



Northampton UDA Planning Committee Paper

Report by Director of Planning and
Development

Date of Committee Meeting: 9th March 2011

Agenda Item: 4

Description: Erection of 176 dwellings, roads and sewers and associated open space.

Address: Land off Banbury Lane, Pineham, Northampton

Applicant:

David Wilson Homes

Application No:

10/0188/FULWNN

Date Registered:

24.11..2010

Expiry Date:

23.02.11

Ward:

West Hunsbury

1. Recommendation

It is recommended that the application be **APPROVED** subject to the conditions set out at the end of the report with authority delegated to the Director of Planning Services to issue planning permission subject to the resolution of the following matters;

- The withdrawal of the Natural England holding objection; and
- A S106 agreement as set out in the Report.

Reason for Approval

The proposed development would make an important contribution to the delivery of housing in the town of Northampton in accordance with the Northampton Local Plan. The development is considered to constitute an acceptable extension to the urban boundary of the town comprising an area which is contained within existing natural and physical confines taking forward the continuation of the implementation of the South West

District. The development would be compliant with guidance contained in PPS1; PPS3; PPS9; PPG13; PPG17; PPS22; PPS23: PPG24; and PPS25 and the relevant saved policies of the Northampton Local Plan (1997). The application is therefore considered to be acceptable subject to the attachment of appropriate conditions and the entering into of a S106 agreement to mitigate the matters set out below.

2. Summary

- 2.1 The application is for detailed permission for residential development of 176 houses and associated infrastructure at land off Banbury Lane, Pineham, Northampton. The site is allocated within the Northampton Local Plan for primarily residential development and identified as a sub-phase of the South West District.
- 2.2 The layout incorporates a mix of one, two, three, four and five bedroom homes. No less than 35% of these will be Affordable Housing..
- 2.3 The application site comprises 6.75ha of agricultural land to the south of the Banbury Lane residential area and accessed directly from the distributor road serving, in part, the existing development. The site lies within well defined boundaries adjacent to A43 and the Grand Union Canal. The site is subject to a number of constraints including an area of flood risk, noise attenuation issues arising from the A43 and strategic underground infrastructure.
- 2.4 The application is supported by detailed house design, a site layout, a landscaping scheme and a number of technical reports. These seek to establish the principle of development, the quantum of development and the design of dwellings and public realm.
- 2.5 Although the planned delivery of the site is not established within the latest published 5 year land supply report, it is considered that the delivery of this development will contribute to the Northampton land supply during a period of uncertainty about the delivery of other established sites (due to technical and/or financial reasons). The proposals comply with PPS3 and the release of this site would be in line with the principle of the Regional Spatial Strategy and the recently published pre-submission Joint Core Strategy.
- 2.6 The applicant has agreed to provide Section 106 contributions to a value equivalent to the Corporation's discounted standard charge of £18,000 per dwelling or £3.17m for the

proposed 176 dwellings. It is considered that this level is sufficient to meet the infrastructure requirements associated with the development.

3. Description of Site

- 3.1 The application site is an allocated development area situated to the south west of Northampton within the settlement boundary as defined in the Northampton Local Plan (1997). It is also designated for residential development within the South West District Strategic Planning Review (2004).
- 3.2 The site is known as Banbury Lane Phase 4, is located approximately one mile north of Junction 15A of the M1 Motorway. It is accessed from Banbury Lane and separated from existing residential area by a mature landscaped edge and open space. The site is bound by the A43 to the east, Wootton Brook to the south and the Grand Union Canal to the west. The proposal would result in the loss of approximately 6.75 hectares of agricultural land, producing a developable site area (after site constraints are taken into account) of 4.5 hectares.
- 3.3 The site is bounded by mature trees and hedgerows on the north and western boundaries along with a spinney to the south of the site, which is covered by a group Tree Preservation Order. The site has gentle gradients from a high point midway along the eastern boundary, falling away to the north-west, west and south-west, the total fall being about six metres.
- 3.4 Vehicular access is provided from a single point of access on Banbury Lane to the north. Pedestrian access is provided by the canal towpath on the west, and a cycleway/footpath runs along the northern edge linking into West Hunsbury through an underpass beneath Upton Way. These routes link the existing residential areas found immediately to the north and east with the employment area to the west abutting the site, a major leisure area to the north and alongside the canal through to the town centre. The site lies within an area of known mineral and archaeological assets. The majority of the site lies within Flood Zone 1, with a small area within Flood Zones 2/3.

4. Description of Proposal

- 4.1 The application is for detailed permission for residential development of 176 units including public open space, landscaping, children's play and associated works, comprising a mixture of 1 - 5 bedroom homes between 1 1/2 and 3 storeys in height. A total of 35% (61) of these homes would be affordable homes.
- 4.2 A layout plan and full details of the residential development along with landscaping and open space plans has been submitted with the application in order to demonstrate that the proposed development would be delivered to a high quality within the application site. The layout incorporates a single vehicle access from the existing Banbury Lane residential area.
- 4.3 The layout has been informed by a number of site constraints including the flood plain area and numerous services passing under the land to the south; the required noise levels and noise mitigation mechanisms to the eastern boundary adjacent to the A43; the Wootton Valley truck sewer running alongside the Canal requiring considerable easement; and the retention of existing landscape features including mature vegetation to the application site boundaries.
- 4.4 The character areas from which the streets, movement network, green infrastructure and building types/ style have been developed follow from principles set within the Banbury Lane Phase 4 Development Briefing. This was also supplemented by a review of the key characteristics of Northampton. A description of these is provided within the Design and Access Statement.
- 4.5 The assessment has resulted in three character areas being created, the Eastern Edge, the Canalside and the Central Core. Each of these areas seeks to balance their response to their location within the site, with the constraints of the site and the wider features of Northampton townscape. The materials used attempt to achieve a balanced contemporary palette within traditional built form across the majority of the site. A small number of contemporary units would be provided to demonstrate a creative response within key locations across the site.
- 4.6 The proposed development includes the provision of a large area of public open space incorporating a local equipped area of play (LEAP); a local area for play (LAP); adventure equipment designed for older youths and adults; and 'dry ponds' providing an opportunity for biodiversity enhancements as part of a sustainable drainage system. These elements would need to be secured by planning obligations.

- 4.7 A 2 metre high noise barrier is proposed to the eastern edge of the site in order to mitigate the impact of noise from the adjacent A43. This would consist of a 2 metre earth bund with a range of shrubs and trees planted along its length. Further boundary landscaping is proposed to minimise the wider visual impact of the proposals through strengthening the existing landscape edges and creating a transition zone between the canal and residential frontage on the western side. Additional landscaping is proposed throughout the urban streetscape including specific proposals for the Banbury Lane Gateway and the three urban squares located along the Main Street.
- 4.8 The total developable area as set out on the layout plan would be 4.5 hectares with 2.25 hectares of open space resulting in a density of 25 dwellings per hectare net or 39 dwellings per hectare gross.

5. Policy Considerations

5.1 WNDC Purpose

Under S.136(1) of the Local Government Planning and Land Act 1980, WNDC as Urban Development Corporation has a statutory objective to deliver the regeneration of the area within which the site is located. 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.

5.2 National Policy

PPS1 Sustainable Development

PPS1 supplement – Planning and Climate Change

PPS3 – Housing

PPS9 – Biodiversity and Geological Conservation

Planning for Biodiversity and Geological Conservation: A Guide to Good Practice

PPS13 – Transport

PPG17 – Planning for open space, sport and recreation

PPS22 – Renewable Energy

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

Draft PPS - Planning for a Natural and Healthy Environment (Consultation Draft March 2010)

5.3 Development Plan

East Midlands Regional Plan (2009) policies 2, 13b, 14 and MKSM SRS Northampton 2 apply.

Northamptonshire Minerals and Waste Development Framework (2010) policy CS10 applies.

Northampton Local Plan (1997) saved policies apply as follows;

E1,; E11; E12; E19; E20; E40; H6; H14; H17; H32; L6 and relate to visual impact, access, parking, residential amenity, affects on the transport network, nature conservation, landscaping, drainage, accessibility by public transport, crime prevention and design

5.4 Supplementary Planning Documents

Planning Out Crime Northamptonshire in Northamptonshire (2004)

Place and Movement Guide (2008)

Park and Open Space Strategy for Northampton (2009)

5.5 Other Documents

WN Pre-Submission Joint Core Strategy (February 2011)

WNDC Planning Principles (2009)

WNDC Planning Obligation Strategy (2008)

WNDC Planning Obligation draft revised document (2010)

WNDC West Northamptonshire Manual for Design Codes (2009)

WNDC Sustainability Manual (2010)

English Partnerships: Banbury Lane: Phase 4 Development Brief (2008)

English Partnerships: South West District: Strategic Planning Review (2004)

6. Representations

6.1 Northampton Borough Council (NBC)

NBC Planning Committee

The Council supports the principle of residential development on site, although there remain a number of outstanding issues. Therefore the Council raise a holding objection until the following matters are resolved/ secured:

- Conditions relating to contamination are applied.
- Concerns relating to air quality and noise are fully resolved;
- Concerns relating to tree protection are resolved;
- 10% of all dwellings units are to be constructed to NBC's mobility standard. 35% of all dwellings to be affordable with 70% committed for social rented housing and 30% for Low Cost Home Ownership;
- The future maintenance of open space must be agreed with NBC and secured by legal agreement;
- Opportunities to improve bus, cycle and pedestrian links are fully investigated and secured as appropriate.

