to begin. During the construction period representatives of the Local Planning Authority's nominated archaeologists, shall be allowed access to the site in order to observe and inspect all excavation works and record all findings of archaeological interest. If required they shall be allowed to excavate such remains, provided that this shall not interfere unreasonably with the progress of the development.

Reason: In the interests of safeguarding relevant archaeological material that may be present and to be in accordance with Policy 31 of RSS8: Regional Spatial Strategy for the East Midlands.

18. Prior to the commencement of development of any area for which reserved matters approval is sought a construction environmental management plan ("CEMP") shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details for the management of waste arising from the construction process, siting and design and drainage arrangements for any temporary construction offices, buildings and storage compounds/areas and measures proposed to mitigate against adverse effects of noise, dust and vibration during the construction of the proposed development and shall also indicate:
- (a) The proposed hours of operation of construction activities;
  - (b) The frequency, duration, and means of operation involving demolitions, excavations, drilling, piling and concrete production;
  - (c) Sound attenuation measures to be incorporated (in relation to construction) to reduce noise at source;
  - (d) Details of temporary lighting;
  - (e) Arrangements for site access and vehicle parking;
  - (f) A construction workers travel plan;
  - (g) Details of the management of waste generated by the site clearance and construction process, together with measures taken to minimise its generation;
  - (h) Details of measures to minimise waste and incorporate facilities for the management of waste in the development;
  - (i) Method statement for the prevention of contamination or soil and groundwater and air pollution and remediation in the event of pollution; and
  - (j) The protection of ecologically sensitive areas and potential protected species during the construction phases.

The approved CEMP shall be strictly adhered to during all stages of the construction of the proposed development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate consideration is given to environmental assets during construction and to be in accordance with Policy E19 of the Northampton Local Plan.

19. No development shall take place until a desktop study in respect of possible contaminants within the site is completed and 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 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 the National Planning Policy Framework.

20. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the immediate attention of the Local Planning Authority, and works in connection with the unsuspected contamination shall cease until such time as a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation measures shall then be implemented in their entirety and retained and maintained thereafter.

Reason: In order that the Local Planning Authority may decide what remedial steps are required to satisfactory deal with the contamination in accordance with the National Planning Policy Framework

21. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Flood Risk Addendum (Version 1.0, dated February 2009) including the implementation of all mitigation measures, and the applicant shall confirm completion of the approved scheme in writing to the Local Planning Authority within one month thereafter.

Reason: To reduce the risk of impact of flooding and to prevent flooding by ensuring the satisfactory means of surface water storage and disposal from the site in accordance with the National Planning Policy Framework.

22. Development shall not begin until a flood risk management scheme for the site, which includes a phasing plan and details of the compensatory flood storage works, 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.

Reason: To reduce the risk and impact of flooding to the occupants, site and third parties and to ensure that surface water is managed in accordance with the National Planning Policy Framework.

23. No development shall commence until details of a scheme, including phasing, for the provision of foul water drainage on and off site has been submitted to and approved in writing the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding and pollution of the water environment through provision of necessary or planned water infrastructure flooding in accordance with the National Planning Policy Framework.

24. No development shall commence until details of a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent an increased risk of flooding in accordance with the National Planning Policy Framework.

25. Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and thereafter provided in full prior to the development being first brought into use.

Reason: To ensure the development is served by a satisfactory highways and parking network in accordance with National Planning Policy Framework.

26. Full details of the proposed bus stops including shelters shall be submitted to the Local Planning Authority as part of the reserved matters approval. The approved details shall be implementation concurrently with the reserved matters development as approved.

Reason: In the interests of sustainable transport in accordance with the National planning policy Framework.

27. As part of any reserved matters application, full details of all street lighting and any lighting within public amenity areas for that part of the development to which the reserved matters applications relates shall

be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be provided in accordance with the approved details and prior to occupation of any part of the development to which the reserved matters application relates and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy 2 of the Regional Spatial Strategy for the East Midlands (March 2009).

28. As part of any reserved matters application, full details for the secure and covered parking of bicycles, for that part of the of the development to which the reserved matters applications relates shall be submitted to and approved in writing by the Local Planning Authority. The secure parking of bicycles shall thereafter be provided in accordance with the approved details and prior to the occupation of any part of the development to which the reserved matters application relates and retained thereafter.

Reason: To ensure the adequate provision of facilities and encourage the use of alternative modes of transport and to be in accordance with policy 46 of the Regional Spatial Strategy for the East Midlands (March 2009).

29. No development shall commence on site until a detailed Landscape, Conservation Management Plan (LCMP) for protected species has been submitted to and approved in writing by the Local Planning Authority. The LCMP shall include details of mitigation and a timetable for their implementation. The LCMP shall include details of the provision of wildlife ponds as identified in the submitted Ecological Impact Assessment. The LCMP shall be fully implemented in accordance with the approved details.

Reason: To ensure the ongoing protection and enhancement of protected species in accordance with the National Planning Policy Framework.

