

PLANNING COMMITTEE: 22nd November 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/0283

LOCATION: The Leys Close, 39 Mill Lane, Kingsthorpe

DESCRIPTION: Hybrid application including full planning application for the erection of three dormer bungalows (plots 4, 5, 6) and outline planning application for the erection of three dwellings (plots 1,2,3) with access, layout, scale and appearance to be considered and demolition of outbuilding.

WARD: Kingsthorpe Ward

APPLICANT: Mr T Adams
AGENT: Barry Waine Planning

REFERRED BY: Councillor S Beardsworth
REASON: Highway and flooding impacts

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development would contribute towards the Council's 5-year housing supply and would have a minimal impact upon the setting, character and appearance of the Kingsthorpe Conservation Area, listed buildings within the locality, neighbour amenity, flood issues, biodiversity and highway safety. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies H1, BN2, BN3, BN5 & S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 and E26 of the Northampton Local Plan 1997.

2. THE PROPOSAL

2.1 The application is a hybrid application which comprises of a full planning application for the erection of three dormer bungalows (plots 4, 5, 6) and outline planning application for the erection of three dwellings (plots 1,2,3) with access, layout, scale and appearance to be considered at this stage. Consent is also sought for the demolition of an outbuilding, which is a former summerhouse on the rear section of the site. Vehicular access is proposed from Mill Lane in respect of improvements to the existing access to 37/39 Mill Lane and an additional new access from Mill Lane.

2.2 The application is supported, in addition to the plans, by the following documents;

- Design and Access statement;
- Arboricultural Assessment;
- Heritage Statement;
- Bat Survey.

3. SITE DESCRIPTION

3.1 The site measures 0.52ha and consists of two sections of garden and paddock which are associated with 39 Mill Lane. The majority of the site lies within the Kingsthorpe Conservation Area.

3.2 The section fronting Mill Lane is a paddock, currently bound by a stone wall on the Mill Lane frontage, with post and rail fence on the boundary with the access road to 39 Mill Lane, and a mature line of conifer trees to the rear, which screen both No. 39 and the land to the rear. The boundary to the south east of the site is shared with the rear gardens of Nos. 55, 57, 59 and 61 Mill Lane.

3.3 The land to the rear was previously garden land associated with 39 Mill Lane. The site has a number of mature native trees, both within the site and on the boundaries. Within the site lies a former summerhouse and swimming pool. The summerhouse is a wooden structure with red clay tiles and an ornamental ridge, and would have been a fine building in the past. This was severely damaged a few years ago when a tree collapsed onto the building, since that time, some of the ornate detailing on the building was stolen, causing further damage. The swimming pool has long since fallen into disrepair and, along with the rest of this part of the site, is very overgrown.

3.4 The rear part of the site was not previously directly accessed from the highway, but the addition of the front paddock, under the current scheme, has now given the site a potential frontage onto Mill Lane with direct access from Mill Lane, which provides a more comprehensive development.

3.5 The area varies in levels, with some of the surrounding properties at a higher ground level than others. The highest feature around this part of Kingsthorpe is the Grade I Listed Church, which is a prominent feature in the landscape and plays an important role in the setting of the village.

4. PLANNING HISTORY

4.1 N/2003/1564 – Erection of four houses with garages and new garage for 67 Mill Lane. Refused 31st March 2004.

4.2 N/2004/007 – Demolition of summerhouse and in-fill pool. Refused 31 March 2004.

4.3 N/2004/942 – Erection of three new houses with garages and new garage for 67 Mill Lane. Refused 26 August 2004. This application relates to the rear section of the site (now shown as the detailed element of the application) and sought access between two properties by demolishing the garage for No. 67 Mill Lane.

4.4 N/2004/0943 – Removal of summerhouse. This application was withdrawn in October 2004 as consent was not required for the demolition of the summerhouse due to the size of the building.

4.5 N/2006/0074 – Erection of two houses. This application was withdrawn on 5th February 2008.

4.6 N/2009/0027 – Erection of 2no. detached dwellings with associated access and landscaping. Withdrawn 17th February 2009.