Housing Strategy

No objection. Discussions have been on-going between the applicant and officers of the Council. It is agreed that 35% affordable housing will be provided and a 70:30 split. The dwelling mix and dwelling sizes have been agreed. These should be secured through legal agreement.

Arboricultural

Initial objection now removed following submission of a BS 5837:2005 tree survey together with an Arboricultural Method Statement and Tree Protection Plan. Recommend that the details contained within the Arboricultural Assessment etc are conditioned as part of any planning consent.

Environmental Protection

Initial objections raised as a result of inadequate information submitted within the Air Quality Assessment and the Road Traffic Noise Survey and Assessment. Objections

removed, subject to the application of conditions, following the submission of a revised Air Quality Assessment and revised Road Traffic Noise Survey and Assessment.

In addition, the Phase One Contamination Report is considered satisfactory. It is recommended that any consent for development be subject to conditions requiring appropriate contamination investigation, risk assessment and any necessary remedial works.

6.2 Northamptonshire County Council (NCC)

Development Management

The response is made on behalf of NCC Key Services following the NCC Planning Obligations Framework Guidance Draft (2010). Financial contributions are requested towards Libraries; Fire and Rescue (including the provision of fire hydrants within the development); and Education towards Primary/ Secondary School and Sixth Form places.

Archaeology

Following an initial objection, a Geophysical Survey was submitted and trial trenching undertaken on site. The evaluations indicate that the development area contains archaeological activity of possible late Neolithic or early Bronze Age date and other remains of potential Roman date. However, this is not of such significance as to preclude development as long as provision is made, during construction, for archaeological investigation and recording of any remains affected. A condition to secure the implementation of a programme of archaeological work is required.

Policy

On an initial review of the application the applicant was required to demonstrate that development would not sterilise proven minerals resources or if this proved impracticable prior extraction would be sought. This matter was resolved following the submission of further information demonstrating that there was no policy justification nor was there any likelihood of viable mineral resource being found on site.

Transport and Highways (LHA)

The Local Highway Authority consider that the highway layout indicated on drawing no RDC821-110 was acceptable in terms of adoption. In consideration of the Transport

Assessment, financial contributions should be sought to secure an upgrade to the existing bus service to Banbury Lane to provide a half hourly daytime service and an hourly evening and Sunday bus service to the town centre for a period of five years.

Further, 2 No bus stops must be provided on Banbury Lane located near to the site access junction. In addition, a Travel Plan must be secured via condition and agreed with the Highway Authority in conjunction with the Highways Agency prior to development taking place.

6.3 Highways Agency (HA)

Initially a TR110 holding objection directing that the application not be determined at this time was issued. Whilst it is considered that the development will not have a significant impact on the strategic highways network, given the location of the site and the cumulative impact of development an agreed travel plan is required to ensure that:

- there is an ongoing effort to meet the modal split targets set out in the applicant's travel plan and assumed in the submitted Transport Assessment; and
- where there is an ongoing failure to meet these targets, there is an adequate mechanism to secure remedial steps.

Following further discussion with the applicant and the submission of a draft Travel Plan, the HA have confirmed that the submitted Transport Assessment and Travel Plan (Version3) are acceptable, subject to NCC approval. The holding objection is now lifted.

6.4 Environment Agency (EA)

Initially, the EA objected to the proposed development, as inadequate information was submitted to provide a suitable basis for assessment to be made of the flood risks associated with the proposed development.

Following discussions between the EA, applicant and WNDC, a revised Flood Risk Assessment was submitted. In addition, the Corporation submitted a Sequential Test to the EA. Through assessment of the revised FRA and Sequential Test, the EA has confirmed that they have no objection to the development subject to conditions being applied, although, their advice does not cover PPS25 Annex C.

6.5 Anglian Water (AW)

No objection. Confirm that existing waste water and foul network infrastructure has capacity to accommodate the proposed development and note that assets owned by Anglian Water or those subject to an adoption agreement are within or close to the development boundary. AW have also provided Standard Informative Statements in addition to suggested conditions.

6.6 Natural England (NE)

The ecological statement submitted with the application was considered acceptable, subject to the application of conditions. NE raised a holding objection, on the basis that further clarification was required in relation to Green Infrastructure and the physical /visual impact of development on the surrounding land and transportation routes. A supplemental Green Infrastructure Statement has been submitted and comments from the NE are awaited. In the meantime, the holding objection remains in place.

6.7 The Wildlife Trust (WT)

The Wildlife Trust considers the findings and conclusions of the ecological report to be acceptable and recommend that the conditions be applied to relevant parts of sections 4 and 5 of the Ecological Report.

6.8 Northants Bat Group (NBG)

No objection. The findings and recommendations of the ecological reports are acceptable.

6.9 Northamptonshire NHS

Section 106 contributions totalling £880 per unit are sought from the market units proposed by development. This figure has been developed through modelling. These are to be directed to both primary and secondary care facilities on an 80:20 split. No contributions are sought from affordable housing as it is considered that such housing is intended for existing local residents.

6.10 Northamptonshire Police Crime Prevention Design Advisor (CPDA)

No Objection. Recommend in order to reduce the likelihood of crime and disorder; play equipment for older children 13 and older are incorporated within the development; remove benches from immediately in front of dwellings in the proposed urban spaces; where no gates are provided to car parking courts boundaries should be at least 2metres in height topped with trellis; courtyards should have a uniform level of mast mounted

lighting; and electronic gates should be provided to secure rear courtyards and garden boundaries.

In addition, alleyways serving car parking courts should serve only one court and be provided with metal, lockable gates key on both sides and installed as close to the front of the property as possible. Front perimeter to dwellings should be defined by the use of low level railing and a latch-able gate. Any amenity space surrounding apartment blocks should be provided with a perimeter fence or railings.

6.11 British Waterways (BW)

No objection subject to the imposition of suitably wording conditions and the applicant first entering into a legal agreement relating to the following matters:

- a condition to provide suitable barriers and/or boundary treatments to prevent the risk of vehicles entering the Canal
- a contribution of £75,000 towards improvements to the Canal Towpath from the southern edge of the development approximately 1,000 metres northwards.
- a further investigation of the potential for a contribution toward a pedestrian/ cycle crossing of the Canal north of the Development.
- a condition to secure details of the landscaping and boundary treatments for the western boundary, incorporating the retention of existing hedgerow.
- a condition to protect the western hedgerow from the impacts associated with construction.
- a condition to undertake a water vole survey prior to commencement
- a condition requiring a the submission of a lighting scheme covering the western boundary
- a section 106 obligation seeking to secure the long term management and maintenance of the SuD scheme.

7. Notifications and Responses

7.1 Consultations were sent to neighbouring and nearby occupiers of the Banbury Lane residential area on 6th December 2010. A press notice was published within the Herald

and Post on 9th December 2010. Three site notices were also displayed at and/or close to the site.

7.2 A total of 40 representations have been received, from which the following objections have been raised:

- Increase in traffic and congestion, including A43 and M1 J15a at peak times;
- Existing roads, Canal Bridge and junctions are already over capacity;
- No turning facilities provided for school bus;
- Encroachment onto the floodplain, including development within Flood Zone 2/3;
- Potential flooding risk from the canal
- Single access posing problems for traffic;
- Potential for increase in car accidents and threat to safety of children;
- Increase in noise and air pollution to unacceptable levels;
- Lack of physical and community infrastructure and services;
- Development on Greenfield rather than brownfield site;
- Misleading or misrepresentation of information;
- Loss of rural environment and green space;
- Conflict with the Human Rights Act
- Precedent for refusal already set through Appeal decision in 2002;
- Impact on surrounding landscape, visual character and views, including the canal;
- Loss/ part removal of hedgerows;
- Loss of privacy;
- No clearly defined urban structure, vista buildings or focal buildings;
- Increased flood risk;
- Poor SUD's maintenance will result in flooding;
- No designated play area proposed within the development;

- Lack of footpath cycle links to key destinations (Upton/ Town Centre/ Six Fields)
- Footpath and cycle way provision and links to small community facilities;
- Infrequent bus services and access to public transport in the area;
- Accommodating leisure visitors to the canal visitors and residents parking needs
- Maintenance of Wootton Brook;
- Poor maintenance of canal culvert;
- Increase in youths and anti-social behaviour; and
- Construction impacts

7.3 A number of issues were also raised by respondents which, although they may be considered to be legitimate concerns, are not considered to be material in the determination of this proposal. These include:-

- Loss of outlook;
- Level of broadband connectivity;
- Maintenance of Canal;
- Availability and cost of property insurance;
- Level of opposition against and future mobile phone mast on development site;
- Land raising on adjacent plots 100 and 150;
- Loss of adjacent land within the floodplain;
- Health and safety risk of children living in close proximity to the Canal;
- Housing not needed due to economic conditions;
- Impact on house values;
- Use of site for alternative uses, such as forestry to reduce flood risk;
- Flood protection measures incorporated into existing dwelling to 1 in 200 year event;
and
- Need to improve existing play areas within existing Banbury Lane estate.

