



Applicant: Taylor
Wimpey East Midlands
Limited

Application No:
10/0039/FULWNN

Date Registered:
19.03.2010

Expiry Date: 18.06.2010

Ward: East Hunsbury

Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 05/10/2010

Agenda Item: 4

Description: Erection of 80 No. residential units with associated garages, roads and sewers.

Address: Land off South Meadow Road, Northampton, NN5 4BQ

1. Recommendation

1.1 That the application be **APPROVED**, but that the issuing of the planning permission be delegated to the Director of Planning Services subject to the following:

- Resolution of Section 106 discussions with applicant and completion of a satisfactory Section 106 Legal Agreement to secure necessary strategic highway and community infrastructure;
- the referral of the application to the Secretary of State as a departure from the Development Plan in respect of Policy E6 of the Northampton Local Plan for the Secretary of State to consider if he wishes to call the matter in or not.
- Confirmation from the Highways Agency that they have removed the TR110 Holding Direction

And subject to the planning conditions set out below, for the following reason:

The proposed application would make an important contribution to the delivery of much needed housing and affordable housing as part of a wider Masterplan for growth in the South-West district of Northampton. The associated impacts that the development would create can be adequately

mitigated against through the use of appropriate planning conditions and Section 106 Agreement and therefore the development would not have any significant visual, transport, flood risk or other impact that would warrant the refusal of planning permission. Consequently, the benefits of approving the development are considered to outweigh any harm to the green space, skyline and local landscape designation under policy E6, E7 and E9 of the Northampton Local Plan. Furthermore, the application is considered to be consistent with policies E11, E20, E40, H7 and H32 of the Northampton Local Plan (1997) and the objectives of PPS1, PPS3, PPS9, PPG13, PPG14, PPS23, PPG24 and PPS25.

2. Summary

- 2.1 This is a full planning application for the erection of 80 residential units at Land off South Meadow Road, Northampton, Northamptonshire.
- 2.2 The application site is a parcel of land adjacent to the existing St Crispin's development that lies on the west of Northampton. However, this parcel of land, whilst currently being an open field, forms part of a larger area of land that has been subject to a planning application for an urban extension for 1,784 homes plus other uses. This planning application, made by the Homes and Communities Agency and Redrow Homes, has been approved in principle by WNDC at a previous Planning Committee (on the 24/11/2008), where members resolved to grant planning permission, subject to satisfactory resolution of a number of technical issues and the completion of a s.106 agreement to mitigate the impact of the scheme. At the time of writing, discussions regarding the Upton Lodge scheme are on-going and planning permission is yet to be formally issued.
- 2.3 An outline application to erect 781 houses, a country park and associated works adjacent to Upton Lodge, on a site known as Norwood Farm has also been submitted to South Northamptonshire District Council (S/2006/1655/PO). The schemes for this site and Upton Lodge were developed together and submitted under the same overarching Masterplan. The Norwood Farm application was approved by SNC's Development Control Committee on 26th August 2010, subject to a number of conditions and the completion of a s.106 agreement.
- 2.3 It is on this basis – that the land currently benefits from an in principle acceptance of residential development – that Taylor Wimpey have brought this individual site forward at this time. They consider that the physical infrastructure in terms of access and drainage etc either be provided or already exist, and therefore this site can be developed at this time in advance of the wider Upton Lodge Urban Extension.
2. The main issues for Members to consider are the principle of the development in this location, design and layout issues, highway matters and other associated material planning considerations.

4. Description of Site

- 4.1 The application site lies to the west of the existing residential development at St Crispin's on the western edge of Northampton. The overall site area is 3.77 hectares and its most recent use is as agricultural land, with a small area in the eastern section of the site having recently been used to house site offices and car parking for the development of adjacent developments. The red-line boundary marking the application site is L-shaped in plan, with a strip of land running directly to the west of North Meadow View but the bulk of the site located to the south of North Meadow View, bound by South Meadow Road to the east, and an existing bridleway directly to the south. The land to the west and south is currently open fields but also forms part of the Upton Lodge Urban Extension.
- 4.3 The topography of the site generally slopes from the north-east, adjacent to the access from South Meadow Road (approximately 118m Above Ordnance Datum (AOD), to the south-west, adjacent to the bridleway, (105 AOD). The gradient of the slope increases in the south-west extreme of the site. The site is also bounded by an existing bridleway along its east and south boundaries. The site is not within a Conservation Area but does adjoin the St Crispin's Conservation Area on its north east boundary.
- 4.4 In terms of the Northampton Local Plan, the area is designated as Greenspace and is within a Locally Important Landscape Area.

3. Description of Proposal

- 3.1 The proposed development is for the erection of 80 no. residential units with associated garages, roads, sewers and drainage infrastructure at Land off South Meadow Road, Northampton. Vehicular access into the site is proposed from South Meadow Road, directly to the south of the existing dwellings at North Meadow View.
- 3.2 The dwellings proposed are a mix of terraced, semi-detached and detached properties, laid out in small perimeter blocks around a relatively simple internal layout based upon a grid pattern of north-south and east-west access roads. The dwellings themselves would be a mixture of two and three storey properties, using materials to match the existing residential properties within the St. Crispin's estate. 28 of these would be affordable units, 20 of which would be rented properties (25% of the total number) and 8 (10%) would be of intermediate tenure. The units are interspersed within the development with a maximum cluster of 11 units in the south east corner of the site.
- 3.3 The existing bridleways running along the eastern and southern boundaries of the site would be maintained and footpath links created through to North Meadow View and onto South Meadow Road. The bridleway along the eastern edge would retain a hedgerow/ green screen to the rear of adjacent dwellings to maintain the existing

character of this route whereas the development would open out onto the bridleway to the south to ensure that this is overlooked and integrated into the scheme.

- 3.4 An area of open space is located in-between the proposed development and the dwellings at North Meadow View.

Amendments to the Scheme Layout

- 3.4 The access arrangements and layout of the scheme have been amended since the original submission due to concerns over the potential impact upon a number of protected trees within the public open space to the east of the site. Initially, the main access into the site was proposed to enter in-between two mature horse chestnut trees, across an area of open space that is to be transferred to Northampton Borough Council (NBC) under the terms of the existing St. Crispin's development. Concerns were raised by NBC and local residents that this would impact upon the character of this open space and NBC's arboricultural officer stated that the construction of the access road would impact upon the root structure of the protected trees. Consequently, the position of the access has been moved further to the north, approximately where the entrance to the existing site compound is located.
- 3.5 Internally, the main spine road running north-south through the site has been amended, at the request of County Council Highways Officers. The initial scheme had a relatively tight s-bend running along this road and concerns were expressed about accessibility for emergency vehicles and the lack of forward visibility for drivers. NCC officers suggested that the layout would not be adopted in the form put forward. This has resulted in a revised layout with a less severe bend and a more gentle swept curve in the alignment.

5. Policy Considerations

WNDC Purpose:

- 5.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory "objective" to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy Guidance

- 5.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 – Sustainable Development

PPS1 – Sustainable Development: Planning and Climate Change

PPS3 – Housing

- PPS9 – Biodiversity and Geological Conservation
- PPS10 – Planning for Sustainable Waste Management
- PPG14 – Development on Unstable Land
- PPG13 – Transport
- PPS23 – Planning and Pollution Control
- PPG24 – Planning and Noise
- PPS25 – Development and Flood Risk

6. Development Plan:

6.1 The Development Plan documents for the area comprise;

The Northampton Borough Local Plan (NLP) (1997) (saved policies).

6.5 The Northampton Borough Local Plan (NLP) (1997) (relevant saved policies);

- Policy E1 (Landscape and Open space)
- Policy E6 (Greenspace)
- Policy E7 (Skyline)
- Policy E9 (Locally Important Landscape Areas)
- Policy E11 (Trees and Hedgerows)
- Policy E20 (New Development)
- Policy E40 (Crime and Vandalism)
- Policy H7 (Housing Development)
- Policy H32 (Affordable Housing)

7. Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)

7.1 Northamptonshire County Council Planning Out Crime (2005);

Northamptonshire Minerals and Waste Development Framework: Development and Implementation Principles SPD (2007);

Other non-statutory documents

7.2 WNDP Planning Principles (2009):

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.

