



PLANNING COMMITTEE: 28th January 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/1291: Erection of 35 new dwellings comprising 10 one bedroom flats; 15 two bedroom houses; and 10 three bedroom houses and associated access road at land between Booth Rise and Talavera Way

WARD: Boothville

APPLICANT: Westleigh Partnerships Ltd
AGENT: RG+P

REFERRED BY: Director of Regeneration, Enterprise and 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, Policies H1, H2, S3, S10, BN2 and INF2 of the West Northamptonshire Joint Core Strategy and Policies E20, H17 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 (at Boothville Primary School) and secondary school education (at Northampton Academy facilities) within the vicinity of the site;
 - vi) A payment towards the provision of and/or improvement to and/or maintenance of facilities at Boothville Community Centre; 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 Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his 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 Policy INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The applicant seeks planning permission to erect 35 dwellings on the site, which comprise 35 new dwellings comprising 10 one bedroom flats; 15 two bedroom houses; and 10 three bedroom houses. These buildings would all be of two storeys in height. The proposed dwellings would be surrounded by landscaping, which would be a combination of existing and new planting.
- 2.2 The development would be accessed via the original section of Booth Rise, which lies to the west of the existing alignment. A new junction would be created; however, it would utilise an existing turning head.

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 of traditional design, which has been developed in a ribbon form alongside Booth Rise and Thorpeville. These dwellings, which are typically of one and two storeys, play a significant role in defining the character of the area. Also within the area are a number of more modern housing developments, which provide a greater degree of variety in terms of building heights as some units within the Booth Park development (to the east of the application site) and the flats at 69-71 Booth Rise are of three storeys in height. As a consequence, there is a varied streetscene.
- 3.3 Although the application site is undeveloped, it has no allocation within any local planning policy document. The areas to the north of Talavera Way have also been developed for residential accommodation in a similar density and style to Booth Rise. As discussed, 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 the Stone Circle Road Industrial Estate.

4. PLANNING HISTORY

- 4.1 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 – Refused
- 4.2 The above application was refused Planning Permission by the Planning Committee at the meeting held in June 2014 on the following grounds:

“The application site is an isolated site surrounding by roads, including those frequented by a high volume of traffic, which prevent effective direct pedestrian links to the surrounding area from being formed. As a consequence, the development would not be integrated with the surrounding area.”

Furthermore, the site can be characterised as forming a transitional green area between the urban areas to the south and the less built up setting to the north, as a consequence the development would form an incongruous feature, detrimental to the character and appearance of the locality and visual amenity. The proposal therefore fails to comply with the requirements of the National Planning Policy Framework and Policy H7 of the Northampton Local Plan.”

- 4.3 An appeal has since been lodged by the applicant to the Planning Inspectorate against the Council's decision to refuse planning permission. The appeal will be in the form of a hearing and the exact date has yet to be confirmed by the Planning Inspectorate.

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 adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

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).

West Northamptonshire Joint Core Strategy (JCS)

- 5.4 The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has now been adopted by the West Northamptonshire Joint Strategic Planning Committee and therefore carries full weight. As part of the development plan, consistent with Section 38(6) it carries significant weight when considering planning applications.
- 5.5 Of particular note is that Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period. Policy H1 provides further detail regarding the location of these buildings by stating that they should be constructed through a combination of specifically planned Sustainable Urban Extensions and development within the existing built fabric. The same policy states that new developments shall provide for a mixture of house types, sizes and tenures in order to meet varying needs of the community. Applications for residential developments will be assessed against the location and setting of the site; the existing character of the area; the accessibility to services and facilities, including the proximity to public transport routes; the living conditions provided for future residents; and the impact upon the amenities of surrounding properties.
- 5.6 Policy H2 encourages the creation of varied communities that should be ensured through the provision of affordable housing, which in Northampton would represent 35% of the total development.
- 5.7 Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift.
- 5.8 In assessing applications relating to biodiversity, it is necessary to give weight to Policy BN2, which requires that development management decisions will reflect the hierarchy of biodiversity and appropriate weight should be given to the status of the site. Policy BN3 states that the retention of existing trees would be supported unless it can be demonstrated that the loss of trees would be outweighed by the need and benefits of the development.
- 5.9 Policy INF2 states that new development should only be permitted in instances where the necessary infrastructure has either been provided or that there is a reliable mechanism (such as a Section 106 Agreement) to ensure the delivery of such mitigation.