- 4.7 N/2013/1278 – Outline application for the erection of 3no. dwellings. All matters reserved except for access and layout. Approved 10 February 2014. N/2014/0300
- 4.8 N/2014/0959 – Outline application for the erection of 6no. dwellings. All matters reserved except access and layout. Withdrawn 12 November 2014.
- 4.9 N/2015/0773 - Hybrid application including full planning application for the erection of three dwellings (plots 4, 5 & 6) and outline planning application for the erection of three further dwellings (plots 1, 2 & 3) with access, layout and elevations to be considered: demolition of previous outbuilding. Withdrawn November 2015, following discussions with the Case Officer.
- 4.10 As noted above, there have been a significant number of planning applications on various parts of this site. It should be noted that a number of these applications (prior to 2009) proposed access between 65 and 67 Mill Lane. Since 2013, the proposals indicated access to be taken from Mill Lane (adjacent to the access for 39 Mill Lane). It will be noted from the above, the access has been established as a result of the site history.

5. PLANNING POLICY

5.1 Statutory Duty

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.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 7 – There are three dimensions to sustainable development. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role, an environmental role.

Paragraph 14 – Central to the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 – sets out core land-use planning principles, which seek to secure high quality design and a good standard of amenity for existing and proposed occupiers; encouraging the effective use of brownfield sites; managing patterns of growth to make fullest use of sustainable locations.

Paragraph 35 - sustainable transport – developments should be located and designed where practicable to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians.

Paragraph 47 – requires Local Planning Authorities to meet objectively assessed housing needs for their area and to identify and update a supply of deliverable sites to provide 5-years' worth of housing against these requirements.

Paragraph 49 – Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

Paragraph 53 – Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 56 – Good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 131 - Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (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. Policies of particular relevance are:

Policy SA: presumption in favour of sustainable development requires the Council to take a positive approach that reflects a presumption in favour of sustainable development and that proposals should be determined in accordance with the development plan.

Policy S4: Northampton Related Development Area sets out the housing needs for the plan period for Northampton.

Policy S10: Sustainable Development Principles - Seeks to achieve the highest standards of design and to protect, conserve and enhance heritage assets and their settings.

Policy H1: Housing Density and Mix and Type of dwellings – considers the location and setting of the site, the character of an area, living conditions for future residents and amenities of occupiers of neighbouring properties. The principles of Policy H1 require that development should make most efficient use of land.

Policy BN2: Biodiversity – seeks to protect biodiversity and ensure adequate surveys are undertaken to establish habitats and species on the site.

Policy BN5: The Historic Environment and Landscape – Heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance.

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20: New Development - requires new development to reflect the character of its surroundings in terms of layout, siting, form, scale and use of appropriate materials and be located in a manner which ensures adequate standards of privacy, daylight and sunlight.

Policy E26: Development in Conservation Areas - requires developments to preserve or enhance the character and appearance of the area, and not to demolish buildings which make a contribution to the character and appearance of the conservation area, where they are capable of an alternative use.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.6 **Other Material Considerations**

Kingsthorpe Conservation Area Appraisal
The Setting of Heritage Assets – Good Practice Advice Historic England.
Managing significance in decision-taking in the historic environment – Good Practice Advice Historic England

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NCC Highways and Access** - no objection to the access or the application in principle, subject to the appropriate relocation of the lamp column in the existing highway at the expense of the applicant and ensuring surface water cannot discharge onto the highway.
- 6.2 **NCC Local Lead Flood Authority** - referred to standing advice only in respect of surface water drainage.
- 6.3 **NBC Public Protection** - confirmed the concerns raised on earlier applications relating to noise, contaminated land and air quality. Conditions have been added in respect of noise and contaminated land. In respect of air quality, the Environmental Health Officer has also sought measures to improve air quality in this area. In this instance he is seeking low emissions boilers and electric vehicle recharging points.
- 6.4 **Northamptonshire Police** – no objections.
- 6.5 **NBC Conservation Section** - note that the current proposal has reduced the ridge height of the proposed dwellings, and the overall impact on the character and appearance of the Conservation Area and adjacent listed buildings has therefore been lessened