3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

7.3 WNDC Planning Obligation Strategy (POS):

The Planning Obligations Strategy sets out WNDC's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDC's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDC's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved.

The POS is currently subject to review by WNDC.

7.4 WNDC Manual for Design Codes:

The West Northamptonshire Manual for Design Codes sets out a framework within which to develop a Design Code whilst emphasising the urban and rural characteristics of West Northamptonshire. The manual aims to provide clarity and consistency in the formulation of Design Codes.

7.5 WNDC Sustainability Manual

The WNDC Sustainability Manual sets a framework for assisting the decision making process in terms of the expected standards for

8. **Relevant Planning History**

Upton Lodge

- 8.1 06/1654/OUTWNS – Outline application for development of housing (up to 1,784 dwellings), community and education facilities including a new primary school (3.8ha), employment (22,000m² floorspace), park & ride facility (1,000 car-spaces) and part of a country park (7.7ha) at 'Upton Lodge', Land Bounded By Princess Marina Hospital/ St. Crispin/ Weedon Road/ Norwood Farm, Northampton, NN5 4UU. Committee resolution for approval 24/11/2008.

Norwood Farm

- 8.2 SNC Application S/2006/1655/PO Residential Development of up to 781 dwellings, country park and associated works (outline). SNC Development Control Committee Resolution to approve 26/08/10.

St Crispin's

- 8.2 97/0566 – Outline residential development with local shopping, community and employment facilities and provision of highway infrastructure at St Crispin Hospital, Berrywood Road, Northampton, NN5 4UN. Approved 24/10/2002.
- 8.3 There is an extensive planning history associated with the development at St Crispin's but not considered directly relevant to this application.

9. Consultations

9.1 **Northampton Borough Council (NBC):** The original scheme was reported to NBC's Planning Committee on 1st June 2010 and the committee members resolved to make a Holding Objection for the following reasons:

- Members raised grave concern about the access arrangements coming through the St. Crispin's estate, in advance of the Upton Lodge/ Norwood Farm scheme.
- The loss of mature trees/ hedgerow adjacent to the bridleway in the south-east corner of the site would adversely affect the setting of the bridleway to the detriment of users
- The proposed layout would result in a poor residential environment in part of the development, specifically the view at one end of the main access points which is dominated by boundary treatment to the detriment of the street scene. The design of the housing in relation to bridleways is also poor, with rear access alleyways encouraging crime and anti-social behaviour.
- The affordable housing should not contain a flat.
- WNDC must be confident of land stability before granting permission
- WNDC must be satisfied, in consultation with the Highways Authority, that the road network of the existing St. Crispin's estate is able to cope with increased demand.
- Comments of the aboricultural officer should be taken into account.
- Any permission must secure 35% affordable housing
- A condition dealing with and unexpected contamination is required.

9.2 NBC have been reconsulted regarding the amended layout received on 6th September 2010 and are expected to report the matter to their Development Control Committee on 30th September. Any comments resulting from this meeting will be reported to members in the update sheet prior to committee.

9.2 **NBC Environmental Health:** no objection subject to conditions

9.3 **NBC Tree Officer:** Expressed concern regarding the impact of the access road upon protected trees.

- 9.4 **NBC (Housing):** Raised concerns regarding the mix of affordable housing types put forward in the initial scheme, particularly the inclusion of a flat above a garage as an affordable unit. Then amended scheme has removed this unit and taken on board the comments received.
- 9.5 **NCC (Archaeology):** Notes that the application is within a potentially sensitive area in terms of archaeology. Recommends that this should not be an over-riding constraint on development providing that a condition is attached to secure the investigation and recording of any remains that are in situ.
- 9.6 **NCC (Education Services):** no objection, requests S106 monies to contribute towards the provision of primary and secondary education
- 9.7 **NCC (Highways):** Commented in relation to the initial scheme as follows (summarised):
- The two bridleways should be upgraded if the development is to rely on these as sustainable links. Request that the applicant undertakes an audit of these routes.
 - If the development is to be accessed from within the St. Crispin's site, it needs to demonstrate that it is acceptable in terms of connectivity and encouraging sustainable modes of transport.
 - There is no reason to suggest that the access onto South Meadow Road would have a safety problem although this has not been tested by the applicant.
 - Recommend that contributions to bus services will be required because the TA and Travel Plan relies upon an existing bus route which is likely to lose subsidy in November 2010.
 - The Transport assessment has not considered the impact upon the junction of Berrywood Drive/ Berrywood Road. This needs to be tested for scenarios with and without development traffic, in the morning and evening peak hours. Traffic counts and queue length surveys are required.
 - Do not believe that the measures put forward within the travel plan are sufficient to achieve a 20% modal shift away from single occupancy car use.
 - The site provides 2 car parking spaces per unit which is considered to be an over-provision.
 - Recommend that the proposals are unacceptable in the form submitted and request further information and analysis to address the above issues.
- 9.8 A revised Transport Assessment and Travel Plan were submitted on 6th September 2010 and NCC have been re-consulted on these documents. They have responded as follows:

- No objection to the development providing that conditions and s.106 obligations are attached to mitigate the highway impact of the scheme. The following conditions/ obligations are requested:
- Prior to the occupation of the first dwelling, a new mini-roundabout shall be constructed at the junction of Berrywood Road and Berrywood Drive, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
- The existing bridleways to the south and east of the site to be upgraded to provide a clear 3m width (with removal/ replanting of vegetation as appropriate) and the provision of a hard bound surface throughout.
- Full engineering details of the site access to South Meadow Road to be agreed prior to implementation and completed prior to occupation of first dwelling.
- Submission of a construction management plan to control dust, noise site enclosure/ compounds, debris/ mud and routing for construction traffic.
- A financial contribution of £100,000 towards the enhancement of bus services in the vicinity.

9.8 **Highways Agency:** In response to the original consultation, the HA issued a TR110 directing no permission is granted at this time based upon the Transport Statement and Travel Plan submitted with the application. Due to the proximity of the site to the M1 and A45, the HA requested further information and clarification regarding the impact on the strategic road network. Following this consultation response, further discussions have been held with officers from the Highways Agency regarding the impact of the development. The HA have requested that a financial contribution is committed through any s.106 agreement to secure works to the M1 and A45 corridor in order to mitigate the impact of the scheme. In principle, the applicant has stated that they are happy to meet this obligation through a detailed s.106 for the site.

9.9 The HA have been re-consulted on the revised TA and Travel Plan submitted on 6th September and have confirmed that they have no objection to the scheme subject to a financial contribution towards mitigation on the strategic highway network. The holding direction will remain in place until the HA have seen the final wording of the s.106 agreement.

9.9 **Environment Agency:** no objection subject to conditions to secure an appropriate surface water drainage strategy on the site and appropriate foul water drainage.

9.10 **Anglian Water:** no objection subject to informatives regarding foul sewerage and water supply.

9.11 **Natural England:** no objection in principle but has raised some concerns and requested additional information is submitted by the applicant in relation to Great Crested

Newts. The applicants have subsequently completed a Great Crested Newt survey and this concluded that no Great Crested Newts were found at the three ponds within 500m of the site and that the development would not have a negative impact upon the habitat of the protected species.

The survey has been sent to Natural England and The Wildlife Trust. No additional comments have been received.

- 9.12 **The Wildlife Trust:** no objection in principle but concerns over information submitted and recommends additional information is submitted by the applicant with regard to the ecological assessment of the site and its surroundings. Also recommends that the opportunity to enhance ecological value through the choice of landscaping planting is used.

Since the original comments were submitted the applicants have submitted a great crested newt survey and have confirmed that no mature trees will be affected by the development. In response, the Wildlife Trust have requested that protection measures are put in place during construction and that conditions are attached relating to the removal of deadwood/ ivy etc.

- 9.13 **Northants Bat Group:** no objection but some concerns regarding the methods used in the bat survey on trees within the site.