7.4 Two letters of objection have also been received from elected members. The following issues are raised;

- Play provision for all of Banbury Lane should be reviewed
- Adequate provision for children up to 13 years should be provided
- Bus terminus should be provided within the development
- Impact of land raising and hence reduce flood plain on other side of Canal not considered
- The western hedgerow of old Banbury lane should form the boundary
- Confusion over site address
- Health and safety - the site floods
- Sufficient land exists elsewhere - no requirement for this release
- Application contrary to PPG25 and PPS26 - development should not occur adjacent to the floodplain
- Land raising on adjacent land and development of Plots 100 and 150 will mean Wootton Brook will have to carry more water. It is already overloaded.
- Wootton Brook before the culvert is badly maintained and carries a flood risk of between 1 in 15 years to 1 in 5 years.
- The EA flood maps indicate that the site is an area of significant likelihood of flooding
- Advise who residents can apply to reimburse costs of fighting this totally unnecessary adventure in planning.
- Protection of new houses double standards, at whose expense will the existing houses be brought up to legal standards.
- An additional 1232 vehicle journeys per day will be loaded on heavily committed Banbury Lane.

8. Site History

- 8.1 The relevant planning history associated with the application site is centred on a single application (96/0643), for outline residential development with access to Banbury Lane for up to 192 dwellings. The site formed part of a larger area known as the South West District of Northampton and had been identified in 1974 for housing development.
- 8.2 The application approved in principle by NBC's Planning Committee in 1997, was called in by the Secretary of State and refused following a Public Inquiry in 2002. The inspector concluded that there was no overriding need to develop the site for housing in the period to 2008 although he did acknowledge that it would probably be required before 2016. He noted that the site was poorly served by public transport and by non-car modes. However, he accepted that proposals to improve accessibility by subsidising a new bus service for five years together with improved cycleway and footpaths would be adequate. The inspector also accepted that the use of a sustainable urban drainage system would minimise the flood risk further down the valley. He agreed that the proposed development would be at a low risk of flooding and overall he was persuaded to recommend that planning permission should be granted.
- 8.3 The SOS however rejected this, concluding that the urban housing capacity study appeared to underestimate the amount of previously developed land which could be used for housing and until the amount of greenfield land required was more accurately known, its release would at this time be premature and hence contrary to PPG3 advice. In refusing permission the SOS accepted that the site would be accessible by a range of means of transport, could be developed at appropriate density and would not increase the risk of flooding.

9. Considerations

The key matters for consideration are;

- The Principle of Development;
- Timing of Release;
- Environmental Impact Assessment;
- Highway Access and Parking;
- Design and Layout;

- Affordable Housing;
- Public Realm;
- Ecology;
- Archaeology;
- Drainage and Flood Risk;
- Air Quality and Noise;
- Sustainability;
- SI06;
- Other Matters

The Principle of Development

- 9.1 The relevant Local Plan policy H6 has been 'saved' and remain in force. The Local Plan is not recent. The more recent East Midlands Regional Plan (RSS) is based on a more up to date evidence base with regard to housing need and contains housing delivery targets that exceed the Local Plan requirements. Where there is conflict between development plan components the conflict should be resolved in favour of the most recently adopted policy. The RSS was formally adopted in 2009 and following the recent *Cala Homes* case¹, it remains part of the formal development plan to which the Corporation must have regard, and determine proposals in accordance with (unless there are material considerations of sufficient weight to depart from it). *Cala* confirms that the Government's intended abolition of RSSs is a material consideration to which regard can be had when making decisions. RSS Policy MKSM SRS Northampton 2 sets an average annual requirement of 1,575 dwellings to be completed between 2001 and 2021 within the Northampton area, demonstrating a significant requirement for housing within Northampton.
- 9.2 The East Midlands Regional Plan comprises the Regional Spatial Strategy for the East Midlands providing a development strategy for the East Midlands up to 2026. Housing policy is a key component of the Regional Plan seeking to ensure that good quality

¹ *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government* [2011]

housing is available to all. Policy 13b relates specifically to housing provision in Northamptonshire setting figures that Local Planning Authorities should plan for from 2001 – 2026. The figure for West Northamptonshire is set at a total of 62,125 homes.

- 9.3 The position with regards to the status of regional strategies has been in fluctuation over the last few months. That said, as set out above, the current position as clarified in the Court of Appeal decision, is that the revocation and RSS and replacement by Local Plans as set out within the draft Localism Bill is a material consideration in the determination of planning applications. It should be noted that this decision is subject to a further challenge.
- 9.4 Notwithstanding this, following the publication of the Pre-submission Joint Core Strategy (PJCS) for consultation prior to submission to the Secretary of State, whilst the overall housing figure for Northampton has been reduced from 62,125 dwellings to 50,150 dwellings, there is an on-going commitment to deliver substantial housing growth up to 2026. Further, this reduction is not considered significant when viewed against the scale of development proposed by this application.
- 9.5 The PJCS is the most up to date document within the Local Development Framework Suite, with the Site Allocations Document not yet developed.
- 9.6 The application site falls outside below the threshold to be identified as a strategic allocation within the PJCS. The site remains formally allocated for primarily residential development under the Local Plan allocation. There are no material considerations that suggest that allocation should be given lesser weight at the current time.
- 9.7 Following an approval in principle by NBC Planning Committee, subject to planning obligations in 1997, previous proposals at this site were recovered by the Secretary of State and refused in 2002.
- 9.8 The principle reason for refusal centred on one of prematurity, the Secretary of State in line with policy (within PPG3) considered that at that time there was sufficient supply of previously developed land to meet housing need. It is worthy of note, that the Secretary of State in coming to his decision, accepted that the site would be accessible by a range of means of transport, could be developed at appropriate density and would not increase the risk of flooding. As such this decision did not suggest that the principle of residential development at this location was unacceptable.

- 9.9 No other material circumstances have been identified which would preclude this development's continued inclusion within the housing land supply. Indeed, reference to this development's contribution toward the delivery of the overall requirements of the Core Strategy is evidenced in the Strategic Housing Land Availability Assessment. The suitability, availability and deliverability of the site was tested and confirmed within this document and an indicative period of delivery highlighted.
- 9.10 In summary, the publication of the PJCS has confirmed a continued commitment to the delivery of housing across Northampton. In the absence of the Site Allocation Document, the PJCS and its evidence base has confirmed that there are no known material considerations which would remove the principle of development previously established within the Local Plan and reaffirmed through the SoS Inquiry decision.

Housing Need/ Timing of Release

- 9.11 In terms of identifying an appropriate period for the release of this allocated site, PPS3 requires Local Authorities to ensure that a five year supply of housing is maintained stating that *'where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where Local Development Documents have not been reviewed to take into account policies in this PPS or there is a less than five years supply of deliverable sites, they should consider favourably planning applications having regard to the policies in this PPS'*.
- 9.12 The East Midlands Regional Plan incorporates the Milton Keynes and South Midlands Sub-Regional Strategy (MKSM SRS) adopted in March 2005 covering the whole of Northamptonshire. Policy MKSM SRS Northamptonshire 1 sets the spatial framework for the location of development in Northamptonshire identifying this area of development within the Northampton Implementation Area where large amounts of development will be located. The policy sets the annual average rate of housing provision within the Northampton Implementation Area at 1,575 dwellings within the period 2001 – 2021.
- 9.13 The PJCS contains the proposed the level of housing required up to the period 2026. Although, it is unclear whether this site falls within those identified sites as being 'in principle' and hence assumed to be committed. That said Table 1 establishes a remaining requirement of 8,000 dwellings over the period 2010-2026 or an annualised figure of an additional 500 units necessary to be permitted per year.