- 6.6 **NBC Arboriculture Officer** - no arboricultural reasons why this application should be refused. Recommend a planning condition to be imposed regarding tree protection.
- 6.7 **Kingsthorpe Amenity Preservation Group** - has submitted an extensive history of the site and reasons for strongly opposing the application. The concerns are supported by national guidance and local planning policy and raise concerns on highway safety, noise and odour, loss of trees and landscaping, the impact on listed buildings and the Conservation Area, archaeology and ground contamination.
- 6.8 **Kingsthorpe Conservation Area Committee and Friends of Kingsthorpe Village Green** - have raised concerns about traffic/cyclist/pedestrian safety, the impact on Fremeaux Terrace as a result of the height of the dormers and loss of privacy. Suggest consideration should be given to the surfacing of the access roads, avoiding gravel drives which could cause excessive noise. They have also raised concerns about the loss of the summerhouse, referring to it as an “antique treasure.”
- 6.9 **Councillor Beardsworth** has requested that the application is discussed at Planning Committee due to the following concerns:
- The exit and entry of the site is in a 40 mph speed limit on an extremely busy road.
 - It is a safer route to school for children.
 - It is a cycle route which is used by many school children and other cyclists.
 - Impact on local and widespread flooding.
- 6.10 **Natural England** - advise that they have no comments to make on the application.
- 6.11 **NCC Ecology** - are broadly satisfied with the bat survey and support the recommendation in the report to install four bat boxes to compensate for the loss of the roost. It is recommended that a condition is imposed requiring tree works to be undertaken outside the bird nesting season.
- 6.12 27 letters of objection were received from 11 individuals as a result of the public consultation. The representations are summarised as follows:
- Concern about the accuracy of the plans;
 - Loss of privacy;
 - The proposed dwellings will be visible from the objectors property;
 - The outbuilding/summerhouse, which is in the Arts and Craft style, is of significant architectural interest to the Victorian Society;
 - The summerhouse should be maintained rather than demolished;
 - Given the difference in levels between the site and the surrounding properties, the development will have an impact on the “pleasure of the gardens of Fremeaux Terrace”;
 - Over development of the plot;
 - Highway safety concerns (due to congestion at the Cock Hotel Junction and impact on the pedestrian/cycle route);
 - Impact on residential amenity by reason of exhaust fumes, general noise from residents, noise from gravel on the drives;
 - Overlooking from rear windows;
 - Out of character with the layout of the area, overdevelopment within a conservation area;
 - Development on the site has been refused on numerous occasions for good reasons;
 - A tree is indicated on the plans that is larger than the one on site;
 - The proposal adds nothing to the existing residents but seeks to further one individual's gain;
 - Loss of privacy to private garden area;
 - The drawings misrepresent the current situation suggesting that the existing properties are already overlooked;

- This part of the town is already overcrowded and the roads are gridlocked.

7. APPRAISAL

- 7.1 The main issues to consider in respect of this proposal are the principal of residential development, impact on the setting and character of the conservation area, highway implications and impact on adjoining occupiers.

Principle

- 7.2 The principle of residential use has been established on the paddock land to the front of the site, through the previous approval. The development of the garden land to the rear is 'backland' in that it is currently only accessible from the rear of 39 Mill Lane. In considering proposals for residential development on 'backland' sites, whilst the NPPF advises on the need to resist inappropriate development on backland sites, sufficient harm needs to be demonstrated. The site is in a sustainable location and the design of the revised scheme is not widely visible in the surrounding area.
- 7.3 The area is predominantly residential in nature and the comprehensive development of the site will contribute to the Council's five year land supply. Subject to the issues discussed below the principle of development is considered acceptable.