- 9.14 **Police:** objects to the application on the basis of the potential for crime on this development due to the amount of permeability and the large number of rear alleyways. In addition the applicant has indicated that the security elements of Code for Sustainable Homes will not be achieved which further raises concern about the likelihood of crime, particularly burglary, in the future.

- 9.15 **Ramblers Association:** no comment received

- 9.16 **South Northants Council:** The consultation was reported to SNC's development Control Committee on 4th June 2010 and the Council responded with the following comments:

- Supports the principle of residential development but objects to the grant of planning permission at the present time until issues that impact upon South Northamptonshire, are fully resolved. In particular, issues of transportation, flooding/ drainage, education provision and other social infrastructure are referred to.
- Consider that, for the above reasons, permission should not be granted in advance of the approval of Outline consent for the Upton Lodge site.
- In addition, consider that a comprehensive Design Code and Masterplan should be developed to ensure an integrated approach to design.

- 9.17 **Duston Action Group:** extensive objection, on the following grounds:

Taylor Wimpey Unsuitable to develop this area:

Cites concerns that Taylor Wimpey, as the developer who has built out much of the existing St Crispin's development, has reneged on their commitments and obligations with respect to this development. In particular, concerns have been raised with respect to the obligations required of Taylor Wimpey under the original Section 106 Agreement for this site, the state of the St Crispin's Hospital and Taylor Wimpey's failure to either secure or indeed finish this site, the road network has not been finished to adoptable standards and the Sustainable Urban Drainage System has not been maintained which leads to instances of flooding.

Traffic and Highway issues

Problems raised in relation to congestion at peak hours, especially in the area around the school, and both accesses into St Crispin's via Kent Road and Berrywood Drive. Serious concern raised in relation to the lack of off road parking available and the impact this has on on-road parking, which is significant and causes further congestion and safety problems. Issues associated with roads are exacerbated with the large volume of construction traffic experienced in the area. Doubts raised that the applicants assertion of a 20% reduction in modal shift are valid and in any case they would not have a significant impact upon the overall traffic situation at St Crispin's.

Drainage problems

States that the flood protection measures for Northampton have been found to be inadequate by the Nene Flood Prevention Alliance and the Northants Residents Alliance; concern that the data submitted by the applicant appears inaccurate.

Land Stability Issues

Raises concerns with this issue, highlighting the history of the area. In particular states that:

"In 1983/4 the land immediately adjacent to this site and sharing the same slopes was owned by Northampton Development Corporation. Following a series of disastrous land slips and foundation problems, NDC withdrew this land from sale for development labelling it as "Unbuildable". We are in contact with ex officials of NDC who remember this event and are prepared to support this recollection of it. Evidence of the serious nature of solifluction and unbuildable land in this immediate area and its surrounds can be viewed at Northants Residents Alliance web site, <http://www.northantsresidents.co.uk/NDCRecords/> which contains copies of the original official documentation from the 1980's which clearly demonstrate how this problem was discovered in this and nearby areas by both Tapsell Wade and the County Council's Engineering Laboratories. Following an organised "cover-up" for a couple of years, the information was finally made public and the land withdrawn from sale.

At the same time Northampton Borough Council Building Control issued a three page advisory note to prospective Developers and land owners advising them to avoid building on land with even gentle slopes (as low as 3 per cent in some cases) in this

area. The practice has been “lost” over the intervening years and now this land is proposed once more as suitable for development.

In a previous application to build 1700 houses adjacent to this area, Halcrow provided a 40-page treatise on the dangers of solifluction in this immediate area. Halcrow advised that there would be slopes where houses could not be safely built, although they did underestimate the full extent of these areas.”

Also makes the following statement:

“Northants Residents Alliance have recently made the above evidence available to Northampton Borough Council, who have “lost” their records and are now seriously investigating the documents that NRA have provided, since they affect future planning applications in a wide area and cannot be overlooked now that they have been brought to light. Until this investigation is concluded, it would be unreasonable for planning approval to be given by WNDC.”

Object strongly to the development on this issue.

Development on Open Space

The proposed access road would lie on an area that is reserved for open space and this is an obligation upon Taylor Wimpey as part of the Section 106 for the St Crispin’s development, as set out in the Section 106 Deed of Variation dated 07/10/2005. The proposed development would supersede this and thus make a mockery of the agreement as was between Taylor Wimpey and Council to provide open space within the site.

Impact upon hedgerows and bridlepath

Concern regarding the proposed removal of the ‘ancient’ hedgerows and the exposure of the bridleway to the built up area. States that the removal of hedgerows would result in further land stability issues.

9.18 **Andrea Leadsom MP.** Notes the frustration of local residents at what they see as wilful neglect of the St. Crispins estate by Taylor Wimpey. Ask that the past performance of the company is taken into account when considering future proposals.

9.19 **Cllr. Paul Varnserry.** Objects for the following reasons:

- The development is contrary to Planning Policy
- The proposal will lead to a serious cumulative impact upon the St. Crispin’s Estate which has been beset by problems of inadequate infrastructure
- The area has horrendous traffic difficulties and decisions taken in isolation have created a cumulative effect way above their individual contribution to the problem
- The application is a cynical attempt to bypass the concerns of residents

- The loss of open space is unacceptable
- The existing access roads on the estate are inadequate resulting in bottlenecks at the school and at key entrance points to and from the estate. A third access point was due to be provided into the estate after completion of 300 houses but this is still not in place despite 1000 homes being completed.
- The former Victorian Hospital has been neglected and abandoned by the developer. This may not be a material consideration under planning law but is a serious moral and civic obligation.

10. Notifications and Responses

10.1 The application was advertised by press notice and site notice and approximately 166 neighbouring properties were notified of the application by letter.

10.2 40 responses were received and two petitions, one with 37 signatories and one with 72 signatories. The comments / objections received are summarised as follows:

- Existing properties at St Crispin's were marketed as having 'unspoilt views' across the land proposed to be built upon.
- The developer assured prospective buyers that this land would not be built upon, and other concerns in relation to Taylor Wimpey's marketing of the existing units.
- Concern over road congestion / additional traffic at St Crispin's, especially around St Luke's Primary School (N.B. A number of objectors have provided photographic evidence of the road network in a congested state). Concern over the healthy and safety aspect of this.
- Issue of non-adoption of current road network raised; current roads should be brought up to standard before further land is developed.
- Access into the site from South Meadow Road, especially bearing in mind the vehicles that park along this road. Comments that this site should be accessed from Sandy Lane Relief Road.
- Loss of 'open / recreation space' off South Meadow Road to provide proposed access into the site. Site to be developed for housing is also used as a recreation area.
- Concern over Land Stability issues.
- Concern over the impact of the proposed access upon the Bridleway.
- Impact upon the countryside.
- Concern that houses will be sold onto Housing Associations despite being promoted as private housing, referring to Upton as an example.
- Resistance to further social housing at St Crispin's.

- Effect on house prices.
- Comments that the Environmental Report prepared to accompany the application is flawed as badgers and bats are either close to or on the site. Refers to the Sandy Lane Relief Road application and the Environmental Report that accompanied this, stating that birds, bats and badgers were all present in this area.
- Local infrastructure requirements in terms of school places, medical services, shops and other community facilities.
- Taylor Wimpey has a poor track record in terms of their existing operations, particularly at St Crispin's.
- Obligations required by the S106 for the original permission for St Crispin's have not been fulfilled.
- Taylor Wimpey should focus on finishing the derelict hospital prior to building on this site.
- There are already drainage problems in connection with foul waste.
- Works have already commenced on site.
- Concerns raised in relation to the consultation undertaken by WNDC – all properties at St Crispin's should have been notified, the period was not long enough and the letter should have been addressed to each resident personally / or marked high importance, as they had the appearance of 'junk mail'.