Northampton Local Plan

- 5.10 Although substantially dated and in the main replaced by the JCS, there are a small number of Local Plan Policies that are relevant to this application. These are E20 that states that developments should be of a satisfactory standard of design; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32, which necessitates the provision of some affordable housing.

Supplementary Planning Guidance

- 5.11 Affordable Housing
Developer Contributions
Parking
Planning out Crime

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

- 6.1 **Anglian Water** – No objections, subject to a condition relating to the installation of a surface water strategy.
- 6.2 **Archaeological Advisor (NCC)** – Items of archaeological interest have been found within the wider area; however, areas of interest are likely to be diminished due to development in the wider area. Therefore, a condition is recommended regarding the investigation of such matters.
- 6.3 **Daventry District Council** – No objections
- 6.4 **Development Management (NCC)** – In the event that the application is approved, it is requested that Section 106 obligations are secured to fund enhancements to the provision of primary and secondary school provision within the vicinity of the site; the fire and rescue service; library provision; and fire hydrants.
- 6.5 **Environmental Health (NBC)** – Recommend conditions in respect of the investigation of contamination and the implementation of already proposed noise and air quality mitigation.
- 6.6 **Environment Agency** – No objections provided that a condition is attached to any approval regarding the submission of a scheme relating foul water drainage.
- 6.7 **Highways Agency** – No objections.

- 6.8 **Highway Authority (NCC)** – An acceptable transport statement has been submitted. Some amendments have been made to the general layout in order to provide sufficient visibility for those exiting some of the site’s car parking spaces. In the event that the application is approved, it is requested that a financial payment be secured to fund the provision of bus shelters in Booth Rise and to contribute to upgrades in Booth Rise (between the Round Spinney roundabout and the roundabout at the junction of Booth Rise and Kettering Road North), which would include, if required, improvements to the junction between Booth Rise and Round Spinney roundabout.
- 6.9 **Housing Strategy (NBC)** – The development would provide a mixture of houses that would be built to Lifetime Homes standards. There is a need for these dwellings within the Borough.
- 6.10 **National Grid** – Make observations that should be brought to the attention of the developer regarding the implementation of the development.
- 6.11 **Western Power** – No objections.
- 6.12 **Natural England** – No objections.
- 6.13 **Northamptonshire Police Crime Prevention Design Advisor** – No objections, but recommend that the refuse store be constructed from brick. Some concerns are raised regarding the position of parking spaces for Plot 5.
- 6.14 **Michael Ellis MP** – Objecting on the grounds that the site is unsuitable for residential development due to its proximity to the Round Spinney roundabout. The land also acts a buffer between the busy highway and residential accommodation. There are a number of large scale proposals for residential accommodation to the north and a decision should be taken with reference to this context.
- 6.15 **County Councillor M. Hallam** – There are serious concerns regarding the impact of the development upon the traffic at what is already one of the busiest roundabouts/gateways in Northampton.
- 6.16 18 letters of objection have been received from local residents. Comments can be summarised as:
- The proposed development would have an adverse impact upon highway safety and the free flow of traffic.
 - The application site represents an area of green space that has a value.
 - Further developments are proposed within the vicinity, which would add to traffic problems, in addition to the nearby development at Booth Park.

- The site entrance is currently used for car parking.
- The development would result in the loss of trees.
- There is limited capacity within surrounding schools and doctors surgeries.
- The scheme is similar to a previously refused scheme.

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 locally saved policies are considered to be out of date and 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 S3). The policy position of the JCS – which now carries full weight - 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, planning applications for residential development should be determined based on an assessment as to whether they are of a sustainable nature and this test is therefore of paramount importance in the determination of this planning application. In assessing whether the development is of a sustainable nature, weight should be given to the fact that the site is located adjacent to one of the main routes into the town centre, which is well served by public transport. The site is also in close proximity with two allocated industrial areas (Moulton Park and Stone Circle Road) and areas of public open space. As a consequence, it is considered that residents of the proposed development would have ready and easy access to a number of the requisite facilities.
- 7.3 It is accepted that the site does form a buffer between the areas of Booth Rise and Thorpeville to the north; however, it should be recognised that the site was never allocated for any specific purpose within the Northampton Local Plan nor within the significantly more recent JCS. Furthermore, it is considered that the areas of allocated open space to the north of Talavera Way play a more significant role in achieving this objective.

