



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/1263: **Erection of 38 no. new dwellings comprising 12 no. flats and 26 no. houses with associated parking and installation of new access road at land between Booth Rise and Talavera Way**

WARD: Boothville

APPLICANT: Westleigh Developments Ltd
AGENT: RG+P

REFERRED BY: Head of Planning
REASON: Major development requiring a Section 106 Agreement and affecting land owned by Northampton Borough Council

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposed development, subject to conditions, would represent the satisfactory reuse of the land and contribute to the established housing need in Northampton. The development is of a satisfactory design and layout and would not impinge upon the amenities of surrounding occupiers or highway safety. The development is therefore in accordance with the National Planning Policy Framework and Policies E19, E20, E40 H7 and H32 of the Northampton Local Plan

1.2 The prior completion of a Section 106 Legal Agreement to secure:
i) 35% of the development to be used for affordable housing;

- ii) A financial payment to fund the provision, improvements to connections and/or enhancements to areas of public open space within the vicinity of the site;
- iii) A financial payment to fund highway improvement works within the vicinity of the site;
- iv) A financial payment to fund the provision of two bus shelters and their ongoing maintenance within the vicinity of the site;
- v) A financial payment to fund the provision of primary and secondary school education facilities within the vicinity of the site;
- vi) Construction worker training opportunities; and
- vii) The Council's monitoring fee.

1.3 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) on account of the necessary mitigation measures have not been secured in order 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 applicant seeks full planning permission to erect 38 dwellings. These comprise 16 two bedroom houses, 10 three bedroom houses and 12 one bedroom flats. The houses would be two storeys in height, whilst the flats would have a height of three storeys. The development includes the provision of 48 off street car parking spaces. The development would be accessed via a new roadway that would run from the original section of Booth Rise, which is situated to the west of the application site, and would utilise an existing turning area.

2.2 A proposal for this site was considered at the April committee meeting, where members resolved to refuse the application due to the potential for anti-social behaviour to emanate from people congregating outside of the then proposed retail unit and that it was considered that the proposal would represent an out of character development.

2.3 Prior to the decision notice being issued, the applicant substantially revised the scheme. These amendments broadly comprise the deletion of the retail unit from the scheme, the addition of bay windows to selected elevations of the residential units and the enhancement of existing landscaping. Supplementary information has also been submitted regarding ecology, archaeology and the character of the surrounding area. In addition, a feasibility study regarding the creation of an additional pedestrian crossing in Booth Rise has been undertaken. As the proposal is now materially different from that previously considered, it necessary to reassess the merits of the proposal.

3. SITE DESCRIPTION

- 3.1 The application site is a vacant plot of land situated between Booth Rise and Talavera Way that is not allocated for any particular purpose in the Local Plan or any other planning document. The site features a number of variations in land levels and is currently in a somewhat overgrown state. The site also features a number of trees.
- 3.2 The surrounding area is characterised by the presence of residential accommodation, which broadly comprises older houses and bungalows of traditional appearances that run alongside Booth Rise and Thorpeville in a ribbon pattern and more recent residential developments. The most prominent of these is the Booth Park development, comprising 111 dwellings, which is in the process of being constructed, with some dwellings now being completed and occupied. The surrounding buildings are typically of one or two storeys in height, although there is a three storey block of flats at 69-71 Booth Rise, whilst the Booth Park development also includes some buildings of three storeys. As a consequence of this, there is a significant mixture of building types within a comparatively short distance which results in a very varied streetscene.
- 3.3 The site is adjacent to Booth Rise, which serves as one of the main routes into Northampton from Kettering. The site is also adjacent to the Spinney Hill roundabout, which forms a junction between Booth Rise, Thorpeville and Talevera Way, in addition to access to Stone Circle Road.

4. PLANNING HISTORY

- 4.1 None relevant.