- 9.14 The 2009 Northampton Annual Monitoring Report presents the last formal known published position on 5 year land supply. At that time, Northampton had 5.18 years supply of housing land identifying those sites which are available, achievable and suitable for housing within the next five years (2009-2014). Those identified sites include remaining allocated housing sites, sites with existing planning permission, and other sites identified as being suitable for housing including an allowance for windfall sites. The Banbury Lane site is not specifically identified within that supply period.
- 9.15 PPS 3, paragraph 70, allows planning authorities to consider the release of those allocated sites which comprise the overall land supply, but are not identified in the immediate 5 year period, on the presumption that release would not undermine the achievement of their policy objectives.
- 9.16 That said, in considering overall land supply, it is clear Paragraph 71 of PPS3 carries greater material weight in this instance, as a number of those sites identified within the Annual Monitoring Report, as contributing to the 5 year land supply, especially in the short term, are experiencing a range of delivery issues. These sites for example include Dallington Grange, Lancaster Way, and the Schools Sites etc. This issues associated with those identified are varied, the down turn in market activity and the availability of finance being the most obvious, but more critically to a number of known sites, technical issues such highway capacity, contamination and integration with wider regeneration strategies are impeding planning permission being pursued (and/or issued) along with actual delivery.
- 9.17 In view of the uncertainties surrounding housing delivery and the current historically low level of activity, the release of this site now is considered appropriate in principle. Regard should also be had to the extent to which the proposal satisfied the wider policies set out within PPS3, including the considerations in paragraph 69.
- 9.18 Paragraph 69 of PPS3 states that; *In general, in deciding planning applications Local Planning Authorities should have regard to;*
- *Achieving high quality housing;*
 - *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people;*
 - *The suitability of a site for housing, including its environmental sustainability;*
 - *Using land effectively and efficiently;*

- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.*

- 9.19 Those matters raised within bullets one to four are considered in detail within the body of this Report. With respect to bullet five, whilst there is little doubt that the proposed development will contribute to the achievement of housing objectives and reflect the need/demand for housing. Further consideration must be given to how the release would fulfil the overall objectives and principles for the creation of the Pineham Community as established within the South West District Strategic Planning Review.
- 9.20 South West District Strategic Planning Review (SPR) was approved by the Borough Council in April 2004 to be used as strategic planning policy guidance for the South West District in the development and consideration of future planning applications. The SPR assessed the broad land use, transport and community infrastructure requirements within the South West District. This included an appraisal of phasing of development, including sub-regional growth in and around Northampton.
- 9.21 The SPR proposed six sustainable communities, of which the Pineham Community, which this application and the adjacent residential development found to the north of the development site comprises part of. The remainder of the Community can be identified as the (Pineham and Swan Valley) employment areas lying to the west and south west and the area now known as Pineham Village. It was proposed that Pineham Village provides the principle community facilities to serve the whole Community, in addition to being a location for commercial and residential development, in total the Community proposes some 880 dwellings. This is to be supplemented by a smaller commercial site, providing a public house, adjacent to the A43 roundabout.
- 9.22 The community facilities to serve the area are principally identified as a primary school, play pitches and public house along with an employment related business resource centre. The SPR envisaged the delivery of the employment resource centre prior to the wider community facilities which were linked to the delivery of the residential development. Although, there is no clearly established sequence within the SPR identified to deliver the residential components within the Pineham area, it is common place that

multiple development sites that comprise a larger growth area, are released to generate the necessary critical mass to facilitate the provision of sustainable facilities.

- 9.23 Current economic circumstance has delayed the delivery of the resource centre, however the Corporation is currently considering a planning application for the Pineham Village development. In the interim, in advance of any community facilities being provided within the Pineham area, it is envisaged that residents of the both the Banbury Lane and Pineham Village developments would use those local facilities currently established within Upton and West Hunsbury. Key to this strategy, and as also identified within the SPR, will be the provision and availability of convenient, safe and available walking and cycling routes combined with a sufficient level of public transport linking this site to the wider surrounding facilities. These issues are considered in more detail later in this Report.
- 9.24 In summary, having regard to PPS3 (in particular paragraphs 69 and 70), the proposals would be likely to contribute to the 5 year land supply and in any event there are no other principle reasons why the proposals should be refused. In addition, subject to proportionate contributions being secured toward facilitating the areas wider community infrastructure and the provision of adequate connections to both local and strategic community infrastructure, the development will meet the objectives established within the SPR.

Environmental Impact Assessment (EIA)

- 9.25 The proposed development would fall within Schedule 2 Part 10(b) (Infrastructure Projects) of the EIA Regulations. It is considered that the characteristics of the proposal (including its size of the development and cumulation with other committed development), the location of the development and the characteristics of potential impacts would not be of a nature which would require an EIA.

Highways, Access and Parking

- 9.26 The applicant has submitted a Transport Assessment and draft Travel Plan in support of the application. A wide range of issues have been raised by respondents, including NBC. These matters are considered in the relevant sections below.

Access and Highways Design

- 9.27 The LHA has confirmed that the Transport Assessment submitted in support of the application is acceptable. The Assessment has demonstrated that sufficient capacity exists with the highways network to accommodate the development proposed.
- 9.28 In addition, whilst a number of respondents have raised concerns over the capacity of Banbury Lane, the Canal Bridge and the phasing of the traffic lights controlling the crossing to accommodate the development, the LHA have confirmed that these impacts will not be demonstrable, with the traffic levels within Banbury Lane falling considerably over recent years following the completion of strategic highway infrastructure associated with the Pineham Community.
- 9.29 Further, through extensive dialogue between the applicant and the LHA, it is considered that the submitted highways layout is acceptable and has been designed to an adoptable standard, hence able to accommodate a range of likely vehicle movements. The emergency services have been consulted on the application and the applicant has confirmed that the layout fulfils the standards set within the guidance presented by Northamptonshire Fire and Rescue Services.

Accessibility and sustainability

- 9.30 The Chartered Institution of Highways and Transportation (CIHT) have published guidelines on acceptable walking distances. In accordance with these guidelines, the Northamptonshire Place and Movement Guide adopted by the County Council in 2008, requires that all new developments provide or are located within 800m of a range of facilities to ensure that the daily need of residents are provided for within reasonable walking distance. The importance of good connectivity is recognised within SPR and carried through into the Development Brief. NCC has remained silent within their response with respect to the quality of the existing footpath/ cycle network and whether there is a need for any improvements arising as a consequence of the development. Further clarification is currently being sought, to confirm whether this remains the position.
- 9.31 That said, the strict application of standards, must be balanced with the position and scale of developments, the ability of the developments proposed to provide viable facilities and the provision of alternative travel methods to access facilities.

- 9.32 As noted above, Banbury Lane forms part of the Pineham Community, a phase of the South West District Development Area. Banbury Lane benefits predominately from a single high standard walking and cycle route. In addition, there are a number of other links of varying quality and length from the development site to adjacent footpath networks which would allow residents access existing to community facilities and employment opportunities within West Hunsbury, the Swan Valley employment area and wider leisure uses within Sixfields.
- 9.33 Local facilities, proposed to serve the whole of the Pineham Community are dependent on the private sector for their delivery at Pineham Village or the commercial site located next to the A43 roundabout through the private sector. Whilst, there is little doubt that these sites will come forward in due course, in the interim, there is a need to ensure that residents of the development have a range of opportunities and methods to access the existing local facilities.
- 9.34 This approach is validated through both the SoS decision arising from the Call in Inquiry and the SPR. It is therefore reasonable to seek to improve, through financial contribution, the existing Canal Towpath, found adjacent to the site, not only to mitigate impact through intensification of use arising from this development, but also to provide an alternative high quality route to access facilities northwards toward Pineham Village, Upton, Sixfields and more widely to the town centre. Discussions are also on-going with British Waterways to explore the requirement and feasibility of a bridge link to cross the Canal to facilitate further movement between existing and proposed residential areas. Should this provide feasible an additional section 106 contribution would be necessary.

Public Transport accessibility and services

- 9.35 The Department for Transport document *Inclusive Mobility a Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (December 2002)* advises that the maximum walking distance to bus stops from residential properties should be no more than 400m.
- 9.36 Given that parts of the proposed development would be located in excess of 400m from the existing bus services on Banbury Lane, the LHA in responding to the submitted Transport Assessment have identified a requirement to improve provision of public transport. Financial contributions are requested to secure an upgrade to the existing bus service to Banbury Lane to provide a half hourly daytime service and an hourly evening

and Sunday bus service to the town centre for a period of five years. In addition, two bus stops are requested on Banbury Lane located near to the site access junction.

- 9.37 In light of the developments location, number and quality of surrounding footpaths, location of existing community facilities and the level of public transport service currently available. A contribution to the public transport network, including bus stops, is considered reasonable. Securing this provision would also, reflect the connectivity conclusions set out by the SoS, whilst bringing considerable benefit to the existing residents of Banbury Lane through the introduction of a convenient and frequent bus service. Any contribution secured would be included within the Section 106 Agreement.

Travel Plan and mode shift

- 9.38 The draft Travel Plan submitted with the application has been further developed in consultation with the HA. This has led to the following incentives being proposed:

- 9.39 Those measures currently proposed include;

- Household welcome pack;
- Provide information relating to Travel Plan by e-mail;
- Provision of secure cycle parking within apartment blocks;
- The appointment of a Travel Plan Co-ordinator;
- Travel Plan Survey/Monitoring for 4 years after 60th Occupation;

- 9.40 Whilst some measures proposed have been welcomed, the HA consider the Travel Plan to contain the minimum number and type of incentives to achieve the mode shift target. That said, the HA have accepted the revised incentives introduced and have recommended that advice be sought from NCC on the detail. It is considered that those outstanding issues are resolvable and that this matter is best taken forward and secured through planning agreement.

Parking and Cycle Storage

- 9.41 The highway and car parking standards proposed have been agreed with the NCC County Council Sustainable Transport Team as part of the pre-application process. The application proposes 285 allocated spaces and 74 visitor spaces. The applicant has submitted a plan annotating the position and allocation of these spaces across the

site. This demonstrates that the allocation of spaces is flexible, with little on street provision being formally designated.