- 7.4 The site's existing trees do make a contribution to 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 the JCS. In addition, the removal of these trees would be satisfactorily mitigated through the submission of a landscaping scheme that would ensure that those trees capable of retention are maintained and replacement planting takes place. This would be ensured through a condition, which would enable the Council to approve any landscaping scheme prior to development commencing.
- 7.5 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, the development would not pose a detrimental impact upon the natural environment. No objections have been received from Natural England with regards to this proposal.
- 7.6 As a consequence, it can be concluded that there is a significant need for new housing to come forward within the Northampton area and that the realistic means that this need can be addressed is for smaller sites within the existing urban area to be developed for residential accommodation, which would cumulatively make some contribution – alongside larger scale developments – to meeting this demand. Although undeveloped the site does benefit from good quality links with surrounding facilities and does not have any significant overriding ecological or landscape value.
- 7.7 It is considered that as the application site is of a small scale, which would be combined with replacement planting surrounding the proposed dwellings and the fact that area to the north of the application site would remain undeveloped, the actual role that the application site plays as a 'transitory' space is very limited. Furthermore, it should be recognised that the character of the surrounding area has also been changed to some degree through the development of the Booth Park site to the east and, to a lesser extent, the flats to the west in Booth Rise. Furthermore, there are no significant variations in housing densities between the Booth Rise and Thorpeville areas.

- 7.8 It is accepted that the site is surrounded by roads; however, the section of Booth Rise to the west is comparatively narrow and little used. As a consequence the presence of the road does not serve as any significant form of barrier to residents of the proposed development linking with existing parts of the community. Furthermore, there are pedestrian crossings in Booth Rise and Talavera Way (approximately 150m and 65m respectively away from the site's main entrance), which provides further ready access to the wider area. As a consequence, it is considered appropriate for the site to be developed for housing.
- 7.10 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 ensure that the provision of affordable houses is representative of the overall composition of the development.

Design and appearance

- 7.11 In response to the prevailing characteristic in Booth Rise and Thorpeville, the proposed dwellings are arranged in a linear form, which also ensures that buildings have a reasonably harmonious relationship with the established and prominent dwellings in Booth Rise. The proposal has been reduced in scale from 38 to 35 dwellings, which ensures that the proposed development has a lesser impact upon the character of the surrounding area, which would enable the more spacious, suburban feel of the vicinity to be maintained. In individual siting of the buildings ensures that all residents would have a suitable level of light, outlook and privacy for both the residents of existing properties and those that would occupy the proposed dwellings.
- 7.12 The dwellings are constructed of a traditional form and are of two storeys in height. This includes the apartment blocks (which were of three storeys in the preceding application) that are located adjacent to the southern boundary of the site. As a consequence of this, the development would not appear unduly prominent within the streetscene due to the similarities between building types. The design of the proposed buildings are heavily influenced by the prevailing vernacular and in particular the proposed dwellings include a traditional palate of materials (predominantly red brick and render), which is replicated on a number of the surrounding properties within the vicinity. Conditions are recommended that would ensure that the Council approves the final building material, which would provide certainty regarding this impact.
- 7.13 The design of the proposed buildings has also been enhanced through the inclusion of a number of traditional architectural details, such as porches, hipped roofs and chimneys.

These design cues have been taken from the surrounding buildings within Booth Rise and Thorpeville and ensure that the proposed development has maintained the quality of the built environment.

- 7.14 All of the proposed houses (25) have private rear gardens, which would ensure a satisfactory level of amenity space for the future residents of these units. This is considered to be a necessity on account of this element of the development being for the provision of family housing. It is accepted that the one bedroom flats do not have private garden space; however, given the likely profile of the future residents (e.g. generally single people or couples) it is considered that this arrangement is acceptable. Furthermore, the site is in close proximity to existing areas of public open space. It should also be noted that provision has been made within the submitted scheme for the provision of refuse and cycle storage to serve these flats. As a consequence, suitable provision has been made to address the likely needs arising from the occupiers of these units.
- 7.15 It is recognised that the site is currently undeveloped; however, for the reasons discussed previously, this reason is not sufficient to justify retaining the site in its current form. In order to provide some mitigation, there would be increased new planting adjacent to Booth Rise, which would further reduce the impact of the development on the streetscene. In addition, the existing planting in the northern and eastern sections of the site would be retained. This would ensure that views of the development from northern areas (including the Round Spinney roundabout of the development) would have a neutral impact upon this vista.

