



PLANNING COMMITTEE: 17th March 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1225

LOCATION N: Development Land Rear Of Hunsbury Park Primary School, Dayrell Road

DESCRIPTION: Erection of 73no dwellings with associated parking, open space and landscaping

WARD: West Hunsbury Ward

APPLICANT: Countryside Properties (WPL) Ltd
AGENT: PBA, now part of Stantec

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring S106 agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the completion of a S106 Agreement to secure:

- 1.1.1
- i) 100% on-site affordable housing;
 - ii) Primary School Education payment;
 - iii) A payment towards improvements in highway capacity at the junction of Hunsbury Hill Road and Danes Camp Way;
 - iv) That a minimum of 1.182ha on-site Public Open Space be provided and is maintained and made available for public access in perpetuity;
 - v) A payment towards the enhancement and maintenance of the Multi-Use Games Area;
 - vi) A payment towards the enhancement and maintenance of the Rothersthorpe Road Allotment site;
 - vii) A contribution to primary healthcare facilities in the local area to meet needs arising directly out of the development;
 - viii) Construction worker training opportunities and a financial contribution towards the operation of the scheme; and
 - ix) The Council's monitoring fee, subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.1.2 The conditions as set out below and for the following reason:

The proposed development, subject to conditions, will make a significant contribution towards the Council's five-year housing supply and will introduce an appropriate land use within the locality, which would help to enhance the character and appearance of the surrounding area. It will also have an acceptable impact upon the amenity of existing neighbouring properties and local highway safety and will deliver a policy-compliant number of affordable housing for the Borough. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.2 It is recommended that in the event that the Section 106 Legal Agreement is not completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability 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 Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for the erection of 73 dwellings, which would all be two storeys in height. Access to the development would be via a new junction created from the existing Dayrell Road roundabout to the northwest of the site.
- 2.2 The total site area measures 3.007ha, of which 1.182ha would be developable once drainage areas and public open space is allowed for. This equates to a density of approximately 40 dwellings per hectare.

3 SITE DESCRIPTION

- 3.1 The application site consists of a currently overgrown and unkempt piece of undeveloped land located within a predominantly residential area approximately 1.5 miles to the southwest of Northampton town centre. To the west of the site is Hunsbury Park Primary School, to the north is existing housing, to the east is Danes Camp Way and to the south is Hunsbury Hill Country Park.
- 3.2 Access to the proposed development would be via the existing roundabout on Dayrell Road, which also serves as vehicular access to a number of residential properties in the vicinity, as well as Hunsbury Park Primary School and community centre.
- 3.3 An existing bridleway connects from the north along the eastern boundary of the site, connecting to Hunsbury Hill Country Park, a Local Wildlife Site, to the south.

4 PLANNING HISTORY

- 4.1 N/2017/0836 – Outline planning permission for the development of up to 50 no. dwellings with associated access, green infrastructure, open space and landscaping (all matters reserved except for access). Approved 28/03/2018, following the finalisation of a S106 agreement secure planning obligations.

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 the saved policies of the Northampton Local Plan (1997).

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:

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

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. The following policies are considered to be of particular relevance are:

- 5.4 Policy BN7 states that the development is required to include adequate flood risk assessments and management procedures.
- 5.5 Policy S1, which refers to the location of development, states that the development would be concentrated primarily in the urban area of Northampton.
- 5.6 Policy S3 identifies the need and amount for new housing to be provided within the Borough over the plan period of 2011-2029.
- 5.7 Policy S10 meanwhile requires that development is sustainable and is of a good standard of design and incorporates safety and security considerations in order to promote a good sense of place. In addition, development should be located in order to encourage access by sustainable means of travel, such as by foot, bicycle or public transport.
- 5.8 Policy C2 of the JCS requires new developments for housing to mitigate its impact upon the highway network and should be supported by an accompanying Transport Assessment.
- 5.9 Policy H1 requires that new residential development provides a good mix of housing and has regard to the location and setting of the site, the character of surrounding areas, accessibility, proximity to public transport routes and amenity.
- 5.10 Policy H2, meanwhile, states that 35% of dwellings (on sites of 15 or more dwellings) should be made available for occupation on affordable tenures.
- 5.11 Policy INF2 requires that new developments will only be permitted in instances where there is a reliable mechanism in place to ensure that required mitigation can be delivered.

