



PLANNING COMMITTEE: 4th March 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2011/0997: Outline planning application for up to 1,000 residential units, primary school, and local centre up to 2,000m². All matters reserved except access at Upton Park, land off Weedon Road

WARD: Upton

APPLICANT: Homes and Communities Agency
AGENT: AECOM
REFERRED BY: Head of Planning
REASON: Major development requiring s106 agreement.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- a) The prior finalisation of a S106 agreement to secure planning obligations as set out in the heads of terms as listed in paragraph 7.45 of the report, which for the avoidance of doubt may include an increased level of affordable housing from that as reported to Committee as a result of further viability work;
- b) The removal of the holding direction issued by the Highways Agency (TR110);
- c) The planning conditions below and for the following reason:

The principle for development of the site has been established by allocation in the Northampton Local Plan and subsequently

strengthened by allocation of the site in the West Northamptonshire Joint Core Strategy, as submitted for examination. The development of the site for up to 1,000 dwellings forms a key component of the Borough Council's housing land requirement. In addition, the National Planning Policy Framework advocates sustainable development and supporting sustainable growth. The site is located within a sustainable location, which will be adequately served by the necessary infrastructure. It is considered that the environmental effects of the development can be reduced or adequately mitigated. It is considered that the proposal supports the sustainable growth of Northampton in accordance with the National Planning Policy Framework, the Northampton Local Plan and the West Northamptonshire Joint Core Strategy, as submitted for examination, and subject to the conditions below and planning obligations contained within the associated S106 agreement is considered acceptable.

- 1.2 It is also recommended that in the event that the S106 legal agreement is not secured within six calendar months of the date of this Committee meeting, delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.
- 1.3 Furthermore, due to the nature and complexity of planning conditions, it is recommended that delegated authority be given to the Head of Planning to make minor editorial changes to any conditions.

2. THE PROPOSAL AND ITS BACKGROUND CONTEXT

- 2.1 The proposal is an outline planning application for up to 1,000 residential units, a primary school and local centre of up to 2,000m². All matters are reserved except for the means of access. Access is proposed from two points: an extension of West Street, which is via the existing Upton development and a new access from the Upton Valley Way North (the Cross Valley Link Road), at the western end of the site. It is proposed that Upton Lane will be downgraded into a 'green route' and there will be no direct access from the site onto the Weedon Road.
- 2.2 The proposal forms the next phase of the Upton development and the site is allocated for residential use in the Northampton Local Plan (1997). In a wider sense, the site forms a key element of the South West District Masterplan (2004) which set out the strategy for the delivery of substantial residential, employment, leisure and community facilities on the south-west fringe of the town. A significant element development proposed within the South West District has already been

completed. The application is in part consistent with the vision set out in the South West District Strategic Planning Review approved by Cabinet in 2004.

Upton

- 2.3 Located to the east of the site, the first phase of the Upton development is largely complete with the exception of development parcels adjacent to the Weedon Road. The scheme is predominantly residential but also includes a primary school, community centre (the Elgar Centre) and Phase 1 of the Upton Country Park which includes sport and recreation facilities. The site was comprehensively Masterplanned and controlled through the use of Design Codes.

Upton Lodge/ Norwood Farm

- 2.4 A further 2,500 dwellings with associated commercial, community and leisure facilities is planned at Upton Lodge/ Norwood Farm, immediately to the west of the existing St. Crispin's development. The site straddles the boundary between Northampton Borough Council and South Northamptonshire District Council. Planning applications for the development were submitted to WNDC/SNC in 2006 (a single masterplan was prepared but applications were submitted to each authority for the elements of the development within their respective areas. SNC and WNDC made committee resolutions to approve subject to resolving a number of technical issues. The Upton Lodge element of the proposal transferred to NBC in April 2012 and negotiations are on-going with regards to determining the scheme. NBC will need to undertake further consultation and it is envisaged that a further report will be placed before members in late 2014.

Berrywood Fields/ Princess Marina

- 2.5 1,000 dwellings were proposed at Berrywood Fields (the St. Crispin's hospital site) and a further 500 at the Princess Marina Hospital. Berrywood Fields is largely completed and work has recently commenced at Princess Marina.

Pineham

- 2.6 Proposals for Pineham included a residential development of up to 625 dwellings and an employment/ distribution centre of 2 million square feet along with new access roads. The employment element has been largely completed and a reserved matters application for the residential development has been recently approved.

The Upton Country Park

- 2.7 The Upton Country Park is a key element of green infrastructure around which the residential and commercial developments are planned. Covering 166ha in total, it stretches from the A45 Nene Way in the east, wrapping around the bottom of the existing Upton development and will continue in between the Pineham and Upton Park developments in the direction of Kislingbury, before turning north to wrap around the western edge of the Upton Lodge/ Norwood Farm schemes. The Country Park is a key piece of infrastructure, providing leisure and recreation facilities for residents and a landscaped buffer to the new development which will form the gateway into the town. Substantial discussion has taken place regarding the delivery and on-going maintenance of the Country Park and it is envisaged that developments in the SW District will make a proportional contribution to this strategic infrastructure.
- 2.8 In addition, it is important to note that a substantial amount of infrastructure has already been provided in support of development in the South West District. The Upton Valley Way North, stretching from the A45 (Weedon Road) to junction 15a of the M1 was completed in 2008. Extending to the north, the Sandy Lane relief road has been largely completed, running from the A45 to Harlestone Road, with the exception of the section which runs through the Upton Lodge/ Norwood Farm scheme. This element of the link will be completed as the Upton Lodge/ Norwood Farm scheme comes forward.
- 2.9 The Upton Flood Attenuation Area was also completed in 2008 and funded by the Homes and Communities Agency to reduce the severity of future flooding and enable the delivery of further growth downstream, within the town. The scheme works by diverting floodwater into a series of 'flood attenuation cells' controlled by a number bunds and spillways within the river valley. Some of the embankments extend into the application site.

The Upton Park Proposals

- 2.10 Although the application is submitted in outline form, it is accompanied by five Parameters Plans which set the overall scope of the development:
- Plan A: Development Zones and Building Zones. These set the key block structure of the development and provide an indication of the future layout of development.

- Plan B: Access and Movement. Sets the broad location of primary and secondary streets and footpaths through the site. The primary vehicular route runs east-west across the development, linking West Street in Upton to Upton Valley Way North. Secondary streets would run from this road in a north-south direction. Also, the Nene Way long distance footpath runs through the site along an east-west axis. The plan proposes that this is diverted part way through the site, along the edge of existing woodland to link up to the Upton Country Park running along the southern edge of the site.
- Plan C: Public Realm and Open Spaces. Sets the location for key areas of open space, including SUDS corridors (swales). The main open space within the site runs around the eastern perimeter, abutting the existing Upton development, continuing around the southern edge of the site. The majority of this southern strip is within the flood plain and would effectively form an extension to Phase 2 of the Upton Country Park which sits outside the application boundary, immediately to the south. The paddock to the south of Upton Hall Farm (adjacent to Upton Mill Lane) was originally shown to be developed for housing when the application was submitted in 2011. Following comments from residents and officers, the plans were amended to ensure that this paddock is retained as open space – as depicted in the Northampton Local Plan. This will provide a buffer to the new development, linking to Phase 1 of the Country Park. Internally, three key secondary open spaces are proposed and these could accommodate a range of formal play areas and informal open space. In addition, the existing belts of woodland are shown to be retained and the swales which would form part of the Sustainable Urban Drainage System (SUDS) are shown running north-south across the site.
- Plan D: Land Use. Sets the distribution of land use across the scheme and the maximum quantum in terms of dwelling numbers and maximum floorspace for uses in the local centre. The majority of the site would be residential with the exception of block 1D which would contain a primary school and potential local centre with a mix of small retail, office, restaurant/ café, and community uses. This block is located in the western end of the site, albeit close to the centre of the scheme. The local centre could also accommodate doctor's surgeries, dental practices etc. It is not envisaged that a community hall would be provided due to the existence and proximity of the Elgar Centre.

- Plan E: Maximum Building Heights. The majority of the scheme is identified as having a maximum height of 3 storeys (12m), with the exception of the area at the junction between Weedon Road and the Upton Valley Way North and development alongside the primary access route at the eastern end of the site. These areas would have a maximum of 4 storeys (16m). The rational set out in the D&A statement is to give these properties more of a presence alongside key vehicular routes and to help distinguish between the various street hierarchies in the interests of good urban design.

2.11 It is these parameters that are tested within the Environmental Impact Assessment (EIA) to determine the impacts of the scheme. Should the application be approved, as is recommended, a condition is recommended to ensure that the eventual development stays within these parameters. In effect, the parameters set out the maximum limit of development in order that the EIA can test the worst case scenario. For example, whilst the description of development is for up to 1,000 dwellings, the eventual number may be less depending on the density of the scheme. The Design and Access Statement submitted with the application examines three scenarios based on upper, medium and lower density layouts. If the eventual layout leans towards medium or lower density the overall number of dwellings on site will not reach the maximum limit of 1,000. The eventual number will be determined at the reserved matters stage but the condition will ensure that the number is no greater than that tested within the EIA.

2.12 Similarly, the maximum building heights provide a maximum of three or four storeys depending on the location within the development. It is not expected that every dwelling would reach those maximum parameters and a range of building heights will be needed to ensure variation and interest in the street scene. However, the landscape and visual impact assessment undertaken within the EIA has examined the worst case scenario based on maximum parameters.

