



PLANNING COMMITTEE: 6th May 2014
DIRECTORATE: Regeneration, Enterprise & Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1325: Residential development comprising 69 dwellings with associated access (via Harcourt Way), public open space and local equipped area of play and balancing pond (as amended by revised plans received on 24/02/2014 and 09/04/2014)

WARD: Delepre & Briar Hill

APPLICANT: Bloor Homes & Homes and Communities Agency

REFERRED BY: Head of Planning
REASON: Major Application requiring a S106 legal agreement

DEPARTURE: YES

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to conditions and the matters in paragraphs 1.2, 1.3, 1.4 and 1.5 for the following reason:

The proposed development would reflect the character of its surroundings, secure a satisfactory residential environment, acceptably mitigate against flood risk and contribute towards the established housing need in Northampton. The existing amenity function of the site would be safeguarded via the provision of substantial public open space. The development is therefore in accordance with the National Planning Policy Framework, Policies E1, E6, E14, E19, E20, H7 and H17 of the Northampton Local Plan and Policies SA, S1, H1, H2, BN1, BN2 and BN3 of the Submitted West Northamptonshire Joint Core Strategy.

1.2 The withdrawal of the Environment Agency's objection to the application.

1.3 The receipt of comments from the Local Highway Authority on the revised Transport Statement.

- 1.4 The prior completion of a Section 106 Legal Agreement to secure:
- i) 35% of the development to be used for affordable housing, or, in the absence of on-site provision, a commuted sum for off-site provision;
 - ii) The final Public Open Space and LEAP specification, the transfer to the Council of the freehold interest in this open space and the payment of a commuted sum for its maintenance;
 - iii) A financial payment to fund the provision of new bus shelters and a commuted sum for their ongoing maintenance within the vicinity of the site;
 - iv) A financial payment to fund the provision of primary and secondary school education facilities within the vicinity of the site;
 - v) A financial payment towards footpath and towpath improvements in the vicinity of the site;
 - vi) A financial payment towards primary care services provision;
 - vii) Construction training opportunities; and
 - viii) The Council's monitoring fee.
- 1.5 Delegated authority being given to the Head of Planning to negotiate the detail of the Section 106 Legal Agreement and to amend the list of planning conditions where appropriate.
- 1.6 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at her discretion) for the reason that the necessary mitigation measures have not been secured to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The proposals are for the erection of 69 dwellings on the application site. Access would be provided from the northern side of the site via Harcourt Way, which links to Hunsbury Hill Avenue. A secondary vehicular link would be provided from Limlow Close to solely be for use by emergency vehicles. To the south western corner of the site a new footpath link is proposed to connect the site into the existing footpath network.
- 2.2 The proposed built development would be concentrated to the western side of the application site with the entirety of the proposed 69no. dwellings being located to this portion of the site. The eastern portion of the site, comprising a steeply sloping hill side, would provide Public Open Space (POS), to include new and upgraded footpath links, additional landscaping and a Local Equipped Area of Play (LEAP).

- 2.3 The development includes the imposition of a 3m high acoustic barrier to the southern boundary of the application site; this is required to safeguard the amenities of the future residential occupiers of the site. The development includes the provision of sustainable urban drainage systems (SUDS). As part of this, a balancing pond is proposed to the south west corner of the site.
- 2.4 Further, 24 of the units are proposed to be affordable housing. These would be provided in two separate clusters to the east and west of the site and would be a mixture of flats, terraced and semi-detached properties.

3. SITE DESCRIPTION

- 3.1 The site abuts the northern side of Danes Camp Way, which makes up part of the southern ring road of the town. The site is located to the eastern side of Upton Country Park and is bound by a dismantled railway line upon an embankment to the site's western side. The Grand Union Canal and its towpath run parallel to the western side of this embankment.
- 3.2 The site is bounded by an existing residential estate to its northern side. The residential roads of Harcourt Way, Highdown Close and Limlow Close terminate at the northern edge of the application site. These routes, in turn, lead to Hunsbury Hill Avenue, which provides direct access on to Danes Camp Way via a roundabout access positioned to the east of the site.
- 3.3 The site comprises two distinctly separate sectors – west and east. The western sector of the site is of relatively level topography, whilst the eastern sector slopes sharply up to the rear of the grounds of Phoenix IT (an office building and associated car parking). In terms of existing landscaping, there is a mature tree belt located to the southern boundary of the site (providing a soft buffer to Danes Camp Way) whilst a mounded copse of trees and vegetation is located to the narrow central section of the site (i.e. bisecting the western and eastern sectors of the site). The eastern sector contains areas of tree planting, including an area of mixed woodland planting to its northern side.

4. PLANNING HISTORY

- 4.1 *N/1996/0050* Proposed residential development – outline application at Hunsbury Hill Avenue (Refused for the following reasons: the development would result in the loss of open space, no details provided of the disposal of surface water, no details provided of how satisfactory vehicle access is to be provided to the site)

5. PLANNING POLICY

Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Northampton Local Plan 1997 saved policies and, whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

National Policies

- 5.2 The National Planning Policy Framework (NPPF) states that planning should proactively support sustainable development to deliver new homes, whilst seeking good quality design, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduces the potential for conflicts between pedestrians and traffic. Paragraph 49 states that policies for the supply of housing should not be considered up-to-date if a five-year supply of deliverable housing sites cannot be demonstrated by the local planning authority. Paragraph 50 of the NPPF requires that new developments should provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56) and contribute to and enhance the natural and local environment (paragraph 109).

Northampton Local Plan 1997 (Saved Policies)

- 5.3 Policy E1 – Landscape and Open Space requires new development to respect the character and structure of the landscape.

Policy E6 – Greenspace requires that planning permission only be granted for new development when the function of designated greenspace is not unacceptably prejudiced.