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 (hereafter referred to as the NPPF) requires that all planning applications are determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. Of particular note to this application is that Paragraph 49 requires that proposals for housing

should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

- 5.3 In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, 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 reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

Northampton Local Plan

- 5.4 Although substantially dated, there are a number of policies that are relevant to this application. These include E11 that requires developments to have a neutral impact upon trees of significant value; Policy E19 requires the securing of adequate mitigation; E20 that states that developments should be of a satisfactory standard of design; and E40 that compels developments to be designed in such a way so as to minimise opportunities for crime and anti-social behaviour.
- 5.5 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

5.6 Supplementary Planning Guidance

Affordable Housing
Developer Contributions
Parking
Planning out Crime

Other Material Considerations - Submitted West Northamptonshire Joint Core Strategy

- 5.7 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.

- 5.8 Policy S1 of the JCS states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4 requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.
- 5.9 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures. Policy H2 also requires that at least 35% of developments of 15 or more dwellings should be made available for occupation as affordable housing.
- 5.10 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure.

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

- 6.1 **Anglian Water** – Request a condition that would require the submission and agreement of a drainage strategy prior to the commencement of development.
- 6.2 **Arboricultural Officer (NBC)** – Have reviewed the revised plans and there are no objections, but recommend that in the event that the application is approved it should be subject to a condition requiring the submission of a landscaping scheme and for this to be maintained.
- 6.3 **Archaeological Advisor (NCC)** – The site is located adjacent to an area where an extensive amount of historical information has been identified. No archaeological work has been carried out on this site and therefore a condition is recommended that would require an on-site investigation.
- 6.4 **Construction Futures** – Request the securing of training opportunities and funding for construction worker trainees.
- 6.5 **Development Management (NCC)** – Request Section 106 obligations for the provision of primary and secondary education, the fire and

rescue service, the library service and for the provision of a fire hydrant.

- 6.6 **Environment Agency** – No objections, subject to conditions relating to drainage.
- 6.7 **Environmental Health (NBC)** – It is advised that a condition is attached to any approval requiring the remediation of any potential naturally occurring contamination. The applicant has demonstrated that noise levels to future residents of the development can be mitigated.
- 6.8 **Highways Agency** – No objections.
- 6.9 **Highway Authority (NCC)** – Support the application. It is requested that a condition is attached to any permission requiring the submission of a travel plan. In order to encourage the use of more sustainable means of travel, it is recommended that additional bus shelters are provided to serve the existing bus stops.
- 6.10 The proposal is likely to result in the increase in usage of the Round Spinney roundabout by approximately 2.5-3.5%. In order to ensure sufficient highway capacity, a Section 106 obligation should be entered into that would fund improvements to the roundabout and would also include the provision of traffic signals on the approach to the roundabout on Booth Rise. The County Council has devised a programme to address the other approaches to the roundabout.
- 6.11 **Housing Strategy (NBC)** - The mix in terms of tenure and sizes is consistent with meeting needs within the Borough. The houses with gardens will address the needs of families, whilst the one bed flats also meet the significant need for these types of properties that exist in the area. The Council should seek 35% of the development for affordable housing, which would be split on a 70% rent/30% intermediate basis. The development would also address local housing needs as the future residents would have a significant local connection (e.g. have resided in the Borough for at least the last three years). The scheme has secured the necessary funding and is therefore deliverable. The application also supports the Council's Corporate Plan (2014 Update) in assisting in the delivery of affordable housing.
- 6.12 Although a small site, the development would contribute towards meeting the objectively assessed housing needs for Northampton. The site would also assist in meeting the critical requirement for a five year housing land supply.
- 6.13 **National Grid** – The site is in the vicinity of National Grid apparatus. The attention of the developer is drawn to various guidance points.