- 9.42 In accordance with best practice, the layout demonstrates that a variety of parking solutions have been adopted. The level of provision is appropriate, allowing for natural variations to evolve reflecting the context of the location and availability of alternative travel modes.
- 9.43 A number of cycle storage solutions are proposed depending on the type of unit. All storage solutions provide secure and covered facilities for cycles. 1, 2 and 3 bed units have 2*0.75m spaces allocated within their garages for cycle storage. Dwellings of 4 bedrooms or more have 2*1.5m spaces allocated within their garages. All homes without garages will have dedicated cycle storage as outlined above within either a shed, an integral store (some FOG units) or in a communal store. Where properties have a garden additional storage in excess of 1m² is allowed for.
- 9.44 The position of cycle storage proposed to service the flatted blocks is considered convenient and well surveyed from surround dwellings. Further details will however be required in relation to the design, enclosure, locking mechanism and lighting to be incorporated within communal facilities.
- 9.45 The storage sizes are in accordance with the Code for Sustainable Homes: Technical Guide. Although they differ from the vertical storage requirements established within the Development Brief. Vertical storage would not be acceptable under the Code for Sustainable Homes. The standards proposed are therefore considered acceptable. The detailed requirements of cycle storage for the flatted blocks will be secured through condition.
- 9.46 In order to safeguard parking and the provision for cycle storage within garages it is considered that permitted development rights should be removed so that any conversion of garages would require consent from the Local Planning Authority.

Design and Layout

- 9.47 The submitted application has been informed by the Banbury Lane Phase 4 Development Brief. The Brief finalised in April 2008, assessed the strategic requirements of the SPR, whilst also establishing the design and masterplanning principles to be used to inform the development and assessment of planning applications for Banbury Lane. The West

Northamptonshire Design Code Manual, is also material to the determination of design matters relating to the planning application. Approved in 2009, this provides a comprehensive assessment of the character and context of Northampton and reflects recent best practice in design.

- 9.48 The submitted application was accompanied by a Design and Access Statement. The Statement sought to relate the development of the application with the Brief. The site has a range of challenging constraints identified in the Brief, which has influenced the rationale toward the design, layout and scale of development proposed.
- 9.49 There are no existing buildings on site, although there are numerous services below the ground including strategic foul sewers, high pressure slurry pipes and a high pressure gas main. Above ground, the edges of the site is bounded by the A43, a major noise source and the Grand Union Canal to the west.
- 9.50 The site is bounded by a mature trees and a hedgerow of varying lengths and depths. With a group Tree Preservation Order located along Wootton Brook. The body of site is in agricultural use, is clear of significant vegetation with a comparatively flat topography, this combined with the boundary ensures that the site can be seen from all sides from a range of public locations, in medium and long distance views. There is also a range of intermittent views into the site from a variety of positions along site boundary.
- 9.51 In addition to establishing the site influences, the Brief provides an assessment of the residential development and character across Northampton and uses this to inform the rationale taken toward setting out the layout, density, block structure, movement hierarchy, streetscape, building morphology and scale and massing of built form. A modern interpretation of the Northampton vernacular has also been promoted to create a distinctive character for the development.
- 9.52 These assessments have lead to the creation of three main character areas, the Eastern Edge, the Canalside and the Central Core. Within these areas there is a requirement for key buildings, groups and/or spaces to be distinct from the central areas.
- 9.53 Comments raised by respondents, particularly NBC and the PALO, have been considered and incorporated with an internal review of the development. This Assessment led to the series of discussions with the applicant, culminating in the submission of a Supplemental Design Statement and a serious of revisions to the planned layout and dwellings.

The Eastern Edge Character Area

- 9.54 The proposals for the Eastern Edge incorporate dwellings up to three storeys in height. The design response proposed responds appropriately to the A43, through the inclusion of a noise bund and continuous built form. As a consequence, it is also the highest density area of the site with predominately townhouses and apartments used. The rhythm is regular and due to the noise issue bays and Juliette balconies are limited. Breaks in the building line are limited and access to parking courts at the rear are under first floor units. High quality landmark buildings have been created at the north-east and southeast corners, with the north eastern block providing surveillance to the adjacent footpath.
- 9.55 Dwellings present at corners respond to their context, act as reference points and through discussion with Officers, further improvements in detailing and the materials used have been secured. Car parking is predominately in parking courts, which are either well overlooked and/or well surveyed with the remainder being a mixture of in-curtilage or on street. Those courts considered vulnerable to crime and anti-social behaviour have been secured through the provision of automated gates, the inclusion of robust walled boundary treatments and metal lockable communal gates (these principles have been applied across all character areas).
- 9.56 Overall, it is considered that the theme and overarching principles set out within the Brief for this character area have been secured. Building height and density is considered a reflection of circumstance and an acceptable approach has also been adopted toward frontage design and car parking. The provision of detailed elements of the scheme, such as automated gates, metal pedestrian gates, timber gates will be secured through the use of planning conditions. In addition, it is proposed to limit the proliferation of cars across the development through the removal of permitted development rights to garages.

The Central Core Character Area

- 9.57 The overarching principles established within the Brief covering the Central Core have been followed, with respondent's comments and an internal review informing further revisions to ensure that a high quality of the development is achieved. In this character area, there is a wider variety of house types and a lowering of density. Buildings heights reflect the upper range of the Brief, with dwellings of three storeys found at a number of locations.

- 9.58 Continuous frontage has been reduced by the introduction of limited number of semi-detached and detached units and by adherence to highway standards, although, enclosure is maximised through built form, boundary treatments and the inclusion of car parking courts. The Core is punctuated along its length, including at the site entrance, by a number of key Urban Pockets containing groups of buildings. They have been introduced into this Area and have specific architectural features not found on the general palette. Their materials also differ, bringing in a higher quality palette. The Urban Pockets assist in reinforcing the street hierarchy, creating informal open space, aid navigation and add architectural interest.
- 9.59 It is considered that the building heights and density proposed within this Area is acceptable. The level of continuous frontage, whilst not in accordance with the brief responds to the width of perimeter block, movement structure adopted and provides an effective transition to the Canal Edge. Detailed elements, as those mentioned within the Eastern Edge, would be secured through condition.

The Canalside Character Area

- 9.60 The Canalside Character Area seeks to respond to its immediate context. Detached units are proposed with a range of house types found illustrating the greatest variety of built form, with many gables and varying setbacks. Two storey dwellings predominate with 2 1/2 and 3 storey dwellings also present. These mainly function as dual aspect units situated on corners and gateways.
- 9.61 The dwellings found in the North West corner reflect the morphology of the Core Area. They have been designed to a high standard pulling design queues from the Canal. Parking is focused toward the front, with additional spaces provided to allow for non-residents to benefit from convenient parking when accessing the Canal for leisure pursuits.
- 9.62 On balance, it is considered that the Character Area responds appropriately to the Brief and the context of the site. Although, semi-detached dwellings are promoted through the Brief, when the inclusion of these is considered against the visual backdrop of the Canal and the setting of the proposed streetscene, these are likely to be found to be incongruous, hence it is considered appropriate that they be excluded. Detailed elements, as those mentioned within the Eastern Edge, would be secured through condition.

Layout

- 9.63 The block structure, movement hierarchy, building hierarchy and the inclusion and design of the courtyards are considered to be broadly in accordance with the Development Brief. In addition, the scheme follows the Briefs requirements in proposing an outward looking development with active frontages to both the Canal and A43 edges. A balanced approach to external connection is also adopted with three formal connections to the Canal towpath proposed and a pedestrian/ cycle only connection to the northern footpath.
- 9.64 A number of amendments have been introduced following a review of the application and the consideration of comments received from respondents. The position of dwellings within the street, including setbacks has been amended to reinforce the urban hierarchy promoted by the character areas. In curtilage parking has been carefully considered and revisions completed to sensitivity position spaces behind the building line, thereby accordingly with the Briefs aspirations to minimising the impact of cars within the street. In addition, a number of plots have revised to improve their outlook, amenity and position within the street.
- 9.65 In summary, it is considered that the layout proposed following revision is appropriate, reflecting the principles established within the Development Brief.

Use, Density and Scale

- 9.66 The development will provide 176 new dwellings in a mixture of 1 1/2 to 3 storey dwellings. The dwelling mix proposed includes 20 one bedrooms homes, 29 two bedrooms homes, 75 three bedroom homes, 41 four bedroom homes and 11 five bedroom homes. The numbers of new homes equates to a net density of 36 dwellings per hectare
- 9.67 Along with density, the scale of development generally reflects the character areas sought across the site, with building heights on the eastern edge typified by a strong, nearly continuous built form. The building heights range from 2 to 3 storey's with the majority being greater than 2 storeys'. The heights of building generally fall away to predominantly 2 storey's along the Canal edge. It is considered that the building heights are used effectively across the site to punctuate the streetscene and definite entranceways/ key buildings and also buildings that terminate views.

9.68 It is also considered that the range of dwellings proposed, provide an appropriate mix and balance of units to serve Northampton's housing need. In addition, the density proposed reflects the principles established within the Development Brief, whilst respecting distinctive local character and also making efficient use of the developable land on site.