General design

- 7.4 The dwellings to the front of the site (plots 1, 2 and 3) are in outline form only at this stage, but the application seeks approval for the access, appearance, scale and layout of this part of the site, leaving landscaping to be considered. The proposed dwellings for this part of the site would comprise of three two-storey four bedroom properties. Double attached garages are proposed for Plots 1 and 2, with an integral double garage for Plot 3.
- 7.5 The dwellings to the rear of the site are for detailed consent and comprise three three-bedroom dormer bungalows. These are located in an almost central position on the plot.
- 7.6 Proposed materials would be red brick, render and plain clay tiles, which is in keeping with the properties around the site. The access road is proposed as brindle coloured block paving, to compliment the red brick of the dwellings.
- 7.7 At the time of the previous application, the development and the design were accepted in principle, however, concern was expressed regarding the impact of plots 4, 5 and 6 in terms of the height of the dwellings and the impact on the Conservation Area.
- 7.8 The current application indicates the ridge height to have been reduced thereby reducing the impact on the setting of the Conservation Area and the Listed Buildings within it. This is considered further below.

Impact on Heritage Assets

- 7.9 There are two considerations pertinent to the proposed revised development in respect of heritage assets, the impact on the character of the conservation area, and the impact on the setting of the listed buildings, in particular 17 Green End and the church.
- 7.10 The Kingsthorpe Conservation Area boundary was established in 1970 and amended in 1976. The current boundary runs through the front part of the application site, which results in the proposed plots 1 and 2 lying outside the Conservation Area, but plots 3, 4, 5 and 6 lying within the Conservation Area.

- 7.11 The Kingsthorpe Conservation Area has a very compact character and retains its 'village character'. The centre of the conservation area is dominated by the Grade I listed Parish church and its graveyard, and the open space the opposite side of Vicarage Lane. The church, the focus of the conservation area, and open space stand in an elevated position standing proud in the village context. The land then drops away steeply to the village green and then rises again to the south side of the green, the rise continuing onto Mill Lane. From the elevated position from the Church and open space, the core of the conservation area can be fully appreciated. From this vantage point, the retained village character can also be appreciated as there is a visual break in development between the properties facing the conservation area and the buildings beyond. This break reinforces the village character of the conservation area.
- 7.12 17 Green End, is a Grade II, three-storey building occupying a prominent location in the street. Its height and architectural details reinforce its position in the street and village as a building which was meant to be seen and appreciated.
- 7.13 The dwellings of Fremeaux Terrace are located to the north west of the site. The application site rises from the existing dwellings towards the south east. The revised proposal to construct three dormer style houses has reduced the height of the proposed buildings (from approximately 12.5m), but taking into account the elevated position the ridge height of the revised proposal will be approximately 1.4 metres higher than the properties in Fremeaux Terrace. Whilst the development of the site will result in the existing break in development being closed, the potential of viewing the buildings clearly from the core of the village and particularly the listed church, will be lessened and, therefore, the impact on the character of the conservation area lessened. Equally the reduction in roof height will lessen the potential for the roof line of the new buildings competing visually with the listed dwelling at No.17 Green End.
- 7.14 The designation of a conservation area, does not preclude development, however the development needs to take account of the impact that development may have on the setting and appearance of the conservation area. The comments from the Conservation Officer indicate that the main concerns have been addressed as a result of the revised proposal.
- 7.15 Representations have been made seeking the retention of the summerhouse. In its day this would have been a fine building, but following the damage caused by the falling tree and the vandalism that has taken place, many of its architectural features have been removed.
- 7.16 The size/volume of the summerhouse falls below that requiring conservation area consent for its removal and currently there is no protection which would allow the Local Planning Authority to enforce its retention. Given its current condition, it would not be worthy of listed building status, and would have been unlikely to have ever been of National Architectural Interest.
- 7.17 The County Council Archaeologist made observations on the previous application for the front part of the site. No comments have been received in respect of this application, but it is assumed that the same comments would apply. It was noted that there is the potential for archaeological remains to be present on the site and, as such, a condition is recommended to secure a written scheme of investigation.

Impact on neighbouring properties

- 7.18 The previous applications have considered the impact on the privacy and residential amenities of the surrounding properties and have not raised significant concerns.
- 7.19 The surrounding properties benefit from extensive gardens and the site is surrounded by mature trees, the majority of which will remain. The trees are protected by virtue of being located within the Conservation Area, and any trees not shown for removal as part of this scheme, would

require consent for their removal. The mature Beech tree, located outside of the conservation area, is protected by a Tree Preservation Order.