- 6.14 **Northamptonshire Police Crime Prevention Design Advisor** – The proposed development has been assessed and there are no objections.
- 6.15 **Urban Designer (NBC)** – The scheme has been revised to improve the character and appearance of the development. The parking arrangement for Plot 16 is acceptable as this is a more open corner plot. Further details of surface treatments and boundary treatments are required. The latest amendments to the plans have been considered and there are no objections.
- 6.16 **Western Power** – No objections
- 6.17 **Michael Ellis MP** – Objecting as the site is unsuitable for housing due to its proximity to busy roads. The site has formed a buffer between developments. The development would adversely affect the amenity of existing residents.
- 6.18 **County Councillor M. Hallam** – Objecting as the site is not suitable for development and the site has historically formed a buffer between houses and busy roads. The Round Spinney roundabout cannot take any more additional traffic. The revised plans remove the shop, but there are concerns regarding the level of traffic that the development would generate. In particular, it is considered that the development fails to comply with Local Plan Policies E20 and H7.
- 6.19 **38 letters of objection**, which were received in respect of the original scheme. Comments can be summarised as:
- The area is heavily congested by traffic, which would be exacerbated by the proposed development. Traffic surveys have not been carried out at the busiest times.
 - The site of the proposed site entrance is often used for car parking by existing residents. Therefore the proposed development would increase parking problems.
 - Insufficient car parking has been provided in the development.
 - The development would be an out of character form of development. Booth Rise is characterised by 1930s dwellings.
 - The development would result in the loss of areas of green space, which are of use to the local community. The loss of areas of planting is also to be regretted.
 - New development should be directed towards previously used land.
 - The development should be assessed in conjunction with the Booth Park development and the proposed Northampton North Sustainable Urban Extension. There should be a comprehensive approach to traffic management.
 - The site is unsuitable for development due to the differing land levels and drainage easements on site.
 - There is a lack of local facilities, such as school places.

- There was no public consultation prior to the application being submitted.

6.20 **Seven objections** to the revised scheme have been submitted. Comments can be summarised as:

- The site is still unsuitable for residential accommodation.
- The development would contribute to existing congestion.
- The proposal is not in keeping with Booth Rise.
- Schools in the neighbouring area are at capacity.

7. APPRAISAL

Principle of the development

- 7.1 As stated within Section 5 of this report, the NPPF requires a five year housing land supply to be demonstrated. At present, Northampton cannot demonstrate such a supply. Accordingly, the relevant Local Plan Policies are considered to be out of date and as a consequence can only be given a comparatively small amount of weight in the determination of this application. Given that the development would provide additional housing, it therefore follows that the proposed development would make a contribution to the established housing need within the Borough (as identified by JCS Policy S4). The policy position of the JCS is that the projected demand for housing can only be addressed through the development of sites that are within the existing urban fabric (in addition to specially planned Sustainable Urban Extensions). It is considered that due to the prevailing character of the site and surroundings and its lack of specific allocation in the Development Plan, the development of housing within the site contributes to meeting this objective.
- 7.2 The over-riding principle of the NPPF is that in instances where a Local Plan is out of date, the greatest weight should be given to the matter of providing sustainable developments. By reason of the site's location adjacent to a major route, proximity to public transport links and employment sites and neutral impact upon ecology, the proposed development is sustainable and in line with national planning policies.
- 7.3 It is accepted that the site currently serves as a landscaped buffer between Booth Rise and Thorpeville, however, the site does not have any specific allocation in the Development Plan. As a consequence of this, alternative uses for the site can be considered. Due to the significant distance between Booth Rise and Thorpeville and the presence of other areas of allocated open space within the general vicinity, it is considered that the development would have a neutral impact upon the area's character. Therefore there is no over-riding planning policy objective that would require the retention of this site as open space.

Landscaping and Ecology

- 7.4 The proposal has been revised to delete the retail unit from the scheme. This allows for a greater level of existing landscaping to be retained to the north of the site, which reduces the impacts of the development.
- 7.5 The presence of trees on this site is an important characteristic of the streetscene; however, it is understood that these are generally poor specimens that are not necessarily of good species or health and therefore their removal would not be contrary to the requirements of Local Plan Policy E11. The removal of these trees would be mitigated through the submission of a landscaping scheme that would ensure that those trees capable of retention are maintained and replacement planting takes place.
- 7.6 As the site is undeveloped, the applicant has undertaken a full ecological assessment. This assessment concludes that as the bulk of the site is open without a water body it could not support a population of otters, water voles or great crested newts. The likelihood is that the site would not be colonised for reptiles due to the application site being isolated from other areas of open space due to the presence of road surrounding the site. There is also no record of reptiles being found in the vicinity of the site. The presence of badgers has been investigated and no evidence found. Although bats may have been seen on the site, it is exceedingly likely that their presence is a result of food gathering over a much wider area and as a consequence the development of this site would not harm the bat population. There is evidence that the site has been used for nesting birds; however, these are unlikely to be significant in number or species. In addition, the impacts of the development can be mitigated through the planting of additional trees. Therefore, for the foregoing reasons, the development would not pose an unacceptable detrimental impact upon the natural environment.