Dwelling Design

9.69 A number of revisions have been completed following an assessment of building typology and style, and the receipt of comments from NBC. These amendments have included, moving building types across the site to ensure styles are sympathetic to each respective character area. In addition, fenestration and vernacular detailing has been enhanced, particularly on the Canal Edge, and within corner buildings key buildings and key groups.

9.70 More significantly, extensive discussions have been undertaken to extend the contemporary theme promoted by the applicants to include contemporary built form, not as currently proposed, only contemporary elevation treatments. Agreement has been reached, with respect to the locations within the site, where these units would integrate sensitivity whilst responding creativity to their context both within their own character area and also across the site as a whole.

9.71 In selecting the number and location of these dwellings, careful consideration has also been given to ensure that they would not have a demonstrable impact upon the building programme and /or development cash flow, thus guaranteeing their delivery. To ensure these units have no greater impact than those currently proposed within those identified plots, future submissions will be tested against the proposed built parameters established. It is considered appropriate to secure these revisions through condition.

Residential Amenity

9.72 Residential properties to the north of the site would be separated from the proposed residential development by a footpath/cycleway, Banbury Lane and an area of existing open space. The positioning and design of the proposed properties has been carefully considered and there would be no adverse impact to neighbouring amenity by way of loss of light or privacy as a result of the proposal. Some landscaping works will be undertaken to the area immediately to the north of the proposed properties to

strengthen the landscaped buffer and enhance the biodiversity of the existing tree line and hedgerow. This additional planting and the treatment of this area has been considered in conjunction with best practice community safety objectives and landscape principles to achieve a balanced approach to this interface with the existing development.

- 9.73 Within the site, the proposed layout is also considered to result in a satisfactory level of amenity for future occupiers of the residential units. This will be protected following occupation through the application of a condition, on those of selected plots where the insertion of additional openings would have a potential adverse impact. Private amenity space for all houses is considered to be adequate, with front boundaries added to proposals to assist defining private gardens and establish defensible space. Where possible flats have also been provided with small private amenity space.

Material and Boundary Palette

- 9.74 The building materials proposed within each of the respective Character Areas reflect the types and colours found locally although modern variations and products have been incorporated to respect the contemporary design philosophy. The brick proposed is to be red, although there is the scope for limited areas of buff, render is proposed in white or cream. Roofs will be grey flat profiles and a mixture of orange and brown small profile tiles. Cedar or similar boarding is proposed within the Eastern Edge and Canalside character areas.
- 9.75 The materials schedule submitted with the application is considered too simplistic to reflect and identify the range of materials to be used within dwellings across the site. Through discussion, the range proposed has been expanded and now seeks to introduce greater distinctiveness within each respective character area. The revisions proposed will be captured, secured and monitored through the submission of a revised materials schedule; this would be required through the application of a condition.
- 9.76 The contemporary interpretation of elevation treatment including windows, canopies, doors and header and cill detail as proposed are generally appropriate to the character of the area and the character and design of individual units in accordance with the detailed appraisal set out within the Manual for Design Codes. There is a disproportionate level of simple window styles and a limited use of window headers

across the site. This is accepted as a reflection of the interpretation used and the use of a variety of facing materials within each elevation. On balance, this is considered to be appropriate, based on the lack of design influences in built form apparent within the immediate area. Detailing to Key Buildings and Key Groups is of a higher quality.

- 9.77 A revised boundary plan has been submitted following discussions with the applicant and comments received by the PALO (see below). This has revised the boundary treatments to front, side and rear boundaries across the respective character areas. These will be secured through the application of a condition to insert and maintain boundaries, including front (where feasible) and rear pedestrian gates.

Community Safety

- 9.78 In accordance with the Manual for Design Codes the proposed development now reflects the key Community Safety principles. The comments of the Police Architectural Liaison Officer (PALO) have been noted and revisions made as appropriate. As above, electronic gates would be provided to rear car parking courts where community safety issues dictate and communal pedestrian gates to rear courts would also be metal and lockable. Moreover, pedestrian gates within the rear of properties across the site would be lockable. It will also be standard throughout the development that boundaries serving private garden space fronting the public domain will be 1.8m high brick walls.
- 9.79 Within car parking courts, careful thought has been given to balancing residential amenity with community safety. Blind spots in courts have been minimised through the addition of further garages and car ports. Boundaries within these areas would be set at 1.9m in high and would be a mixture of walling topped with trellis. The position of courts in relation to the dwellings they serve, along with the allocation of spaces have been carefully considered to maximise convenience and usability. Rear alleyways have been reduced to a minimum with the introduction of gunnels where possible. Focus has been given to ensure that those remaining are short and direct.
- 9.80 In addition, boundary treatments have been introduced providing a differentiation of space surrounding the flatted blocks. It is also proposed that condition requiring secure entry doors to the flat blocks be applied due to their location and proximity to external site boundaries; this would limit potential security concerns. The developers have also confirmed that the positions of communal bins stores and the temporary bin storage areas conform with guidance issued by the Northamptonshire Fire and Rescue Service.

- 9.81 Details of lighting to be introduced across the site are to be submitted. Comments made by the PALO and British Waterways are considered reasonable and should be explored further, as part of any future submission. It is anticipated that a range of lighting will be necessary across the site, the details (including style) of which will vary in response to each character area. Lighting will be required as streetlighting and lighting within public amenity areas (possible bollards). In addition, details will be required covering external lighting within car parking courts, bin and cycle storage areas and also personnel lighting to the front of properties. It is considered appropriate to secure these details through the application of a condition.
- 9.82 The request by NCC on behalf of Northamptonshire Fire and Rescue Services to seek the provision of fire hydrants through planning condition is not considered to fulfil the tests applied to through Circular 11/95. This is on the basis, that this requirement may be fulfilled through the Water Act.
- 9.83 In summary, it is considered that the development as proposed conforms to the design themes established within the Development Brief and follows the community safety principles set out within the Design Code Manual. Adherence to the principles will be secured through the application of appropriate conditions.

Storage

- 9.84 Homes of 1-3 bedrooms with garages would have 1m² of storage over and above that allocated for cycles. Those dwellings of 4 bedrooms + with garages would have 1.5m² of storage over and above that allocated for cycles. Homes without garages, but with gardens an additional 1m² of storage is allowed for. An integral store would be provided within the FOG units. The storage proposed is considered sufficient to meet the requirements for refuse and re-cycling space as set out within the Development Brief. This will be secured through the applicant of a condition.

Affordable Housing

- 9.85 The agreed housing mix for the development is 35% affordable housing on a 70:30 split between rent and low cost home ownership. NBC as Housing Authority have accepted the proposed dwelling mix and sizes across the development. In addition, the locations and cluster sizes of the affordable housing has also been accepted. These matters, along with the timing and quantum of provision per phase of

development are proposed to be secured as part of any subsequent Section 106 Agreement. In addition, it is not considered appropriate to insist on the Unit Transfer Price being achieved, as indicated within the Development Brief. This relates to establishing a commercial value to the affordable housing. As the applicant is agreeing to provide the necessary affordable housing requirement, this issue is not considered material to the determination of this application at this time.

- 9.86 The agreed position, represents the projected need and requirement of the Housing Authority over the development period. As such, it is considered that the affordable housing provisions proposed are acceptable. Further, in accordance with the Development Brief, there is no significant design differentiation between the affordable and the market housing.

Public Realm

- 9.87 The Development Brief acknowledges that the public realm of Banbury Lane Phase 4 will be a fundamental part of the character of the development site. The Brief identifies the southern area, the canal edge, urban green pockets, landmark feature locations to the south east and north east, and high quality pedestrian public realm as the five key components of the public realm.
- 9.88 A landscape and visual assessment has been included within the Design and Access Statement, providing an assessment of the character of the site and its surrounding context. In addition, a supplemental statement on Green Infrastructure and an Arboricultural Assessment was produced to informed comments made by Natural England and NBC.
- 9.89 The layout incorporates 1.15 hectares of open space in total surrounding the built development. The site is generally contained within a mature tree belt/hedgerow to the A43 to the east and the Canal to the west. However, medium and some long distance views are afforded towards the site particularly from A43 and open land beyond the Grand Union Canal.

The Southern Area

- 9.90 As required by the Brief and dictated by site constraints, this location balances the main area of children's activity within the site with the need to create recreational routes and enhance/develop the landscaping setting and ecological attributes of the development

proposal. A number of formal and informal connections to the sites boundary are also proposed.

- 9.91 A footpath runs around the open space to provide an attractive walking route linking up to the main pedestrian routes surrounding the site, whilst also providing access to the play area. The location of the play area conforms with flood guidance set out with PPS25. The play area also provides the necessary standard for the development area and includes a range of smaller and larger multi-use play apparatus specified to cater for children ranging from ages 4-12, these are in addition to the 'natural elements' provided including climbing boulders and play mounds,
- 9.92 Following comments made by respondents, through discussion, the applicants have also included youth/ adult exercise equipment in two locations along the pathway, creating an exercise circuit that connects to the northern LAP and the wider footpath network.