2.13 The application was initially submitted to WNDC in October 2011. An initial round of consultation was undertaken and consultants were appointed to review the EIA. Subsequently, the application was transferred to NBC in April 2012 and NBC officers set out their views to the applicants on the application in July 2012. This response also included a 'Regulation 22' request relating to the Environmental Statement. In simple terms, this is a request for further information to enable the environmental impact of the scheme to be properly considered. The information requested further details relating to ecology, hydrology, landscape and visual impact (particularly relating to

the public right of way), traffic noise/ impact on proposed dwellings, impact on heritage assets, and lighting. The applicants' responded and submitted an update to the Environmental Statement, Transport Assessment and Design and Access Statement in January 2013. A number of changes were made to the scheme, reflected in amendments to the Parameters Plans. Plans A and C were unchanged but Plan B (Access and Movement) was amended to show a proposed diversion of the Nene Way long distance footpath. Plan D (Land Use) was updated to show a larger zone for community uses in reflection of comments from NCC relating to the required land area for the primary school. Plan E (Building Heights) was amended to reduce the maximum permitted height of dwellings within zone 3a, adjacent to the boundary wall defining the curtilage of Upton Hall, in order to lessen the impact of dwellings on the setting of heritage assets. The description of development and parameters set out at paragraph 2.10 describes the scheme as amended.

3. SITE DESCRIPTION

- 3.1 As described above, the site forms the next phase of the Upton development, extending westwards from Upton Lane towards Upton Valley Way North. As the site extends westwards, it wraps around the southern and western boundary of the grounds associated with Upton Hall/Quinton House School and extends upwards to the Weedon Road. On its southern edge, the site adjoins agricultural land and what will become Phase 2 of the Upton Country Park. The western edge of the site is formed by the Upton Valley Way. Essentially, the shape of the site is akin to a large dumb-bell with a large block of land to the east and a similar sized parcel to the west, joined together by a relatively thin strip of land in the middle which sits in-between two belts of mature trees.
- 3.2 The land is currently agricultural use, with the eastern and central section used for pasture and the western section in arable use. At its eastern end, the site has a very gentle slope from north-south, a slope which becomes more pronounced in the western section which falls away from the Weedon Road to the river bottom to the south.
- 3.3 The point of access from Upton Valley Way North was set out when that road was constructed. To the west, the masterplan indicates that the primary access road would be formed by an extension to West Street. Members will note that this point of access has resulted in a number of objections from adjacent residents and, it is fair to say that this has been the single biggest issue of concern arising from

neighbour consultation exercises. An assessment of this issue will be given later in this report.

- 3.4 As set out above, the site sits adjacent to the grounds of Upton Hall. Upton Hall itself is a Grade I listed building and the grounds contain a number of individually listed buildings, including the Church of St. Michael (also Grade I), Park House (Grade II) as well as a number of listed garden buildings. Furthermore, the grounds contain a scheduled ancient monument on the site of the Upton deserted mediaeval village. The ironstone boundary wall surrounding the grounds of the Hall is proposed to be retained and would form the boundary of the new development on that aspect.
- 3.5 Upton Hall Farm, which sits on Upton Lane to the south of the site, is still in operational use as part of a farming enterprise. The farm and land adjacent is in the ownership of the applicants but the buildings fall outside of the site boundary.

4. PLANNING HISTORY

- 4.1 No planning applications of direct relevance have been submitted previously on the application site but this report makes reference to the context of previous applications for the earlier phases of the Upton development and the Upton Country Park.

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 saved policies of the Northampton Local Plan 1997.

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Northampton Local Plan

H1 – Major New Residential Development
H4 – Sites for Major New Residential Development
L26 – Leisure Proposals
T4 – Main Distributor and Primary Roads

L4 – New Local Recreation Land
R11 – Shopping Facilities in Major Residential Development
E1 – Landscape and Open Space
E6 – Greenspace
E11 and E12 – Hedgerows Trees and Woodland
E18 – Sites of Acknowledged Nature Conservation Value
E19 – Implementing New Development
E20 – New Development (design)
E29 – Crime and Vandalism
H32 – Affordable Housing
T12 – Development requiring servicing

5.4 **West Northamptonshire Joint Core Strategy (Examination submission version)**

Policy N9 – Upton Park SUE. The policy allocates the site as a Sustainable Urban Extension of up to 1,000 homes, a primary school, local centre, integrated transport network, structural greenspace, open space provision and necessary infrastructure.

POLICY S1 - The Distribution of Development
POLICY S3 - Scale and Distribution Of Housing Development
POLICY S4 - Northampton Related Development Area
POLICY S5 - Sustainable Urban Extensions
POLICY S9 - Distribution of Retail Development
POLICY S10 - Sustainable Development Principles
POLICY C1 - Changing Behaviour and Achieving Modal Shift
POLICY C2 - New Developments
POLICY RC2 - Community Needs
POLICY E6 - Education, Skills and Training
POLICY H1 - Housing Density and Mix and Type of Dwellings
POLICY H2 - Affordable Housing
POLICY H5 - Sustainable Housing
POLICY BN1 - Green Infrastructure Connections
POLICY BN2 - Biodiversity
POLICY BN3 - Woodland Enhancement And Creation
POLICY BN5 - The Historic Environment
POLICY BN7a - Water Supply, Quality and Wastewater Infrastructure
POLICY BN7 - Flood Risk
POLICY BN8 - The River Nene Strategic River Corridor
POLICY BN9 - Planning for Pollution Control
POLICY INF1 - Approach to Infrastructure Delivery
POLICY INF2 - Contributions to Infrastructure Requirements

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 Two rounds of consultation have been undertaken with regard to the application. WNDC undertook the initial exercise in December 2011, following the submission of the application, and NBC reconsulted in February 2013 following the submission of amendments/ updates to the application. NBC's consultation was sent to all those originally consulted plus any other interested parties who had commented on the scheme. In addition to these two rounds of consultation, the Environment Agency was further consulted on additional work which has taken place on the Flood Risk Assessment. A summary of the responses is set out below:

Consultee Responses

6.2 *The Ramblers Association:*

2012 Consultation: Note the importance of the Nene Valley Way as a long distance footpath and state that it is essential that it is retained in its present form and not subsumed under roads and tarmac. Recommend that it is retained in its present route unless an equal or superior route is identified. Also stressed the distinction between the route of the Nene Valley Way and the rights of way along which it runs. The Nene Way could be re-routed without formal process but the public footpaths (Harpole KP15 and Upton LB5) would need to remain in situ unless legally diverted. The Ramblers see no reason why the two footpaths should be diverted.

2013 Consultation: Note that LB5 has not been left in situ and request clarification of whether this would be diverted or extinguished. The Ramblers would object if the public right of way is to be lost. It is hoped that the intention is to divert it. In terms of the diversion of the Nene valley Way, it is recommended that the diversion takes the course of the most easterly section of woodland to avoid travelling along the primary street through the development. This would entail the route continuing through the country park for slightly longer than shown in the current proposal. This could be accomplished by diverting the public footpath LB5 so that the Nene Way and footpath would run along the same route.

6.3 *Northamptonshire Police:*

2012 Consultation: Welcome the reference to Secured by Design and 'Safer Places' in the Design and Access Statement. All residential, commercial and educational development shall be built to SBD standard and be capable of achieving SBD accreditation. NP would

like to be involved in detailed design discussions as the site progresses to ensure that the development delivers a safe environment and that some of the mistakes now evident on Upton are not replicated.

2013 Consultation: Reiterated previous comments.

6.4 ***NBC Environmental Health:***

2012 Consultation: Requested further information with regard to noise, air quality and contaminated land. Also recommended conditions relating to noise, contaminated land, refuse collection and details of any electronic access gates.

2013 Consultation: Notes the difficulty and unpredictability of modelling air quality 10-12 years in advance. Recommends that mitigation measures are built into the development to encourage a reduction in pollutants. These measures include electronic charging points for vehicles, travel plans, bike schemes, low emission bus services and car clubs.

In terms of contamination, it is noted that the previous use of the land is agricultural and therefore, the most likely issues will occur with naturally occurring contaminants such as arsenic, nickel and vanadium. Recommend conditions to ensure a Phase 1 report to assess potential impact, progressing to a Phase 2 report if this is identified as necessary in the initial report.

Makes a number of general points relating to noise modelling and problems with passive ventilation identified for those properties exposed to high levels of noise.

Recommends that working hours on the site are limited to 0800-1800, with no working on Sundays and Bank Holidays.

6.5 ***Environment Agency:***

2012 Consultation: Confirmed that they have no objection to the development subject to the imposition of conditions requiring; the submission of a strategy for foul water drainage; compliance with the Flood Risk Assessment; details of surface water drainage; and contaminated land evaluation/ remediation.

2013 Consultation: No further comments.

2014 Consultation: Suggested revised condition.

- 6.6 **Northants Bat Group:** The reports show that the site is important for bats with seven species of bat recorded. Further surveys should be undertaken to show the commuting routes of bats, in particular links between Upton Hall and the flooded gravel pits on the River Nene. As a minimum, the N-S copse of trees due south of Upton Hall should be maintained as a corridor for bats and any road crossing it would need to be designed in such a way to prevent harm to this route. Further surveys may find other routes such as the hedgerow to the west. These need to be discovered before the plans are agreed.

The report suggests bat boxes will be built into the development. These should be of a design that will last. They should be incorporated into the south or west end gable. It is also an opportunity to build a substantial bat tower in the country park.