Air Quality, Noise and Contamination

- 7.7 The applicant has submitted an air quality assessment, which has concluded that the air quality surrounding the application site is sufficient to ensure a satisfactory standard of residential amenity for the future residents of the development.
- 7.8 The advice of the Council's Environmental Health section is that the development be permitted subject to a condition requiring that the recommendations of the applicant's noise mitigation strategy are implemented in order to ensure a satisfactory level of residential amenity. As part of their submission, the applicant has investigated the potential for contamination on the site. As a consequence of this and due to the potential residential use of the site, a number of conditions are recommended that would secure the remediation of naturally occurring contamination.

Drainage

- 7.9 There were initial objections to the proposal from the Environment Agency; however, the developer has revised the scheme to address these comments, which, subject to conditions, have been sufficient to allow the Environment Agency to remove their objections to the proposal and there are now no planning reasons as to why the scheme should not progress on these grounds.
- 7.10 In order to mitigate the impacts of the proposed development, it is recommended that a condition be attached to any approval that would require the submission of a Construction Environmental Management Plan. This would include details pertaining to the phasing of the development, hours in which construction works would take place and methods for the suppression of construction noise and dust.

Archaeology

- 7.11 There is some potential for items of archaeological interest to be found during the development process; however, due to the pattern of development within the surrounding area, it is likely that such deposits would be significantly truncated. Accordingly, a condition requiring the further investigation of matters of archaeological interest is appropriate and in line with the specialist advice that the Council has received on this matter.

Design and Layout

- 7.12 The design of the dwellings has been revised during the application process. In particular the palette of materials has been changed to focus on red bricks. The level of rendering has also been reduced and is now predominantly used to add interest and emphasise elements of the building. This design approach is suitable given the traditional form of the surrounding properties. The development has also been revised to include bay windows on a number of prominent elevations, which reflects features that are common on a number of existing dwellings. As there is a variety of housing within the vicinity of the application site, it is considered that there is no dominant character, the development would not adversely affect the character of the site's surroundings or breach Local Plan Policy E20.
- 7.13 The houses are of two storeys in height, whilst the flats would have a height of three storeys. It is considered that these heights are suitable given the wide variety of building heights within the vicinity of the application site as discussed in paragraph 3.2, the siting of the two 3 storey buildings adjacent to Booth Rise is appropriate on account of this providing a suitable feature on the edge of the development, whilst ensuring that it would not lead to a loss of light, outlook or privacy to the occupiers of the surrounding proposed and existing dwellings.

- 7.14 Notwithstanding the contents of Paragraphs 5.2 and 5.3 of this report, Local Plan Policy H7 is of some relevance to this application. As the proposed development would secure a satisfactory level of amenity for existing and future residents and would not unduly impact upon the area's character, it is considered that this policy has been complied with.
- 7.15 It is recognised that due to the varied topography of the site, it would be necessary to carry out some alterations to the site's levels. In order to ensure that these works do not harm the amenity of existing residents, a condition is recommended that would ensure that these works are approved by the Council prior to any works commencing.
- 7.16 Each of the houses would have a sufficient separation distance, which ensures that all residents of the development have a suitable level of light, outlook and privacy. In addition all of the proposed dwellings would have a suitably sized rear garden. This is of particular importance due to the presence of family housing in the development. The layout of the section surrounding the flats has been revised so that the cycle storage is sited adjacent to the entrance to the flats. This arrangement is likely to encourage the usage of this facility due to the more attractive location and greater security. This promotes more sustainable means of travel. This is in accordance with the NPPF and Local Plan Policy E40.
- 7.17 The residential development includes 48 car parking spaces. This provides an average provision of approximately 1.3 spaces per dwelling. Whilst this level of parking is less than the maximum level specified in the Parking Supplementary Planning Guidance, the provision is acceptable given that the predominance of the development is given over to the provision of one and two bedroom dwellings. Furthermore, the site is in close proximity to a bus stop in Booth Rise and cycle storage has been provided for the flats. Therefore, the proposal has addressed the likely parking needs arising from the development.
- 7.18 The proposed parking spaces are either situated within the curtilages of dwellings or in areas that would be habitually overlooked and benefit from natural surveillance. It is accepted that one dwelling (Plot 16 to the west of the site) features two car parking spaces to the side of the property. These spaces would feature from some surveillance from the associated dwelling and would benefit from natural surveillance arising from the prominence of the space. For these reasons, the proposed parking arrangement is acceptable and in compliance with Local Plan Policy E40.
- 7.19 The development would secure the provision of at least 35% of the development for affordable housing, which assists in creating a mixed community and addressing a need for such housing within