The Canal Edge

- 9.93 In accordance with the Development Brief, this area of public realm runs the length of the development and responds directly to the Canal. A walkway is included within the setting, within the inclusion of drainage attenuation features, incorporated to manage water drainage from the site. The location and form of the open space links into and retains habitats within and adjoining the site including mature trees within the site and the hedgerow abutting the Grand Union Canal. Any existing habitats and ecological value would also be reinforced and enhanced through additional sensitive planting, including native species throughout this area.
- 9.94 A small car parking area has been provided to the north of this Edge. This provides for residential parking, whilst also providing wider community benefit through accommodating public parking for leisure uses associated with the Canal. The maintenance and management of which could be secured through condition.
- 9.95 Community use of the space is encouraged through the inclusion of three access points to the Grand Union Canal, with the one facilitating the northern car park including a high quality gateway feature, taking its design cue from the Canal. In addition, a Local Area of Play is incorporated at the north-west of this Edge. This reflects the necessary play standard and offers types of trim trail equipment which reflect the canal side location. Seating for parents is provided close to the area, to allow for adequate parental supervision.

9.96 Comments received by British Waterways relating to the potential for vehicles to be driven (both intentionally and intentionally) into the Grand Union Canal are considered reasonable. It is clear that a range of protective measures exist that could be adopted to prevent this from occurring, although there is currently no preferred design solution. That said, any measure adopted, will have to give careful consideration to its visual, aesthetic and ecological impacts along the sensitive Canal Edge. In addition, impact on the drainage attenuation features will also need to be explored. It is considered that this issue can be dealt with through the application of condition.

Urban Pockets

9.97 These are positioned within identified key nodes in the development and include three pockets within the Central Core Character Area and also one at the entrance to the site. They fulfil an important role in securing cross development green infrastructure (GI). As required by the Development Brief, those areas within the Core Area provide a trees and benches within a hard landscape area. Through discussions with applicants, it was agreed that it was neither practical nor feasible, at this time, to incorporate a LAP and/or swales within these locations.

9.98 Through other discussions with the applicant, it was accepted that it was important to create an appropriate gateway feature, to mark the transition into the site and provide a navigation way marker. This has been developed and is included within the latest submitted landscape plans. Illustrations have also been provided to assist interpretation. During the development of the feature, care has been taken to ensure that the feature, responds sensitivity to its setting, whilst respecting the Grand Union Canal.

9.99 The type and position of landscaping used within the pockets and site entrance is considered an appropriate response to balancing the need to create urban GI with the dwelling types used to frame the pockets.

Landmark/ Feature Buildings

9.100 Two key landmark buildings have been created within the development proposal. In accordance with the Brief, a high quality terrace of dwellings has been created in the North West corner, along with a landmark block of flats in the south-east corner. Quality materials have been blended with good design, to create these landmarks and care has been taken to ensure that they respond positively to their landscape contexts.

Quality Pedestrian Public Realm

- 9.101 In response to the Brief, well design hard surfaced areas are included within the Key Groups set within the Central Core Area. In addition, two large focal trees would be provided within the central Urban Pocket.

General Public Realm Matters

- 9.102 A holding objection was raised by NE on the basis that further clarification was required in relation to Green Infrastructure and the physical /visual impact of development on the surrounding land and transportation routes. A supplemental Green Infrastructure Statement has been submitted and comments from the NE are awaited.
- 9.103 That said, it is considered that the visual impact of the development proposal upon both its immediate surrounding and wider landscape over the long term will be minimal. This is attributed to the level of existing landscaping bounding the development, especially from the surrounding footpath network. Moreover, this area forms part of the much larger South West District and whilst medium to long uninterrupted views across the defined Pineham Community may currently exist, over time these will be replaced by glimpse views, interspaced through the areas of development. Therefore, visual matters raised by English Nature whilst noted are not considered significant.
- 9.104 Objections raised by the Tree Officer of NBC have now been removed following the submission of a BS 5837:2005 tree survey together with an Arboricultural Method Statement and Tree Protection Plan. The information submitted is considered acceptable subject to the application of a condition relating to tree protection measures.
- 9.105 Landscape proposals for the public realm within the eastern edge are considered appropriate, in their attempt to integrate the proposed noise bund within the landscape, whilst responding to the proposed character area. This area, also serves an important function in screening views to and from the local highway network, whilst softening the impact of the engineered bund. Reflective of the recommendations set within the Ecological Appraisal the buffer will use a combination of native tree, shrub storey and undergrowth species to create a varied and diverse habitat, providing a key landscape component of the GI network and an important transition between highway and the development.

- 9.106 Proposals for the Banbury Lane frontage are also considered satisfactory. The proposal seeks to retain the majority of the existing vegetation to the frontage, complimented by new areas of planting seeking to frame the gateway to the development site and provide an attractive setting to the development behind. The proposals combine parkland trees with open areas of amenity grassland and bulb planting to create an attractive setting with filtered views to the development beyond. The use of parkland trees will assist to create structure whilst reinforcing the transition from the rural to residential environment. A further connection to the footpath/ cycle network is provided in the north-eastern corner.
- 9.107 A number of the recommendations set out within Ecological Assessment have been carried across into the landscaping proposals. These themes include; the retention of existing woodland and scrub; minimal hedgerow removal; compensation for hedgerow and tree removal; habitat corridors around the development edge are retained and enhanced; the Spinney is retained; and a proportion of the new planting comprises native species.
- 9.108 Overall, the introduction of further residential development is not considered to have an adverse visual impact in a location which is already characterised by residential development, urbanised through major highways infrastructure and forms part of a much larger development area. In addition, the landscaping scheme proposed follows the principles established within the Development Brief.

Ecology

- 9.109 The application is supported by an Ecological Appraisal consisting details of consultations with relevant organisations, a desk study and a Phase 1 survey (including a preliminary Protected Species Survey). This confirmed that the site is not covered by any statutory nature conservation designations. There are also no non-statutory wildlife sites found within the site boundary. The Grand Union Canal-Northampton Arm recognised as a Local Wildlife Site is adjacent to the western boundary of the site.
- 9.110 The Appraisal went on to conclude that the most important habitats on the site are the mature ash and pedunculate oak (English Oak) trees, hedgerows (although these would not qualify for protection under the hedgerow regulations), planted woodland and dense scrub. It was considered that were to be of moderate and low-moderate ecological

value. No definitive evidence of protected species was recorded during the survey, though some potential habitat for amphibians, badger, bats, nesting birds and reptiles was identified on site, and potential habitat for otter and water vole in the close vicinity. This habitat would be largely retained by the proposals in open/ green space provision. In addition, the loss of any trees and/or hedgerow should be compensated elsewhere on site.

- 9.111 Whilst comments made by respondents (including British Waterways) are noted, statutory and non-statutory (technical) respondents have confirmed that the Assessment submitted is considered acceptable, and development may proceed subject taking forward the recommendations as set out.
- 9.112 It is proposed that of those recommendations not being taken forward through the landscaping proposals, conditions be attached to secure tree /hedgerow protection; water quality protection (Grand Union Canal and Wootton Brook); an ecological management plan; no works to bird habitats in the breeding season; protected species re-surveying; water vole surveys; a construction method statement to protect reptile habitats; and a Wootton Brook Spinney Ecological Management Plan.
- 9.113 Therefore, It is considered that the application is acceptable in respect of ecology and biodiversity issues, subject to the application of conditions.

Archaeology

- 9.114 The application site is situated within an area of known archaeological importance and has been subject to a desk-based assessment, geophysical survey and trial trench evaluation which have been undertaken in consultation with the County Archaeologist.
- 9.115 The evaluations indicate that the development area contains archaeological activity of possible late Neolithic or early Bronze Age date and other remains of potential Roman date. However, this is not considered to be of such significance as to preclude development from taking place. This is subject to a condition being applied to secure the implementation of a programme of archaeological work, including site investigation, recording and removal.

Drainage and Flood Risk

- 9.116 The application site is situated adjacent to the Grand Union Canal (to the West) and Wootton Brook (to the South). The majority of the site is found within Flood Zone 1, with the remaining area consisting of Flood Zones 2/3. The existing site falls to the South and West at a gradient suitable to convey rainfall offsite to the watercourse during extreme storm events and therefore flooding on site is considered unlikely.
- 9.117 The applicant, in support of the application, submitted a Flood Risk Assessment, following comments raised by the Environment Agency a revised submission was produced and received in January 2011.
- 9.118 In summary, the Assessment proposed that the majority of development be found within Flood Zone 1 and no built development be constructed within close proximity to Wootton Brook. The large area to the north of the Brook should remain free from development and be used as incidental open space and a play area. The drainage strategy for the site required a series of drainage techniques to be employed to maintain the surface water runoff rate to that of the existing greenfield rate or below. These techniques included an adequately designed drainage system with a series of flow chambers and balancing ponds. In addition, it is possible for the balancing ponds to be multi functional, providing wider ecological benefits for the site. Further, in the interest of health and safety they would be shallow depressions in the landscape and no steeper than 1 in 3.
- 9.119 The Environment Agency, in their response to the revised Assessment has raised no objection subject to the Corporation applying and passing the Sequential Tests (as set out within PPS25) and the application of conditions. In return, the Corporation undertook the Sequential Test and the Environment Agency has subsequently confirmed that the Test is acceptable and lifted their object on the basis of conformity with the guidance contained within PPS 25 (except Annex C), subject to conditions and addition of standard developer notes.
- 9.120 In consideration of the likely impacts of PPS 25, Annex C: Forms of Flooding, following discussions with the applicant, it is accepted that the FRA and subsequent correspondence received has considered Annex C, Sections C5-C9 in sufficient detail. In order to resolve the outstanding issue of possible River Flooding (C4), discussions are on-going with the applicant to clarify the discharge volume flowing into Wootton Brook from the proposed drainage system would demonstrate a

significant increase from that currently experienced from the site. Investigations are also on-going with British Waterways and the applicant to establish the capacity or 'headroom' of the Wootton Brook Culvert and its ability to accommodate the likely flows arising from the development. It is considered that this matter is resolvable through the applicant of a condition to ensure that adequate capacity is provided within the Culvert.