- 7.20 At the time of the site visit, the Conservation Officer and Case Officer walked the boundaries of the site and noted fences and walls on the existing boundaries which are considered to screen the site efficiently.
- 7.21 The proposed dwellings are indicated to be positioned on the site with a back to back distance between the properties at Fremeaux Terrace of approximately 40m and to 35m to the properties in Mill Lane. This distance combined with the screening offered by the trees that are to be retained on the site, provides an acceptable distance in terms of privacy to the existing properties. It is considered that there would be no adverse impact on the residential amenities of the occupants of properties surrounding the proposed development on the paddock land to the front of the application site.
- 7.23 It is therefore considered that on balance the proposed dwellings do not appear to adversely impact on the residential amenities of the surrounding properties.

Highways and Access

- 7.24 The principle of the access has been established through the earlier approval for 3 dwellings (N/2013/1278), although this proposal adds a further 2 dwellings which would be served by the proposed private drive. Plot 3 is to be served from the existing drive which serves 37 and 39 Mill Lane and one other property. The proposal includes improvements to the access road currently serving 37 and 39 Mill Lane.
- 7.25 Generally the Local Highway Authority would discourage more than 5 dwellings to be served from a private drive. In this instance, the applicant has overcome this issue by indicating the use of two accesses for the development. On this basis no objections to the access point and the associated access road have been raised by the Local Highway Authority.
- 7.26 The Local Highway Authority is satisfied with the indicated visibility splay, which demonstrates an acceptable pedestrian and vehicle visibility splay.
- 7.27 All the plots indicate on plot parking spaces and garages. Parking provision is considered sufficient and the Highway Authority have no objections.
- 7.28 The Highway Authority has requested a condition relating to surface water drainage and also an advisory note that a lamp column will need to be relocated at the expense of the applicant. As this will be works within the highway, an informative will be added and this matter can be resolved directly with the Local Highway Authority.
- 7.29 Whilst a number of representations have referred to the potential highway safety impact, no objections have been raised by the Local Highway Authority that cannot be otherwise covered by condition.

Ecology

- 7.30 At the time of the case officers site visit the site was extremely overgrown and whilst there was no obvious evidence of regular disturbance of the area, the characteristics of the site indicated the potential for bats to be present. As a result of this the applicant agreed to carry out a Bat Survey of the site.
- 7.31 The Ecologist who carried out the survey visited the site on two occasions with a period of a month between the two survey dates. The assessment identified that a single pipistrelle bat

emerged from the summerhouse, however, by the time the second visit took place the site had been the subject of a break-in and the ridge tiles and some of the lead had been stolen, which effectively destroyed the roost. This matter has been reported to the Police as legislation relating to protected species makes it illegal to intentionally or deliberately kill, injure or capture bats, deliberately disturb bats, whether at roost or not and damage, destroy or obstruct access to bat roosts.

- 7.32 During the course of the survey Soprano pipistrelle, Common pipistrelle and Myotis bats were either seen or heard in the area.
- 7.33 The Bat Survey concludes that in terms of mitigation for the loss of the roost, four bat boxes should be accommodated within the development either on retained trees or on the gable ends of the new dwellings at a height of at least 3m from ground level and facing south/south westerly in order to have solar gain.

Arboricultural issues

- 7.34 The application is accompanied by a Tree Survey which provides a condition survey of the trees on site and identifies trees for retention. Where trees are to be removed, new trees will be planted.
- 7.35 A mature Beech tree lies at the point of access and the access road circumvents the canopy of the tree. As mentioned above, the principle of this access has been established through the earlier consent. A root protection zone is indicated on the submitted drawings and the access road runs through this area. Whilst there is the potential for compaction of the surface, and therefore the roots, the level of the impact will be influenced by engineering details of the access road.
- 7.36 Whilst further information will be sought from the applicant by condition, in principle the Council's Arboriculture Officer is satisfied with the protection of the trees on the site and the planting scheme proposed.