10.3 Re-notification. Surrounding residents and other contributors have been re-notified following the receipt of an amended layout plan for the site and the revised Transport Assessment and Travel Plan. The 21 day re-consultation period ends on 29th September. At the time of writing, 42 letters/ e-mails have been received as a result of this re-consultation, the majority of these from residents re-iterating their previous objections to the scheme. The additional comments received are summarised below:

- Scheme should be rejected following Taylor Wimpey's actions and neglect on the existing St. Crispin's estate
- The existing estate lacks the infrastructure to accommodate 80 new dwellings
- Any new development should be accessed from the Sandy Lane relief road
- The existing road cannot accommodate the additional 400 movements a day that would be generated by this development
- The revised plans do not make it clear if the road will encroach on the public open space that were protected by the previous s.106 agreement
- The scheme should not be considered in isolation of the Upton Lodge development

- WNDP has failed to provide infrastructure to support up to 10,000 residents at Upton/ St. Crispin's, apart from the 'Road to Nowhere' which stands as a testament to their overall failure.
- The existing roads need to be adopted prior to any more housing being built
- The addition of sports facilities off St. Crispin Drive and the completion of the hospital conversion will add to traffic in the area. The transport statement is inaccurate in the figures put forward.
- Overall objection to the scheme remains, despite the new access being in a more sensible position
- The area is well used by walkers and horse-riders and it would be ill-advised to concrete over one of the more pleasing vantage points of Northampton.
- Question whether the land is stable to build on.
- When our house on South Meadow Road was purchased, we were told that access would be from the new bypass – we were misled.
- Parking on the estate is inadequate at 1.5 spaces per dwelling.
- Nobody is getting mortgages to buy these executive monstrosities.
- There is no work in the area – where are the people who will buy these units living at the moment?
- Based on the new plans, we would have a road running directly to the front of our house (North Meadow View). This is not what we were told when we bought our house.
- The new access position affects more residents than the previous plan because it passes directly by North Meadow View. Can't see any evidence that the new plan is an improvement on the original.
- The projections of modal shift are misleading. There is one bus running to town and a single fare is £1.80 which is prohibitively expensive and will not lead to any modal shift.
- The proposals are an attempt to bypass the proper planning of the Upton Lodge/ Norwood Farm area.
- The applicant has failed to honour existing s.106 obligations regarding the old hospital and St. Crispin's site in general.
- There are a lack of schools and medical services on the estate to accommodate any more people.
- There are badgers and bats in the area.
- Houses were bought with the impression that the views of the countryside would be maintained

11. **Evaluation**

The following matters are relevant to the determination of this application:

Principle of development
Highway Issues/ Phasing of Development
Visual impact, design and layout and landscaping
Neighbouring amenity
Community Facilities
Environmental Impact Assessment
Environmental impacts
Land stability
Highway matters
Flooding
Ecology
Crime and Safety
Archaeology
Sustainability
Section 106
Other matters

Principle of Development

- 11.1 The application site falls on the western edge of the urbanised area of Northampton, approximately 4.5 km to the west of the Town Centre. The site is adjacent to an area that is predominantly residential, although the application site itself is designated as Greenspace (under policy E6) within the Northampton Local Plan (1997). In terms of the principle of development there are a number of issues to consider including compliance of the proposal with the current Development Plan for this area; emerging planning policies; and what, if any, other material considerations are relevant to this, in particular the need for the development.
- 11.2 Following recent government guidance relating to the abolition of Regional Spatial Strategies, it is considered that the Development Plan for the area currently comprises the Northampton Local Plan.
- 11.3 The Local Plan was adopted in 1997 (and subsequently formally altered) and covers the period 1993-2006. Whilst it clearly no longer provides a complete up to date policy framework, a number of policies have been 'saved' beyond September 2007 and therefore still carry significant weight as part of the current Development Plan framework. Policy H7 relates to proposed housing development that sits outside of designated areas within the Local Plan, of which this application does. The policy states that such development will be acceptable in principle subject to a number of caveats, including design, character, highways and the acceptable loss of the current

land use (whether it be parking facilities, recreational areas etc). Furthermore, policy E6 relates to the sites designation as Greenspace; this is relevant and is discussed later in this section along with H7. Finally, policies E7 (Skyline development) and E9 (Locally Important landscape Areas) are relevant to this site.

- 11.4 Members may recall that application 06/1654/OUTWNS for the development of housing (up to 1,784 dwellings), community and education facilities including a new primary school (3.8ha), employment (22,000 sq m floorspace), park & ride facility (1,000 car-spaces) and part of a country park (7.7ha) at 'Upton Lodge' was considered by this Committee on the 25/11/2008. This application, made by the Homes and Communities Agency (then as English Partnerships) and Redrow Homes, was given approval by that Planning Committee subject to a number of clauses, including the withdrawal of the Highways Agencies holding direction and the resolution of the Section 106 Agreement. This application for an Urban Extension to this area of Northampton included the land currently the subject of this application by Taylor Wimpey, referred to as Site H on the submitted Masterplan, and wholly indicated as an area for housing as part of that application.
- 11.5 On the basis that this application has been given approval by WNDCCs Planning Committee – although it should be noted that at this stage the planning permission has yet to be issued – it is considered that the principle of residential development on this particular parcel of land has been established. The development of the application site, and the wider Upton Lodge development will continue to form an important element in housing land supply for Northampton, in relation to the five year housing land supply required by PPS3 and projected local housing need, irrespective of the position regarding the abolition of RSS8.
- 11.6 It is noted that the application site is subject to policies E6, E7 and E9 of the Northampton Local Plan which relate to Greenspace, Skyline development and Locally Important Landscape Areas respectively. With regard to these issues, the linkage between the application site and the Upton Lodge/ Norwood Farm Masterplan is relevant. The development of the Masterplan for these sites took account of the Local Plan designations and acknowledged that there would be significant landscape change within the area. The mitigation for this change was put forward as a significantly improved area of public amenity space in the form of the extended Upton Country Park which will form a landscaped and publicly accessible buffer to the west of Upton Lodge and the Sandy Lane relief road. Members of WNDCC's Northampton Area Planning Committee considered this issue when they resolved to approve the Upton Lodge Outline planning application in November 2008.
- 11.7 The officer report to that committee noted that:
- This planning application, together with the adjacent proposals at Norwood Farm, will create a landscape setting that includes both open spaces, key views (to St Crispins) and potentially a sizeable country park. The Masterplan has been put together based upon what re considered to be appropriate design principles. In the context of all*

other material planning considerations (including the findings of the ES) and the changing context in this part of Northampton, preservation of all of the green space areas allocated under Policy E6 at all costs is not considered to be justified.

- 11.8 The conclusions of this report are still considered to be valid in this respect and the overall open space and landscape package of the Upton Lodge and Norwood Farm schemes are considered to be sufficient to outweigh the impact upon the Greenspace, Skyline and Locally Important Landscape Areas, as designated under the saved Policies of the Northampton Local Plan. Given the resolutions to approve these two schemes, there is a reasonably high degree of certainty that these schemes will be brought forward. The landscape and open space mitigation that was accepted as part of these schemes is therefore considered to be relevant to the context of this current planning application.
- 11.9 Although the current planning application is being brought forward in advance of the overall masterplan for the Upton Lodge sites, the section 106 contributions for the scheme, based upon WNDP's Planning Obligations Strategy, would ensure that a strategic contribution towards the provision of the country park and associated green infrastructure works is secured.

Highway Issues/ Phasing of Development

- 11.10 There are a number of national and local planning policies that consider the potential highway impacts new developments should have regard to. The County Council has also produced a 'Transport Strategy for Growth' adopted September 2007 which sets out the integrated transport strategy to support the planned growth in the County and includes an overall target of 20% modal shift for new development.
- 11.11 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development.
- 11.12 PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:
- i) promote more sustainable transport choices for both people and for moving freight;
 - ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - iii) reduce the need to travel, especially by car.
- 11.13 Members will have noted that a considerable number of local residents have objected to the application on the grounds that the development would have a significant adverse impact on the local transport network. In essence, the objections received express the view that the existing highway infrastructure on the St. Crispin's estate is

inadequate to accommodate any additional traffic, particularly in relation to congestion at key junctions (and by the school), narrow winding roads, on-street parking making it difficult to pass other vehicles, delays in adopting the roads, and the failure of the applicant to provide a third access into the development from Duston.

- 11.14 A Transport Statement (TS) that considers the traffic implications for the development was submitted with the planning application and both NCC's Sustainable Transport section (Highways) and The Highways Agency (HA) have been consulted on the application by WNDC. In responding to the initial consultation, NCC noted that the greatest impact of development would be on the junctions at:

Berry Wood Drive/Berry Wood Road

Berry Wood Road/Main Road

Main Road/Tollgate Way

They therefore requested individual capacity assessments at the above junctions, including traffic counts and queue length data. Comments were also raised by both NCC and the HA in respect of the Travel Plan submitted with the scheme.

- 11.15 At that stage, therefore, NCC Highways confirmed that the trip generation figures put forward by the applicant in the Transport Assessment were appropriate.

- 11.16 The HA initially raised a formal objection to the application and issued a TR110 holding direction preventing determination of the application. This was due to concerns regarding the adequacy of the Travel Plan put forward and the potential impact of the development upon the Strategic Highway Network around the A45/ M1.

- 11.17 Following this, the applicants have undertaken further traffic surveys, as requested by the highway authority and have submitted a revised Transport Assessment and Travel Plan. A further round of consultation has been undertaken in response to these documents.

- 11.18 A number of residents have questioned some of the assumptions within the Transport Assessment and pointed out that there will be additional traffic using the local road network when the old hospital buildings are completed. The assessment that has been provided does demonstrate that the three junctions are operating at or near capacity. However, the additional traffic generated by 80 units would not, proportionally, add significantly to the overall traffic levels using the estate.

- 11.19 In response to the revised Transport Assessment, the County Highways department have stated that they do not object to the additional traffic resulting from the development providing that mitigation measures are secured as part of any development. Specifically, they have requested that the T-junction at Berrywood Road and Berrywood Drive is replaced with a mini-roundabout in order to ease traffic flow at peak times. It is considered that the benefits of improving this junction will compensate for the additional traffic caused by the 80 units proposed.

- 11.20 In addition, NCC Highways Officers have requested improvements to walking, cycling routes along the bridleways running adjacent to the site and contributions towards public transport measures in the form of a subsidy towards the bus route serving the St. Crispin's site. These measures will support the incentives to use non car modes of travel put forward within the Travel Plan for the site.
- 11.21 On the basis of the comments received from NCC Highways Officers, it is considered that the impact of traffic from the proposals on the local road network can be adequately mitigated and will not be sufficiently detrimental to prevent the development coming forward in advance of the completion of the Sandy Lane Relief Road.
- 11.22 In relation to the impact on the strategic road network, discussions have been held with officers at the Highways Agency with regard to the holding direction that is in place. Based on the revised TA and Travel Plan they have confirmed that they have no objection to the application, subject to a financial contribution towards their access management strategy for the M1/ A45 which is being developed to identify a package of measures to improve traffic flow at that section of the strategic highway network. This is accepted by the applicant and the contribution would be secured through the s.106 and ring fenced specifically for that purpose. Further comment on the approach to s.106 is set out later in this report, but a contribution of £20,000 per unit is being put forward, based upon WNDG's Planning Obligations Strategy. Works to the strategic highway network would be secured as part of this overall contribution.
- 11.23 Although not directly related to this planning application, officers are aware that further discussion is taking place between the applicants and the County Highways department regarding the existing traffic situation on the St. Crispin's estate. In relation to the planning obligations linked to the outline planning consent for St. Crispin's a third access point should have been provided into the estate from Duston, via the old Kent Road. Officers understand that detailed discussions are now underway to ensure that this third connection is constructed. In addition, the possibility of creating an area of off-road parking adjacent to St. Luke's School is being examined to alleviate some of the congestion within this part of the estate. It is hoped that these two measures will have a positive impact upon traffic conditions within the area.

Visual impact, design and layout and landscaping

- 11.24 The site is not allocated for residential development and therefore is subject to Saved Policy H7 of the Local Plan. This policy sets out that outside of Primarily Residential areas planning permission for residential development will only be granted where:
- a) A satisfactorily residential environment can be achieved;

- b) The development would not be of a scale and density that would be detrimental to the character of the surrounding area or would result in the overdevelopment of a site.
- 11.25 The applicants had a number of pre-application discussions with WDC Officers, including our Urban Designer, regarding the design and in particular the layout of the site. These discussions have informed the evolution of the design of the site, along with the existing constraints, that include the existing St Crispin's residential development, the proposed further housing within the Upton lodge Urban Extension, the adjacent belt of TPO Trees, the adjacent bridleways and the topography of the site.
- 11.26 The application proposes 80 houses, predominantly 2, 3 and 4 bedrooms and a single two bedroom flat, of a mix of two and three storeys. The site area of 3.77 hectares leads to a net density of 21 dwellings per hectare. It is noted that this density is relatively low bearing in mind modern densities of development but this is because the application site includes large areas of undeveloped space, some allocated for open space to serve this application and some reserved for future development. The Upton Lodge Masterplan and Design and Access Statement set the parameters for the wider development and these envisage that the density of units on the higher sections of the site, adjacent to the existing St. Crispin's development, in order to reflect the existing scale of development. It is considered that the density and scale of development put forward under the current scheme would comply with these principles.
- 11.27 The application site would be exposed on two boundaries to open fields that will, in time, be developed for housing. Therefore it is important to consider the application in the context of the surrounding land as it currently stands and when it is developed for housing. Along the southern boundary the site abounds an existing bridleway running east-west. The applicant has sought to design the scheme so that these units do not 'turn their backs on' the bridleway. As such the units are along this elevation are predominantly the sides of properties or dual frontage, to ensure there is a level of activity and overlooking. However, when the adjacent site is developed for housing the proposed layout of the current application would allow this development to take place unhindered. Similarly, to the west the units predominantly face out onto the elevation to ensure an active frontage (with the exception of plots 76-80).
- 11.28 The elevation to the north of the site would have a direct relationship with the existing properties located in North Meadow View. Taking into account the nature of the existing units sited here, and the aspiration for green links through the planned Upton Lodge Urban Extension (as set out in the Design and Access Statement and Masterplan for this application) the applicant has sought to site a smaller number of larger properties to mirror the existing development. The access road into the site is positioned along this elevation but the layout allows for an area of open space and landscaping between the existing and new development with a separation of around 25-35m between the new and existing properties.

- 11.29 In relation to the eastern boundary the predominant relationship here is with the existing north-south bridleway, which is dominated by the existing group TPO trees. A number of the units would front onto this bridleway to again create a sense of overlooking and activity. Plots 41-48, a row of terraced properties notionally indicated for affordable housing, would turn their backs on the bridleway, mirroring the back to back relationship that existing in the adjacent South Meadow View dwellings within St Crispin's.
- 11.30 Within the site itself the properties are proposed in a layout that reflects sound urban design principles. That is, the properties are proposed in small perimeter blocks with a mixture of in-curtilage parking and small parking courts overlooked by the properties.
- 11.31 The design of the dwellings themselves reflects a more traditional approach, using some established Victorian features. All dwellings, regardless of whether they are proposed for private or affordable housing, are proposed to be built to a high standard, with the front and / or public elevations suitably detailed with window head and cills and other features. Furthermore, the applicant has identified a number of feature plots that would form landmark buildings within the development. These would have further detailing to emphasise the development, including parapet walls, dormer roofs, stone heads and cills chimney stacks, stone portico's and brickwork detailing.
- 11.32 The development would be finished with a mix of hard and soft landscaping, and open space to the north between the new housing and that of North Meadow View. Overall it is considered that the layout and the design of the development is of a good quality and is acceptable. The application site is adjacent to the St Crispin's Conservation Area but not inherently affected by it and the adjacent development at St Crispin's is a mix of traditional and more contemporary. It is considered that the proposed development would continue this established trend.
- 11.33 Details of materials and boundary treatment, as well as hard and soft landscaping, should be sought via suitable planning conditions are these are recommended below.
- 11.34 In terms of the wider visual impact upon the landscape, as already stressed the site forms what is in essence part of the Upton lodge Urban Extension and therefore the principle of this development has been established in this regard. However, notwithstanding this, Officers requested that the applicant provide details of how the development would fit into the wider landscape, especially bearing in mind the topography of the site. The cross sections through the site provided by the applicant highlight that the development would form a continuation of the existing development at St Crispin's and because of the moderate size and scale – two and three stories- would not lead to a development that would have a greater impact on the local landscape than St Crispin's itself. Therefore the application is considered acceptable in this regard.

11.35 Comments received from South Northamptonshire Council have expressed concerns that the scheme is being brought forward in advance of detailed masterplans and design codes for the Upton Lodge development. Officers note these comments but feel that the site is closely linked to the existing development at St. Crispin's in a visual sense and that it is appropriate for the layout and design to reflect the existing context. This has been achieved through the measures outlined above. Care has been taken to ensure that the scheme provides for future links and co-ordination with development that will take place elsewhere within the Upton Lodge scheme, particularly in terms of footpath and bridleway links. The orientation of dwellings is also such that they are outward facing in order not to sterilise future development options. In view of the context of the site, it is considered that the design is appropriate and that bringing the scheme forward at this stage would not compromise the wider aspirations set out in the Upton Lodge Masterplan.

Neighbouring amenity

11.36 It is noted that a number of local residents have objected to the proposal on the basis that their amenity would be affected by the development.

11.37 The site is bound on two sides by open countryside and to the east, the existing bridleway provides a substantial buffer between the existing dwellings and the proposed development. This is considered to be sufficient to protect the amenity of residents of numbers 6, 10, 12, and 14 South Meadow View. In addition to the well established landscaping running alongside the bridleway, the distance between these properties and the orientation of them is sufficient to prevent any over looking or loss of privacy. Officers have sought amendments to the scheme to ensure that sufficient space is allocated to retain a significant hedgerow to the rear of plots 41-48, in order to maintain the 'green' character of the bridleway at this point. This will also benefit adjacent residents by providing an additional screen between the two sites.

11.38 The most direct relationship is between existing properties in North Meadow View and the new development to the north of the site. The amended layout has moved the access point to the north of the site in order to avoid the area of open space and due to concerns regarding the impact upon protected trees. Clearly, this will have a greater impact upon dwellings at North Meadow View than the previous plan which had pedestrian and cycle links at this point. However, the access is separated from the front of the adjacent dwellings by an area of open space and this area would be landscaped/ planted to ensure that the existing properties are screened from the road. The relationship between the adjacent housing and the road is such that levels of amenity will be adequately protected.

11.39 The dwellings themselves would be separated by approximately 25-35m and the discussions at pre-application stage specifically sought to maintain a sufficient

separation distance from North Meadow View to prevent direct overlooking and loss of privacy at this point. As discussed above, the area of open space between North Meadow View and the new dwellings would be landscaped and planted to ensure an adequate buffer.

- 11.40 In summary, the impact upon neighbouring amenity is considered to be acceptable. Layout and separation distances conform to accepted planning standards for new development in this respect. Clearly, the existing residents in adjacent dwellings will notice a significant change in environment from the present open aspect. However, this in itself is not a reason to prevent development in planning terms. Officers have sought to ensure that the plan provides substantial areas of open space and landscaping to maintain acceptable amenity standards.

Community Facilities

- 11.41 A number of residents have commented that the existing estate at St. Crispin's lacks adequate community facilities and that no further development should be permitted due to the additional burden on existing schools, healthcare and the lack of basic amenities.
- 11.42 In the longer term, additional facilities will be provided within the Upton Lodge development. However, in the meantime, the relevant bodies have been consulted as part of this application. In terms of education, the County Council have raised no objection providing that a contribution is made towards education provision. The recommended approach to s.106 through WND's Planning Obligations Strategy takes account of the need for education provision. In terms of other facilities, the St. Crispin's Local Centre on Kent Road is now nearing completion and will contain a range of uses, including a children's day nursery, community centre, shops, restaurants and medical uses, potentially a dentist surgery. Space was allocated within the centre for a doctor's surgery/ health centre but the PCT have confirmed that they would not fund this facility due to the construction of a new facility nearby on the British Timken site. The sports pitches within the development are now under construction.
- 11.43 It is acknowledged that the facilities on the St. Crispin's estate have taken time to develop and become available. However, work is progressing on these matters and there will soon be a range of facilities across the site. In this context it is considered that the site will provide a range of facilities to support the existing residents and that an additional 80 units will not result in an unnecessary burden on the local area. Given the responses from statutory consultees and the work progressing within the existing St. Crispin's site with regard to local facilities, it would not be reasonable, in planning terms, to refuse the current application on the grounds of lack of local amenities.

Environmental Impact Assessment

- 11.44 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required

to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

- 11.45 Schedule 2 paragraph 10(a) of the Regulations states that proposals for industrial development of more than 0.5 hectares in area (which this application falls within) may require an (EIA). The applicant did not request a Screening Opinion for the development prior to submitting the application and therefore in accordance with the Regulations Officers have screened the development based on the planning submissions details.
- 11.46 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out in Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effect.

Environmental impacts

- 11.47 NBCs Environmental Health Office (EHO) has been consulted on the application and has raised no formal objections to the development on contamination, noise or air quality impacts. NBC EHO report that:
- “The site investigation report submitted with the application is considered to be satisfactory. The report indicates that, on the basis of the samples taken, no remediation work is required at the site. However it is possible that there may be areas of contamination on the site that have not been located by the site investigation.”*
- 11.48 A suitably worded planning condition is therefore recommended to overcome this matter.

Ecology

- 11.49 The advice in PPS9 and supporting Good Practice Guidance is relevant. Amongst the key principles of PPS9 are that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- 11.50 As part of the application, the applicants have undertaken wildlife surveys for bats and great crested newts, as requested by the Wildlife Trust and Natural England. No newts were located within the site and the value of the site in terms of suitable habitat for

their existence was noted to be limited. In terms of bats, a number of mature trees surrounding the site have potential as bat roosts. However, none of these are affected by the development and all would be retained.

- 11.51 In general terms, the site is not covered by any statutory or local wildlife designation and there are not considered to be any significant impacts upon biodiversity assets as a result of the development. There is the opportunity to enhance opportunities for wildlife through the planting and landscaping of open spaces associated with the scheme, particularly by ensuring that planting is of native species. This aim can be achieved through detailed conditions.

Land stability

- 11.52 Members may be aware that the issue of land stability has been raised on a number of planning applications that have been considered previously by WNDC in this area, namely, the application for the Upton Lodge Urban Extension and the Sandy Lane Relief Road. On both of those applications this matter was considered in some detail following comments received from a number of third parties, in particular the Duston Action Group, and it should be noted that both of those applications were found to be acceptable by this Planning Committee.

- 11.53 The issue of land stability has again been raised as an issue for this application, again by a number of third parties including the Duston Action Group. The applicant has submitted a Geo Environmental Assessment, prepared by RSK Group PLC, which includes a specific section entitled 'slope stability assessment'.

- 11.54 Members will note from section 9 of this report the extensive objection made to the application by the Duston Action Group, and the concerns they have raised with regard to slope stability and land slip of this land. It is not proposed to repeat this detailed objection in full, the essence of it being that this land has previously been identified as being unsuitable for development purposes because of this issue.

- 11.55 Similarly, it is not proposed to set out the detailed findings of the work undertaken by RSK Group PLC because of the technical nature of it. However, the conclusions / recommendations of the report submitted (set out in full) states that (emphasis added):

*“Based on the results, it is considered that the three slopes, typically those at the site (sections A-A' to C-C') with the anticipated surcharge loading of 75kPa for the proposed structures and 20kPa from any road (in the vicinity of C-C'), **may be regarded as stable.***

It is recommended that further advice must be sought if there is any further excavation/cutting on the proposed slope especially at the toe of the slopes or whether additional loading is to be placed on the slopes/crest or whether any further steepening of the slopes is planned.

It must be noted the above recommendations are given based on the current site layout and levels detailed in the drawing shown in Figure 12 . Even a small change

($>0.5m$) in levels may have a significant effect on slope stability, and a further assessment may therefore be required.”

- 11.56 PPG14 (Development on Unstable Land) makes clear the requirement for development to have regard to land stability. Whilst confirming that LPA's owe no duty of care to individuals on this matter, the guidance outlines the LPA's responsibility to ensure that the following issues are addressed by the development:
- the physical capability of the land to be developed;
 - possible adverse effects of instability on the development;
 - possible adverse effects of the development on the stability of adjoining land; and
 - possible effects on the local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.
- 11.57 In relation to Development Control, para.34 of the document advises that: *where there is reason to believe that instability could make the ground unsuitable for the proposed development, or could adversely affect it or neighbouring land, a specialist investigation by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability may be required.*
- 11.58 The investigations into this site and the wider Upton Lodge development have conformed to this advice. It is considered that taking into account the advice within PPG14, and notwithstanding the comments that have been received from the Duston Action Group and others, that based on the information submitted by the applicant and the recent planning history of the site (i.e. planning approvals either granted or resolved to grant for development) that the matter of land stability and slip has been fully considered and found to be acceptable in the context of the development proposed.
- 11.59 The comments of the Duston Action group with respect to information submitted by the Northants Residents Alliance to NBC and a review of NBCs 'policy' on this matter are noted. However, it is considered that notwithstanding any review that may or may not be currently undertaken it is appropriate for WNDC to determine the application at this time based on the information submitted and in accordance with current planning policies set out within PPG14.

Flooding

- 11.60 Whilst a number of residents have highlighted concerns in relation to flooding and the drainage of the site it does lie outside of any designated flood risk zone. However, the applicant has submitted a Flood Risk Assessment and this has been considered by the Environment Agency (EA) who have no objection on these grounds. The EA have recommended a number of planning conditions which are set out below.

Crime and Safety

- 11.61 Northants Police has been consulted on the application and has raised a formal objection on the basis that they consider that the scheme will be vulnerable to crime as a result of the high levels of permeability through the development, the use of rear access alleyways and the lack of appropriate boundary treatments. In essence, the Police are concerned that the high number of public footpaths crossing the site will give potential offenders anonymity and that the use of alleyways and low boundary fencing do not provide adequate security measures to protect residential properties.
- 11.62 Officers have accepted a number of these points and secured amended plans which reduce the number of alleyways and limit their use so that each passageway provides access to no more than three individual properties. The plans indicate that lockable gates would be provided to these areas to prevent unauthorised access and this can be controlled by condition. The amendments are considered to improve the security for the properties concerned and will allow residents to monitor and control any unauthorised access. In addition, the boundary treatments across the site have been amended to provide more security to individual properties, particularly along the public rights of way and bridleway to the south. These boundary treatments would be secured by condition.
- 11.63 On a general point regarding permeability, it is considered that the links within the development are required in order to connect to future developments in the Upton Lodge area and provide a layout that encourages ease of access in terms of walking and cycling. The bridleway passing the site must be retained in its present position. There is often a conflict between these aims and the comments received from the Police regarding security. In this case, the approach taken tries to achieve the necessary linkages but uses the layout of the scheme, in addition to boundary treatments to prevent access to private property and to ensure that all public areas are well overlooked.
- 11.64 It is noted that the applicant has advised that they would be seeking Secure by Design standard on the affordable units only, not the private units. The Secured by Design scheme is a requirement in relation to all affordable housing developments. The Police requested that this be extended to all the units on site but this is not mandatory and the developer has stated that they do not wish to apply the scheme to the private units. This is unfortunate but does not constitute a grounds for refusal in planning terms.
- 11.65 Therefore, on balance it is considered that, whilst the comments made by Northants Police are noted, the changes to the layout and design of the development will provide an acceptable solution in the context of crime and security.

Archaeology

- 11.66 The applicant has commissioned a desk based archaeological assessment of the site that has been submitted with the main application. This assessment was carried out by RSK Environment Ltd in November 2009.
- 11.67 The assessment undertaken has identified that the site contains a set of cropmarks and is placed within a landscape rich in multi period remains. The significance and extent of the remains identified within the DBA was investigated by geophysical survey and then targeted trial trenching.
- 11.68 NCCs Archaeological Officer has been consulted on the application and has returned the following comments:
- “The evaluation has confirmed the presence of the enclosure identified by aerial photography and geophysical survey and has also identified additional areas of activity not identified by the geophysical survey. The evaluation has identified that while the area contains areas of significant archaeology these are not of such significance as to preclude development within this area.*
- The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition as per para HE12.3 of PPS5 Planning for the Historic Environment to any permission granted in respect of this application.”*
- 11.69 It is therefore considered that the application is acceptable in this respect, subject to the planning condition requested by NCCs Archaeological Officer, which is set out below.

Sustainability

- 11.70 A commitment to Sustainable development and the achievement to the delivery of residential units in accordance with the Code for Sustainable Homes (CSH) has been incorporated into the submission of the application.
- 11.71 Sustainability measures as set out within the different levels of the CSH will be secured through S106 agreement. Included within that will be the requirement for the submission of a Sustainability Strategy. The Sustainability Strategy will need to identify the measures to be employed to ensure that all units within the development meet the required standard of Code for Sustainable Homes.
- 11.72 It is also expected that the strategy would also include a mechanism to ensure a post construction assessment of the units at the applicant's expense by an assessor of suitable competence and approved by the Local Planning Authority (LPA). The expert

report identifying post construction attainment would need to be submitted to the LPA for written approval prior to the first occupation of the building.

- 11.73 In accordance with Planning and Climate Change, Supplement to PPS1, a Sustainability Strategy will also need to consider how the development would support opportunities for de-centralised and renewable or low-carbon energy supplies.

Section 106

- 11.74 Policy E19 of the Local Plan seeks to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.
- 11.75 Members will be aware of WNDC's position regarding securing Section 106 benefits on residential developments in terms of the Planning Obligations Strategy. Whilst it is important to recognise that each application must be considered on its own merits, and of course being mindful of the current economic climate, it is also essential to consider the demands on infrastructure that are generated through development proposals.
- 11.76 It is noted that a significant number of people have raised the issue of what local amenities would serve this development should it go ahead. Issues such as what provision for schools, doctors dentists and so on have been raised. Furthermore, in relation to other matters in this report a common issue is the lack of public transport that would serve the development and the lack of adequate provision for cycle links etc.
- 11.77 The WNDC Planning Obligations Strategy was published in December 2008 setting out the Corporation's approach to planning obligations and the arrangements for a 'standard charge' to be applied to development to ensure that development contributes appropriately towards infrastructure need across the Corporation's area. It should be noted that the strategy is currently subject to a review by WNDC.
- 11.78 The applicant, Taylor Wimpey, have accepted the approach to s.106 within the Planning Obligations Strategy and agreed to a contribution of £20,000 per dwelling through the leading to a net contribution towards the delivery of necessary infrastructure of £1.6m.
- 11.79 On 6th April 2010 the Community Infrastructure Levy Regulations 2010 came into force. From this date planning obligations secured need to be in accordance with these new regulations. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- a) Necessary to make the development acceptable in planning terms,
 - b) Directly related to the development,

c) Fairly and reasonably related in scale and kind to the development.

These are the three principal tests set out in Circular 05/05 on Planning Obligations, which is policy used to guide the negotiation of planning obligations.

- 11.80 In addition, under Circular 05/05, a planning obligation must be relevant to planning and reasonable in all other respects. A draft policy which will replace the Circular has recently been issued for consultation. Although of limited weight at present the approach proposed below is consistent with the advice in the emerging policy.
- 11.81 In relation to this scheme, there are significant infrastructure costs associated with bringing forward the scheme which is considered as part of the wider development within the Upton Lodge Masterplan. In this context, the contribution is sought to mitigate the impact of this scheme individually but there is a clear link with the wider strategy for planning obligations in the Upton Lodge planning application and the need to provide the infrastructure that is necessary to deliver the scheme as a whole. For example, a proportion of the planning obligation received will be ring fenced for funding associated with the A45/M1 Access Management Strategy being developed by the Highways Agency. Similarly, the s106 contributions received through the planning obligations strategy in terms of education provision, community facilities, open space and landscape mitigation, green infrastructure provision are required to off-set the impact of this scheme individually but there is a direct link with the mitigation strategy put forward for the Upton Lodge scheme.
- 11.82 There will still be a requirement for the site-specific issues to be set out in any s106 and these are indicated below, based upon the current assessment and matters identified through the consultation process to date. The site specific heads of terms will therefore include:
- **Affordable Housing.** 35% of units to be affordable homes with a 70/30 split with regard to social rented/shared ownership.
 - **Transport.**
 - Agreement to secure measures put forward within the Travel Plan for the site.
 - Improvements to adjacent bridleways
 - Public transport contribution towards local bus service provision
 - Agreement to secure mini-roundabout at the junction of Berrywood Road and Berrywood Drive
 - **SUDS Maintenance.** On-going maintenance arrangements for Sustainable Urban Drainage system and balancing pond.
 - **Maintenance of Public Open Space.** On-going management of the public open spaces within the site.

11.83 It is the view of Officers that the obligations set out above comply with the three tests contained within the Community Infrastructure Levy Regulations 2010. They can therefore be properly taken account as a reason for approval. It should be noted that if the proposed contributions had not been offered then the failure to contribute appropriately to the infrastructure needs generated by the development would have justified the refusal of planning permission.

Other matters

11.84 A number of residents have commented that the applicants, Taylor Wimpey, should not be allowed to construct any more development until existing obligations in relation to the St. Crispin's site have been met. In planning terms, the compliance, or non compliance with previous legal agreements does not constitute a material consideration in the decision making process. The application must be considered on its own merits and the report above has set out a recommendation based on the relevant material considerations.

11.85 Officers are aware that discussions are on-going between NBC (who are responsible for monitoring and enforcing the original s.106 for the site) and Taylor Wimpey with regard to the outstanding s.106 obligations. Those discussions relate to a separate planning application and should not have a bearing upon the decision taken in relation to the current scheme.

12. Conclusion

12.1 It is noted that there has been significant local opposition to the proposed development, largely in relation to the concern that the existing St. Crispin's development and its associated infrastructure is unable to accommodate any further development, in advance of the completion of the Sandy Lane Relief Road. In principle, the development of the site has been accepted through the resolution to approve the outline application for the Upton Lodge scheme. The key question therefore is considered to be whether the principle of bringing forward this element of the site, in advance of detailed plans for the wider area is acceptable.

12.2 Based upon the considerations set out in the report above, officers are of the view that the development would sit comfortably with the existing St Crispin's estate and that there are no over-riding reasons, in design terms, for refusing the application. The design principles and layout accord with the envisaged approach for the site within the Upton Lodge Design and Access Statement. With regard to traffic, the advice of the County Highways department is that the scheme can be accommodated from the existing estate, subject to off-site mitigation works. Therefore, whilst there is a large

degree of concern amongst local residents regarding the scheme, based on the information put forward, the response of statutory consultees, and an assessment of all relevant material considerations, it is not considered that there are any justifiable grounds for refusing the application. Furthermore, the impact created by the development can be off-set through the use of conditions and section 106 obligations which will ensure appropriate mitigation.

12.3 In view of the above, it is recommended that the application is approved.

13. Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings.

3. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The soft landscaping for the areas of open space shall utilise native planting in terms of trees and hedgerow species to reflect the surrounding tree and hedgerows within the area

Reason: In the interests of amenity, to secure a satisfactory standard of development and to ensure that the planting used respects the character and type of planting within the locality in the interests of visual amenity and the benefit of habitat creation.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

5. Temporary Protection barriers, in accordance with Figure 2 of BS 5837:2005, shall be installed prior to construction activity and/or materials and plant being brought onto site. Protective barriers shall consist of a scaffold framework 2.3 metres high comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum of 3 metres and driven into the ground to a depth of no less than 600mm. Onto this weldmesh, strong boarding or Heras panels should be securely fixed with wire or scaffold clamps.

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.

6. Temporary protection barriers shall remain in place until all construction activity and/or plant and materials have been removed from site. Barriers shall not be moved, altered or entered into without prior approval from the Local Planning Authority in consultation with Council's Arboricultural Officer.

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.

7. Parking bays and/or permanent surfaces located within the minimum BS 5837:2005 recommended Root Protection Areas shall be of a no-dig design incorporating a 3-dimensional cellular confinement system, the specification, design and location of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with Council's Arboricultural Officer.

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.

8. Service and utility runs located within the minimum BS 5837:2005 recommended Root Protection Areas shall incorporate trenchless techniques, the specification, design and location of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with Council's Arboricultural Officer.

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.

9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities and routing agreements for construction traffic) and the location of waste management and site compound areas within the site.

Reason: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.

10. In the event that any on-site contamination is discovered when carrying out the approved development that was not previously identified it shall be reported immediately, in writing to the Local Planning Authority. No further work shall be undertaken in the affected area until an investigation and risk assessment is carried out and, where necessary remediation identified, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, no further work shall be carried out within the affected area until the measures identified in the report have been implemented in full and verified in writing by the Local Planning Authority.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment

12. Prior to the commencement of the development hereby permitted full engineering, drainage, signal, and constructional details, of the internal highway layout, including drainage, roads, junctions, driveways, garages, parking, and footways etc., must be provided to and agreed by the local planning authority, and no work is to begin on site until full technical approval has been granted by the local highway authority.

Reason: To ensure that the roads shall be constructed and sited to the satisfaction of the Local Planning Authority so far as to provide a proper means of access for traffic and to ensure that the land can be adequately drained.

13. Prior to first occupation of the first dwelling of the development hereby permitted a new mini-roundabout shall be constructed at the junction of Berrywood Road and Berrywood Drive in accordance with full engineering, drainage, and constructional details, that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate highway infrastructure is in place to serve the development, in the interests of highway safety.

14. Prior to first occupation of the first dwelling of the development hereby permitted the following highway works shall be completed in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority:-

- The existing bridleways bounding the south and east of the proposed development site to be upgraded to provide a clear 3m width (with removal/replanting of vegetation as appropriate), with a hard bound surface provided throughout.

Reason: To ensure that the adjacent public rights of way are upgraded to accommodate the increased use associated with the development in the interests of encouraging sustainable travel patterns

15. Prior to the occupation of the first dwelling on site, the site access onto South Meadow Road shall be constructed in accordance with full engineering, drainage and constructional details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the access arrangements into the site are completed in the interests of highway safety.

16. Development shall not begin until a scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall also include:

- A schedule of works (pond and surface water drainage system need to be in place before commencing building houses);
- An assessment of overland flows and appropriate mitigation;
- A discharge rate of 14.3l/s (Q1); and
- A surface water drainage scheme designed to accommodate the 0.5% (1 in 200) plus climate change storm.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure the future maintenance of the scheme.

17. No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing and future management and maintenance arrangements, for the provision of mains foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any buildings within the relevant phase(s) of the development.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure

18. Full details of the method of the treatment of the external boundaries and those within the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter. The submitted details shall include details of the location, height, design and materials to be used in the construction of all boundary treatments, including details of lockable access gates to all footpaths giving access to rear gardens within the estate.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development and in the interests of crime prevention.

19. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a field evaluation of archaeological work in accordance with a written scheme of investigation, including measures that set out the treatment of any archaeological finds, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of archaeological research.

20. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of a minimum level of Code level 3 of the Code for Sustainable Homes, the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority), and mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and Policy E19 of the Northampton Local Plan adopted 1996.

21. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation or bringing into use of the buildings and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

22. 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: To ensure that the finished floor levels have regard to the contours of the site in the interests of residential and visual amenity.



PART OS PLAN SP 7060 NE
 (NGR 476915, 260903 Site Centred)
 OS Licence No. 100020449

SITE BOUNDARY
 (AREA 4.9731Ha)

A: 11.05.14 RED LINE EXTENDED TO SOUTH MEADOW ROAD MBS

JOB UPTON LODGE SOUTH MEADOW ROAD NORTHAMPTON NN5 4BQ	SCALE 1:2000 @ A4	DRAWN	CR	CHD
		DATE	19.10.09	DATE
TITLE SITE LOCATION PLAN				

OS PLAN SP 7060 NE
 GW030/LOCC01
 Rev A