Northampton. In order to ensure that a mixture of house types are made available on affordable tenures, the legal agreement would secure the provision of six 1 bedroom flats, five two bedroom houses and three 3 bedroom houses for these purposes.

- 7.20 The proposal would provide a variety of housing in terms of type and sizes. In addition, and in conformity with Local Plan Policy H17, a condition would secure 10% of the development to be constructed to the Council's mobility standards. This ensures that a variety of housing would be provided to meet the varied needs of the community. Furthermore, the Section 106 Agreement would ensure that these dwellings are available to future residents on a variety of tenures. As a consequence, the requirements of NPPF Paragraph 50 have been complied with.
- 7.21 The applicant has revised the scheme to delete the retail unit from the proposal. This has resulted in the provision of a substantially larger area of landscaping towards the north of the site. This reduces the impacts of the scheme as a greater area of green space would be provided that would assist in the retention of the site's existing character and provide a larger buffer between the built form and Talavera Way. In addition, the greater amount of landscaping would provide additional screening of views from the north, which would offer additional mitigation of the proposed development.

Highways implications

- 7.22 As discussed previously, the development includes sufficient parking to meet the likely needs arising from the development. Furthermore, the layout of the development has been revised so that internal junctions in the development have sufficient visibility to avoid highway and pedestrian safety being compromised.
- 7.23 It is accepted that the development would increase road traffic use within the vicinity, which should be seen as being in conjunction with the impacts of the new residential development on the opposite side of Booth Rise and the impacts of the potential Northampton North Sustainable Urban Extension (planning application currently undetermined by Daventry District Council); however, the applicant has undertaken an assessment of the likely traffic arising from the proposed development. The deletion of the retail unit from the proposal would also reduce the level of traffic entering and leaving the site as a significant attraction has been removed from the site.
- 7.24 The application has been assessed by the Highway Authority and no objections in principle have been received. It is accepted that the development is likely to increase the usage of the surrounding road network, including Booth Rise and the Spinney Hill roundabout, which has minimal spare capacity. Whilst the scale of the development is relatively small, the context of the application site is such that mitigation

is required. The Highway Authority has devised a programme for general improvements within the vicinity, which can be extended in order to provide direct mitigation for the proposed development. This would include some alterations to increasing the capacity of the roundabout and introducing traffic signals within Booth Rise on the approach to roundabout.

- 7.25 The application site is in close proximity to two existing bus stops that are located to the south of the site. These stops are approximately 175m and 220m away from the site's entrance. This provision ensures that there is adequate access to such facilities, which would encourage the use of public transport. The pedestrian crossing (which is necessary to access south bound services) features a refuge within the middle of the carriageway, which eases crossings. As part of their submission, the applicant has considered the possibility of installing a crossing closer to the application site; however, this has been discounted due to the potential adverse impact on highway safety as the crossing would be located in close proximity to a curve and near the Round Spinney roundabout. Therefore, it can be concluded that the measures would directly alleviate the impacts of the proposed development and would therefore render it acceptable.
- 7.26 In order to encourage more sustainable means of transport, the Section 106 Agreement would also secure new bus shelters for the existing bus stops in proximity to the site. This would provide a more attractive facility for passengers and would encourage usage. This could potentially reduce the number of car journeys emanating from the proposal and would support the creation of a sustainable development as required by the NPPF. A condition is also recommended that would require the submission of a travel plan. These measures would assist in mitigating the impacts of the development and directly relate the type and scale of the proposal.
- 7.27 The Highway Authority has also confirmed that as part of their planned upgrades to the road network surrounding the application site, there will be a review of pedestrian crossings in Booth Rise. Accordingly, the wording of this legal obligation has been phrased in such a manner to allow the financial payment to be used for this purpose if required.