5.12 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 policy is material to this application:

E20 – Design of New Development. This requires new development to be constructed to a good design and ensure that there will be no adverse impact upon the occupiers of neighbouring properties in terms of light, overbearing impact and privacy.

5.13 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004
Planning Obligations SPD 2013
Northamptonshire County Parking Standards 2016
Northampton Parking Standards SPD 2019

6 **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Environmental Health** – No objection. Conditions covering noise, contaminated land and air quality are proposed to ensure the development does not have a detrimental impact upon the health of future residents.
- 6.2 **Highways England** – No objection.
- 6.3 **Environment Agency** – No objection.
- 6.4 **NCC Development Management** – Planning obligations requested towards education, fire hydrants and libraries.
- 6.5 **Anglian Water** – Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. A condition is suggested to control the timing of the implementation of any hard surfacing to ensure that surface water drainage has been implemented beforehand.
- 6.6 **NBC Arboricultural Officer** – The planting scheme is non-controversial. The tree species proposed are unimaginative but a safe choice, and the positions proposed offer a high-level screen to the school to the west of the development and those trees placed in the public realm appear to have been well-positioned to avoid future conflict. Shrub beds seem to be well positioned and the shrub mix, judging by the chosen tree species, are likely to be similarly safe and non-controversial choices.
- 6.7 The generic Implementation and Maintenance Guidelines are industry good practice and cannot be faulted, provided that they are followed more or less sequentially during the implementation of the scheme.
- 6.8 **NBC Environmental Protection** – No objection to the site layout. Conditions suggested to require the development to be carried out in accordance with the submitted noise report, contaminated land report and the Construction and Environmental Management Plan. In terms of Air Quality one Electric Vehicle charging point should be provided per dwelling in accordance with the Council's Low Emissions Strategy.
- 6.9 **Northamptonshire Police** – pleased to note that the boundary treatment recommendations have been included in this latest iteration of the layout and that the footpath link has been omitted.
- 6.10 **NCC Highways** – No objection to the site layout. The site has been tracked and is acceptable. In terms of trees within 2.5m of the highway we would permit a tree to be on third part land within 2.5m provided they were in a tree pit a minimum of 1m away from the highway. The species of tree would also need to be agreed upon by highways to ensure no overhang of the public highway. Five conditions are suggested in the event that the streets are not adopted.
- 6.11 A financial contribution towards the improvement of Danes Camp Way/Hunsbury Hill Road roundabout is required.

- 6.12 Please ensure that the applicant is made fully aware of their responsibilities in respect of Public Footpath No HW14 and Bridleway No HW15, which cross and abut the proposed development site. The developer is reminded to apply to the local planning authority for any proposed permanent diversion of a right of way under Section 257 of the Town and Country Planning act 1990 required to facilitate the development of N/2019/0393. The alternative route for such a diversion must be agreed with the local highway authority's Area Rights of Way Officer and be available for public use prior to the closure of any existing route.
- 6.13 **NCC County Ecologist** – No objection. Both the Wildlife Trust and County Ecologist are satisfied with the amended landscaping details.
- 6.14 **Lead Local Flood Authority** – No objection. We note Anglian Water's comments and would advise that their comments should be followed.
- 6.15 **Construction Futures** – A contribution towards construction skills training associated with this development is required.
- 6.16 **NBC Housing Strategy** – The proposed mix of dwellings and tenure mix is acceptable.
- 6.17 **NCC Archaeology** – The site has been extensively quarried. No objection therefore.
- 6.18 **West Hunsbury Parish Council** – The Parish Council object to this application on the grounds of increased traffic issues. There are already considerable concerns about the level of traffic in the vicinity of the primary school, especially as school pick up and drop off times. It is thought that the development of 73 houses will only serve to increase what is already a large problem. The council appreciate that the developer has included 10 free parking spaces which could potentially be used during peak times, however it is felt that this is not enough to mitigate the impact of the extra houses. The council would also like to make the following Observations:
- 6.19 The proposed pedestrian access from the new development into Hunsbury Park should have vehicle controls on it to prevent access to the park by any wheeled or motorised vehicles.
- 6.20 The lowest side of the cage surrounding the MUGA should be raised to prevent balls from being hit across the road.
- 6.21 It is hoped that improvements would be made to the 2 roundabouts in the vicinity of the new development to help the increased traffic flow.
- 6.22 It is requested that restrictions are placed on construction traffic to prevent construction vehicles accessing and leaving the site during peak traffic times around the school.
- 6.23 **Neighbouring Residents** – 2 objections to the proposal have been received from neighbouring residents who raise concerns that the addition of 73 dwellings will create additional traffic and parking problems in combination with the existing school traffic.