Other matters

- 7.37 The Environmental Health Officer has sought measures to mitigate the impacts of noise and air pollution and contaminated land. Conditions have been imposed to address the noise and contaminated land.
- 7.38 In terms of the air quality whilst the intentions are noted, the Councils' adopted planning policies cannot insist on such measures, particularly in small scale developments such as this. The Building Regulations will consider the type of boiler to be installed, but there is limited scope to insist on a low emission unit. An informative will be added to encourage the applicant to incorporate such measures.

8. CONCLUSION

- 8.1 The outline consent for three dwellings on the site frontage has established the principle of an access onto Mill Lane. In respect of the rear part of the site, the objections raised previously in respect of the impact of the three dormer bungalows, on the setting and appearance of the conservation area, have been overcome such that it is considered there is no unacceptable adverse impact on the character and appearance of the conservation area or listed buildings within the locality referred to above. In addition the proposal would contribute to the Council's five year housing land supply.

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) Approval of the details of the landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This permission is in outline only granted under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

(4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; Plot 1 (proposed elevations) 12/A56/100a; Plot 2 (proposed elevations) 12/A56/101a; Plot 3 (proposed elevations) 12/A56/102a, Plots 4, 5, 6 (North elevation) 2303/4/C, Plots 4, 5, 6 (section) 2303/5/B, Plots 4, 5, 6 (ground floor plan) 2303/6; Plots 4, 5, 6 (first floor plan) 2303/7; Plots 4, 5, 6 (elevations) 2303/8, Site plan 2303/9.

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

(5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

(6) Notwithstanding the details set out in the submitted Bat Survey (Cherryfield Ecology dated 26/09/2016), prior to the commencement of any construction work on site (Including demolition), a full ecological survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site, a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

(7) Details shall be submitted to and approved in writing by the Local Planning Authority for the location of four bat boxes, as recommended in the Bat Survey (Cherryfield Ecology dated 29/09/2016). The development shall be carried out in accordance with the approved details, implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

(8) Prior to the occupation of development , 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 first 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 S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(9) The existing stone boundary wall fronting onto Mill Lane shall be retained apart from the section that needs to be removed to provide the sole access to the development as shown on drawing 2023/9.

Reason: In the interests of visual amenity and to safeguard the setting of the conservation area in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy and E26 of the Northampton Local Plan.

(10) Full construction details of the proposed private drive within the root protection area of the retained trees including a cross section showing any change in ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details using the 'no dig' method as details in the submitted Arboricultural Report.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of amenity in accordance with Policy BN3 of the West Northamptonshire Joint Core Strategy.

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

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(12) Prior to commencement of the development, full details of the existing and proposed ground levels and finished floor levels of the development in relation to 39 Mill Lane and Fremeaux Terrace shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out 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. The details are required pre-commencement to ensure that the details are agreed in a timely manner.

(13) Prior to the commencement of development, details 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 S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(14) All trees shown to be retained in the approved plans shall be protected for the duration of the development by (a) stout fence(s) to be erected and maintained on (an) alignment(s) to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or 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 S10 and BN3 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

(15) All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing number 2303/9, 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.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 and BN3 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan

(16) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

(17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 16 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 16.

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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

(18) Prior to the commencement of the development, the applicant shall assess the Noise Exposure Categories of the site due to its exposure from transportation noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth in traffic over the next 15 years.

The applicant shall also submit to the Local Planning Authority for it to agree in writing a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the noise protection measures together with the resultant NEC(s) for the site.

Where façades or floors do not fall into NEC A, a noise insulation scheme, which will require the provision of mechanical ventilation, be submitted to and agreed in writing by the Local Planning Authority and implemented prior to the dwellings hereby permitted being first occupied and retained thereafter.