Air quality, noise and contamination

- 7.16 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. 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

- 7.17 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.
- 7.18 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

- 7.19 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.

Highway considerations

- 7.20 The applicant has proposed the inclusion of 45 car parking spaces, which is an average of 1.3 spaces per dwelling. As the development includes 10 single bedroom dwellings, it is considered that sufficient car parking has been provided to prevent any unauthorised car parking on the public highway. Although it is accepted that the site is located towards the periphery of the town, it does feature good access to public transport routes and other local facilities. As a consequence, it is likely that residents of the development would not be reliant upon private cars as their sole means of transport.
- 7.21 During the application process, the applicant has revised the siting of the car parking for one of the dwellings (plot five), in order to ensure adequate visibility for vehicles entering and exiting these spaces. All of the car parking spaces within the development would benefit from natural surveillance and as a consequence are likely to be safe and attractive to use, thus avoiding ad hoc parking, which could be detrimental to highway safety.

- 7.22 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 main 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.
- 7.23 Notwithstanding this assessment, it is likely that the level of road usage would increase within the surrounding environs. By reason of the scale of the development, any such increase is likely to be of a relatively small amount and therefore the impact upon the flow of traffic within the vicinity would not be significant. Nonetheless, the applicant will be entering into a Section 106 Agreement that would fund improvements to Booth Rise between the Round Spinney roundabout and the roundabout at the junction of Booth Rise and Kettering Road North. These works would also include upgrades to the junction between Booth Rise and the Round Spinney roundabout. These works would join up with the ongoing works being carried out by the Highway Authority to upgrade this roundabout.
- 7.24 The Highway Authority has also confirmed that as part of this work, 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.
- 7.25 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.

Legal Agreement

- 7.26 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.

- 7.27 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. This would be addition to the transport infrastructure that would be secured and described with paragraphs 7.23 to 7.25.
- 7.28 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 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. 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.
- 7.29 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 JCS Policy INF2, 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.
- 7.30 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.
- 7.31 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.

- 7.32 It is likely that the development would increase the demand for community facilities within the vicinity by reason of the increased population. As a consequence, a Section 106 obligation is to be entered into that would provide funding to undertake enhancements to the nearby Boothville Community Centre.

8. CONCLUSION

- 8.1 The fact that Northampton does not currently have a five year housing land supply carries significant weight in the determination of this application. In line with the requirements of the NPPF, the key determining factor is whether the proposal represents sustainable development. As the site has ready access to existing facilities and good public transport links, which would be combined with a good quality design and a neutral impact upon the neighbouring properties. It has also been demonstrated that the development would not unduly impact upon the ecology of the site. Mitigation would be secured through conditions and a legal agreement. For these reasons, it is considered that the proposed development is sustainable and accordingly should be granted planning permission. By reason of the level of mitigation that would be secured (which would now also include an additional contribution towards enhancements towards a local community centre) and the reduction in the density of the scheme when compared to the previous scheme, it is considered that the development is 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 BN2 of the West Northamptonshire Joint Core Strategy.

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 BN2 of the West Northamptonshire Joint Core Strategy.

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 BN2 of the West Northamptonshire Joint Core Strategy.

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 H1 of the West Northamptonshire Joint Core Strategy.

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 6th November 2014 (reference: 1628 Northampton – Booth Rise, Rev. A) 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. Prior to the first occupation of the development hereby permitted, the air quality mitigation measures as specified within the submitted assessment (reference 33787r7, dated 6th November 2014) shall be fully implemented 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.

14.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 H1 of the West Northamptonshire Joint Core Strategy.

15.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.

16. 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.

17. 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
- v. loading, parking and turning within the site during the construction period;
- vi. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- vii. The safe means of access of construction traffic to the site;
- viii. Routing agreement for construction traffic; and
- ix. 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.

18. 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.

19. 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 H1 of the West Northamptonshire Joint Core Strategy.

20. 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.

21. 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 9 or 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.

22. 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 and N/2014/1291

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: Location Plan
 Date: 8th January 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title

Development Land between Talavera Way and Booth Rise

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