Policy E14 – Corridors of Travel requires development adjoining principal corridors of travel to be of an appropriate standard of design

Policy E19 – Implementing Development requires any adverse effect of development to be allowed for or appropriately mitigated against.

Policy E20 – New Development requires the design of any new built development to adequately reflect the character of its surroundings and to ensure adequate standards of privacy, daylight and sunlight.

Policy H7 – Housing Development requires residential development outside of primarily residential areas to secure a satisfactory residential environment to be of an appropriate scale and density.

Policy H17 – Housing for People with Disabilities requires the provision of 10% of dwellings, when over ten dwellings are expected, to be constructed to the Council's mobility standards.

Supplementary Planning Documents

- 5.4 Planning Obligations Strategy SPD (February 2013)

Affordable Housing Interim Statement (February 2013)

Other Material Considerations

- 5.5 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).
- 5.6 Weight can be given to the West Northamptonshire Joint Core Strategy (JCS), this would be significant where a policy has received few representations and unresolved objections are not considered likely to have a significant bearing on the strategy of the Plan. The JCS provides an up to date evidence base and considers the current Government requirements for plan making, being prepared in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited.
- 5.7 Policy SA – Presumption in favour of Sustainable Development requires local planning authorities to take a positive approach to determining development proposals.

Policy S1 – The Distribution of Development requires that development be concentrated primarily in and adjoining the principal urban areas of Northampton.

Policy H1 – Housing Density and Mix and Type of Dwellings requires housing developments to make the most effective use of land having regard to such considerations as the existing character and density of the local area, the accessibility to services and facilities, proximity to public transport routes and the impact on the amenities of occupiers of neighbouring properties.

Policy H2 – Affordable Housing requires 35% of the total number of dwellings provided to be affordable.

Policy BN1 – Green Infrastructure requires that measures to enhance existing and provide new green infrastructure provision be designed and delivered sustainably.

Policy BN2 – Biodiversity requires that the ecological assessment of sites be carried out where development has the potential to harm sites of ecological importance and states that development will be supported when a net gain in biodiversity is achieved.

Policy BN3 – Woodland Enhancement and Creation states that measures to enhance and manage existing woodlands shall be supported.

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 Consultation of local neighbours (224) and consultees has been undertaken and a number of responses have been received. The consultation has included two re-consultation exercises following the receipt of additional and revised information from the applicant during the progression of the planning application. The latest re-consultation period is due to expire on 1st May 2014 (following the publication of this Committee Report). Any further responses received shall be reported to Members through the Addendum. Representations received to-date are summarised as follows:
- 6.2 **NBC Environmental Health:** A site contamination investigation for the land has been submitted, which shows that the site is suitable for residential use and that no remedial measures on site are required. No conditions are required for

contamination. The Air Quality Report is satisfactory and the conclusions and actions required on Air Quality should be conditioned on any approval. The Noise Assessment report is also satisfactory and the actions required in noise mitigation should be conditioned for implementation.

- 6.3 **NBC Arboriculture:** The loss of established trees to the Danes Camp Way boundary of the site is regrettable. However, it is proposed to provide extensive re-planting between the acoustic barrier and the development to alleviate these concerns. The landscape proposals are acceptable – they include appropriate use of shrub species and include sufficient tree planting to contribute to the future amenity of the area. The tree protection plan should be conditioned. The revised layout is an improvement in respect to Plots 61-64. The relationship between the dwellings and adjacent landscaping is more acceptable. The proposed species mix within the planting proposed to the POS area is considered to be appropriate.
- 6.4 **NBC Housing Strategy:** Happy with the proportion of affordable housing shown. The split of property sizes for both the rented and shared ownership properties is supported. The flat units would have access to their own amenity space. Supportive of the latest schedule of identified affordable accommodation. The latest revised layout provides improved amenity for the occupiers of plots 29-35 due to softer landscaping to improve amenity.
- 6.5 **NBC Urban Design:** Variety of comments relating to the detailed layout of the scheme. These comments cover such matters as the appropriate positioning of car parking spaces, the appropriate provision of boundary treatments and hard-surfacing throughout the scheme.
- 6.6 **Western Power Distribution:** No objections on the basis that the developer contacts Western power prior to work commencing to discuss any alterations to the electricity network.
- 6.7 **National Grid:** There are apparatus (gas pipes and associated equipment) in the vicinity of the application site which may be affected by the activities specified. The actual positions of apparatus on site need to be established before activities are undertaken.
- 6.8 **NHS England:** The development would affect several surgeries in Northampton that are already at capacity. A contribution would be sought to make this scheme favourable to NHS England – a charge of £621 per dwelling should be applied towards new healthcare facilities
- 6.9 **NCC Development Management:** The closest Primary Schools to this development are Briar Hill Primary School and Hunsbury Park Primary School, both of which are operating very close to full capacity. Temporary mobile classrooms are in operation on both sites. A Primary Education contribution of £377,706 is required in order to ensure there is sufficient capacity in the area to accommodate the pupils expected to be generated from the development. With regards to Secondary Education, this development will be served by Abbeyfield School, which is operating at close to full capacity with spare capacity likely to be used up in the coming years. It is necessary to request a Secondary Education contribution of £252,934.