7 APPRAISAL

Principle of development

- 7.1 It is proposed to construct 73 dwellings on land to the east of Hunsbury Park Primary School. All of the dwellings will be affordable with a mix of affordable rent, social rent and shared ownership properties. Outline planning permission was granted in March 2018 for a total of 50 dwellings on the site under reference N/2017/0836. The permission remains extant and thus the principle of residential development on this site is considered to be acceptable. In addition, Northampton Borough Council cannot currently demonstrate a five year housing land supply and thus it is considered that the development of this site for housing would be desirable on the grounds that it makes a contribution to addressing the significant need for new housing in the Borough. The increase from 50 to 73 dwellings would further help to meet the shortfall in housing provision in the

Borough. Furthermore, the application site is within the urban fabric of Northampton and thus the proposal complies with Policy S1 of the West Northamptonshire Joint Core Strategy in respect of its location.

- 7.2 The proposal seeks to deliver a 100% affordable housing scheme with all three types of recognised affordable housing; social rent, affordable rent and shared ownership. It is considered that whilst Policy H2 of the West Northamptonshire Joint Core Strategy only seeks 35% of residential developments to be affordable, and thus this proposal is an exception to the requirements of Policy H2, it would represent an overprovision of affordable housing, but it is considered that this would address a wider undersupply of affordable dwellings within the Borough. As set out below, it is considered that there would be no adverse impact as a result of the concentration of affordable dwellings that would significantly and demonstrably outweigh the benefits, which help to readdress a wider undersupply.
- 7.3 Whilst there is the perception that greenspace will be lost, the site is currently inaccessible and the proposal will incorporate over 1 hectare of open space. The existing Multi-use Games Area (MUGA) that is located within the site (although not included as part of the applicant's redline area) will be retained, thus continuing to provide opportunities for outdoor recreation within the area. The existing bridleway to the east and south of the site will also be retained, although a separate application under Section 257 of the Planning Act will be required to divert it by up to approximately 3 metres in some locations, in order to ensure that surface water drainage attenuation ponds for the site can be provided.
- 7.4 The Northampton Local Plan jointly allocates the site as being a site of nature conservation value and also a site for future school expansion. However, it has been confirmed to the Council that Northamptonshire County Council (as the Local Education Authority) have no plans to expand the adjoining Hunsbury Park Primary School (located to the west of the application site) and that the impact on existing ecology and biodiversity can be appropriately mitigated by the proposed landscaping schemes and the inclusion of a number of measures to increase the overall levels of biodiversity on site, including measures to support local populations of birds and bats.
- 7.5 It is therefore considered that the development is acceptable in principle on the grounds that there is a significant need for new housing within the Borough, the provision of affordable dwellings overcomes an undersupply elsewhere, that the site is not identified as public open space and that it has been demonstrated that the site is not a habitat of any ecologically sensitive species and that the impact upon ecology and biodiversity can be appropriately mitigated.

Layout

- 7.6 The shape of the site acts as a significant constraint as to the type of layout that can be achieved. It is accessed from an existing roundabout to the northwest which also provides access to the primary school. The shape of the site means that it is not particularly wide at points, which inevitably dictates the layout. The site runs from the existing roundabout at the northwest of the site towards the southeast. It is therefore proposed to have one primary road running from northwest to the south of the site, with two small cul-de-sacs being accessed from the primary road.
- 7.7 It is proposed create a strong street frontage running north to south along this primary road, with the dwellings positively addressing the street. There will be a high level of activity along the main street, with the active frontages of the dwellings facing onto the street. Parking will be predominately tandem at the sides of dwellings, preventing long runs of frontage parking. It will also enable small front gardens to be provided, enabling landscaping at the front of dwellings and a softer suburban appearance with low hedges, planting and areas of grass defining the edges of the individual plots.
- 7.8 Private gardens will be to the rear of the dwellings, predominantly facing out towards the west and east of the site. To the east of the site is Danes Camp Way and between this busy road and the rear gardens there will be a flood attenuation pond and the realigned bridleway. To the west the

rear gardens will run along the boundary of the school and further to the south, along the boundary with Hunsbury Hill Country Park.

- 7.9 The north of the site, due to existing service easements, will largely be formed of natural and semi-natural open space and a car park of 20 spaces for the school. To the south the existing bridleway will be realigned and run in front of the existing tree belt. As such, it is considered that the proposal will create a strong street scene with easily definable plots and parking that will be located so as to not dominate the appearance of the area. Greenspaces will be overlooked, accessible and will give an attractive green setting to the proposed development whilst also ensuring connectivity through the site and beyond is improved.

Design, character and appearance

- 7.10 The proposal seeks to construct a total of 73 dwellings. It is proposed that 28 of the dwellings will be three bedroom properties and the other 45 will be two bedroom properties. All of the proposed dwellings will be two storeys and will be arranged as semi-detached and terraced blocks facing onto the primary street. A total of three house types are proposed. They are a traditional design with dual-pitched roofs, traditional porches, symmetrically-arranged windows, brick elevations at ground floor on the front, side and rear and a section of painted render at first floor. They are considered to be an appropriate design and not out of character in this location.
- 7.11 Whilst it could be argued that restricting the development to 3 house types only lacks variety, it is considered that the house types are well-designed, well-proportioned and the restriction to 3 house types will create a strong sense of place and character along the primary street. Conditions to ensure that the houses are built in accordance with the submitted details and that the external materials are appropriate are proposed.
- 7.12 Details regarding landscaping and boundary treatments have been submitted with the application. The landscaping and boundary treatments will work in tandem to soften the appearance of the development in some locations but in other areas, such as the dwellings towards the southern boundary of the site, to ensure that the rear gardens remain secure and private. The mix of proposed trees and hedges for the site is considered appropriate and the boundaries of each of the dwelling will be secure in accordance with the principles of Secured by Design. The proposed design of the development is therefore considered to accord with Policy S10 of the West Northamptonshire Joint Core Strategy (JCS) in respect of design and Policy E20 of the Northampton Local Plan.

Residential Amenity

- 7.13 The shape of the site, as referred to above, has resulted in a layout where the majority of the dwellings face onto each other along the primary street. The exception to this is the two cul-de-sacs where the dwellings are clustered around the turning heads.
- 7.14 All dwellings which front onto each other face the public areas of the property and therefore would not result in an unacceptable level of overlooking or loss of privacy for the future occupants of the dwellings. Those properties arranged in the cul-de-sacs follow these principles. Where dwellings face onto the side elevations of other dwellings there is a sufficient clearance distance of a minimum 13 metres to ensure that the privacy of future occupants is acceptable and that occupants of the dwellings do not experience an overbearing impact from nearby dwellings. No dwellings on the proposal site are located rear elevation to rear elevation. There will be no direct overlooking of any rear gardens or rear windows as a result of a back-to-back arrangement of dwellings.
- 7.15 Given the proximity of the site to Danes Camp Way, the applicant has submitted a Noise Impact Assessment as part of the application to demonstrate that future occupants of the development will not be adversely impacted by noise. Environmental Protection have assessed the report and have concluded that providing that the development is undertaken in accordance with the recommendations included in that report that future occupants of the dwellings will not experience

a detrimental impact upon their amenity in respect of noise. It is considered that the proposal will not result in an adverse impact upon the amenity of future occupants in respect of pollution from light or odour. As such the proposed development is considered to comply with Policy S10 of the JCS in respect of residential amenity.

Ecology and biodiversity

- 7.16 At present the site is comprised of scrubland and poor-quality grassland. Should the development proceed, over 1 hectare of the site would be made available as public open space, in addition to the on-site surface water attenuation ponds which will be planted and landscaped. It is considered that this will provide the opportunity to deliver some ecological improvements over and above the current condition of the site. Furthermore, the area of woodland to the immediate south of the site will also be retained. The on-site open space will be secured by a Section 106 agreement and detailed landscaping has been submitted with the application to demonstrate how the open space will be improved as part of the proposal.
- 7.17 Given that the site will be developed for housing, mitigation is required to ensure that the level of biodiversity on site is increased. The County Ecologist and the Local Wildlife Trust have considered that applicant's Ecological Impact Assessment and the proposed landscaping scheme and the proposed ecological mitigation measures which include bird and bat boxes.
- 7.18 At present, the existing scrubland does not form a desirable foraging ground for pipistrelle bats and it is considered that the development would not have a significant adverse impact on this particular species. However, bat boxes are proposed to be installed in the external elevations of the dwellings to improve the number of bats locally following the implementation of this proposal. The proposed bird boxes will have an equal impact upon the presence of certain species of birds. As such the proposal is considered to be acceptable in respect of its impact upon ecology and biodiversity and no objections to the proposal have been raised on this basis. Conditions are proposed to ensure all proposed ecological mitigation is implemented in accordance with the submitted details.

Highway impact

- 7.19 The proposed development will be accessed from the existing roundabout on Dayrell Road. The applicant has submitted a Transport Assessment which seeks to demonstrate that the development will have no adverse impact upon the local highway network. Northamptonshire County Council Highways have been consulted on the proposal and advise that providing a financial payment is made for improvements to the Danes Camp Way/Hunsbury Hill roundabout the proposal will not have a detrimental impact upon the local highway network and that they do not object to the proposal on highway safety grounds.
- 7.20 The application is accompanied by vehicular tracking drawings, visibility splay diagrams, layouts demonstrating the location of parking spaces and also plans indicating where the proposed landscaping will be planted and boundary treatment plans showing proposed fences. The plans submitted demonstrate that the proposed roads, which are designed to an adoptable standard, will be safe and that there is sufficient off-street parking per plot (2 spaces per dwelling) to ensure that there is a safe and satisfactory level of parking clear of the highway. The manoeuvring and turning spaces within the development have been assessed by Highways and are confirmed to be acceptable.
- 7.21 Two objections to the scheme from neighbouring residents, along with an objection from West Hunsbury Parish Council focus on the additional traffic that the proposed development will create and raise concerns regarding the existing levels of traffic on Dayrell Road. As stated above, the Local Highway Authority raises no objection to the proposal on highway safety grounds and consider the Transport Assessment to be suitable. Provided that the financial obligation to improve the off-site roundabout is met, the scheme is not considered to have a detrimental impact upon highway safety. However, in order to ensure that this is indeed the case, the applicants have proposed an additional car parking area close to the primary school that will have 20 parking

spaces. This will enable parents of children at the school to park clear of the school entrance and clear of the highway when dropping off and collecting their children from the school, thereby not only helping to mitigate the highway impact of the development, but significantly improving the current situation in respect of highway safety at the busiest times of the day. It is proposed that a planning condition be imposed to ensure that a height restriction gate/barrier to be installed to discourage any authorised parking within the parking area. The proposal, therefore is considered to provide a net benefit in respect of highway safety in accordance with Policy C2 of the JCS.

- 7.22 It is also noted that the proposed development is located within the existing urban area and is in relatively close proximity to existing areas of public open space, a small neighbourhood centre, a primary school and Mereway, which is an allocated District Centre. For these reasons the proposal is considered to be sustainably located and would enable residents of the scheme to not have to resort to a private car to undertake short, local journeys. A bus stop is also available in Dayrell Road, close to the entrance of the site.
- 7.23 In order to facilitate a safe layout, the existing access into the car park of Hunsbury Hill Primary School is to be amended. This would ensure that vehicles entering and leaving the school would have adequate visibility of traffic associated with the proposed residential development and pedestrians. This carrying out of these works, prior to first occupation of any of the dwellings, will be secured by condition.

Flooding and drainage

- 7.24 No objections to the proposal have been received from the Environment Agency in respect of flood risk. The Lead Local Flood Authority have been consulted on the proposal in respect of surface water drainage and have concluded that the development would not pose a significant adverse impact upon flood risk either within the application site or elsewhere. It is therefore considered, subject to the imposition of their recommended conditions on drainage, that the proposed development would not be detrimentally affected by flooding or surface water drainage in accordance with Policy BN7 of the JCS.

Air quality

- 7.25 Northampton Borough Council has recently adopted the Northampton Parking Standards SPD 2019. In addition to the requirements to provide appropriately-designed parking spaces one of the purposes of this document is to ensure that development is sustainable and that the impact on air quality within the Borough as a result of combustion engines is reduced by enabling residents to switch to electric vehicles. The SPD requires an electric vehicle charging point per dwelling to reduce the development's impact upon the environment in terms of carbon emissions.
- 7.26 The applicant has proposed one electric vehicle charging point per dwelling as shown on the submitted layout plan. The provision of the EV charging points means that the proposal does not only comply with the requirements of the SPD, but also the requirements of Northampton's Low Emission Zone Strategy. Environmental Protection have been consulted on the proposal and raise no objections to the proposed number of EV charging points.

Archaeology

- 7.27 The site has been previously quarried in the past and it is unlikely that the site has any significant archaeological interest. The site is close to Hunsbury Hill fort, but due to the separation distances (approximately 220m) and the relatively limited scale of the development, it is considered that there would be no significant impact upon this heritage asset. Furthermore, the tree belt to the east of the application site would be retained which would provide additional mitigation. Access to Hunsbury Hill through the proposed development would not be affected. NCC Archaeology have been consulted on the proposal and raise no objection to the proposal in respect of Archaeology.

Contaminated land

- 7.28** The application has been accompanied by a contamination investigation. Environmental Protection have assessed the investigation and conclude that the proposal is acceptable in respect of contaminated land provided that the development is undertaken in accordance with the recommendations of the submitted report. A condition is therefore proposed to ensure that the site is developed in accordance with the submitted investigation.

Planning obligations

- 7.29** By virtue of the scale and type of development, a Section 106 Agreement between the applicants, Northampton Borough Council and Northamptonshire County Council will need to be entered into. The Community Infrastructure Levy Regulations 2010 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.

- 7.30** In line with the requirements of the Council's policies, 100% of the development will be secured for occupation on affordable tenures. The obligation within the legal agreement would provide certainty that a mixed development would be created that addresses the needs of a wider number of people. Furthermore, the legal agreement will ensure that the affordable housing is representative of the overall composition of the development.

- 7.31** In addition to the Highway works referenced previously, the Section 106 Agreement would also secure a financial payment towards the provision of primary school education. This Section 106 Agreement is based upon the number of bedrooms proposed and thus the predicted demand created for primary school places by the proposed development.

- 7.32** A further obligation requires that there is the provision of a minimum 1.1 ha of public open space on site and to ensure that this is maintained in accordance with an agreed management strategy and for these spaces to be made available for public use in perpetuity. Whilst it is appreciated that this space would assist in creating a good sense of place and meeting some of the recreation needs of the future occupiers of the development, a contribution is also sought to improve the existing MUGA, as proposed by the Parish Council, to ensure that it is a suitable standard for both the future occupants of the development and others who may use it.

- 7.33** The legal agreement would also secure the provision of construction worker training opportunities, in addition to a financial contribution towards the operation of the scheme.

- 7.34** It is noted that the County Council have requested financial contributions towards the provision of the library service. In response, and with reference to the aforementioned legal tests and the lack of a specific planning policy requiring such a contribution, it is considered that there is insufficient justification to include such matters within the Section 106 Legal Agreement. The provision of fire hydrants would be addressed through the relevant Building Regulations, rather than planning legislation.

8 CONCLUSION

- 8.1** It is considered that the proposed development represents an appropriate land use that would make a significant contribution to addressing the need for new housing within the Borough and also for the requirement for affordable housing. Furthermore, subject to conditions and a Section 106 Legal Agreement, it is considered that the impacts of the development can be appropriately mitigated.

9 CONDITIONS

- 9.1** 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 approved plans: 00936-D02 Rev T, 00936-D03 Rev G, 00936-D04 Rev D, 00936-D05 Rev A, 00936-D10 Rev B, 00936-D11 Rev A, 00936-D12 Rev B, 00936-D-20 Rev D, P19-2117_01 Rev D, P19-2117_02 Rev D, P19-2117_03 Rev D, P19-2117-04 Rev D and ENG940-VIS-01.

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

3. The remediation scheme submitted with the application (reference GRM - Phase II Site Appraisal GRM/P8716/F.1 and GRM Development Solutions Ltd Gas Addendum Letter dated 21/8/19) must be fully implemented in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 as a validation 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 remediation of the site 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.

4. In the event that any contamination not previously identified is found during implementation of the approved development, 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 prepared 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 3.

Reason: To ensure the effective remediation of the site 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.

5. The revised access to Hunsbury Hill Primary School as shown on site layout drawing 00936-D02 Rev T shall be fully implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy C2 of the West Northamptonshire Joint Core Strategy.

6. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development 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 S10 of the West Northamptonshire Joint Core Strategy. This information is required prior to commencement in order to ensure the agreement of such details in a timely manner.

7. The development hereby approved shall be implemented fully in accordance with the submitted Construction Environment Management Plan reference QE-09 written March 2019 and last amended 17th February 2020.

Reason: In the interests of ensuring the development does not detrimentally impact the local highway network nor neighbouring amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

8. The surface water and foul drainage for the development hereby permitted shall be implemented fully in accordance with the Catchment Area Plan (C7514-302 Rev P0 dated 08.11.19) and Section 104 Drainage Layout (c7514-103 Rev P0 dated 08.11.2019) submitted as part of the application unless otherwise agreed in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained fully in accordance with the details included in the Drainage/SuDS Maintenance and Management Plan document produced by Couch Consulting Engineers and received by the Local Planning Authority on 14th November 2019.

Reason: To reduce the risk of flooding both on and off site in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

9. No hard-standing areas shall be constructed unless and until the works to provide the surface water drainage scheme have been implemented fully in accordance with the submitted details referred to in the previous condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding both on and off site in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

10. The development hereby approved shall be implemented fully in accordance with the conclusions and recommendations contained within the submitted noise assessment prepared by Philip Dunbavin Acoustics Ltd dated 6th August 2019, reference DA/J002592/3921/01. The noise mitigation measures identified in the report shall be implemented in full and retained thereafter.

Reason: In the interests of the amenities of the future occupiers of the development, in accordance with Policy S10 of the West Northamptonshire Joint Strategy.

11. Prior to construction above slab level, full details of cycle storage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby approved and retained thereafter.

Reason: In the interests of creating a sustainable development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

12. The development hereby permitted shall be implemented fully in accordance with the four Detailed Soft Landscape Proposal plans submitted with the application. 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 of 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 of the West Northamptonshire Joint Core Strategy.

13. Notwithstanding the details shown on the four submitted soft landscape drawings with references P19-2117_01 Rev F, P19-2117_02 Rev F, P19-2117_03 Rev F and P19-2117_04 Rev F, no tree shall be planted closer than 1 metre from the highway edge and each tree planted within 2.5 metres of the highway edge shall be planted in a tree pit to prevent the roots from damaging/undermining the highway.

Reason: To ensure that the proposed landscaping scheme does not detrimentally affect the condition of the highway and thus highway safety in accordance with Policy C2 of the West Northamptonshire Joint Core Strategy.

14. The electric vehicle charging points, as shown on the submitted layout plan 00936-D02 Rev T, shall be installed prior to first occupation of each dwelling hereby approved.

Reason: To ensure that the development provides for electric powered cars to improve air quality in the Borough in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

15. In the event of any of the streets associated with the residential element of this proposed development are not being proposed for adoption as public highway, the following applies:

- a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development;
- b) The streets will, in any event, be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;
- c) That prior to first occupation of any dwelling, a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and,
- d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).
- e) Prior to commencement of development any vehicular access to the site from the public highway shall be implemented as standard vehicle cross-overs.

Reason: For the avoidance of doubt and in the interests of safety to accord with the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or any means of enclosure or similar structures shall be erected or constructed in front of the main wall of any dwelling or of any other principal building of the estate nor in front of the line of any flank wall of any dwelling where the flank boundary of the curtilage abuts a highway.

Reason: To ensure that the character of this residential development is maintained in the interests of visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof enlargements/dormer windows shall be erected to the dwellings hereby permitted.

Reason: To prevent overdevelopment of the site and safeguard residential amenity in accordance with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy.

18. Prior to first use of the 20 car parking spaces at the north of the site for use by Hunsbury Park Primary School at school drop-off and collection times, details of a barrier to prevent unauthorised vehicular access to the parking spaces outside of school times shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier shall be fully implemented prior to first use of the car park and shall be retained thereafter.