Reason: To protect the amenities of future occupiers of the development in accordance with the requirements of the National Planning Policy Framework and BN9 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

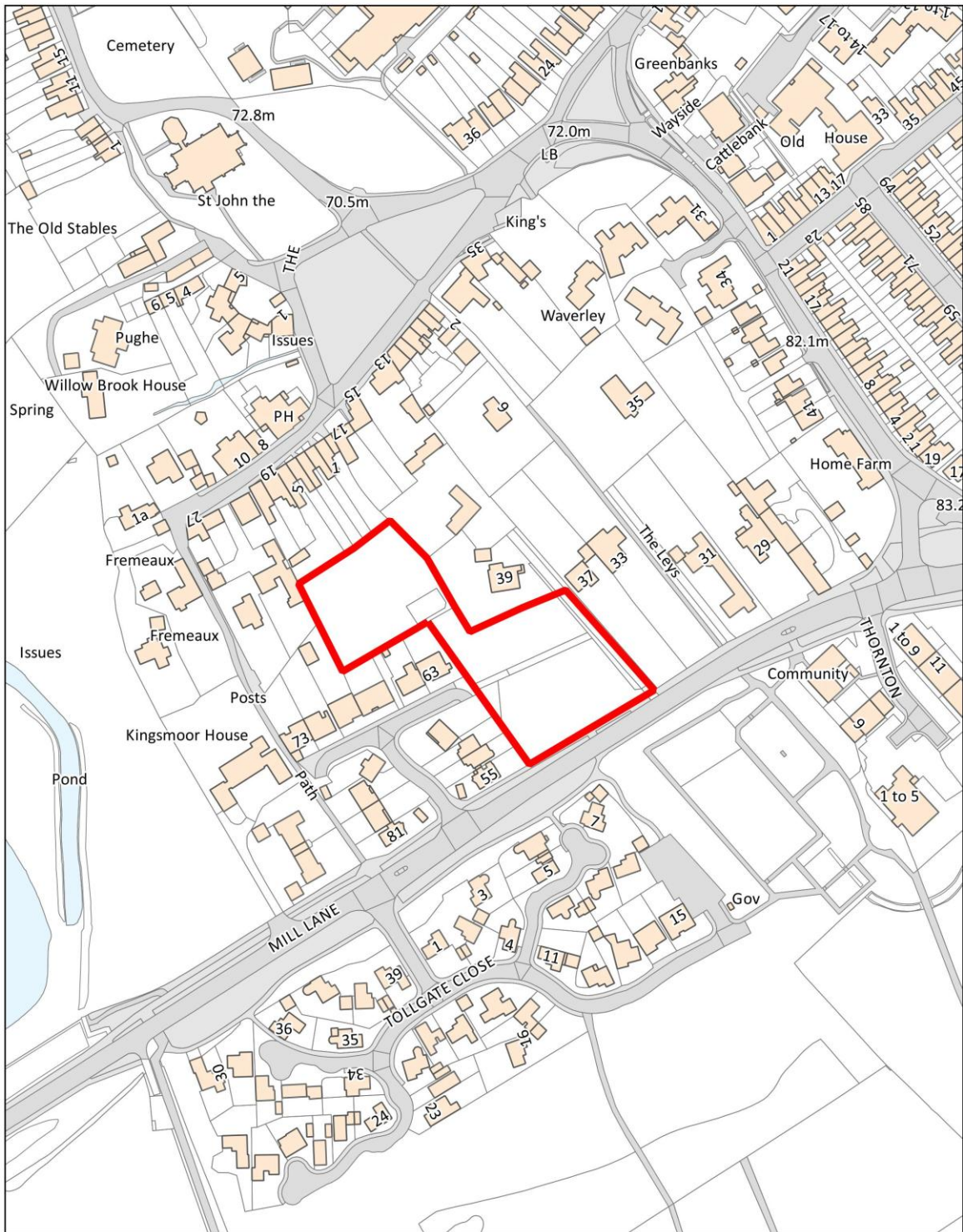
10.1 N/2016/0283

11. LEGAL IMPLICATIONS

11.1 The development is CIL chargeable.

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.



Title: Land off Mill Lane

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Date: 14-11-2016

Scale: 1:2,000

Drawn by: