

PLANNING COMMITTEE: DIRECTORATE: HEAD OF PLANNING:	11 th April 2017 Regeneration, Enterprise and Planning Peter Baguley
APPLICATION REF:	N/2016/1593
LOCATION:	University Of Northampton Park Campus, Boughton Green Road
DESCRIPTION:	Variation of Condition 6 of N/2014/0475 (Outline permission for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units) to amend wording of condition to ensure the provision of an average of two parking spaces per dwelling (up to a maximum of 800 dwellings)
WARD:	Obelisk Ward
APPLICANT: AGENT:	University of Northampton Savills
REFERRED BY: REASON:	Head of Planning Major application requiring S106 agreement
DEPARTURE:	Yes

APPLICATION FOR DETERMINATION:

1. **RECOMMENDATION**

ANNUNC COMMITTEE

- 1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a Legal Agreement to secure:
- 1.1 i) On-site affordable housing;
 - ii) A payment towards education provision;
 - iii) The provision of on-site open space and sports facilities and for this space to be continually maintained and made available for public access; and
 - iv) The Council's monitoring fee.
- 1.1.2 The conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's five year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10 and H1 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan

1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policy INF1 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant has applied to vary Condition 2 of the original planning permission, which required the provision of a minimum of 1,600 car parking spaces across the entirety of the development and was predicated on the basis that the final developer would build the maximum permitted number of dwellings and would have resulted in each dwelling being provided with an average of two parking spaces. As the proposals have developed, it has become apparent that fewer than 800 dwellings are likely to be constructed. Therefore, in order to prevent unnecessary works from taking place, it is proposed to amend the condition so that the condition specifies that there will be an average of two spaces per dwelling, rather than an absolute figure.

3. SITE DESCRIPTION

- 3.1 The application site consists of an area of approximately 30 hectares in area that is situated south of Boughton Green Road. The site was originally developed in the early 1970s in order to provide a teacher training college. This use developed over the ensuing years and is currently operated by the University of Northampton. The site forms one of two campuses within Northampton and features a number of buildings (of various styles and scales, although the general trend is that buildings are between one and three storeys in height) that support the academic function of the operator. The site also features residential accommodation of 1,300 students, sports facilities, students union and shops.
- 3.2 The application site is of a consistent level, although there are some minor variations in site levels to the north of the site (adjacent to the existing student accommodation buildings). The site is also distinctive in featuring a significant number of mature trees, many of which are covered by Tree Preservation Orders.
- 3.3 The site features two vehicular accesses that are both situated within Boughton Green Road. The site currently features 1,608 car parking spaces. A footpath running from Boughton Green Road that links into the network of open space to the south and east of the site is situated adjacent to the south western boundary.
- 3.4 The surrounding area is characterised by a mixture of residential accommodation (typically of two storeys in height), which are generally situated north, west and south west of the application site. The area to the east of the site is in use for a variety of commercial purposes. These buildings are of a variety of scales and styles. The site is also adjacent to two other academic institutions: Kingsthorpe College and All Saints Primary School. The former is separated from the application site by the aforementioned footpath, whilst the latter is surrounded by the application site on three boundaries. Both institutions are accessed from Boughton Green Road. Gallagher Fields (situated to the south of the application site) is in use as playing fields and are currently leased to the University.
- 3.5 The site was originally the location of Moulton Park House, which was rebuilt during the late 1800s. The buildings were used for a variety of uses until they were demolished to accommodate the original university facilities in the 1970s. Despite this, a number of historic features remain, which comprise a ha-ha to the west of the site, the tree lined avenue from Boughton Green Road

and the sections of the original stone wall adjacent to Boughton Green Road. None of the historic built structures are listed or included within any Conservation Area.

4. PLANNING HISTORY

4.1 N/2014/0475 – Outline application (with all matters reserved, except access) for the demolition of the existing University facilities and erection of new buildings comprising residential accommodation (Use Class C3) of up to 800 units, associated car parking, retail unit, landscaping and open space with accesses from Boughton Green Road – Approved.

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) and Northampton Local Plan (1997) saved policies.

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.

- 5.3 Paragraph 47 of the National Planning Policy Framework (hereafter referred to as the NPPF) requires that Local Planning Authorities ensure that the planning process meets the full, objectively assessed needs for the area. 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.
- 5.4 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).

5.5 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.

5.6 Policy S1 states that new developments would be concentrated primarily in and adjoining the existing principal urban area of Northampton. Of particular relevance to this application, Policy S4

requires the provision of about 28,470 new dwellings within the Northampton Related Development Area (NRDA) between 2011 and 2029. This figure has been calculated as a result of the West Northamptonshire Objectively Housing Needs Assessment. Policy S10 requires that new developments be located in a position where services and facilities can be accessed by walking, cycling or public transport.

- 5.7 Policy H1 requires that a mixture of house types are provided, which should be of varying sizes, types and tenures.
- 5.8 Policy RC2 requires that new developments meet their own demands in terms of sporting, recreation, cultural and community facilities and to meet this demand either through on-site provision or through contributions
- 5.9 In addition to these matters, Policy INF1 requires that developments provide sufficient infrastructure to mitigate the impacts of development, which is in addition to Policy INF2 that requires a reliable mechanism for the provision of such infrastructure to be provided.

5.10 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.

- 5.11 The relevant policies include Policy L2, which identifies the application site as an education institution and states that planning permission for the redevelopment of such sites will only be granted in such instances when where it can be demonstrated that the land or facilities likely to be lost are needed in the long term for recreation use; that the scheme retains open space of significant amenity and landscape value and the existing sports and recreation facilities can best be retained or enhanced through the redevelopment of the site. E11 that requires developments to have a neutral impact upon trees of significant value and E20 that states that developments should be of a satisfactory standard of design
- 5.12 In addition, Policy H7 states that new proposals should be of a good design and amenity; Policy H17 requires the provision of a suitable level of housing for people with disabilities; and Policy H32 necessitates the provision of some affordable housing.

5.13 Supplementary Planning Documents

Northamptonshire Parking Standards 2016

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Environmental Health (NBC) No objections.
- 6.2 Highway Authority (NCC) Object on the grounds that it is considered that the assessment of parking provision should be judged to the requirements of the revised standards, adopted in 2016.

7. APPRAISAL

7.1 Condition 6 of the outline planning permission currently reads:

"The development hereby permitted shall include a minimum of 1600 car parking spaces.

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

- 7.2 This condition was imposed as, at the time that outline planning permission was granted, it was envisaged that the final development would be of the maximum number of dwellings approved by the outline application (800 dwellings). As a consequence, the condition ensured that each property would have an average of two parking spaces for each dwelling.
- 7.3 Since the granting of outline planning permission, the developer has undertaken a significant amount of work in respect of drawing a master plan to inform the future development of the site and resultant reserved matters applications. Due to the aspiration to create a good quality development, with a suitable level of amenity for proposed and existing residents, and the need to retain as a large a number as possible of the existing trees and heritage assets, in addition to providing sufficient areas of public open space and outdoors sports facilities, it is apparent that the number of dwellings provided on site may be less than the maximum threshold previously permitted.
- 7.4 Should this scenario emanate, Condition 6, as currently worded, would still require 1,600 car parking spaces to be provided irrespective of the number of dwellings provided. This scenario could potentially result in trees being removed or less open space being provided without any particular need.
- 7.5 The proposed revision of Condition 6 would require that each dwelling has an average of at least two parking spaces, which is in keeping with the intended ethos of original condition, but allows for some flexibility given the likelihood that the number of dwellings built on this site may be less than the maximum of 800.
- 7.6 It is appreciated that the Highway Authority have requested that the parking provision be assessed with regards to their 2016 standards, which postdate the granting of the original outline planning permission. Whilst this position is noted, significant weight has to be given to the fall back position in that if this application were to be approved, the originally approved development could proceed as previously approved. Given that the revised condition would result in car parking being provided on the same pro rata rate, it is considered that the highway impacts would not be significantly greater than that previously deemed acceptable.
- 7.7 The varying of this condition would have the effect of creating a new planning permission. As a result, it is necessary to restate or previously imposed conditions, in order to secure a satisfactory standard of development and to maintain the impacts on the character of the area and neighbouring properties.
- 7.8 As a new planning permission would be created, it is also necessary to enter into a new legal agreement. Given that there is an extant permission, the Heads of Terms would be the same as those previously agreed. For viability reasons, the original Section 106 Agreement secured a reduced number of Heads of Terms comprising the provision of 8% of the development for affordable housing, a financial contribution towards the provision of off-site open space. As a result of the relatively limited time that has lapsed since the granting of the original planning permission and the fact that the 2014 permission is still quite capable of being implemented, there is not any particular material change in circumstances to warrant the securing of different Heads of Terms.
- 7.9 Furthermore, and whilst it is accepted that the level of mitigation is less than some other agreements, it is considered that there are significant reasons for permitting this particular development. The first being that there is a significant need for housing within the Borough and this site makes a particularly significant contribution to addressing the shortfall of housing within the town. Furthermore, it is understood that the reduced viability of the residential development is due to the land transaction making a sizeable contribution towards the development of the new campus at Nunn Mills Road. Given that this scheme is a key regeneration objective and would

lead to substantial benefits to the town as a whole, it is considered that in this specific instance, the benefits of this development outweigh the disadvantages of a reduced Section 106 Agreement.

- 7.10 Given that the overall quantum of development would not be any greater than that previously assessed, it is considered that the proposed revision to Condition 6 would not cause any greater impacts upon the character and appearance of the area, neighbour amenity or the likely amenities of the future occupiers of the development. As a consequence, the proposed development remains in conformity with the requirements of national and local planning policies in respect of these matters.
- 7.11 The applicant has also submitted assessments that demonstrate that the proposed revision to parking provision would not have any greater impact on the environment in terms of matters such as wildlife, air quality and ground conditions than that previous considered and deemed acceptable.

8. CONCLUSION

8.1 It is considered that the redevelopment of this site for housing remains acceptable and would contribute to the delivery of the five year housing land supply within the Borough. Whilst the precise wording of Condition 6 of planning permission N/2014/0475 would change, the ethos would remain intact in that an average of two spaces per dwelling would still be provided, whilst allowing for the possibility that the final scheme may feature less than the maximum number of dwellings permitted on the site.

9. CONDITIONS

9.1 (1) Approval of the details of the appearance, landscaping, layout and scale ("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.

(2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the 18th September 2020.

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

(3) The development hereby permitted shall be begun either before 18th September 2024, or, if later, before the expiration of six years from the date of approval of the last of the reserved matters to be approved.

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: 001 (Rev. C); and 002.

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

(5) The development hereby permitted shall be for a maximum of 800 dwellings and a maximum of 500 square metres of nett floor space for uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure conformity with the National Planning Policy Framework.

(6) The development hereby permitted shall include an average of at least two car parking spaces per dwelling.

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

(7) The development hereby permitted shall be carried out in accordance with the Building Heights Parameter Plan (drawing number Z-01-007, Rev. P1).

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

(8) Prior to the commencement of development, a phasing plan for the implementation of the development 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 securing a satisfactory development in accordance with the National Planning Policy Framework.

(9) Prior to the submission of any reserved matters application, a Masterplan and Design Code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be formulated having regard to the approved Design and Access Statement, parameters plan, landscape strategy and shall respond to the recommendations of Building for Life 12 and shall include the following details.

i) A phasing plan of the development, including an affordable housing plan.

ii) The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycle connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking.

iii) The proposed layout, use and function of all open space within the development.

iv) The approach to and design principles applied to car parking (on and off street), including surface treatments.

v) Phase layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.

vi) The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.

vii) External materials to include a palette of wall and roof finishes, porches, heads, cills, chimneys, eaves and verges in addition to the colour palette for doors, windows and rain water goods.

viii) The design principles that will be applied to the development to encourage security and community safety.

ix) The routing and treatment of all footpaths and pedestrian routes throughout the site.

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

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

(10) Notwithstanding the details submitted, full swept path analysis for four axle Heavy Goods Vehicles and junction visibility splays at the junctions with Boughton Green Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and the junctions with Boughton Green Road shall be fully implemented prior to the first occupation of the development hereby permitted.

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

(11) The development hereby permitted shall be carried out in accordance with the Method Statement for the retention of trees along Boughton Green Road report (dated July 2014) and the Tree Impact Appraisal (dated July 2014).

Reason: In the interests securing a satisfactory standard of development in terms of the impacts upon the site's trees in accordance with Policy E11 of the Local Plan.

(12) Details and/or samples of the proposed external facing materials for the resited boundary wall adjacent to Boughton Green Road 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.

(13) Prior to the commencement of each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall than be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

i) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.

ii) Measures to minimise and control noise, vibration, dust and fumes during site preparation works and construction, including vehicle reversing alarms.

- iii) Details of the siting of all vehicles of site operatives and visitors.
- iv) The unloading and loading arrangements for heavy plant and machinery.
- v) The location, extent and duration of any temporary stockpiling areas.
- vi) Measures to prevent mud being deposited on the surrounding highway.
- vii) Hours in which development will take place.

Reason: To minimise the impact of the development during the construction phase in accordance with the National Planning Policy Framework.

(14) Prior to the commencement of development on each phase of the development an assessment of the noise exposure of each habitable room on the exposed façades due to transportation, which must take into account the likely growth of traffic over the next 15 years shall be submitted to and approved in writing by the Local Planning Authority.

Where the night time internal noise level in any bedroom exceeds the night time WHO 1999 standard of L_{Aeq} , 8 hour 30dB with window open, a noise insulation scheme shall be submitted to

and approved in writing by the Local Planning Authority, which will require the provision of ventilation or heat control systems. Development shall be carried out in accordance with the approved details, shall be fully implemented prior to the first occupation of each affected dwelling and retained thereafter.

Reason: In the interests of securing a satisfactory standard in terms of residential amenity in accordance with the National Planning Policy Framework.

(15) Prior to the commencement of development on each phase of the development, a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the first occupation of each phase of the development and retained thereafter.

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

(16) Prior to the commencement of development on each phase of the development, a surface water strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the construction of any areas of hard standing within each phase of the development and retained thereafter.

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

(17) Prior to the first occupation of each phase of the development 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 phase 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.

(18) The development hereby permitted shall be carried out in accordance with the recommendations of paragraphs 7.5.9 and 7.5.10 of the Environmental Statement (dated April 2014) in respect of biodiversity mitigation.

Reason: In the interests of securing a satisfactory standard of development in terms of mitigating the impacts of the proposal on biodiversity.

(19) The development hereby permitted shall retain the ha-ha as shown on the Illustrative Landscape Masterplan (revision B).

Reason: In the interests of maintain a feature of historical interest in accordance with the National Planning Policy Framework.

(20) 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.

(21) The retail development hereby approved shall only be open to customers between the hours of 7am and 10pm on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(22) All deliveries to the retail development hereby approved shall take place during the hours of 6.30am and 8pm only on any one day.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(23) Prior to the first occupation of the retail development, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise from the retail development whether from fixed plant or equipment or noise generated within the building(s) and the provisions to be made for its control. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the retail development and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of the impacts upon neighbouring properties in accordance with the National Planning Policy Framework.

(24) No development within any phases of the development shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 0.5% probability critical storm with climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall comply with the principles set out in the agreed Flood Risk Assessment and shall also include details of how the scheme shall be maintained and managed after completion

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

(25) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the approved details.

Reason: To ensure the potential risks to controlled waters from contamination at the site are protected in accordance with the requirements of the National Planning Policy Framework.

(26) 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 and where remediation is necessary a remediation scheme must be 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.

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.

(27) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contaminant migration and in accordance with the requirements of the National Planning Policy Framework.

10. BACKGROUND PAPERS

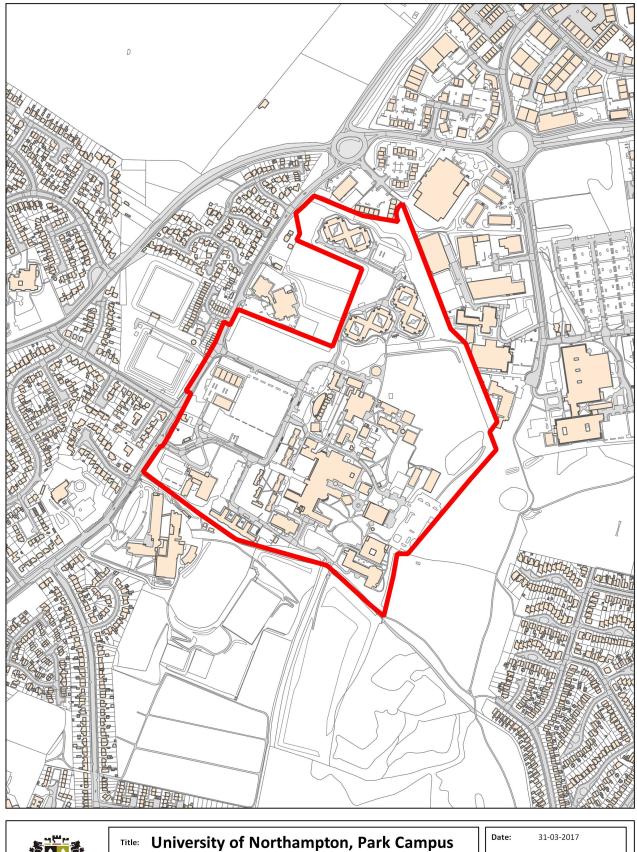
10.1 N/2014/0475.

11. LEGAL IMPLICATIONS

11.1 The development is CIL liable.

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.



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