S106 Legal Agreement

- 7.28 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.
- 7.29 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. As discussed in paragraphs 7.24 – 7.26, the legal agreement would also secure improvements to the highways system.
- 7.30 It is recognised that the development would provide a comparatively high number of family accommodation units. However, it is noted that the closest primary school (Boothville Primary) currently is currently operating at 95% capacity in six of its seven year groups. The County Council will be undertaking a programme of expansion at this school (including the provision of new permanent classrooms) in order to alleviate some of the pressure for school places. In terms of secondary school education, the site would be served by the Northampton Academy, of which four out of the five year groups are operating at over 95% capacity. The County Council is undertaking a review of secondary school provision within the Borough, with sites for a new secondary school being considered. As a consequence of the nature of the development and the fact there are programmes in place that would directly mitigate the impacts of the development, financial contributions towards education provision are necessary and reasonable.
- 7.31 By reason of the nature of the development (i.e. predominantly family residential accommodation), it is likely that demand for and usage of public open space would increase. Open space within the Borough was surveyed as part of the process which culminated in the adoption of the Developer Contributions Supplementary Planning Document. Within the area surrounding the application site, it was concluded that there were deficiencies in the quality and quantity of allocated open space, with these deficiencies projected to exist in the future. Accordingly, and in line with the requirements of the Developer Contributions SPD and Local Plan Policy E19, it is recommended that an obligation be included as part of the Section 106 Agreement to fund improvements and/or enhancements to open space within the vicinity of the application site in order to ensure that the future residents of the development have suitable access to such facilities.
- 7.32 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.
- 7.33 As discussed previously, it is also recommended that the Section 106 Agreement include a payment towards the provision of highway improvements.

7.34 The County Council has also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities would be secured needs would be addressed by this obligations. Therefore, 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 development represents an acceptable use of the land and would not be detrimental to the character and appearance of the locality. The development would not have an adverse impact upon neighbour amenity and highway safety. As a result of various conditions and a Section 106 Agreement, the impacts of the development could be mitigated and therefore the proposal is considered acceptable,

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 attached schedule of approved plans.

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

3. Details and/or samples of all proposed external facing materials shall be 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 visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan

5. No development 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.

6. 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.

7. All trees shown to be retained shall be protected for the duration of the development by stout fence(s) to be erected and maintained on alignments 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 E11 of the Northampton Local Plan.

8. 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.

9. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the construction of all hard standing areas and retained thereafter.

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

10. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing naturally occurring contamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 advice contained in the National Planning Policy Framework.

11. The approved remediation scheme in Condition 10 above must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 advice contained in the National Planning Policy Framework.

12. Noise mitigation measures for individual plots, which covers glazing and ventilation specifications, shall be carried out in accordance with the details contained within noise assessment dated the 13th May 2014 (reference: 1628 Northampton – Booth Rise) prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework.

13. Details of the provision for the storage of refuse and materials for recycling to serve the flats hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

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. Notwithstanding the details submitted, full details of the cycle storage to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the dwellings hereby permitted and retained thereafter.

Reason: In the interests of encouraging more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented within two months of the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

16. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with approved CEMP, which shall include:

- i. The control of noise and dust during the development process;
- ii. Traffic management and signage during construction;
- iii. Phasing;
- iv. Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- v. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- vi. The safe means of access of construction traffic to the site;
- vii. Routing agreement for construction traffic; and
- viii. Hours of operation of building works

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework.

17. No development shall take place until the applicant, their agents or their 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 to 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 the National Planning Policy Framework.

18. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development in shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

19. The parking and roadways shall be provided in accordance with the details shown on drawing 7771/044B prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

22. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological

context of the development, should be 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:

- Confirmation that the hierarchy of drainage has been followed. Further percolation testing is required in accordance with BRE Digest 365 9or Ciria 156).
- Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all events up to and including 0.5% (1 in 200 AEP) plus climate change.
- Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.
- An assessment of overland flood flows.
- Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the National Planning Policy Framework.

23. No development shall take place until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme and retained thereafter.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

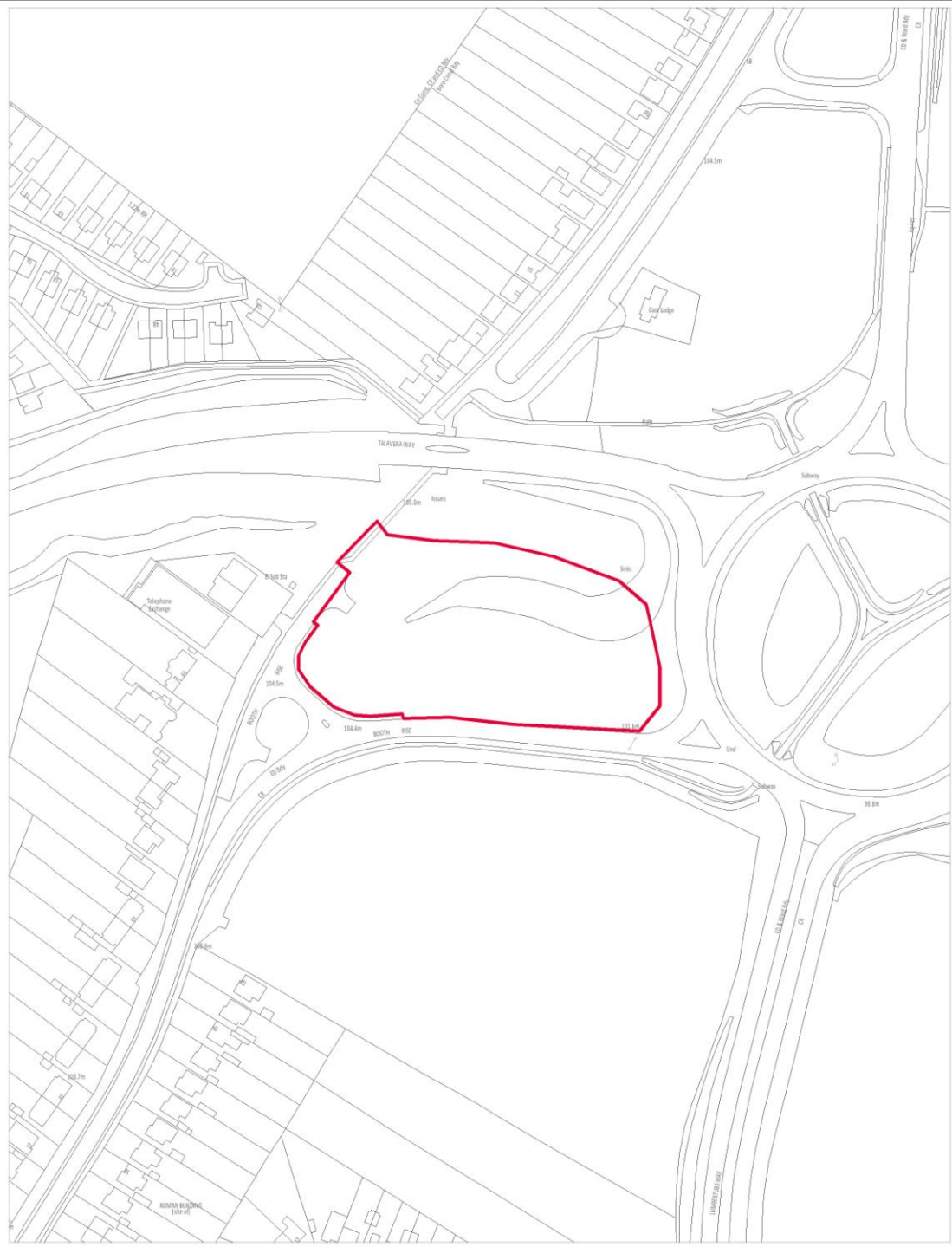
10.1 N/2013/1263

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: **12th March 2014**
 Scale: **NTS**
 Dept: **Planning**
 Project: **Committee**

Title

Development land between Talavera Way and Booth Rise

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