- 6.10 **NCC Highways:** A revised Transport Statement is under review – this review must conclude before a view can be formed as to whether to support or object to the application. Further comments relate to the detailed layout of the scheme, including requested amendments to footpath and junction arrangements. Should the application be approved, a public transport infrastructure contribution to the sum of £10,000 would be required to provide new bus shelters on Hunsbarrow Road and their maintenance for a period of 20 years.
- 6.11 **NCC Nene Valley Nature Improvement Area:** The Nene Valley NIA project aims to create a resilient ecological network within the project area. Objection on the basis that the proposals would sever the eastern half of the site from the habitats in the river valley. Parts of the western side of the site are vulnerable to flooding. The proposed planting mixes include species that are not native to Northamptonshire.
- 6.12 **NCC Archaeology:** Archaeological potential can be dealt with via condition. A geophysical survey followed by targeted trial trenching would be appropriate.
- 6.13 **Anglian Water:** An informative should be added to any planning permission to ensure that the applicant takes into account the presence of Anglian Water assets. A surface water management strategy is required to be agreed via planning condition.
- 6.14 **Environment Agency:** Objection in the absence of an acceptable Flood Risk Assessment (FRA). The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposed drainage strategy has not considered the use of infiltration or discharge to watercourse.
- 6.15 **Natural England:** The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England has published Standing Advice on protected species, which should be referred to by the Council. Natural England would encourage the incorporation of Green Infrastructure, biodiversity enhancements and landscape enhancements into this development.
- 6.16 **Canal & River Trust:** No objections to the proposed development.
- 6.17 **Highways Agency:** No objection.
- 6.18 **Northants Police:** No formal objection. It should be ensured that parking between houses is provided with surveillance and that any ground floor bedroom windows are provided with protection. Public and private space should be properly defined whilst exposed rear boundaries should be avoided where possible. The LEAP does not benefit from direct surveillance and could be subject to vandalism. The detailed layout of the POS should not include seating located to the back of residents' gardens.
- 6.19 **County Councillor Jill Hope:** There is already inadequate access to and from this estate onto Danes Camp Way. Should additional houses be approved, it is essential that pedestrians are able to cross the roundabout safely to access medical facilities on Hunsbury Hill Road. An application for development was refused on this site in 1996 and refusal reasons remain valid.

6.20 Objections have been received from 41no. different addresses as a result of three separate consultation exercises. Further, a response has been received from Brian Barber Associates, which has been submitted on behalf of local residents. The comments / objections that have been received can be summarised as follows:

3, 16, 20 Hunsbury Hill Avenue; 1, 17, 24, 30, 32, 35, 37, 38, 45, 48, 49, 50, 51, 53, 57, 63, 65, 67 Harcourt Way; 4, 5, 7, 14, 16, 24, 27, 30, 31 Highdown Close; 1, 5, 10 Limlow Close; 5A Beacon Court; 3, 5 Cheviot Court; 1 Lowbury Court; 20, 21 Wrekin Close; 3 Bow Court; 18 Talbot Road, Rushden; Brian Barber Associates, The Granary, Pitsford.

- The proposals are premature given the lack of an adopted Joint Core Strategy and subsequent Local Development Framework (LDF) documents.
- The site is not sustainably located; the presence of the ring road would restrict the ability for persons to interact with the surrounding area. Community facilities are not located within acceptable walking distances, or via appropriate routes.
- Additional traffic will occur along Hunsbury Hill Avenue and this would have safety implications at the connection with the ring road. The applicant has underestimated potential traffic flows.
- The Harcourt Way carriageway width of 5m is below the 5.5m minimum width specified by the Local Highway Authority and is therefore substandard. Forward visibility is poor in a number of locations along this route.
- The existing access in to the estate is not suitable for construction traffic and can be difficult to use during icy weather conditions given its steepness.
- There is already a shortage of car parking available along Harcourt Way.
- Construction traffic would have a huge impact upon residential amenity, and would need to be appropriately controlled.
- The need for an acoustic barrier highlights the high noise levels that occur in this location. Dwellings would be subject to high specification mechanical ventilation negating the ability to open windows.
- Concern as to whether the proposed SUDs will be capable of functioning correctly, the storage capacity could be reduced. Ongoing maintenance would need to be assured.
- No ground contamination report has been provided; the adjoining land was historically used for industrial purposes.
- The Public Open Space area is of little amenity value given its steepness, whilst the LEAP is inappropriately positioned near to the dual carriageway and subject to pollution.

- There is a history of refused planning applications for residential development on the site.
- There have been instances of flooding on the site.
- The level of social housing to be provided is too high and would be inappropriate; such housing would need to be designed to an appropriate standard.
- The site is designated green space and should retain this function.
- The new dwellings would compromise the privacy of existing adjacent occupiers.
- The potential for active badger setts should be investigated.

7. APPRAISAL

Principle of development

- 7.1 The NPPF advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and that where the development plan is out of date Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
- 7.2 Paragraphs 49 & 50 of the National Planning Policy Framework (NPPF) advise that housing applications should be considered in the context of a presumption in favour of sustainable development and encourage the delivery of a wide choice of high quality homes and the need to widen opportunities for home ownership. As covered in Paragraph 014 of the National Planning Policy Guidance, arguments that an application is premature are unlikely to justify a refusal reason in light of this presumption in favour of sustainable development.
- 7.3 Paragraph 49 of the NPPF advises that relevant Development Plan policies should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year land supply. It is considered that the residential development of the site would make a contribution towards the Council's housing requirements and that the proposal accords in principle with the overriding aims of the NPPF for the provision of housing and the Council's obligations to ensure a 5 year housing land supply as required by the Government.
- 7.4 The Northampton Local Plan was adopted in June 1997. Whilst the application site is allocated as 'Greenspace' under Policy E6 of the Local Plan, which states that planning permission shall only be granted where the proposed development would not unacceptably prejudice the function of the land as a buffer between different land uses, more recent policy changes such as the NPPF and the Joint Core Strategy as submitted for examination are a relevant and material consideration.

- 7.5 The principles of Policy E6 do demonstrate a degree of compliance with the contents of the NPPF. Most specifically under paragraph 17 where it is stated that planning should contribute to conserving and enhancing the natural environment. Further, under paragraph 109, it is stated that planning should contribute to and enhance the natural and local environment.
- 7.6 There are submitted policies contained within the Joint Core Strategy (JCS) that are relevant and provide a significantly more up to date policy approach. The JCS recognises the importance of ecological resources on individual sites and, under Policy BN2, states that development that will deliver a net gain in biodiversity will be supported. Policy BN3 states that measures to enhance and manage existing woodlands will be supported.
- 7.7 The site specific designation of the site as Green Space holds some weight under Policy E6 of the Local Plan in light of compliance with the contents of the NPPF. However, the proposals have been formulated to retain a significant proportion of the site as managed open space (including areas of mixed woodland to the northern side of the site). Further, the application is supported by comprehensive reports relating to biodiversity – to be covered in the Ecology section of this report. The principle of developing the site in the proposed residential format is considered to be acceptable and in accordance with Policy BN3 of the Submitted JCS.

Sustainable Development

- 7.7 The proposals are considered to represent sustainable development in principle subject to the consideration of specific topic-related matters in the subsequent sections of this report. The development would make clear connections with, and sit immediately adjacent to, the southern side of an existing residential estate. A series of footway pedestrian links are proposed as part of the proposed scheme to connect into the existing network of routes surrounding and linking to the site.
- 7.8 The proposed public open space works would include the upgrade of the existing grassed link that runs the northern boundary of the site and connects to Harcourt Way. An enhanced link, to be surfaced in compressed gravel, would improve connections to the east where Briar Hill Primary School and Briar Hill Local Centre are located approximately 1km away from the site via foot.
- 7.9 Significantly, the applicant is providing a payment to cover the full costs of installing a footway link of some 40m in length at the southwest corner of the site. This, in turn, would provide direct access from the site to the subway link under Danes Camp Way and to the towpath that runs the Grand Union Canal. The installation of this formalised link would enhance connections to the south of the site, not just for future residents, but for existing residents in the locality. Facilities of note to the south include the Hunsbury Hill Local Centre and Hunsbury Park Primary School located approximately 1 – 1.5km away from the site via foot.

Design & Layout

- 7.10 In accordance with Policy H7 of the Local Plan and Policy H1 of the submitted JCS, it is considered that the development would respect the existing character and density of the local area and would not be piecemeal in character. The proposed density of

housing, which would be approximately 32 dwellings per hectare across the developable area of the site, and the general layout and design of properties would be directly comparable with the existing housing estate to the north of the site.

- 7.11 The detailed design and layout of the scheme has been the subject of comprehensive discussions at both pre-application stage and during the progression of the planning application. These involved the Council's Urban Design Officer.
- 7.12 The general road layout is influenced by the position of an underground sewer running along the western boundary of the site. This means that the placement of the estate road in this location represents an efficient use of space upon the development site. Directing vehicular traffic to the western boundary of the site would hold the additional benefit of controlling traffic speeds through the estate (when compared to the impact of providing a direct vehicular route through the centre of the site).
- 7.13 Linked streets and access ways throughout the development will provide pedestrian permeability in appropriate locations in order to promote legibility and ease of movement through the site. This is best illustrated where the existing Limlow Close and Highdown Close meet the application site. Further, a soft-landscape-bound pedestrian link would run through the centre of the site down to the southern boundary providing subsequent wider links to the existing footpath network and through the POS (including the subway link under Danes Camp Way).
- 7.14 Individual units, wherever possible, have been orientated to face public spaces and to provide active and enlivened street frontages. A varied and interesting suite of house types have been proposed to include linked terraces, semi and detached units. Units have been appropriately orientated to provide active elevations where facing outwards towards the public realm.
- 7.15 Properties are two stories in height and styled to provide a cohesive extension to the existing residential estate. A mixture of buff and red brick is proposed with the additional use of render to provide variation in streetscape. Concrete roof tiles are to be provided in a mixture of grey and dark red colouring. The main elevations of properties would be interestingly articulated with the use of a variety of brick coursing and banding techniques. Front entrances would be typified by canopied entrance porches. Full external-facing material details have been provided upon plan HH-MM-002 and should be conditioned accordingly.
- 7.16 The specifications of the boundary treatments that have been proposed are considered to be appropriate. Brick boundary walling is to be provided to the rear of properties where they meet the public realm. Close boarded fencing is to be restricted to internal individual plot boundaries. In addition, estate railings are proposed to be used to the front / side of selected plots in the interests of properly delineating public and private space – for example alongside either side of the main pedestrian link through the centre of the site. This represents an appropriate and high quality solution.

Residential Amenity

- 7.17 The layout of the development has been influenced by the positions of existing residential units adjacent to the site, i.e. facing elevations have been designed so as not to provide overlooking whilst acceptable separation distances are proposed so as to avoid any form of overbearing or overshadowing impact of development. Where the rear elevations of proposed properties would directly face the rear elevations of existing properties a minimum 25m separation distance would be achieved. Where rear and side elevations would directly face each other a minimum 14m separation distance would be achieved.
- 7.18 It is considered that a comprehensive Construction Environmental Management Plan (CEMP) should be secured via planning condition to secure the full details of how construction activities would be undertaken on site to ensure that the amenities of existing occupiers would be appropriately protected. This is considered to be particularly important given that access to the site would be attained via Harcourt Way. The Local Highway Authority has confirmed that it would not be possible to attain a temporary access off Danes Camp Way because it would provide for slowing vehicles on a high speed road. Vehicles would access from the site on to an uphill carriageway which would lead to potential for conflict and highway safety issues.

Affordable Housing

- 7.19 As supported by the Council's Housing Strategy Section, it is considered that an acceptable schedule of 24no. Affordable Housing units has been proposed (this constitutes 35% when rounded to the nearest full figure percentage). A sustainable mix of housing and maisonettes is proposed varying between two and three bedrooms in size. 70% social / affordable rent would be complemented by 30% intermediate housing (i.e. shared ownership or shared equity). The units would be of a high specification and would reinforce the 'tenure blind' approach whereby the design and standard of affordable plots would assimilate with neighbouring open market housing.
- 7.20 It has been agreed with the developer that they shall strive to attain Code Level 4 for the affordable units when assessed against the criteria of Code for Sustainable Homes. In any event, measures above the minimum criteria of Code Level 3 are set to be achieved. The open market plots shall achieve Code Level 3 in accordance with the latest Building Regulations standards.