30. Bat and bird boxes shall be provided within the development in accordance with the submitted Ecological Impact Assessment, full details of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters application. The details shall be implemented concurrently with the development and thereafter retained.

Reason: To ensure the ongoing protection and enhancement of protected species in accordance with the National Planning Policy Framework.

31. As part of the reserved matters application(s), a scheme shall be submitted to and approved in writing by the Local Planning Authority

that demonstrates how the objectives of Secured by Design have been addressed in the development as identified in the submitted Design and Access Statement. The approved details shall be implemented concurrently with the reserved matters development as approved.

Reason: In the interests of security and amenity in accordance with the National Planning Policy Framework.

32. Prior to the commencement of any phases 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 Northamptonshire 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 within the approved Strategy.

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

## **10. BACKGROUND PAPERS**

- 10.1 N/2007/1570.

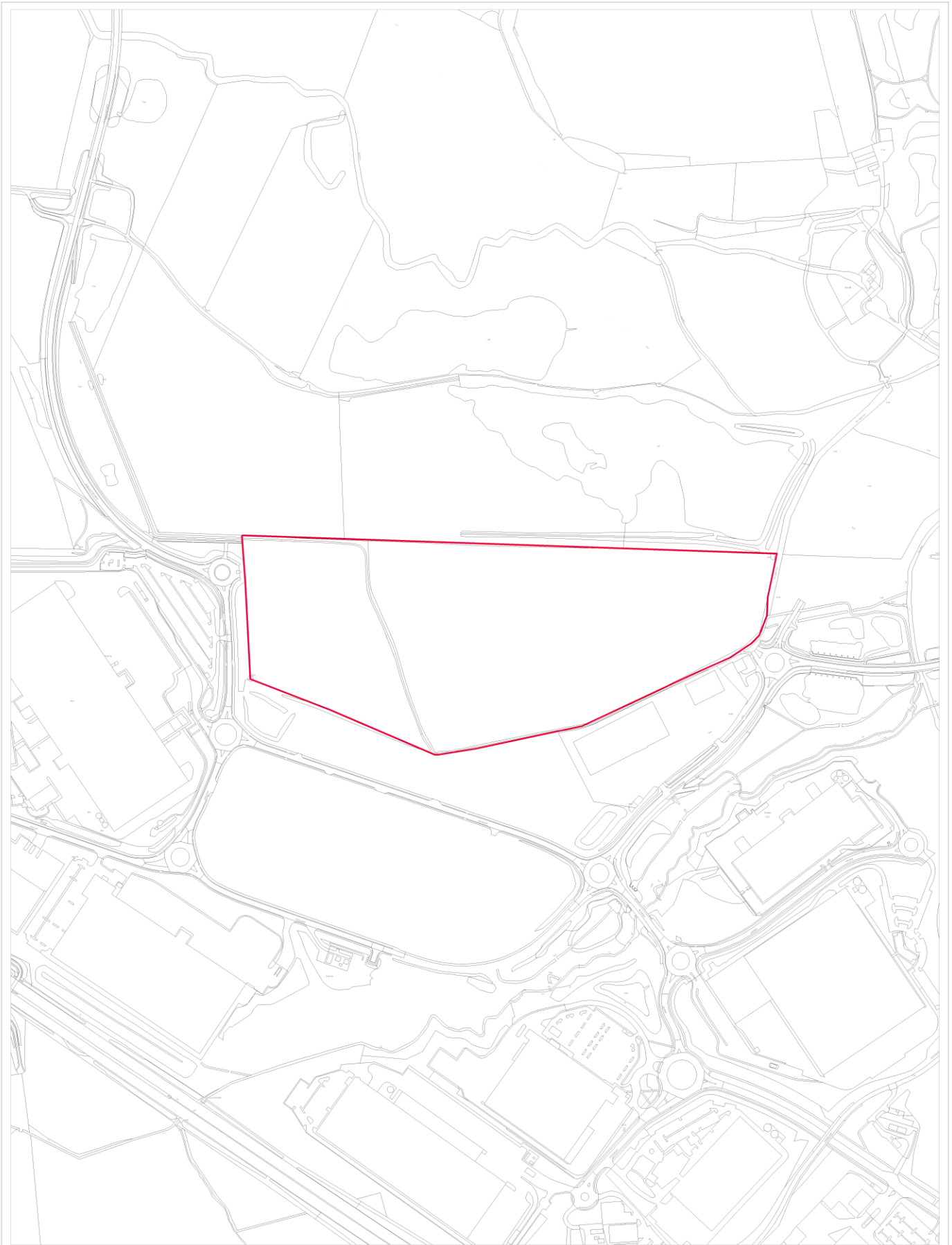
## **11. LEGAL IMPLICATIONS**

- 11.1 None.

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.





Name: **Planning**  
Date: **20th September 2012**  
Scale: **1:1250**  
Dept: **Planning**  
Project: **Location Plan**

Title  
**Pineham**

Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655