

**PLANNING COMMITTEE:** 14<sup>th</sup> June 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/0872

**LOCATION:** Development Land, Upton Valley Way East

**DESCRIPTION:** Outline planning application for the erection of up to 34no. dwellings, construction of parking spaces, areas of structural landscaping and ancillary works. All matters reserved apart from access

**WARD:** Upton Ward

**APPLICANT:** Mr Simon Herring  
**AGENT:** WYG

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Major application requiring S106 agreement

**DEPARTURE:** Yes

---

**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to:

**1.1.1** The prior completion of a Section 106 Legal Agreement to secure:

- i) 35 % of the development to be used for affordable housing;
- ii) A financial payment to fund off-site highway improvement works including a Crossing on Banbury Lane between Upton Valley Way East and Lockgate Road and a Cantilever bus shelter on the north side of Upton Valley Way East and its ongoing maintenance;
- iii) A contribution towards Whitefield's Surgery;
- iv) A contribution towards construction futures; and
- v) 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, would represent the satisfactory use of the land and would contribute to the established housing need in Northampton. The proposal demonstrates a satisfactory layout and would not be detrimental to the amenities of surrounding occupiers, highway safety or risk of flooding. The development is therefore considered to be in accordance with Policies H1, H2, S3, S4 S10, BN2, BN7 and INF2 of the West Northamptonshire

Joint Core Strategy and Policies E20 and H17 of the Northampton Local Plan and the National Planning Policy Framework.

- 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 Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account of the necessary mitigation measures having not been secured in order to make the proposal acceptable in line with the requirements of Policy INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 Outline planning permission is sought for the erection of up to 34no. dwellings including parking spaces, areas of structural landscaping and ancillary works. All matters are reserved apart from access. The scheme has been amended to reduce the number of proposed dwellings from 35 to 34 and to provide an improved indicative layout, demonstrating that the quantum of development proposed can be accommodated on site.
- 2.2 The proposed development would deliver a mix of 3 and 4 bed dwellings. Affordable housing would be provided within the development and would constitute 35% of the total number of dwellings, with 12 affordable dwellings to be provided. Eight of these would be available for shared ownership with the remaining four available for social rent.
- 2.3 Access to the development site would be taken from Banbury Lane. Off-site highway works would be required to provide bus stops on Upton Valley Way East and a crossing on Banbury Lane.
- 2.4 The scheme proposes to incorporate a sustainable urban drainage system in the form of an above ground swale.

## **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a 1.7ha site mainly given to grass, with a disused road along its southern boundary abutting the Hunsbury Meadows residential development. A dry ditch runs the full length of the sites northern boundary.
- 3.2 To the north of the site the land is bound by Upton Valley Way East, beyond this lies the Grand Union Canal, the River Nene and Upton Country Park. To the east of the site is Upton Way/Danes Camp Way roundabout. To the south of the site lies the residential development Hunsbury Meadows, which is screened from the application site by existing boundary planting. To the west of the site is Banbury Lane.

## **4. PLANNING HISTORY**

- 4.1 There has been no recent, relevant planning 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) 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:

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.

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 56 – Good design is a key aspect of sustainable development.

Paragraph 58 – Planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment.

Paragraph 203 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

## 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 H1 – Housing Density & Mix & Type of Dwellings – States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to

the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H2 - encourages the creation of varied communities that should be ensured through the provision of affordable housing.

Policy S3 – Scale and Distribution of Housing Development – requires the construction of approximately 18,870 dwellings in Northampton Borough over the plan period.

Policy S10 – Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN2 – Biodiversity – Development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported.

Policy BN9 – Planning for Pollution Control – development that is likely to cause pollution, either individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for health and environmental quality.

Policy INF2 – Contributions to Infrastructure Requirements – New development will only be permitted if the necessary on and off-site infrastructure that is required to support it, and mitigate its impact, is either already in place, or there is a reliable mechanism (such as a Section 106 Agreement) in place to ensure that it will be delivered.

#### 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 – The policy seeks to secure development which has an acceptable design, layout and achieves acceptable standards of amenity.

Policy H17 – Within new residential development and where there is an established local need, the provision of mobility housing will be encouraged. In the case of schemes of ten or more dwellings, it is expected that this provision will be not less than 10%.

#### 5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004  
Planning Obligations Strategy SPD 2013  
Affordable Housing Interim Statement 2013

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Anglian Water:** Have recommended an informative be attached to any approval for the development relating to the protection of Anglian Waters assets.

- 6.2 **Construction Futures:** Have requested a financial contribution to Construction Futures and target training/employment weeks.
- 6.3 **Environment Agency:** No objection subject to a condition relating to the submission of further details relating to foul drainage.
- 6.4 **Highways England:** No objection.
- 6.5 **Hunsbury Meadows Parish Council:** Recognise that the site is a prime development site; believe that housing is more appropriate than commercial or industrial development. Any housing development should be compatible with existing housing estates nearby and of a similar density and style; adequate roadside parking should be provided for visitors. Concerns regarding the safety of vehicular traffic. Adequate crossing facilities should be provided on Banbury Lane near the site access. Request that the site provides a community facility i.e. a small Community Hall.
- 6.6 **National Grid:** No comments.
- 6.7 **Natural England:** No objection.
- 6.8 **NBC Planning Policy:** The principle of the development is considered to be acceptable. The proposal would contribute to the 5 year housing land supply.
- 6.9 **NBC Public Protection:** With regards to the site investigation this has demonstrated that no further investigation or remedial work is required. No concerns on air quality due to the distance which the housing is set back from the highway. Details of noise mitigation measures including details in relation to glazing and ventilation should be conditioned. The submission of a Construction Environmental Management Plan should be conditioned. A condition is recommended in relation to external electric vehicle charging points.
- 6.10 **NBC Tree Officer:** Recommend that a Tree Protection Plan is conditioned showing the location and specification of the protective fencing to be installed which should be in line with the guidance in BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. A detailed landscaping scheme should also be conditioned and include a post planting maintenance programme.
- 6.11 **NCC Archaeology:** No comments.
- 6.12 **NCC Development Management:** In the event that the application is approved, it is requested that Section 106 obligations are secured to fund enhancements to the provision of primary and secondary school provision within the vicinity of the site; the fire and rescue service; library provision; and fire hydrants.
- 6.13 **NCC Ecology:** The site should deliver a net gain in biodiversity. Recommends that the development is carried out in accordance with the recommendations contained within the Extended Phase I Habitat Survey and the Botanical Assessment Report.
- 6.14 **NCC Highways:** No objection subject to conditions and legal agreements to secure off-site highway works for the provision of a crossing on Banbury Lane and bus stops. Each property should have two parking spaces excluding garages.
- 6.15 **NCC Local Lead Flood Authority:** No objection subject to conditions relating to the submission of design details for the surface water drainage scheme and details for its ownership and maintenance.

- 6.16 **NHS – Primary Healthcare:** Have requested a contribution towards increasing capacity at Whitefield’s Surgery.
- 6.17 **Northamptonshire Wildlife Trust:** No comments.
- 6.18 **Northants Police:** The layout as presented creates mutual security for householders as it provides back to back gardens with limited opportunities for access to the rear of the garden. Where housing is provided in terraces any rear access alleys should be gated in line with the front building line. Car parking areas are capable of being overlooked. Parking at the bottom of the garden should be avoided. Where houses back onto the existing development the rear boundaries should fully abut each other with no area of “no man’s land” in between. The development should achieve Secured by Design accreditation.
- 6.19 The development has been advertised by way of neighbour letters, site notice and press notice; six objections have been received making the following comments:
- Concerns in relation to highway safety.
  - The traffic survey does not reflect the traffic speeds near the junction.
  - Development has been taking place at an alarming rate in the locality using up open spaces.
  - Concerned about site levels and the impact they would have on existing properties and the visibility at the junction to Banbury Lane.
  - Not happy that the development borders my property.
  - Concerns for pedestrian safety.
  - Concerns in relation to noise exposure to the new development.
  - The developers should fund a safe and lit pedestrian exit linking Upton Valley Way East to the access roads of Upton Way /Danes Camp Way.
  - Detrimental to the residents of Hunsbury Meadows.
  - The dwellings on the northern side of the development adjacent to Upton Valley Way East would have their bedroom windows at the same height as the road, the noise and view would be unacceptable.
  - The access is too close to the junction.
  - Do not have a safe footpath to Sixfields.
  - Do not have a proper bus route.
  - Hunsbury Meadows has no schools or doctors surgery to accommodate another development.
  - No allowance for a bus stop on the west bound carriageway of Upton Valley Way East.
  - Risk of flooding to Hunsbury Meadows

## 7. APPRAISAL

### Principle of the development

- 7.1 In terms of national planning policy, the NPPF is a material consideration in determining planning applications. Running throughout the NPPF is a ‘golden thread’ setting out a presumption in favour of sustainable development.
- 7.2 Paragraph 47 of the NPPF states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a five year housing supply, to ensure choice and competition in the market for land. Northampton Borough Council cannot currently demonstrate a five year supply of deliverable housing sites. In instances where a five year housing land supply cannot be demonstrated, any relevant Development Plan Policies cannot be considered up to date. Paragraph 14 of the National Planning Policy Framework stipulates that decision makers should grant permission where relevant policies are out of date

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.3 In applying the presumption and in viewing the Government agenda to build more homes due regard must be given to the requirement to provide homes that meet the needs of the community and that are in the right location. Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply. It is considered that the proposed development would make a contribution towards addressing the current and future needs for housing within the Borough.
- 7.4 The site is considered to be located in a relatively sustainable location. The sustainability and accessibility of the site would be further improved, by off-site highway improvements, including a crossing and bus stops, which would be secured by condition and legal agreement. The site is in close proximity to existing employment uses and amenities including Pineham Industrial Area and the public amenity space, Upton Country Park.
- 7.5 The proposed development is considered to be a departure from the Northampton Local Plan as part of the site is allocated open space by virtue of the Northampton Local Plan Proposals Map. Policy RC2 of the West Northamptonshire Joint Core Strategy states that the loss of existing community facilities including open space will be resisted unless it can be demonstrated that improvements can be made through a replacement facility or the proposal will bring about benefit that outweighs the loss of the facility or having regard to the relevant open space study, the space is surplus or little used.
- 7.6 The relevant open space study designates the area of open space as being of low quality. Due to the relatively small scale of the area of open space it offers limited value as an area of useable amenity space. The loss of this open space would be mitigated by improvements to the accessibility of Upton Country Park by way of a crossing on Banbury Lane. The improved access to Upton Country Park will benefit residents in the local area as well as future residents of the development.

### **Design and Layout**

- 7.7 An indicative layout plan was submitted as part of the application, this layout was subsequently amended to remove one dwelling house and to remove a small area of open space in the eastern corner. The area of open space was too small to be utilised in a meaningful manner and would potentially have created issues around its future maintenance. In addition the amended indicative site layout plan has improved amenity distances between the proposed dwellings, as the original scheme failed to demonstrate adequate separation distances. The revised site layout achieves the guideline separation distances for two storey dwellings of 21 metres between front to front and rear to rear elevations and 13 metres between front or rear elevations and gable elevations.
- 7.8 The applicant would be expected to submit suitable details at reserved matters stage which address the amenities of neighbouring properties.
- 7.9 NCC Highways have requested that each of the dwellings should have two parking spaces excluding garages. It is considered that the site could accommodate these parking levels, it is therefore appropriate to attach a condition to any planning permission for the site requiring each proposed dwelling to have two parking spaces excluding garages.

### **Amenity**

- 7.10 Paragraph 58 of the NPPF seeks to achieve long term well-functioning developments which have a strong sense of place using streetscapes and buildings to create attractive and comfortable

places to live, work and visit. Development should be visually attractive as a result of good architecture and appropriate landscaping. The applicant would be expected to submit suitable details at reserved matters stage which achieves a high quality development in terms of design and landscaping.

- 7.11 New development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It is therefore considered appropriate to condition that Secured by Design is achieved in bringing forward the development.
- 7.12 The proposal is in outline with detailed design reserved; however the submitted indicative site plan indicates that the development can achieve appropriate standards of private amenity space for each individual plot.
- 7.13 It is considered that issues relating to residential amenity could be appropriately addressed through conditions and at reserved matters stage.

### **Air Quality, Noise and Contamination**

- 7.14 In terms of air quality it is considered that the dwellings would be located at an adequate distance from the highway to avoid adverse levels of air pollution from traffic. Due to the scale of the proposed development it would not have a significant impact upon air quality in the locality. In addition a number of mitigation measures are proposed, which would encourage alternative sustainable modes of transport. These mitigation measures include a crossing on Banbury Lane, which will be secured through a Section 106 Agreement, bus stops which will be secured by condition and legal agreement. As there is no established policy in terms of the provision of electric vehicle charging points, it is not considered that they could be reasonably and justifiably secured by condition.
- 7.15 It is anticipated that the proposed crossing on Banbury Lane will provide easy pedestrian access to Upton Valley Park, which is located minutes away from the development site by foot. The addition of bus stops will enhance the local public transport network and will provide future residents of the development with easy access into Northampton Town Centre. In addition to these sustainable transport modes, the proposed development is located in very close proximity to two of Northampton's primary cycle networks, Norbital and Connect 2. Connect 2 is located within 200m of the development site and offers 3 miles of new off-road cycle way along the River Nene, joining up Becketts Park to Upton, with links to Nene Valley Retail Park, St James Mill Road and the Norbital cycle network. The Norbital cycle network is located within 1km of the development site and is a 29km circular cycle route around Northampton, which connects residential areas with areas of employment and education.
- 7.16 A number of the properties within the development site will have to have enhanced glazing to mitigate against noise to preserve adequate conditions for sleeping and resting. Noise mitigation through the use of enhanced glazing can only be successful by keeping windows closed and therefore alternative means of ventilation / heat control will need to be factored in to the building design. The model contours indicate that alternative ventilation / heat control would need to be applied across the site. A condition requiring full details of glazing and ventilation / heat control shall be attached to any planning permission for the proposed development.
- 7.17 A site investigation report has been submitted as part of the application, to establish the presence of contaminants on the site. The submitted contamination report has demonstrated that no further investigation or remedial work is required.
- 7.18 In terms of air quality and noise during construction, it is considered that any potential adverse impacts can be appropriately mitigated by a suitable Construction Environmental Management Plan.



- 7.19 Subject to the implementation of suitable mitigation measures it is considered that the proposed development would be in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

### **Landscape and Trees**

- 7.20 The Council's Tree Officer has confirmed that the only arboricultural feature of any note on the site is the line of tree and shrub planting adjacent to the southern boundary of the site, which appears to have been planted as a landscape buffer for the Hunsbury Meadows development to the south. The proposed development would not have an impact on these trees; however there is a risk of damage if the adjacent grass verge is used for the storage of materials. Accordingly a condition has been attached, requiring the submission of a Tree Protection Plan showing the location and specification of the protective fencing to be installed, which must be in line with the guidance contained in BS5837:2012 Trees in relation to design, demolition and construction.
- 7.21 The design and access statement, as submitted, makes reference to new tree and hedgerow planting, however no specific details have been provided at this stage. Therefore, the submission of a detailed landscaping and post planting maintenance programme shall be conditioned. The development would be expected to provide a strong landscape buffer between the residential development and the adjacent highways for the benefit of the residential amenity of the occupiers of the new dwellings.

### **Ecology**

- 7.22 An Extended Phase I Habitat Survey was carried out for the site. This survey identified the need for a further survey in the form of a Botanical Assessment Report due to the sites botanical interest. This additional report has been submitted as part of this application.
- 7.23 Both the Extended Phase I Habitat Survey and the Botanical Assessment Report have been assessed by the NCC Ecologist, both of these survey reports have been deemed to be satisfactory.
- 7.24 NCC Ecology have advised that the recommendations in both the Extended Phase I Habitat Survey and the Botanical Assessment Report should be implemented as part of any approval of the development. The recommendations contained within these reports shall be a condition of any approval of the development. Recommendations include retaining as much grassland on site as possible and where this is not possible an MG5 seed mix should be sown into the areas of land disturbed during the development. It is considered that the development would retain an acceptable level of grassland within the site in the form of spacious private gardens and within areas of the site forming landscaped boundaries.

### **Drainage and Flood Risk**

- 7.25 A Flood Risk Assessment and Drainage Strategy have been submitted in support of the application. The application site is located within Flood Risk Zone 1. This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding.
- 7.26 The submitted Flood Risk Assessment and Drainage Strategy has concluded that localised attenuation is required to prevent surcharging and flooding of the drainage system following development of the site.
- 7.27 Following development, a swale providing 511m<sup>3</sup> of storage is sufficient to attenuate excess runoff from the site up to and including the 1 in 200 year storm event including an allowance for 30% climate change.

- 7.28 The Environment Agency have been consulted and have not objected to the proposed development subject to a condition relating to the submission of further details on foul drainage.
- 7.29 The County Council as Lead Local Flood Authority have no objection subject to conditions relating to the submission of design details for the surface water drainage scheme and details for its ownership and maintenance.
- 7.30 Provided that steps are taken within the detailed design to mitigate and manage the flood risks, it is concluded that the site is appropriate for the proposed development and a practical means of surface water management for the site can be provided.

### **Highways**

- 7.31 The application has been submitted in outline with all matters reserved apart from access. The original site layout plan as submitted did not provide adequate detail of the proposed access for the Local Highways Authority to make informed observations. This has now been rectified by the submission of a detailed access plan, which includes auto track analysis relating to the ingress and egress of refuse trucks. These details have been assessed by the Local Highways Authority and it is considered that the proposed site access would be acceptable in terms of highway safety.
- 7.32 The proposed development would require the following off-site highway improvements to be secured by condition and legal agreements:
- A Crossing located on Banbury Lane between Upton Valley Way East and Lockgate Road.
  - A Cantilever bus shelter on the north side of Upton Valley Way East including provision for its maintenance.
  - A Half on half off lay-by on the south side of Upton Valley Way East.
  - Lining works for both bus stops.
  - Extension of the footways to the west bound bus stop and alteration of a section of grass verge to allow suitable surfacing as per the Local Highway Authority Standards to allow passengers to board a bus.
- 7.33 A concern raised in relation to the proposed development was that only one bus stop would be provided, allowing travel in one direction. The proposals include provision for two bus stops allowing travel by bus from Upton Valley Way East and return travel by bus to Upton Valley Way East.
- 7.34 The Local Highways Authority have also requested that each individual dwelling shall provide two parking spaces excluding garages. As the scheme is in outline, it is considered that this can be controlled by a suitably worded condition; it is considered that the application site can accommodate the quantum of development proposed as well as adequate parking provision.
- 7.35 No objections have been received from the Local Highways Authority in terms of access, parking or highway safety, subject to suitable conditions and the securing of highway improvement works by condition and legal agreements. Highways England have not objected to the proposed scheme.

### **Developer Obligations**

- 7.36 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and Regulation 122

of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

- 7.37 The proposal would provide 35% affordable housing on site, 34% of these dwellings would be utilised for social rent and 66% intermediate ownership. This would ensure that the development provides a mix of housing, providing a wide choice of homes and a varied community in line with the requirements of national and local planning policy.
- 7.38 In addition various highway improvements would be secured through a legal agreement including a pedestrian crossing on Banbury Lane and a bus shelter. Various works are also to be secured by the Highway Authority through powers under the Highway Act.
- 7.39 The development will also make a payment and provide opportunities for the provision of construction worker training, which would be secured by the legal agreement in accordance with adopted policy.
- 7.40 A contribution towards Whitefield's Surgery would also be secured.
- 7.41 The County Council have requested contributions towards primary and secondary education provision, and have justified these requests by indicating that the schools which would serve the proposed development are operating at, or close to, capacity. However following an independent assessment of the financial viability of the scheme it is apparent that there is unfortunately insufficient value in the development to provide the necessary education funding and 35% affordable housing. On balance it is considered that there is a greater need for the affordable housing provision and that this should therefore take precedence.
- 7.42 The County Council have also requested a payment for the provision of the fire services and libraries. There is no adopted development plan policy support for these requests and it is not clear what facilities the obligations would be directed too. It is therefore considered that this request cannot be supported. The County Council have also requested that a fire hydrant is provided. This is a matter that would be addressed under the relevant building regulations and therefore does not need to be replicated as part of the planning process.
- 7.43 The financial viability of the scheme also does not allow for a contribution towards public open space, it is however considered that as the site is opposite Upton Country Park, ample provision in term so public open space is available to future residents of the development. In addition accessibility to Upton Country Park would be improved by the delivery of a crossing on Banbury lane, which the proposed development will provide.
- 7.44 Hunsbury Meadows Parish Council requested the development provide a community facility in the form of a Community Hall. The proposed development would deliver up to 34 dwellings; it is considered that the proposal is too small to reasonably deliver a community hall. The development will however provide other enhancements to the wider area in the form of affordable housing, worker training, healthcare and off-site highway improvements for the encouragement of sustainable travel.

## **8. CONCLUSION**

- 8.1 The principle of residential development in this location is considered to be acceptable. Considerable weight must be given to the fact that Northampton Borough Council cannot currently demonstrate a deliverable five year housing land supply; the proposed scheme would make a contribution towards the Boroughs five year housing land supply. It is considered that the application site would be capable of delivering the quantum of development proposed while achieving adequate standards in terms of amenity distances, amenity space and parking. It has been demonstrated that the development would not be detrimental to the environmental quality of the development site or existing neighbouring development. The sustainability of the site would be enhanced through off site highway improvements. Appropriate mitigation would be secured through conditions and a legal agreement. For these reasons it is considered that the proposed development is sustainable and accordingly should be granted planning permission.

## **9. CONDITIONS**

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 expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two 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: A086200-1[B]01 (Site Location Plan); 001 Rev B (Proposed Highway Layout).

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

5. 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 E20 of the Northampton Local Plan. This is a pre-commencement condition in order to allow submission of details in a timely manner.

6. Prior to the commencement 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 E20 of the Northampton Local Plan and Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition in order to allow submission of details in a timely manner.

7. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage on and off site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and the approved implementation programme and maintained thereafter.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition in order to ensure that these issues are adequately addressed in a timely manner.

8. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed fully in accordance with the approved details and maintained thereafter.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

9. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type, and a plan of the proposed position of, measures for the protection of trees and hedges that are to be retained on the site, in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction - Recommendations", have been submitted to, and approved in writing by, the Local Planning Authority. The measures identified, including tree protection barriers, shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made without the prior written consent of the Local Planning Authority.

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 the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

10. A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authority's mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development, and thereafter retained as such.

Reason: To ensure adequate provision is made for people with disabilities in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition in order to allow submission of details in a timely manner.

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

Reason: In the interests of residential and visual amenity in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

12. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved CEMP, which shall include:
- i. The control of noise and dust during the development process;
  - ii. Traffic management and signage during construction;
  - iii. Phasing;
  - iv. Provision for all site operatives, visitors and construction vehicles;
  - v. loading, parking and turning within the site during the construction period;
  - vi. Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
  - vii. The safe means of access of construction traffic to the site;
  - viii. Routing agreement for construction traffic.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework. This is a pre-commencement condition in order to allow submission of details in a timely manner.

13. No construction/building works or deliveries shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturday or at any time on Sundays, Bank Holidays or other statutory holidays.

Reason: In the interests of the amenity of adjacent properties in accordance with the NPPF.

14. Prior to the commencement of the development details of noise mitigation measures for individual plots, which includes details of glazing and ventilation specifications shall be submitted for approval in writing to the Local Planning Authority. The specifications shall include provision for additional ventilation and / or heat control that will allow the occupant to keep the windows closed, independent of the weather conditions, if they so wish. The approved details shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

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

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

16. No development shall take place until full engineering drawings, to include drainage and ground levels and constructional details of the highway improvement works, consisting of the following works:

- A half on half off the carriageway lay-by on the south side of Upton Valley Way East.
- Lining works for two bus stops on Upton Valley Way East.
- Any associated footway works to link the bus stops to the existing highway infrastructure.

have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works outlined and subsequently agreed in detail have been constructed on site and opened to traffic, subject to any changes arising from the appropriate technical and safety audit process.

Reason: In the interests of highway safety in accordance with the requirements of the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

17. Each proposed dwelling hereby approved shall have a minimum of two parking spaces excluding garages. Each of the parking spaces shall have a minimum width of 2.5m and a minimum length of 5.0m.

Reason: In the interests of highway safety in accordance with the requirements of the NPPF.

18. The development hereby permitted by this planning permission shall be carried out in accordance with the recommendations set out in Section 6 of the Banbury Lane, Northampton Extended Phase I Survey Report June 2015 and the conclusions and recommendations set out in the Botanical Assessment Survey Results for Banbury Lane, Northampton (Dated 13th May 2015).

Reason: To conserve and enhance the ecological value of the site in accordance with the requirements of the NPPF.

19. Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how the objectives of Secured by Design have been addressed in the development. The approved details shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of security and amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and the NPPF. This is a pre-commencement condition in order to allow submission of details in a timely manner.

## **10. BACKGROUND PAPERS**

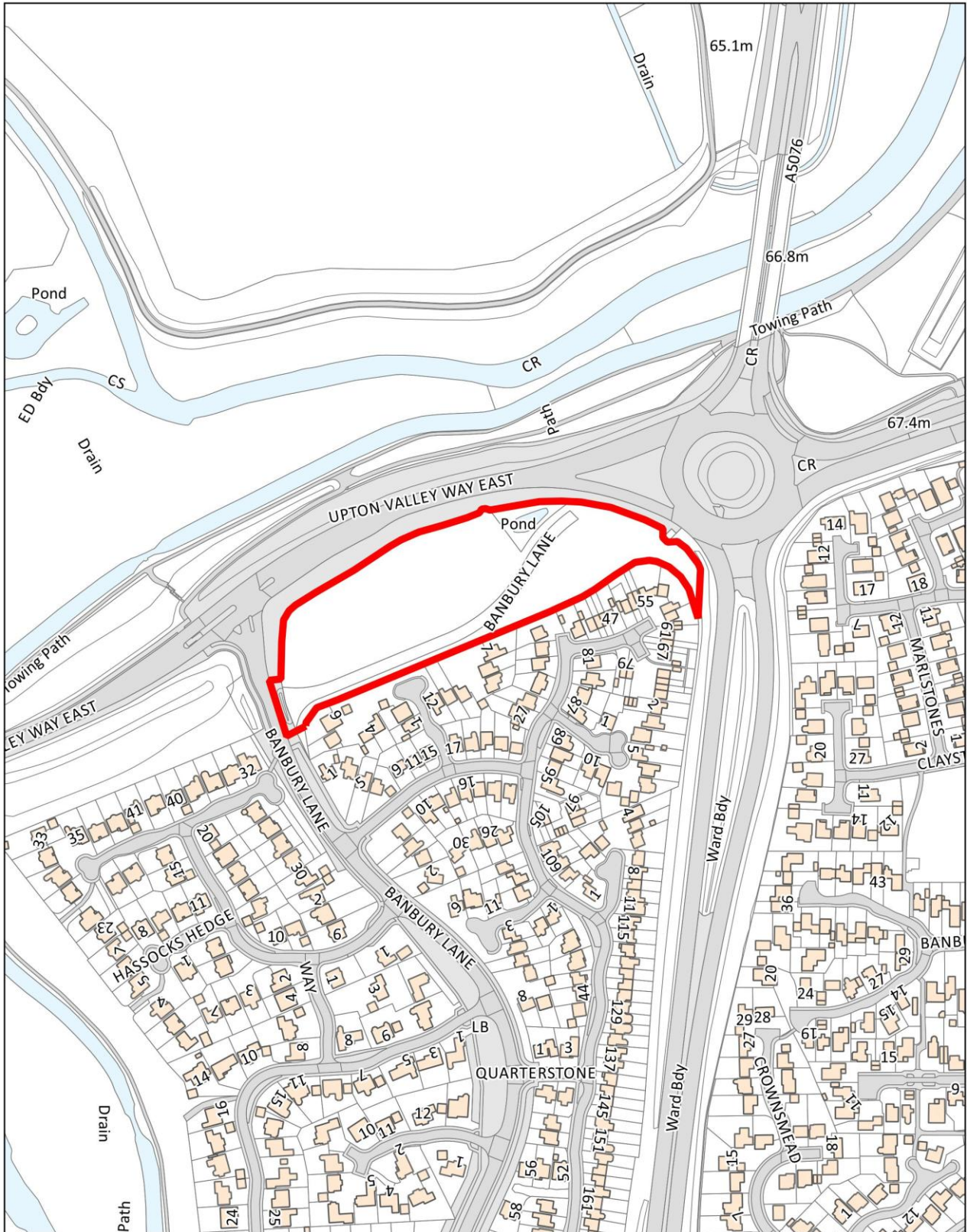
- 10.1 N/2015/0872.

## **11. LEGAL IMPLICATIONS**

- 11.1 None.

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land South of Upton Valley Way East and East of Banbury Lane**

© Crown Copyright 2014. Reproduced from Ordnance Survey data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey is a registered trademark. Northampton Borough Council License Number 100019655.

Date: 31-05-2016

Scale: 1:3,000

Drawn by: -----