Highways

- 7.21 A number of objectors to the planning application have focussed upon highway issues. Residents have highlighted concerns that the highway network in the vicinity of the application is already operating at or near full capacity. It has been expressed that difficulties are already experienced at peak hours with queuing traffic at the roundabout access on to Danes Camp Way.
- 7.22 The width of the existing Harcourt Way carriageway can be measured at 5.5m in width for its full length. It had been questioned through consultation responses as to whether the road is only 5m in width and fall short of Local Highway Authority (LHA) standards. It is considered that Harcourt Way provides acceptable access to the application site. It is acknowledged that the road exhibits a number of bends and is the subject of on-street car parking for its full length, these site circumstances act to

control the speed of traffic. It is not felt that the introduction of 69 additional dwellings and associated traffic along Harcourt Way would raise undue highway and pedestrian safety concerns.

- 7.23 The application is accompanied by a Transport Statement, which has reviewed existing and forecast conditions and considered the residual traffic impacts of the proposed development in this context. This work has included various individual junction assessments in the vicinity of the site using peak traffic volumes.
- 7.24 Appropriate trip rates for the development used in the modelling work have been agreed with the LHA. The latest revised Transport Statement concludes that the impact of the development is minimal upon the main junctions near the site. Only marginal increases in vehicular queues would result and minimal capacity in the network would be utilised. It is concluded within the Transport Statement that the development will not have a material impact upon the surrounding highway network.
- 7.25 Further, a comprehensive Residential Travel Plan has been developed to aid in reducing dependency upon the car. A planning condition would need to be added to secure the final details of the Travel Plan. The development would also provide for direct links into the existing footway and cycleway network in the vicinity of the site. Bus services run in the vicinity of the site on Hunsbarrow Road and Hunsbury Hill Road.
- 7.26 The LHA's comments upon the acceptability of the latest Transport Statement and associated junction modelling are still awaited – the document is still under review. At this moment in time any positive recommendation for the determination of the application would need to be subject to the receipt of confirmation from the LHA that the Transport Statement and its contents are acceptable.
- 7.27 The LHA has provided detailed comments upon the nature of the proposed highway layout. The applicant, upon the latest site plan, has sought to undertake the series of slight amendments requested by the LHA. For example, kerb radii have been introduced at the central square junction and additional footpath provided at selected points. The new roads and footway would be subject to a separate Section 38 agreement for the LHA to adopt.
- 7.28 The LHA has raised no objection to the level of car parking proposed across the site, which amounts up to 214 spaces across the scheme (including visitor spaces). At least one space per household would be provided with between two and three spaces provided for larger units.

Trees & Landscaping

- 7.29 A tree survey has been undertaken by the applicant, this highlights that trees across the site are generally of low quality. Notwithstanding this, the scheme has been designed to retain existing mature landscaping wherever possible. The most significant tree removals that are proposed are to the southern boundary of the site. This is due to the imposition of a 3m high acoustic barrier along this section of the site. As informed by pre-application discussions, it was determined that the barrier be sensitively positioned so as to allow for the retention of a significant swath of mature landscaping, and to also be appropriately screened (from both sides) in the

interests of visual amenity. The Council's Tree Officer has confirmed that, whilst it is regrettable that tree specimens be lost, extensive compensatory planting is proposed and appropriate species have been selected.

Public Open Space

- 7.30 The scheme involves the provision of a notable expanse of public open space (POS) to the eastern side of the site; this area constitutes approximately half of the site. It is proposed that, once the POS has been laid out, the ownership of the relevant land be transferred across to the Council as part of the legal agreement that would accompany any planning permission that is issued on the site. A commuted sum to be paid to the Council for the ongoing maintenance of the designated POS shall be agreed as part of the aforementioned legal agreement.
- 7.31 A detailed specification of the proposed POS has been provided by the applicant, which includes the provision and upgrade of footpath links through and within the site. The footpaths to be provided, with the exception of a short stretch of tarmac from Highdown Close, would be topped with pressure treated Breedon gravel. The centrepiece of the POS is proposed to be a Locally Equipped Area of Play (LEAP) to include planting, structural mounding and various play equipment (including a balancing beam, basket swing and feature boulders).
- 7.32 Comments have been raised through the consultation process as regards the suitability of the position of the LEAP. It would be separated from the main body of the development and be located within the eastern portion of the application site. Northants Police are amongst those who have queried the appropriateness of separating the LEAP in this way because it would not benefit from direct surveillance and overlooking to the detriment of the safety of users of the facility and leaving it potentially vulnerable to crime and vandalism.
- 7.33 However, the existing vegetated mound located between the eastern and western sectors of the site would be thinned out through the removal of selected tree specimens in the interests of providing sight lines and surveillance from the western sector of the site – a sectional drawing has been provided by the applicant detailing this.
- 7.34 Additionally, as has been demonstrated in the submission of further information from the applicant, the wider POS area is to be comprehensively laid out with formalised routes and links across it – therefore encouraging its active use as a recreational area. In addition, and to be secured through an accompanying legal agreement, the play equipment to be installed would be aimed at very young children (4-8 years) who would be expected to be accompanied by an adult when using the LEAP in any event. The applicant has expressed a willingness to remove seating alongside the northern footpath link from the final POS details in response to concerns raised by Northants Police due to the proximity to residential gardens.
- 7.35 It is considered that in overall terms the proposed POS arrangements are acceptable and comprehensive, particularly given the sloped constraints of the site. A variety of different planting is proposed including areas of wildflower planting and specimen tree planting. In addition existing mature trees to the south east corner of the site

and existing areas of woodland to the northern side of the site are to be retained and included as part of the POS.