2013 Consultation: No further comments

6.7 ***NCC Planning***

2012 Consultation: Request financial contributions towards education, libraries and fire services. With regard to education NCC estimate that the development will generate 240 primary aged pupils and 200 secondary aged pupils. NCC require a 2 form entry primary school to be constructed on the site (serving 420 pupils) because this is the minimum size of primary school they will build. NCC would welcome further discussion regarding location and phasing of the school. In terms of secondary provision NCC require a contribution to off-site provision. They are currently examining options as to the best location for a new secondary school.

2013 Consultation: No further comments received.

6.8 ***NCC Archaeology***

2012 Consultation: Note that the application is within a potentially archaeologically sensitive area. Evaluation to date has confirmed the presence of a number of areas of archaeological activity of varying degrees of interest. These are not of such significance to preclude the development of the site but adequate provision needs to be made for investigation and recording. Recommend a condition to secure further archaeological work.

6.9 ***Northamptonshire Highways***

- 6.10 **2012 Consultation:** Requested that further information was submitted in the Transport Assessment with regard to trip rates, junction layouts

and noted that the TA didn't include correct figures for traffic relating to the Upton Lodge/ Norwood Farm proposals. Parking standards and cycle parking standards were agreed.

Note Whilst not represented in formal comments Northamptonshire Highways officers attended meetings with the applicants and NBC officers to discuss the proposals, including the need to address concerns raised by residents relating to the West Street access. In addition to the information requested above, the applicants were also advised to examine the West Street access arrangements in greater details.

2013 Consultation:

Northamptonshire Highways do not object to the development subject to the comments and conditions outlined below.

Access Arrangements: Note the detailed access drawings for the two main points of access, plus the proposal to include 12 additional car parking bays on West Street. The access arrangements are considered to be acceptable and the additional bays on West Street are considered to be essential to provide suitable and safe access to the eastern section of the development. Recommend that these measures are secured by condition.

Recommend that the internal layout and parking provision is given careful consideration in order to avoid problems that exist in the existing Upton development. Recommend that sufficient car parking is provided to prevent problems and that rear courtyard parking is kept to a minimum. Also recommend that streets should be designed with sufficient width to reduce the impact of on-street parking.

Travel Plan: The framework travel plan is considered to be acceptable and a condition is required to ensure that the measures identified are implemented.

Public Transport: In terms of public transport, the best opportunity to secure viable services is to synergise with existing services serving the south-west district. However, in terms of implementation, things are complicated by uncertainty over building rates, uncertainty around adjoining schemes and the linear footprint of the site which has no direct access to Weedon Road. The Travel Plan makes reference to a 20 minute service. A more frequent service would be preferable but may not be achievable. Given uncertainties outside NCC's control, it is more preferable for the developer to be responsible for procuring the bus service, in line with a service level agreement. This should

commence from first occupation with a half hourly service, increasing to a 20 minute service (daytime Monday to Saturday) on completion of 800 units.

The ability to provide a service within 400m of occupied dwellings could be severely constrained by site phasing. NCC would expect that either the developer is legally committed to commencing development from the east (to allow residents to access Weedon Road services) or for a bus turning facility to be provided midway along the primary street. A planning condition is required to provide bus stops, lay-bys, shelters flags and poles and a commuted sum for maintenance should be included in the S106.

Local Highway Improvements: In accordance with the Transport Assessment report; off-site junction improvements are required at the following junctions; A4500 Weedon Road/ Upton Valley Way signal controlled junction; A4500 Weedon Road/ Tollgate Way/ A45 Upton Valley Way roundabout; Upton Way/ High Street roundabout; A45 Upton Way/ A45 Danes Camp Way/ A43 Oxford Road/ Upton Valley Way east; A45 Danes Camp Way/ A5123 Towcester Road/ A45 Mereway/ Towcester Road retail access; and the A428 St James Road/ St James Mill Road East/ Byfield Road junction. The improvements to all of these junctions should be secured by condition and completed prior to occupation of the 1st dwelling. NCC also require road safety audits to be carried out for the junction improvements proposed, plus additional signage at the A428 St James Road/ St James Mill Road East/ Byfield Road junction.

Public Rights of Way: Recommend that a condition is attached to ensure that a plan is submitted with each phase of development showing any proposed changes to public rights of way.

Other Matters: The LHA would expect s design code to be prepared to ensure consistency of road design at the reserved matters stage. The primary route should be a minimum of 6.5 metres in width and a drop off/ pick up point will be required outside the school. A construction management plan is also required to control the routing of construction traffic.

6.11 ***NBC Arboricultural Officer***

It is noted that all tree groups within the development were shown to be retained. Recommend that all proposed development, including roads, drives and utilities are located outside the root protection areas of trees. Also recommend that an arboricultural method statement and tree constraints plan are submitted detailing how trees will be protected

during development. TPO's were placed on the two main tree groups crossing the site in December 2011.

6.12 ***NBC Housing Strategy and Performance***

Require 35% of the dwellings to be affordable with a 70/30 split between affordable rent and shared ownership. 10% of units should be built to NBC's mobility standard, with 1% to meet full wheelchair standard. Units should be in clusters of 8-15. An indicative housing breakdown of required dwelling size has been provided to the developer.

6.13 ***Anglian Water***

2012 Consultation: No objections subject to conditions to secure appropriate foul and surface water drainage. No further comments were made in 2013.

6.14 ***Highways Agency***

2012 Response: Issued a TR110 (Holding Direction) preventing planning permission being issued. Stating that there were still unresolved transportation issues and insufficient information to warrant a full response from the HA.

2013 Response: Following reconsultation the HA have reissued their Holding Direction, noting that they are in discussions with the applicant over the required level of financial contribution towards the Northampton Growth Management Strategy.

6.15 ***Natural England***

2012 Response: No objections but queried whether bat surveys had been conducted in trees on the site. Also note that it will be important to protect and manage the two Local Wildlife Sites within the development (Bottom Spinney and Upton Pasture). Note the level of greenspace within the site and adjacent country park and state their wish to comment on the detailed design of these spaces at the appropriate time.

2013 Response: Confirm that their previous comments continue to apply.

6.16 ***South Northamptonshire Council***

2012 Response: SNC objects until a number of matters have been resolved. These related to the unresolved transport issues, the

requirement for pedestrian and cycle crossings on Weedon Road, and the unresolved S106 negotiations. SNC requested to be reconsulted once these issues are resolved.

2013 Response: No response has been received to the 2013 consultation.

Representations

6.17 An initial round of consultation with neighbouring residents (plus site and press notice) was carried out by WNDC when the application was submitted in October 2011. 14 e-mails and letters were received in response from surrounding residents. A further consultation was undertaken in December 2011 following the receipt of amended plans. This resulted in a further 21 letters/ emails, some of which were from those who had commented previously. Following the transfer of the application to NBC, and the submission of further amendments/ additional information, a final round of consultation was undertaken in February 2013. A further 12 responses and a petition of 176 signatures were received from residents who had commented previously. The key issues raised are set out below (summarised by planning officer):

- West Street is not practical as the primary road, it is too narrow for vehicles to pass along its length and the junction with High Street is dangerous.
- Site access from West Street would cause disruption during the construction phase.
- The road in the new development is shown to be 6.1m wide with 2m parking bays to each side. This is different to the existing development and demonstrates how inadequate West Street is. West Street is 6.1m wide but quite often has cars parked on both sides reducing the width to 2m.
- Emergency vehicles would be unable to access properties on West Street due to the restriction in width of the highway caused by car parking.
- People making decisions need to view the parking situation in the evening when parking is at its worst.
- This would disturb the peace and quiet of residents in the existing development.

- Children walking to school will be at risk of being knocked down by cars.
- The route will create a rat run for people getting onto the A45.
- Speed control systems are not effective enough to ensure that drivers slow down through the area.
- There is concern that the wider highways infrastructure cannot cope with the development. The Sandy Lane relief road is not yet finished but this doesn't appear to have been taken into account.
- The original concept for Upton dates back to 1997 so needs to be reviewed to take account of the reality of the situation now.
- Questions about how access to the country park will be created and used.
- Impact on wildlife has not properly been considered.
- The development will increase the risk of flooding through increased surface water run-off.
- Infrastructure in the town i.e. schools, medical services, roads and shops cannot cope with the additional development.
- Concern about how the development will impact upon the public right of way passing through the site.
- Question whether the development will be in line with the rest of the Upton development in terms of sustainable construction/ building standards.
- Impact on the character of the valley/ skyline.
- Concern about congestion particularly around school times and rugby/football match days.
- Protection of existing hedgerows and trees has not been considered.

6.18 The **Kislingbury Action Group** submitted comments in 2011, objecting to the application for a number of reasons, as summarised below:

- Policy EV8 of the South Northants Local Plan has a requirement to maintain a strategic gap between Kislingbury and Northampton. Although this application is entirely within Northampton, the indecision

over the country park and possibilities of add-on developments should be a material consideration

- The TA should have included an assessment of the roundabout at the junction of Banbury Road and Weedon Road. The designation of Champion school will lead to an increase in traffic passing through Kislingbury from the development.
- Champion school is at capacity and cannot accommodate additional pupils from this development
- Kislingbury still suffers from flooding issues and there is concern regarding this.

7. APPRAISAL

7.1 The principal issues to consider in relation to this scheme are:

- the principle of development in planning terms;
- the suitability of the access arrangements and wider transportation issues;
- whether the indicated approach to layout and design are appropriate for the context of the site (as expressed in the parameters plans and Design and Access Statement);
- whether the development would provide acceptable living conditions for future residents in terms of noise from adjacent roads/ whether the proposal would have an acceptable impact upon the amenity of existing residents;
- impact on ecological assets;
- flood risk;
- impact upon heritage assets;
- whether the impact of development can be effectively mitigated through the use of conditions and planning obligations.

Principle of Development

7.2 As indicated at paragraph 2.2, the principle of residential development at Upton Park was established through the adoption of the Northampton Local Plan. This was further developed as part of the South West District Masterplan. On this basis, significant amounts of

infrastructure have already been committed to enable the Upton Park site to come forward, notably the Upton flood attenuation scheme and road infrastructure, including the Upton Valley Way and Sandy Lane relief road.

- 7.3 In addition to this, Policy N9 of the submission West Northamptonshire Joint Core Strategy also allocates the site for up to 1,000 dwellings, a primary school and local centre with a range of facilities. The Joint Core Strategy examination in public was undertaken in March 2013. Policy N9 formed part of the JCS examination submission. All comments on this policy received during the consultation period were satisfactorily addressed prior to the examination and no substantive objections were submitted to the Core Strategy examination with regard to the Upton Park allocation.
- 7.4 The Core Strategy examination has since been adjourned to allow further evaluation of the evidence base supporting the plan and to undertake additional modifications to the plan. The examination will recommence in March 2014 with the Inspector's report being received in late 2014. It is expected that Policy N9 will remain as currently drafted. Therefore, the principle of development has been established through the Northampton Local Plan saved Policy H1 and policy N9 of the JCS adds additional weight to the existing local plan allocation.
- 7.5 In this context, it is considered that there are no over-riding planning policy reasons to prevent the application being approved in advance of the adoption of the JCS.

5 Year Land Supply

- 7.6 The pre submission JCS made provision for 50,000 new dwellings to 2026, this represented a reduction on the previous Regional Spatial Strategy Levels. The rationale behind this reduction was the recession and changes in population projection.
- 7.7 During the JCS examination, the inspector requested that additional work to be undertaken to determine the objectively assessed housing need (OAHN). Essentially, this determines the housing need over the plan period and how this will be provided for. Following this work, the quantum of development in the plan has been increased to enable the plan to meet the OAHN in full and establishes the OAHN to 2026 (as the submitted JCS), 2029 and 2031. This work is being consulted on at present prior to a further examination period in March 2014. It is not proposed that the OAHN is delivered at a flat annual rate, but at a rate on an increasing trajectory as anticipated sites are projected to come

forward. Should development sites come forward as anticipated, the projected delivery targets as identified by the OAHN can be met and a 5 year land supply maintained.

- 7.8 The Upton Park development forms the early part of this projected housing supply and is envisaged to begin delivery in 2017-18. Failure of this site to deliver housing at that point would jeopardise the 5 year supply of deliverable sites within Northampton.
- 7.9 The NPPF requires a 5 year supply of housing land to be demonstrated in order for relevant housing policies to be considered up to date. Without an up to date policy, housing applications will be required to be considered in the context of the presumption in favour of sustainable development.

Layout, Design and Open Space

- 7.10 As set out above, the south-west district of Northampton has been carefully master-planned, with a coordinated approach to layout and infrastructure. Phase 1 of the Upton development was the subject of a detailed master-planning exercise and the eventual product was carefully controlled through the use of design codes which specified design details in great levels of detail. The resulting development has received significant recognition for its appearance, layout and design.
- 7.11 It is important that the Upton Park replicates the quality of Upton Phase 1 but also avoids some of the problems associated with the original layout that have become apparent since occupation, primarily with regard to car parking arrangements. At this stage, members are being asked to consider an outline application, with all matters reserved except for access arrangements. Should outline planning permission be granted, the detailed design and layout would be controlled through reserved matters applications. Given the approach taken in Upton Phase 1 it is recommended that detailed design codes are developed in advance of the submission of reserved matters applications to ensure a consistent approach to design, layout and use of materials. A suitably worded condition will secure this approach. In order to achieve this high quality design, it is necessary that additional design costs assumed by the applicant. This has already been taken into consideration in the overall viability appraisal of the site and will be delivered by the S106 agreement and the design code. This is discussed further in the 'Planning Obligations' section below.
- 7.12 Essentially, at this stage, members need to consider whether the development parameters submitted with the outline scheme (as described at paragraph 2.10) form an appropriate framework for the

future development of the site. The primary access road would run on an east-west access through the site, with secondary streets branching off from the main spine in a north-south direction. Given the linear nature of the site and the contours falling away to the valley bottom, the approach to access and movement is considered to be appropriate (in relation to Parameter Plan B).

- 7.13 The principal green spaces wrap around the southern/ eastern edge of the site, abutting the country park, with residential development limited to the areas outside the defined floodplain. The north-south alignment of streets within the development will ensure that all dwellings have easy access to the proposed areas of greenspace and the country park beyond (as shown on Parameter Plan C). The eventual make up of uses within the primary areas of greenspace will be determined at a later stage but the allocated zones are capable of providing a mixture of formal and informal open space, play areas, play equipment, allotments, woodland and other nature conservation areas. The SUDS running through the development would also form an important component of the greenspace.
- 7.14 Officers are satisfied that the location and quantum of open space put forward within the application are adequate to provide a range of spaces, formal and informal, that will serve the residents of the scheme. It is important to note however that the quantum of open space within the application site falls short of the local standard as defined in the Parks and Open Space Strategy for Northampton (November 2009). The requirement to provide adequate open space within new development, arising from this local needs study is embodied in Policy RC2 of the submission Joint Core Strategy. The local standard is broken down into various types of open space, such as amenity greenspace, play provision, sports facilities etc. For a development of this size, a total quantum of space equating to 16.7ha would be required. The level proposed is 12.2ha. However, this shortfall would be compensated by the delivery of Phase 2 of the Upton Country Park, the boundary of which is immediately adjacent to the application site. In lieu of on-site provision a proportionate financial contribution will be made towards the provision and maintenance of Phase 2 of the Country Park. Officers are satisfied that the layout and arrangement of open spaces will provide a suitable and sustainable residential environment for future occupants. Further discussion on S106 issues are set out below in paragraph 7.44. Members are advised that in a separate matter to the determination of this application, work is ongoing with the landowner to transfer both Phase 1 and Phase 2 of the Country Park to the ownership and management

of the Borough Council. This has previously been subject to a report to Cabinet in February 2013.

- 7.15 In terms of land use (Parameter Plan D), the majority of the site is proposed for residential use, with the exception of the open spaces described above and a local centre which would be situated in the western half of the site. The local centre makes provision for small scale retail use, medical facilities (such as a doctor's or dental practice) and a two form entry primary school. A standalone community centre is not considered to be required due to the proximity of the site to the recently developed Elgar Centre and as such a proportionate financial contribution will be sought to improve existing community facilities in the area and/or provide an element of dual community use alongside other facilities provided in the local centre. It is expected that the level of retail facilities will be small in scale to avoid competition with other local centres already planned for Upton Phase 1, those existing within the St. Crispin's development and the town centre. The parameter plan identifies that the total floorspace of the local centre would be no more than 2,000m². Should members be minded to approve the scheme, officers recommend that conditions are attached to limit the size of any retail unit to no more than 500m² (gross floorspace) to ensure that they are of a scale to meet local provision, without affecting the balance in the provision of local facilities elsewhere within the south-west district or town centre.
- 7.16 As described above, it is considered that the location of the primary school strikes an appropriate balance between the walking catchment of residents and the need to avoid overlap with the existing school in Upton. The phasing of delivery of the primary school will be detailed in the S106 agreement to ensure provision when required.
- 7.17 Parameter Plan E sets the maximum building heights for the development. The maximum permitted height of 4 storeys (16m) is limited to the areas adjacent to the main spine road in the western half of the scheme, and the area at the junction between Weedon Road and Upton Valley Way North. These areas within the heart of the development and adjacent to key arterial routes are suitable for larger buildings in terms of design/ place making. Building heights are lower on the fringe of the development, adjacent to the country park and adjacent to the boundary with Upton Hall and its associated grounds. In design terms, this is considered to be acceptable and would reduce the impact on heritage assets and allow the relatively dense urban form of the existing Upton development to scale down as it meets the countryside at the rural fringe. These concepts are supported by the indicative material put forward within the Design and Access

Statement, which includes sections showing the proposed relationship between the new development and Upton Hall and an indicative site wide massing concept, identifying the potential mix and height of dwellings throughout the site. Full details of these matters would be secured through the design codes/ reserved matters but the parameters plan gives sufficient confidence that the appropriate scale of development is proposed in the right locations.

7.18 Officers are mindful of some of the existing concerns regarding car parking and crime prevention within the Upton scheme, many of which stem from the use of rear parking courtyards within the scheme. The design and access statement submitted with the application identifies the intention to move away from parking courtyards, in favour of a combination of on-plot and on-street parking. The exact ratio of off-street car parking would be determined at the reserved matters stage. The D&A Statement tests three scenarios – lower, medium and upper densities. The upper density scheme would provide for the maximum of 1,000 dwellings on the site. Under this scenario, there would be a greater proportion of on-street parking, as opposed to private off-street parking within driveways, which is more feasible within the medium and lower density schemes. The site is capable of accommodating the upper density scheme but the likelihood is that a range of densities will be incorporated throughout the scheme, with higher densities along the main spine road, reducing in scale towards the edge of the site. This would necessitate a range of parking options throughout the scheme. The Highway Authority is satisfied with the information submitted but have made clear their view that courtyard parking should be avoided, on-plot parking is preferred and, where on-street parking is preferred, streets should be designed with sufficient width to prevent parked vehicles blocking the highway. All of these issues will require careful consideration at the detailed design stage and as part of the design code.