Reason: To prevent the unintended use of the car park outside of school hours that could result in detriment to the future occupants of the development hereby approved in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

19. Prior to first occupation of the development hereby approved, the 20 car parking spaces at the north of the site for use by Hunsbury Primary School shall be fully implemented in accordance with the approved layout plan and shall, at all times, be reserved for the parking of vehicles by staff and visitors and there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure that adequate parking facilities are used and maintained in a manner that prevents a detrimental impact upon the amenity of future occupants of the development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

20. 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 E20 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

21. The dwellings hereby approved shall only be used as single units of residential accommodation within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason: For the avoidance of doubt and in the interests of residential amenity and to prevent an overconcentration of Houses in Multiple Occupation in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

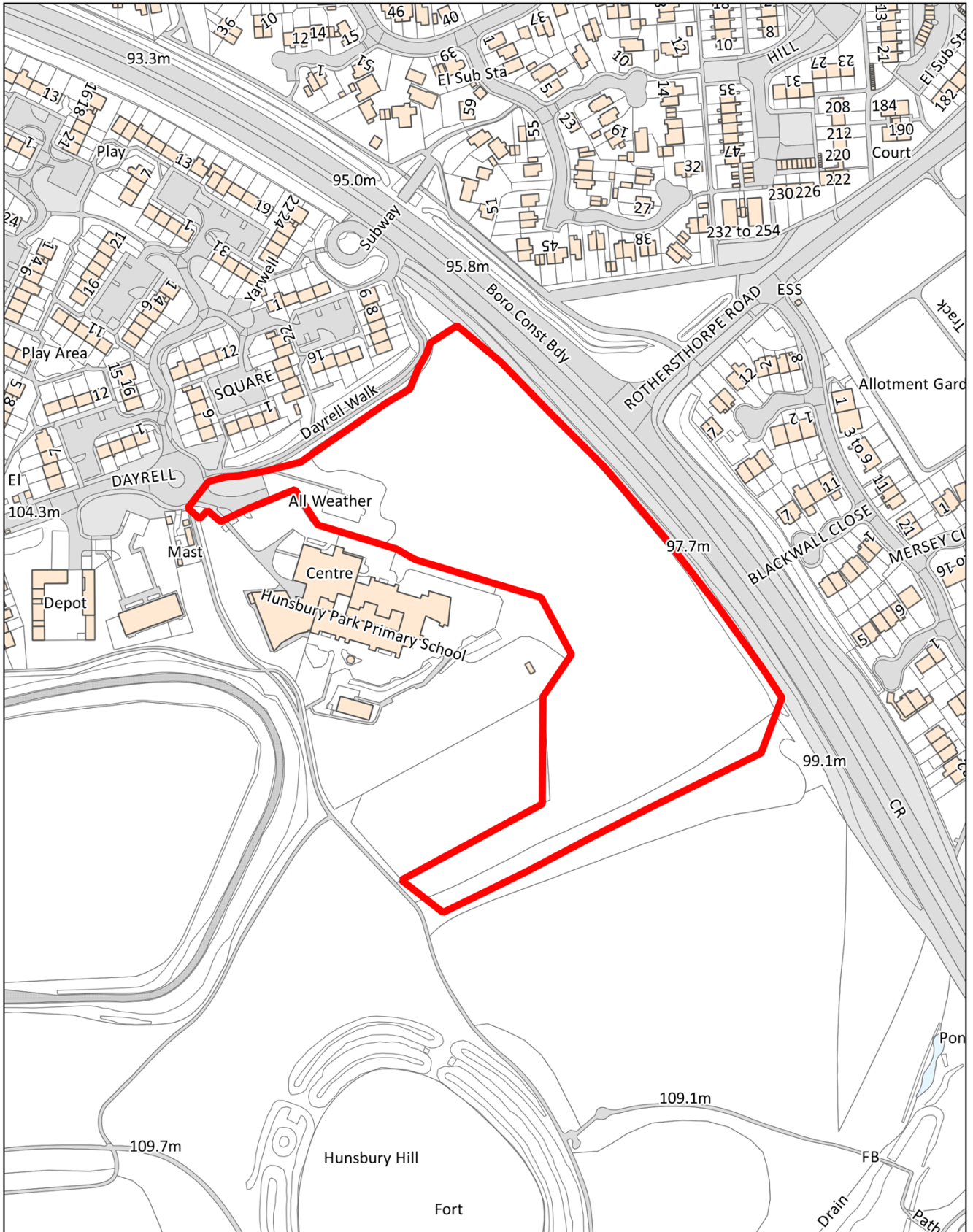
10.1 N/2019/1225 and N/2017/0836.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **Development land, Dayrell Road**

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Date: 06-02-2020

Scale: 1:2,500

Drawn by: -----