Ecology

- 7.36 The application is accompanied by a Phase 1 Habitat Survey and Protected Species Scoping Survey. The site was assessed for signs and evidence of protected and rare species. No rare or protected plant species were recorded during the site survey.
- 7.37 In terms of bats, the Phase 1 Survey indicates that very limited roosting opportunities are available on site whilst it is unlikely that foraging and commuting bats would be impacted upon by the development. Lighting minimisation should be secured by way of condition in any event. A further condition should be secured to ensure that any trees / hedgerow are removed outside of bird nesting season (March – September).
- 7.38 The semi-improved grassland on site would provide good quality habitat for reptiles. A Reptile Survey was undertaken in June-July 2013 as a recommendation of the Phase 1 Survey. This highlighted a low population of grass snakes to the western side of the site. Therefore, by way of mitigation, a planning condition should be attached to any approval to secure the appropriate relocation of any grass snakes found resident prior to any ground works taking place. The Mitigation Method Statement to be agreed could provide for their relocation to the POS, but the full details would be secured post-decision.
- 7.39 No signs of badgers were recorded on site as part of the Phase 1 Survey. It is however highlighted in this document that the tree lines and wooded areas of the site would provide good quality habitat for badgers. There are historical records of badger activity within the surrounding area of the site. As a recommendation of the Phase 1 Survey, a planning condition should be secured by any approval for the undertaking of a checking survey (for the presence of badgers) prior to the commencement of any groundwork.

Flood Risk & Drainage

- 7.40 The site at present is undeveloped and, by virtue of its topography, drains via infiltration and natural overland flow towards the north and west of the site. The development can be expected to result in a net increase in surface water runoff given the introduction of impermeable areas. An Indicative Drainage Strategy (full details to be secured via condition) has been prepared to identify how surface water runoff will be managed, which includes a mixture of Sustainable Urban Drainage Systems (SUDS) and below ground piping.
- 7.41 The site is wholly located within Flood Zone 1 – the lowest risk zone with less than 1 in 1,000 annual probability of river flooding. There is adjacent land located in higher risk Flood Zones, specifically land surrounding the River Nene and Grand Union Canal to the north and west of the site – land that is located at lower elevations than the application site.
- 7.42 The Environment Agency has produced maps detailing areas at risk from surface water flooding. There are selected areas within the application site that are designated as being vulnerable to surface water flooding where surface water runoff

can occur from adjacent land (when surfaces are saturated or impermeable). This has informed the site layout - SUDS and areas of open space are proposed to the western boundary of the site.

- 7.43 SUDS seek to replicate the site's existing hydrology with peak flows leaving the development site no greater than the rate prior to development. It is proposed that the site is drained via a mixture of SUDS (vegetated swale and balancing pond) and interconnected below ground pipes associated with the balancing pond to be constructed. The piping would effectively be able to control the rate of runoff to the surface water sewer.
- 7.44 The applicants have confirmed that the drainage design has been prepared on a precautionary basis so that the balancing pond is appropriately sized. The capacity is able to be safeguarded through lining the pond if the water table is higher than anticipated. The balancing pond would be transferred to a management company. The maintenance regime for the pond, covering the lifetime of the development, would be agreed with the Council and secured via condition.
- 7.45 Although correspondence from the Environment Agency (forwarded by the applicant) indicates that their initial objections to the scheme and submitted Flood Risk Assessment have now been resolved, the Agency has yet to formally withdraw their objection. The recommendation therefore reflects this situation and an update will be provided at the meeting.

Noise

- 7.46 The application is accompanied by a Noise Assessment report, which sets out an assessment of potential noise effects within the proposed residential development due to road traffic and takes account of noise levels measured at the site as well as projected traffic growth to 2028.
- 7.47 In response to controlling outdoor noise levels, the proposed layout has been developed to maximise inherent screening along the southern boundary of the application site, i.e. dwellings in this area are setback behind new internal estate roads and are, on the whole, orientated to face southwards so as to provide screening (by way of built form) to rear garden areas. Further, an acoustic screen of 3m in height is to be provided to the full length of the southern boundary of the developable area of the site. The screen shall be of imperforate construction and constructed with a minimum mass of 10kg / sq. m to ensure that it performs to its maximum function as an acoustic barrier.
- 7.48 In terms of controlling indoor noise, it is proposed to provide enhanced glazing to all properties to control noise intrusion through closed windows. It is also proposed to provide alternative means of ventilation to all properties (either trickle vents / comfort cooling or mechanically assisted ventilation). The precise specification of glazing and ventilation measures shall be dependent upon the position of each dwelling on site. The site is zoned for mitigation purposes depending upon proximity to the sensitive south and south-western boundaries of the site. The Council's Environmental Health Officer has confirmed that the report is satisfactory and that its requirements should be conditioned.

Air Quality

- 7.49 The application is accompanied by an Air Quality Assessment (AQA), which describes the potential air quality impacts associated with the development. The AQA describes the likely air quality conditions to which occupants of the development would be exposed and concludes that existing conditions within the study area show acceptable air quality.
- 7.50 The construction works would have the potential to create dust, as highlighted in the AQA. A wider Construction Environmental Management Plan (CEMP) is to be secured via planning condition. Part of the CEMP will need to define the measures to be taken to minimise dust creation as part of the construction process.

Contamination

- 7.51 A site contamination investigation for the land has been submitted, which shows that the site is suitable for residential use and that no remedial measures on site are required. No conditions are required for contamination.