7.19 In view of the above, officers are satisfied that the layout, scale and form of development are acceptable, as represented in the parameters plans and design and access statement. The development forms a logical extension to Upton and the outline application, as submitted, provides an appropriate framework for this next phase.

Access Arrangements and Wider Transportation Issues

7.20 As noted at paragraph 3.3, the proposed point of access onto West Street has been the single biggest area of concern in terms of the weight of comments from existing residents. The linear nature of the site and constraints of surrounding uses effectively dictates that the

development will be served by two main points of access, one in the west (Upton Valley Way) and one in the east, from the initial Upton development. The Upton Design Code considered that the access to Upton Park would be from West Street as this is the only logical place for the connection to be made.

- 7.21 In highway terms, the link is needed as it would be both undesirable, from a safety perspective, and unsustainable for 1,000 dwellings to be served from a single point of access to the west of the site. In planning and design terms, access from West Street is needed to enable the integration of the existing and new communities and for ease of movement and access to local shops, schools and services envisaged in the original Upton Design Code.
- 7.22 Whilst the principle of using West Street is accepted it is acknowledged that improvements are necessary to prevent a bottleneck at this point. Due to the width of West Street, it is difficult for two vehicles to pass side by side if a car is parked on the carriageway, within the highway. This would have the potential to cause delays and frustration at peak times once the increased traffic flow from Upton Park is added to the network. Due to the initial design of the parking bays, problems have been experienced within Upton. Originally, the parking bays were of a depth and design that made parallel parking difficult and this resulted in vehicles parking informally in chevrons. The result was that the rear section of vehicles projected out into the highway, causing problems for traffic movement. Consequently, remedial work was carried out to reduce the width of the bays, preventing chevron parking and ensuring that cars park parallel to the highway. This has had the knock on effect of reducing the number of available spaces, increasing the likelihood of vehicles parking on the carriageway instead of within a dedicated bay. It is essential to avoid this situation when Upton Park links to West Street in order to facilitate the flow of traffic.
- 7.23 Consequently, a plan showing proposals for an additional 12 parking bays along West Street, to its junction with High Street, was submitted in January 2013. These bays would be created by removing sections of pavement which project out into the highway. The purpose of these bays is twofold. Firstly, they would increase the amount of available parking within dedicated bays, adjacent to the highway at the front of dwellings. This would be of benefit to residents and visitors to dwellings on West Street. Secondly, by increasing the length of the parking bays, the scheme would provide a near continuous stretch of parking bays along the southern half of the street where kerbside parking would be avoided i.e. in the absence of pavement, cars would be forced to park within the dedicated bay.

- 7.24 It is considered that the scheme would provide a satisfactory solution and ensure that West Street is able to accommodate the flows of traffic from the Upton Park scheme. The Highway Authority are satisfied that the point of access is suitable to accommodate the development subject to the improvements being carried out. Therefore, whilst officers are mindful of the concerns expressed by residents and are aware of issues associated with the design of Upton Phase 1 it is considered that the remedial measures put forward are sufficient to enable West Street to function properly as the main point of access from the east, as envisaged in the original design code/ master-plan for the development as a whole. In short, advice from the Highway Authority is that the West Street access is suitable in terms of its width and alignment, and from a highway safety perspective. The improvements referred to above are required to ensure the free flow of traffic through the development.
- 7.25 Members should also note that the Transport Assessment has highlighted the need for a number of off-site junctions to be improved in order to facilitate the new development, including the junction of West Street with the A45 Nene Way. These works would be secured by the conditions set out at the end of this report.
- 7.26 In terms of the strategic road network (SRN), the Highways Agency has placed a holding direction on the application, preventing approval until such time as they are satisfied that any impact on the SRN can be adequately mitigated. In order to facilitate proportionate mitigation from each large scale development in Northampton the HA, in partnership with the Highway Authority and local planning authorities in West Northamptonshire, have developed the A45/M1 Northampton Growth Management Strategy (NGMS). This identifies a series of improvements to junctions along the A45 and also its intersection with the M1 at junction 15. These improvements are necessary to mitigate the impact on planned growth in and around Northampton and large scale developments, such as Upton Park, are expected to contribute on a proportionate basis. An appropriate contribution to this scheme has been agreed with the HA and will be secured via the S106 agreement. Until such time as the S106 is completed, the HA's holding direction will remain in place. It is expected that this matter can be suitably resolved and members will note the recommendation to approve, with delegated powers granted to the Head of Planning to issue the outline approval, subject to removal of the holding direction.
- 7.27 Furthermore, a series of sustainable transport measures are proposed by the development, set out within the framework Travel Plan submitted with the application. The Travel Plan identifies a number of

initiatives to encourage walking, cycling and public transport. This applies to residential properties as well as the proposed commercial uses and primary school. The measures within the travel plan will be secured via condition/ S106 agreement. A key element in achieving a reduction in car usage will be the provision of good quality public transport. The Highway Authority has noted that this will be best served through synergy with other development schemes across the south-west district. It is difficult to predict the rate at which this and other developments, such as Upton Lodge, will come forward and therefore, it is not possible to identify the most efficient method of providing the bus service at this stage. The Highway Authority has therefore requested that a service level agreement is secured by S106 agreement which will place an obligation on the developer to procure a bus service to serve the development at an agreed frequency. This would require a 30 minute daytime service (Monday-Saturday) for the first phases of development, increasing to a 20 minute service on completion of 800 dwellings. The obligation will require the service to be provided for 8 years following the completion of the development. Appropriate bus stops/ shelters would also need to be provided along the main street within the development and on Weedon Road, close to its junction with Upton Valley Way North (to serve residents living at the western end of the site).

- 7.28 With regard to walking and cycling, the proposed movement network provides good connections to surrounding facilities, including the proposed country park, school and local centre. A public right of way passes through the site and the Nene Way long distance route runs along the line of this footpath. The application indicates that the applicant proposes to divert the route of the Nene Way, and that of public footpath LB5. This would still run through the eastern section of development along its existing alignment before turning south alongside an area of woodland before skirting the southern end of the application boundary within the proposed country park. The proposed diversion would add a minimal extra distance to the path but would provide a more attractive green route, separated from traffic along the diverted section. In planning terms, the diversion would enable a more efficient use of the site because the existing route passes directly through the site of the proposed primary school. Clearly, it is preferable to avoid the conflict of public access through a site used for primary education for reasons of safety/ security. The location of the school on the masterplan is the most logical place to accommodate the use. The school is positioned at the western end of the site to avoid overlap with the catchment of the existing primary school in Upton and

yet is positioned to ensure good accessibility to all households in the Upton Park development.

- 7.29 In addition, the diversion of the route would enable a more attractive alignment alongside the protected woodland and through the country park. The south-west district plan envisaged that the mitigation for residential development (in terms of open space/ recreation areas) would be provided, in the main, within the country park. This is the approach taken within the current proposal. As a consequence, it is not considered to be feasible or appropriate to incorporate large areas of greenspace along the route of the right of way, as it passes through the development. Inevitably, this would alter the character of the right of way due to the urbanising effect of development. The diversion proposed would not add any significant length to the route but would provide an attractive green route through the site.
- 7.30 If required, the diversion of the footpath will be subject to a separate application under section 247 of the Town and Country Planning Act, however it is a material consideration for the determination of this and any future reserved matters application(s).

Amenity/ Living Conditions

- 7.31 The EIA highlights potentially significant impacts in terms of noise for proposed residents in dwellings facing onto Weedon Road and Upton Valley Way North, largely due to traffic noise associated with the existing highway network, including an assessment of future traffic growth on those roads. In addition, the noise assessment predicts that future noise levels on West Street and High Street will increase as a result of increased traffic using those routes from the new development.
- 7.32 The Environmental Statement concludes that the levels of noise within the residential properties (existing and proposed) in the areas in question would be unacceptable without appropriate mitigation. For the new residential dwellings at the junction with Weedon Road and Upton Valley Way North, the mitigation would come through a combination of site layout and acoustic glazing/ ventilation. In terms of layout, it is recommended that the non-habitable aspects of the dwellings face onto the principal highways, with key habitable rooms and amenity areas facing inwards into the site. This would reduce the impact on main living areas and also allow the buildings themselves to form an acoustic barrier, reducing noise levels within the site. The noise assessment recommends that gaps between buildings are minimised to increase the effectiveness of this screening. In addition,

acoustic glazing is recommended to reduce internal noise levels, with acoustic ventilation, to ensure that rooms are adequately ventilated without the need to open windows onto noise facing facades. In view of the issues raised within the ES and comments from NBC's Environmental Health officer, it is recommended that a condition is attached to secure an appropriate scheme of mitigation, based on further noise assessments/ surveys. This scheme should be submitted concurrently with any reserved matters application for the phase of development in which the noise sensitive dwellings are situated. This will ensure that the impacts of noise can be properly considered when assessing the final design and layout of the site.

- 7.33 In terms of West Street, the noise assessment submitted identifies an expected increase of 7.6dB(A) in the short term which is considered as a major increase (within the definitions set out within the ES). A moderate increase is predicted at High Street. According to the applicant's own assessment, this increase would be perceptible by residents and mitigation is required to bring the impact within acceptable levels. Suggested mitigation measures within the ES are: the use of environmental barriers (such as fences), use of low noise surfaces, restrictions in traffic speed and traffic volume restrictors. The report accepts that barriers, such as walls, bunding or fencing, cannot be utilised due to the limited space available within the highway. The most practical solutions in terms of reducing traffic noise along West Street would be the use of low noise surfacing along the highway and measures to reduce traffic speeds. It is considered that the mitigation required can be secured by condition, given that the measures are contained within the public highway. A condition to secure an appropriate scheme of mitigation is recommended.

Ecological Assets

- 7.34 The Environmental Impact Assessment undertook a full ecological assessment including a full habitat survey for the site and detailed surveys for bats, reptiles, badgers, great crested newts and water voles. The assessment also examined the impact of development on 14 Local Wildlife Sites which are situated within 2km of the application site. The surveys identified the importance of the site for bats, with seven species recorded, with small populations of reptiles and amphibians, plus a main badger sett and a number of outlying setts. The two areas of woodland within the site (including the Bottom Spinney Wildlife Site) are also important habitats.
- 7.35 Without mitigation, the Environmental Statement identifies that the development would have significant impacts on the following habitats:

- Bottom Spinney LWS, Upton Pasture LWS, Upton Mill Dyke LWS and a number of potential wildlife sites
- On site habitats, including linear woodlands
- On site grassland habitat
- Bats
- Badgers and reptiles
- Birds, brown hares and amphibians.

7.36 A number of mitigation measures are proposed within the ES to off-set the impact of development on the majority of these habitats/ species. These measures are a combination of protecting and enhancing existing habitats, creation of new habitats, translocation of species, creation of buffer zones between residential areas and sensitive habitats, creation of foraging areas for bats, installation of bat boxes, the use of sensitive lighting in areas used by bats, creation of badger tunnels in the development and management of the above. Subject to the full range of on-site mitigation measures outlined within the ES, the residual impact on ecology is not expected to be significant. The residual impacts identified are the loss of arable land and semi-improved grassland which have importance for birds of arable/ farmland and the brown hare. Off-site compensation in relation to these species is recommended, primarily the enhancement of habitat elsewhere. In this case, a detailed planning application has previously been approved for Upton Country Park Phase 2 and the works associated with that application include the enhancement of the existing farmland habitat. As set out within the commentary on S106 issues, the application is expected to make a financial contribution towards the delivery of this country park.

7.37 Comments have been received from Natural England and the Northants Bat Group. Neither organisation object to the proposals but both consider that the mitigation measures outlined are essential to ensure that the impact of the scheme is properly managed.

Flood Risk

7.38 The applicants – The Homes and Communities Agency – funded the Upton Flood Attenuation Area (UFAA) which was completed in 2008 along with the Cross Valley Link Road. This up-front infrastructure was provided to increase flood storage upstream to protect the town from future flooding events and also to enable future development proposals

to come forward, including Upton Park. The housing areas within the application are located outside the defined floodplain and the Environment Agency and Anglian Water are satisfied with the Flood Risk Assessment (FRA) submitted with the application. An updated FRA was submitted in January 2014, taking into consideration any future surface water routing through the Upton Park development by any prospective development at Upton Lodge, located to the north of Weedon Road. Subject to conditions, as recommended by those organisations, officers are satisfied that the impact on flood risk is acceptable.

Impact on Heritage Assets

- 7.39 As set out at paragraph 3.4, the site shares a boundary with Upton Hall (now the home of Quinton House Schools). As set out above, the site sits adjacent to the grounds of Upton Hall. Upton Hall itself is a Grade I listed building and the grounds contain a number of individually listed buildings, including the Church of St. Michael (also Grade I), Park House (Grade II) as well as a number of listed garden buildings. Furthermore, the grounds contain a scheduled ancient monument on the site of the Upton deserted mediaeval village. The ironstone boundary wall surrounding the grounds of the Hall is proposed to be retained and would form the boundary of the new development on that aspect.
- 7.40 Clearly, the development has the potential to impact upon the setting of these assets. An impact assessment has been carried out by the applicants within the EIA and NBC officers requested further information and clarification in this regard in 2012. Further information was subsequently submitted in January 2013, including revisions to the proposed height of buildings adjacent to the grounds of Upton Hall and further illustrative material demonstrating the proposed relationship between the new development and the existing walled garden.
- 7.41 Evidently, any assessment of impact needs to be examined in the context of the sites' allocation within the Northampton Local Plan and the submitted West Northamptonshire Joint Core Strategy. In other words, in making those allocations, the relevant planning policy teams have considered that it is possible to provide suitable residential development at the site that will not harm the value of the designated assets. The applicant's own assessment concludes that Upton Hall is well defined within its own boundary and the clear definition provided by the boundary wall effectively defines the setting of the building. Thus, in their view, development outside the boundary is unlikely to have a significant impact on the setting of this asset. In broad terms,

the same conclusion is made in relation to Park House and other nearby assets. In other words, the significance of the surrounding designated assets is not impacted by the proposed scheme.

- 7.42 It is considered that a new housing development will, in fact, alter the setting of the surrounding listed buildings, particularly Upton Hall and Park House. However, there would be no direct harm to the assets themselves and the impact can be mitigated through sensitive design. Parameters plans have been amended to reduce the height of dwellings adjacent to listed assets and the D&A Statement provides indicative sections showing the relationship between the development and the historic wall. Officers are satisfied that the impact can be mitigated through the use of sensitive design, layout and materials at the reserved matters stage. In the main, this will involve a reduction in building heights in areas adjacent to the listed buildings and provision of an appropriate buffer to avoid new development directly abutting the boundary of Upton Hall. In effect, the heritage assets will remain in-situ and any impact on their setting can be mitigated through careful design.
- 7.43 Archaeological surveys undertaken also reveal that there are areas of interest within the boundaries of the site. NCC's archaeological advisor notes that these are not of such importance to preclude the area being developed but are worthy of further investigation and recording. A condition to secure this is recommended.

Planning Obligations

- 7.44 Paragraph 203 of the NPPF states; "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." The heads of terms as listed below forms the basis for formulation of planning obligations in order to mitigate the unacceptable impact of the development. It is considered that the impact of the development in terms of affordable housing, educational requirements, public transport provision and healthcare are all capable of being sufficiently mitigated.
- 7.45 However, following extensive viability work between the applicant and the Local Planning Authority it has been demonstrated that a scheme which fully complies with all policy requirements would be unviable. Paragraph 205 of the NPPF requires Local Planning Authorities to, "take into consideration local market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned

development being stalled.” Therefore, in corporation with the applicant, various levels of affordable housing and financial contributions have been tested in order to establish a viable base level scenario (as detailed in below), whilst providing a competitive return for the land owner. Members should also note that the proportional historical infrastructure costs of providing the Cross Valley Link Road, Sandy Lane Relief Road and Duston Mill Reservoir, which have enabled this development to come forward, have also been taken into consideration. At this level the development will be able to emerge whilst providing an acceptable level of infrastructure and mitigation to serve the development.

- 10% affordable housing 70/30 split between affordable rent/ shared ownership.
- Contribution to Northampton Growth Management Strategy (NGMS) (M1/A45 junction improvements).
- Weedon Road improvements.
- Provision of public transport service.
- Provision of public transport infrastructure.
- Travel plan.
- Primary school provision.
- Secondary education provision.
- LEAP provision and future maintenance arrangements.
- Maintenance of areas of open space within the development including SUDS.
- Development and maintenance of Upton Country Park.
- Contribution towards social facilities.
- Healthcare provision.
- Walking and cycling infrastructure.
- Design contribution.
- Construction training.

- Monitoring contribution.

It is disappointing to both officers and the applicant that the site is only able to achieve this level of affordable housing provision. However, further viability work is ongoing in an attempt to improve the benchmark level of viability prior to the S106 agreement being signed. For the purposes of this report, members are requested to make their decision based only upon the benchmark level of affordable housing provision as contained in this report, with the proviso that should the base level be able to be improved prior to the agreement being signed, then the benchmark is increased to the improved level. The S106 agreement will make provision for scheme to be revalued at each phase of the development during the construction phase. Should this re-valuation demonstrate that the viability of the site has improved, the amount of affordable housing will be increased in line with that improvement. For certainty, the base level will remain as a minimum for the whole scheme so that planning obligations once revisited will not fall below this agreed baseline.

8. CONCLUSION

- 8.1 In summary, the Upton Park site is allocated for residential development in the Northampton Local Plan and the examination submission West Northamptonshire Joint Core Strategy. The development of the site for up to 1,000 dwellings therefore forms a key component of the Borough Council's 5 year housing land requirement. The application, which was originally submitted to WNDC in 2011, has been through a number of consultation exercises, resulting in revisions to the scheme. It is considered that there are no overriding planning issues that prevent the development of the site in the scale and form submitted. Officers are therefore satisfied that the outline approval is acceptable in line with the recommendation set out at the head of this report.
- 8.2 Notwithstanding this recommendation, a number of issues have been highlighted through the consultation exercise and the evaluation of the application by officers, including the Environmental Impact Assessment. In that regard, a number of mitigation measures are required, as set out in the conditions below and through the package of measures to be secured through the S106 agreement, as discussed in paragraph 7.44 above. Without these measures, the impact of the scheme will not be adequately mitigated. Careful attention to those conditions, and the eventual design details, will be needed at the reserved matters stage to ensure that the scheme is developed in a

manner that takes account of the surrounding context and minimises its environmental impact.

9. CONDITIONS

- 1) Approval of the details of the appearance, layout and scale of the building(s), the means of access other than that approved and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced.

Reason: This permission is in outline only granted under Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2) Application for approval of the first reserved matter must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of the grant of outline planning permission and all remaining reserved matters applications for this development shall be made within ten years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3) The development to which the permission relates must be begun not later than the expiration of two years from the approval of the first reserved matters and development shall commence under any subsequent reserved matters approval within two years from the date of the approval of the relevant reserved matters.

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 1,000 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) The development and all reserved matters applications submitted pursuant to this permission shall not materially depart from the following plans and parameters:

- Application Boundary Plan received 8th January 2013.

- Parameter Plan A - Development Zones and Building Zones, dated December 2011, received 5th December 2011
- Parameter Plan B – Access and Movement, dated January 2013, received 8th January 2013
- Parameter Plan C – Public Realm and Open Spaces, dated January 2013, received 8th January 2013
- Parameter Plan D – Land Use, dated January 2013, received 8th January 2013
- Parameter Plan E – Building Heights, dated January 2013, received 8th January 2013
- West Street Access – drawing number GA-009, revision B, received 8th January 2013
- Upton Valley Way North Junction – drawing number GA-001, revision B, dated April 2011, received 8th January 2013.
- Up to 2.09 hectares for the provision of a primary school
- A minimum of 12.2ha of public open space including playing pitches, formal and informal play areas, parkland, allotments and public footpaths/cycleways.
- A local centre of up to 2,000sqm comprising uses within Use Classes A1, A2, A3, B1 and D1.

Reason: To ensure that the development complies with the principles set out within the Design and Access Statement and to ensure that the Environmental Impacts are within the scope of development as assessed by the Environmental Impact Assessment.

6) Prior to the submission of any reserved matters application, a Masterplan and Design Code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be formulated having regard to the approved Design and Access Statement, Parameters Plan and respond to the recommendation of Building for Life 12 and shall include the following details:

- A phasing plan for the development, including an affordable housing phasing plan.
- The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway

connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking.

- The proposed layout, use and function of all open space within the development.
- The approach to and design principles applied to car parking (on street and off-street).
- Phase layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.
- The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.
- Servicing, including utilities, design for the storage and collection of waste and recyclable materials.
- External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.
- The design principles that will be applied to the development to encourage security and community safety.
- The treatment of the Nene Valley Way and Footpath LB5 throughout the site, including any diversion to the existing route.

Thereafter, any reserved matters application for any phase of development shall comply with the principles established within the approved Design Code.

Reason: To provide a site layout in general conformity with the Masterplan and Design Code that demonstrates quality in form and design, maximises 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) Prior to the submission of any reserved matters application, 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, primary school, allotments and housing) shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 8) Contemporaneously with the submission of reserved matters applications for 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 NPPF.

- 9) No development shall take place in each phase of development until details of the materials to be used in the construction of the external surfaces of the buildings to be constructed within that phase have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area in accordance with Policy E20 of the Northampton Local Plan.

- 10) Concurrently with the submission of reserved matters applications for each phase of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients within that phase 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 the NPPF.

- 11) Development shall not commence on any phase of development until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include the following:-

- a) the management of traffic during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle

parking and turning areas, a scheme for prevention of surface water discharges onto the highway;

b) location of access points for site traffic for that phase of development

c) detailed measures for the control of dust during the construction phase of development

d) the location and size of compounds;

e) the location and form of temporary buildings, adverts and hoardings;

f) details for the safe storage of any fuels, oils and lubricants (as required by the Environmental Statement at paragraph 5.6.1)

g) construction of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, and remediation of any soil compaction;

h) a scheme for the handling and storage of topsoil;

i) details of the methods of protection of trees, hedgerows and water features in accordance with Condition 29;

j) a scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas

k) details of any temporary lighting

Reason: To ensure that appropriate consideration is given to environmental assets and safeguard the amenities of the locality in accordance with the NPPF.

12) No construction work (including use of machinery and/or plant maintenance) shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturday or at any time on Sundays, Bank Holidays or other statutory holidays.

Reason: In the interests of the amenity of adjacent properties in accordance with the NPPF.

13) The minimum width of the carriageway on primary access route through the development shall be 6.5m.

Reason: In the interests of amenity, highway safety and the free flow of traffic in accordance with the NPPF.

14) No site access shall be taken from West Street until the scheme to increase the capacity of car parking bays within West Street and High Street is completed, in accordance with details shown on plan number SK008, revision A, received on 8th January 2013 and GA-009, revision B, received 8th January 2013. Prior to the commencement of the West Street and High Street scheme, full details and plans indicating the method of construction, finished materials and a scheme to replace any street trees lost during the works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, highway safety and the free flow of traffic in accordance with the NPPF.

15) No site access shall be taken from West Street until a scheme to mitigate the impact of the development on the residential environment at West Street and High Street within Upton, including measures to reduce road traffic noise and removal of existing rumble strips, has been submitted, in accordance with the requirements of paragraph 12.9.4 of the Addendum to Environmental Statement dated December 2012, received 8 January 2013.

Reason: In the interests of safeguarding the amenity of local residents in accordance with the NPPF.

16) The development shall at all times be carried out in accordance with the measures outlined within the Framework Travel Plan dated December 2012, received 8th January 2013.

Reason: To reduce the reliance on the private car for journeys and encourage modal shift toward sustainable transport in accordance with the NPPF.

17) Prior to the occupation of any dwelling, a scheme for provision of bus stops, lay-bys and temporary bus turning facilities on the Primary Street and Weedon Road, to enable a bus service to be delivered within 400m of occupied dwellings including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that residents within the development have access to bus services, in the interests of sustainable transport in accordance with the NPPF.

18) No dwelling in each phase shall be occupied until, junction improvements and/or changes required to the signal controlled timings, to be carried out

at the following junctions and road safety audits on the proposed improvements, have been completed in accordance with full plans and specifications that shall first be submitted to and approved in writing by the Local Planning Authority:

- Junction improvements to A4500 Weedon Road/ Upton Valley Way signal controlled junction as shown indicatively on plan number GA001 Rev B;
- Junction improvements to A4500 Weedon Road/ Tollgate Way/ A45 Upton Valley Way roundabout as shown indicatively on plan number 1010/SK-05;
- Alterations to signal controlled timings at Upton Way/ High Street roundabout as shown indicatively on drawing number 1010/SK-004 rev. A;
- Alterations to signal controlled timings at A45 Upton Way/ A45 Danes Camp Way/ A43 Oxford Road/ Upton Valley Way east;
- Junction improvements to A45 Danes Camp Way/ A5123 Towcester Road/ A45 Mereway/ Towcester Road retail access as shown on drawing number 1010/SK-006 rev. A;
- Alterations to signal controlled timings at A428 St James Road/ St James Mill Road East/ Byfield Road junction.

Reason: In the interests of amenity, highway safety and the free flow of traffic in accordance with the NPPF.

19) No dwelling shall be occupied until additional road signage has been provided at A428 St James Road/ St James Mill Road East/ Byfield Road junction, in accordance with full plans and specifications that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, highway safety and the free flow of traffic in accordance with the NPPF.

20) 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 in accordance with the NPPF.

- 21) Concurrently with the submission of reserved matters applications for each phase of development, a plan shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating any proposed alterations to the route of the Public Right of Way LB5 and the Nene Way long distance footpath as they pass through the site. Thereafter, the development shall proceed in accordance with the approved plan.

Reason: To ensure that the public right of way/ long distance route is considered as an integral part of the design process to secure a satisfactory environment for users of those using the routes in accordance with the NPPF.

- 22) Before any phase of the development hereby permitted is commenced, detailed layout plans and sections for that phase shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented as approved. Such plans and sections shall show full street engineering details, street gradients, proposed method of street construction and how it is intended to deal with the surface water drainage.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with the NPPF.

- 23) The development permitted by this planning permission shall only be carried out in accordance with the Upton Park Flood Risk Assessment (FRA) dated September 2011 and the updated technical note (addendum) dated January 2014 and the following mitigation measures outlined within the FRA: All development will be located in flood zone 1 as on drawing 003 Rev B of the Conceptual Surface Water Management Strategy dated 23rd September 2011; A buffer zone of 5m to be created from the toe of the Upton Flood Attenuation Area Embankments, as shown on drawing 003 Rev B of the Conceptual Surface Water Management Strategy dated 23rd September 2011.

Reason: To prevent environmental and amenity problems arising from flooding and to ensure that access is available to maintain the standard of protection to Northampton given by the UFFA for the lifetime of the development in accordance with the NPPF.

24) Concurrently with the submission of reserved matters applications for each phase, a scheme for the provision, implementation and maintenance of the surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- An assessment of surface water discharge from Upton Lodge.
- Schedule of works (swales need to be in place before commencing building houses in each phase of the development).
- Percolation tests in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Planning Authority.
- Surface water drainage designed to accommodate the 0.5% (1 in 200) plus climate change event and 80% of a 10% (1 in 10) event within 24 hours of top water level being attained in a 0.5% (1 in 200) event.
- An assessment of the residual risk of check dam blockage.
- An assessment of overland flood flows.
- The maintenance and/or adoption proposals for every element of the surface water drainage system proposed on the site shall be considered for the lifetime of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with the NPPF.

25) 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 NPPF.

- 26) 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 satisfactorily deal with the contamination in accordance with the NPPF.

- 27) Concurrently with the Reserved Matters submission for each phase, a scheme to protect the sites where its noise exposure exceeds Noise Exposure Category A shall be submitted to and approved in writing by the Local Planning Authority. 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 the NPPF.

- 28) No development shall commence until a detailed Green Infrastructure Strategy (in accordance with the mitigation requirements outlined in table 7.21 of the Environmental Statement dated December 12) has been submitted to and approved in writing by the Local Planning Authority. The submission shall include the following:

- Details of any existing habitats to be retained and managed, including existing trees, hedgerows, grassland or other habitats, including the enhancement of existing hedgerows.

- Strategy for the creation of new habitats and their on-going maintenance (being those habitats/ mitigation requirements listed in table 7.21 of the Environmental Statement dated December 2012). The provision of new habitats shall also take account of the need to provide foraging habitat for badgers.
- Details for the provision of new amenity areas, including the allotments, public open space, play areas, and multi-use games area.
- Details of how the site will link to Upton Country Park, including the points of access, treatment of any new footpath/ cycleways, and the approach to landscaping within the residential areas adjacent to the existing woodland.
- Detailed proposals for the design and layout of the green streets, highlighting the use of street trees and SUDS infrastructure.
- Details of the proposed green corridor running along the line of the existing public right of way/historic wall. Details shall specify how this green corridor will be set out, how the route of the right of way will be maintained, how users of the right of way will be segregated from vehicular traffic and how the route will be landscaped and maintained.
- Details of a scheme of management (including who is responsible) for all areas of green infrastructure, for a period of 15 years from the point of occupation of each phase of development.

Thereafter, the development shall be carried out in accordance with the details so agreed.

Reason: To ensure that the development provides a satisfactory level of green infrastructure, in the interests of amenity of existing and proposed residents, to protect and enhance wildlife habitats and to ensure that the site integrates with the surrounding area in accordance with the NPPF.

29) No development shall take place until an Arboricultural method statement, in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations', including details and proposed timing of all proposed tree works to any tree or hedge on, or, if consent obtained, adjacent to, the site and replacement tree planting, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details so agreed.

Reason: In order that trees, hedges and wildlife are protected through the development in accordance with the NPPF.

30) No equipment, machinery or materials shall be brought onto the site for the purposes of the development until a details of the proposed type, and a plan of the proposed position of, measures for the protection of trees and hedges that are to be retained on the site, in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations', have been submitted to, and approved in writing by, the Local Planning Authority. The measures identified, including tree protection barriers, shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without prior written consent of the Local Planning Authority.

Reason: In order that trees, hedges and wildlife are protected through the development in accordance with the NPPF.

31) No development shall commence on site until the need and scope for updating any protected species surveys has been submitted to, and approved in writing by, the Local Planning Authority. The works will be carried out in accordance with the agreed scope.

Reason: To ensure the ongoing protection and enhancement of protected species in accordance with the NPPF.

32) Bat and bird boxes shall be provided as an integral part of 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 each reserved matters application. The details shall be implemented concurrently with the development and thereafter retained and maintained.

Reason: To ensure the ongoing protection and enhancement of protected species in accordance with the NPPF.

33) As part of each reserved matters application, 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 Policy E40 of the Northampton Local Plan and the NPPF.

34) Concurrently with the Reserved Matters submission for each phase, a Low Emissions Strategy, for that phase, shall be submitted in writing to the Local Planning Authority. The strategy should include:

- Assessment of low emission vehicle technology and infrastructure (including electronic charging points for vehicles, travel plans, bike schemes, low emission bus services and car clubs) and the integration of this technology into the development.
- Assessment of fleet emission specification. This should include all vehicles forming part of the operation of and accessing the site.
- Assessment of procurement policy, including planned vehicle replacement and suppliers of other goods and services.
- Measures such as eco driving and policies such as vehicle idling.

The Low Emissions strategy shall contain targets for emission reduction and timescales, with pollution savings quantified. The strategy shall be implemented in accordance with the strategy as approved.

Reason: In the interests of improving air quality and reducing greenhouse gasses in accordance with the NPPF.

35) 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 which shall include 1% of the total number of residential units constructed to full wheelchair 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.

36) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no premises shall be used for the purposes of a house of multiple occupation.

Reason: To enable the Local Planning Authority to assess the implications of a house of multiple occupation in this location in accordance with Policy E20 of the Northampton Local Plan.

37) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-

enacting that Order with or without modification), the commercial premises hereby approved shall not be used for any purposes other than those in use classes A1, A2, A3, B1 and D1 of the aforementioned order.

Reason: To enable the Local Planning Authority to assess the implications of alternative uses in this location in accordance with Policy E20 of the Northampton Local Plan.

- 38) Prior to any non-residential uses being brought into use, full details of the operational hours along with details of fume extraction and noise mitigation for the proposed Classes A1, A2, A3, B1 and D1 uses within the local centre shall be submitted to and approved in writing by the Local Planning Authority. 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 securing adequate amenity of local residents in accordance with Policy E20 of the Northampton Local Plan.

- 39) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), at no time shall the total gross retail floor area of the development hereby approved exceed 2,000 square metres, any individual unit exceed 500 square metres gross floor area, any individual office unit exceed 250 square metres gross floor area and any comparison goods retailing exceed a total of 300 square metres gross floor area.

Reason: To ensure that they are of a scale to meet local provision, without affecting the balance in the provision of local facilities elsewhere within the south-west district or town centre in accordance with the NPPF.

Informative

- 1) Diversion of a public footpath will be subject to a separate application under section 247 of the Town and Country Planning Act 1990.

10. BACKGROUND PAPERS

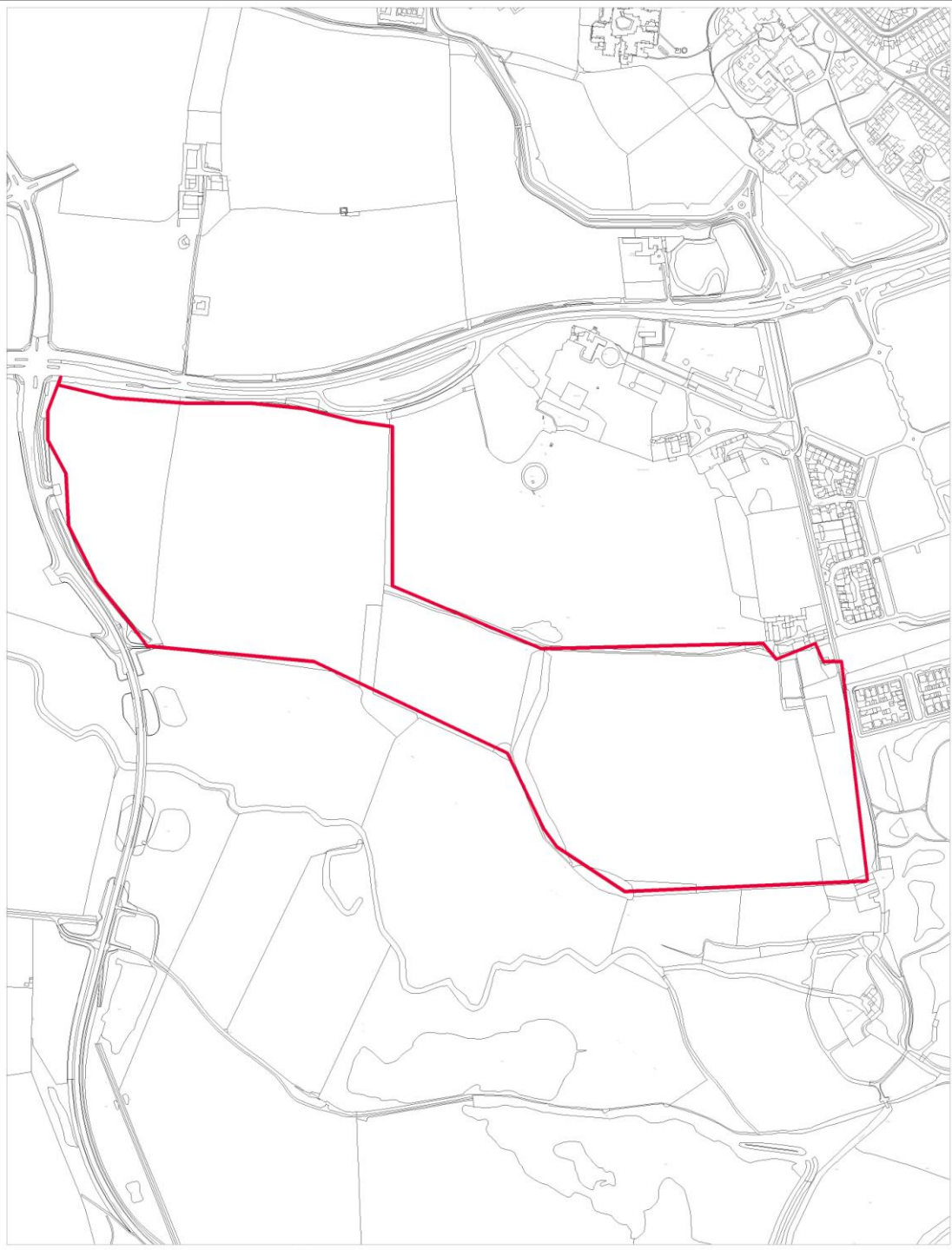
- 10.1 The Upton Design Code is available on the Council's web-site.

11. LEGAL IMPLICATIONS

- 11.1 As set out in the report.

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: 21st February 2014
Scale: NTS
Dept: Planning
Project: Committee

Title

Upton Park, Weedon Road

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