S106 Legal Agreement

- 7.52 By reason of the scale and type of development, a Section 106 Legal Agreement is required. The Community Infrastructure Levy Regulations specify three key legal tests in ascertaining whether a particular obligation can be requested. These specify that obligations should be:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 7.53 As discussed previously, 35% of the development would be utilised for the provision of affordable housing. 70% of these dwellings would be utilised for social or affordable rent and 30% intermediate ownership. This would ensure that the development provides a mixture of housing to provide a varied community in line with the requirements of national and local planning policies. It is envisaged that the agreement would build in a mechanism to allow for the payment of an Affordable Housing Commuted Sum in lieu of on-site provision if a contract for the construction and transfer of any of the Affordable Housing Units to a Registered Provider has not been entered into within six months of the date of the agreement.
- 7.54 It is recognised that the development would provide a comparatively high number of family accommodation units. As a result of this and with reference to the above tests, an obligation would be entered into that would require payments of £377,706 and £252,934 towards the increased provision of primary and secondary education facilities within the vicinity.
- 7.55 The nature of the development, which includes expanses of Public Open Space to be transferred to the Council would be subject to a commuted sum to be calculated to cover the maintenance of this open space. The agreement would also secure the final specification of the POS, including the LEAP within it.

- 7.56 The development will also make a £10,000 payment towards the provision of a footpath link on Council owned land to the south west corner of the site to ensure that the development connects with existing footway and cycleway links in the vicinity. A further payment of £20,000 towards towpath enhancement (alongside the Grand Union Canal) is also proposed in the interest of promoting sustainable movement choices. A construction training scheme is also to be secured by the legal agreement in accordance with adopted policy. Further, a payment towards new bus shelters in the vicinity of the site and their maintenance is required.
- 7.57 NHS England has made a request for £621 per dwelling towards primary care provision. They have highlighted that the scheme would affect several surgeries in Northampton that are already at capacity. The calculation is based on the scheme of 69 dwelling being expected to create 165 new patients. The applicant has agreed that they would be prepared to make a reasonable contribution towards primary care improvements.
- 5.58 The County Council has also requested a payment for the provision of fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be addressed by this obligations. The new Community Infrastructure Levy Regulations, as discussed previously, also prevent the pooling of S106 funds to deliver infrastructure. For these reasons it is not considered that this request can be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.

8. CONCLUSION

- 8.1 The proposed development would reflect the character of its surroundings, secure a satisfactory residential environment, acceptably mitigate against flood risk and contribute towards the established housing need in Northampton. The existing amenity function of the site would be safeguarded via the provision of substantial public open space. The development is therefore in accordance with the National Planning Policy Framework, Policies E1, E6, E14, E19, E20, H7 and H17 of the Northampton Local Plan and Policies SA, S1, H1, H2, BN1, BN2 and BN3 of the Submitted West Northamptonshire Joint Core Strategy.

9. CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (SM536 LP 001B); Site Plan (SM536 PL 04A); Floor Plans & Elevations (419 C PL01); Floor Plans & Elevations (419 C PL02); Floor Plans & Elevations (427 C PL01); Floor Plans (405 C PL01); Elevations (405 C PL02); Elevations (405 C PL03); Elevations (405 C PL04); Elevations (303 C PL02); Elevations (405 C PL04); Elevations (405 C PL03); Floor Plans & Elevations (420 C PL02); Floor Plans & Elevations (304 C PL02); Elevations (3B5P PL05); Floor Plans & Elevations (2B4P PL02); Floor Plans

(3B5P PL04); Floor Plans & Elevations (2B4P PL01); Floor Plans (3B5P PL02); Floor Plans (2B4XP PL03); Floor Plans (2B4XP PL01); Elevations (2B4XP PL01); Elevations (2B4XP PL04); Elevations (3B5P PL01); Floor Plans & Elevations (2B4P PL01); Elevations (3B5P PL03); Floor Plans (3B5P PL04); Floor Plans & Elevations (304 C PL01); Floor Plans & Elevations (420 C PL01); Floor Plans & Elevations (410 C PL01); Floor Plans & Elevations (411 C PL01); Floor Plans (405 C PL06); Floor Plans (303 C PL01); Floor Plans & Elevations (414 C PL02); Floor Plans & Elevations (410 C PL02); Floor Plans (405 C PL06); Floor Plans & Elevations (411 C PL02); Floor Plans & Elevations (414 C PL01); Floor Plans (407 C PL01); Elevations (407 C PL02); Landscape Proposals (SMHH05-LS-001); Tree Distance Draft (SMHH05-LS-002); Landscape Proposals (SMHH05-LS-003); Indicative Drainage Strategy (HUNS-002 E); Section Plan (SM536-EN-003); Materials Plan (HH-MP-002); Bin Store (BS_01); Estate Rail; Tree Constraints Plan (JBA 13/14-TS01); Detailed Hard and Soft Landscape Proposals for POS (JBA 13/14-02 D); Detailed Hard and Soft Landscape Proposals for POS (JBA 13/14-03 B).

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

(3) The approved Noise Assessment (13/0210/P01//1), including the necessary mitigation measures referred to in Chapter 7, shall be implemented in full prior to the properties being first occupied and the installed mitigation measures shall be retained at all times thereafter.

Reason: To ensure that the noise levels recommended by the World Health Organisation (WHO) are achieved for habitable rooms and outdoor amenity space in compliance with the National Planning Policy Framework.

(4) Prior to the first occupation of the development, full details of the approved 3m high acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be installed on the alignment detailed on the approved Site Plan (SM536 PL 04A), shall be constructed to achieve a minimum mass of 10kg / sq. m and shall be retained at all times thereafter.

Reason: In the interests of safeguarding both visual and residential amenity in compliance with Policy H7 of the Northampton Local Plan.

(5) Prior to the commencement of development a 'Checking Survey' for badgers shall be carried out by a biodiversity professional and the results submitted to and approved in writing by the Local Planning Authority. In the event that badger activity is monitored on-site a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented prior to the commencement of development.

Reason: In the interests of safeguarding protected species in compliance with the National Planning Policy Framework.

(6) Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and retained thereafter.

Reason: To safeguard foraging and commuting bats in compliance with the National Planning Policy Framework Policy.

(7) Prior to the commencement of development a 'Reptile Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in full accordance with the approved strategy.

Reason: In the interests of safeguarding protected species in compliance with the National Planning Policy Framework.

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

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

(9) 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 15;
- 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.

(10) Development shall be carried out in accordance with the approved external facing

material details (as shown on the approved 'Materials Plan' HH-MP-002).

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

(11) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(12) No construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

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

(13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

(14) Prior to the commencement of development a specification for the Balancing Pond (as detailed indicatively upon approved Site Plan SM536 PL 04A) which includes details for its construction and a timetable for its implementation together with a management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation and long term maintenance of the Balancing Pond shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in full accordance with the approved specification.

Reason: To ensure that surface water runoff is appropriately attenuated on site in accordance with the guidance contained within the NPPF.

(15) All trees shown to be retained on the approved plans shall be protected for the duration of the development by (a) stout fence(s) in line with 'BS5837:2012 trees in relation to design, demolition and construction – recommendations' to be erected and maintained on (an) alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no

materials nor waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with Policy E20 of the Northampton Local Plan.

(16) No development shall take place within the application site indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF paragraph 141.

(17) Prior to the first occupation of the premises hereby approved, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented at all times that the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the reliance on the private car for journeys to work in accordance with the advice contained within the NPPF.

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the site in accordance with Policy E20 of the Northampton Local Plan.

(19) 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 in multiple occupation.

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

(20) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance

with Policy H17 of the Northampton Local Plan.

10. BACKGROUND PAPERS

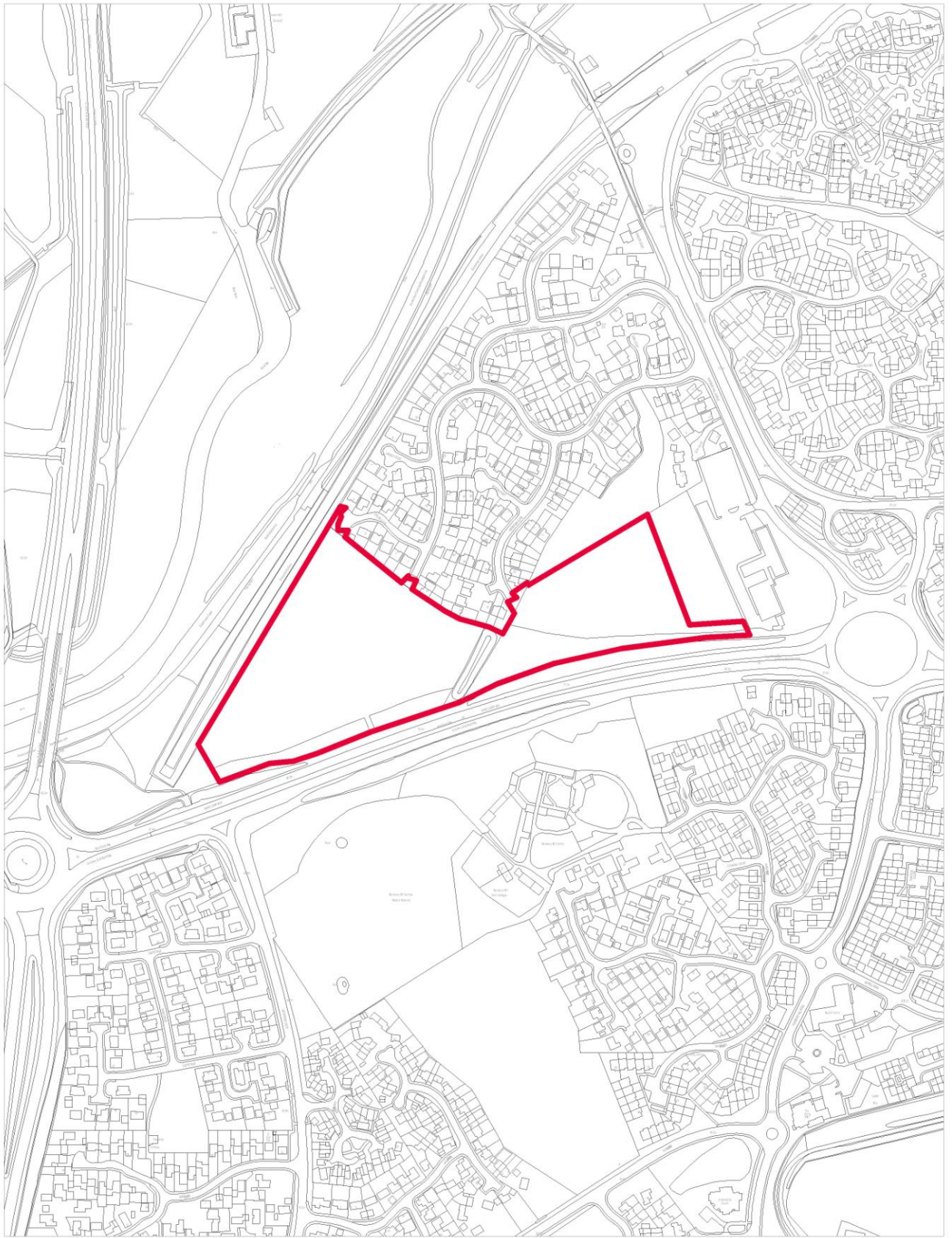
10.1 N/2013/1325

11. LEGAL IMPLICATIONS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

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



Name: **Planning**
Date: **22nd April 2014**
Scale: **NTS**
Dept: **Planning**
Project: **Committee**

Title

Development land off Danes Camp Way

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