- 9.121 Matters in relation for drainage and flooding are considered acceptable, subject to the applicant of conditions (as sought by the EA) and Section 106 obligations relating to the management and maintenance of the SUD system (as sought by the EA and BW). The Section 106 will seek to place the management and maintenance with a third party and secure the costs associated with its maintenance in perpetuity. This approach will limit the liability and risk exposure to the public purse.

Air Quality and Noise

Air Quality

- 9.122 An Air Quality Assessment has been submitted with the application. Following representations by the NBC Environmental Protection Officer, a revised Assessment was submitted in January 2011. This concluded that the primary construction impacts of the development on air quality are likely to be from dust emissions during the course of the construction period. The primary air quality impacts once the proposed development becomes fully operational will be from traffic associated with the scheme. Interpretation of the model results, taking account of relevant guidance indicates that the overall impact of development is 'negligible'.
- 9.123 In response to the revised information submitted, the Environmental Health Officer has accepted the findings of the report and raises no objection to the application, subject to a condition being applied to mitigate anticipated impacts during the construction period. It is considered that securing this condition, will also resolve a number of concerns raised by third parties relating to potential impacts of development during construction.

Noise

- 9.124 A Noise Assessment has been submitted with the application identifying the Noise Exposure Categories (NEC) within the development as being within NEC A; NEC B; and NEC C as set out in PPG24 Planning and Noise.
- 9.125 Mitigation measures proposed as part of the application include a 2 metre high landscape acoustic bund adjacent to the A43. This runs along the length of the proposed built frontage, where noise sensitivity and exposure categories are highest due to traffic noise. To ensure effective mitigation, there is also a requirement for the construction of a predominately continuous built frontage adjacent to the A43, with the buildings orientated so that they provide an additional noise barrier to their proposed rear gardens and the other residential dwellings behind. The layout is design as such to accommodate this requirement.
- 9.126 The dwellings situated on the eastern edge are considered to be most affected by noise from the A43 resulting in the potential requirement for acoustic glazing and mechanical ventilation to maintain internal noise levels.
- 9.127 Following the submission of representations, principally from NBC Environmental Protection Officers, raising issues with the method, presentation and findings of the original submitted Noise Assessment, a revised Report (January 2011) was submitted. The revised report confirms that the conclusions of the original Noise Assessment have not changed.
- 9.128 The NBC Environmental Protection Officer, following the submission of the Revised Report, has raised no objection to the application subject to the installation of the proposed 2m high noise bund as shown on figure 2 of the Assessment and the installation of the sound mitigation measures as outlined in table 5 of the Assessment. These matters will require conditions to ensure that the bund is in place prior to the occupation any dwellings, with the requirement to construct the Eastern Edge as a first phase also being conditioned to provide a satisfactory level of protection to the remaining development. A further condition will be required to ensure a satisfactory level of residential amenity for future occupiers with particular regard to the eastern edge of the development fronting the A43.

Sustainability

- 9.129 A Sustainability Statement has been submitted with the application setting out the applicants proposed response to the Corporation's requirements in accordance with the WNDC Sustainability Manual and the Development Brief. In addition, supplemental information was submitted to highlight the developments response to the sustainability expectations set out within the original Development Brief. The development will be expected to achieve Code for Sustainable Homes Level 3 including post construction assessment as well as meeting a minimum of 10% of the energy needs of the development through decentralised and renewable or low carbon sources. The proposed approach will employ energy efficient improvement measures to the fabric of the buildings and either solar thermal or solar PV on each dwelling. Windows used on site have also been confirmed to be 'A' rated as defined within the Green Guide and will be secured through a condition requiring the submission of a material schedule.
- 9.130 These measures whilst considered minimal when assessed against the criteria established within the WNDC Sustainability Manual, are on balance acceptable when considered along with the range of community and social infrastructure proposed by the development. It is proposed that these matters be secured through the application of a planning condition.

S106

- 9.131 The WNDC Planning Obligations Strategy (2008) sets out the Corporation's approach to planning obligations and developer contributions towards necessary infrastructure need across the Corporation's area. The Planning Obligations Strategy (POS) advocates a 'standard charge' approach setting a discounted standard charge of £20,000 applicable to all residential development on a per unit basis.
- 9.132 In recognition of the current economic downturn, continuing ongoing viability issues and the introduction of the Community Infrastructure Levy (CIL) and associated regulations WNDC is currently undertaking a review of the POS. The revised standard charge approach set out in the draft POS review sets the discounted standard charge at £18,000 per unit across the Corporation's area.

- 9.133 In relation to the introduction of CIL, on 6th April 2010 the Community Infrastructure Levy Regulations 2010 (the Regulations) came into force. From this date planning obligations secured need to be in accordance with these 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; and
 - 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 the policy used to guide the negotiation of planning obligations sought prior to the coming into force of the Regulations. The applicant has made comments to the Corporation that indicate it does not accept the POS approach, but accepts the need to mitigate the impact arising from the proposed development and accepts a contribution of £18,000 per dwelling. The total value of the section 106 contribution to meeting the infrastructure needs associated with the proposals would be around £3.17 million.

- 9.134 There are significant infrastructure costs associated with the delivery of the development, most notably the required contributions towards highways (local transport network) and securing proportionate contributions toward providing the necessary community facilities associated with the Pineham Community as envisaged within the South West District.
- 9.135 The Corporation is agreeable to the approach set out by NCC Highways and will seek to 'ring fence' these monies. Contributions toward infrastructure identified for the South West District that serves this site will also be prioritised. Non-financial obligations will also be included to secure the the submission of a Travel Plan], the arrangements toward management and maintenance of open space/ the SUD scheme and the submission of a Construction Futures Strategy.
- 9.136 There will also be obligations to provide 35% affordable housing in accordance with the requirements of NBC Strategic Housing including 70% rented and 30% low cost home ownership and monies to cover the cost of monitoring the agreements.
- 9.137 Briefly, the S106 requests sought or anticipated to be sought by individual Consultees are set out below. This is accompanied by commentary if these are not considered

appropriate plus the minimum level of contribution considered proportionate in each case (where known). The requests and contributions are as follows;

NBC

- Affordable housing at 35%;

NCC Key Services

- Libraries at a minimum tariff of £88 per person - contribution of £38 per household towards stock considered appropriate;
- Fire and rescue at £92 per household - insufficient evidence to justify contribution;
- Education towards Primary, Secondary and Sixth Form places at £6,938 per household.

NCC Highways

- An upgrade to public transport services serving Banbury Lane for a period of five years (contribution to be established);
- The provision of two bus stops – this is consider appropriate to take forward through condition. .

British Waterways

- Canal Towpath Improvements to a value of £426 per household – this is included as part of the contribution proposed by the developer
- A contribution toward a Canal Bridge (contribution to be established)

Northampton NHS

- A contribution of £880 per market dwelling toward primary and secondary care facilities - a contribution of £775 per each household is considered appropriate for primary care facilities.

9.138 The following is an indicative list of all Infrastructure to which it is considered appropriate for contributions to be applied ;

Infrastructure Item	
Type	Facility

Affordable Housing	
Education	Nursery; Primary; Secondary; Adult Learning; and Further Education
Culture and Community	Libraries; Public Art; Community Centre; Youth Centre
Open Space	Green Infrastructure
Recreation and Leisure	Sports/Leisure Centre; Playing Pitches; Grand Union Canal
Crematoria and Burial	Crematoria and Burial Grounds
Emergency Services	Police Services and Ambulance Services
Health Services	GP Surgery/Health Centre (incl Dentist)
Transport	Road; Public Transport; and Local Transport (incl walking/cycling)
Flood Defence (incl SUDs)	
Public Realm	
Town Centre	Northampton Town Centre
Community Cohesion	
Construction Futures/ Employment Training	

9.139 The Corporation's approach to S106 is considered to comply with the CIL regulations so that they can be properly taken into account as a reason for approval of the application. It should be noted that if the proposed type and level of contribution had not been offered then failure to contribute appropriately to the infrastructure needs generated by the development in the absence of any viability assessment would have justified the refusal of the planning application.

Other Matters

- 9.140 The NCC Policy concerns in relation to mineral safeguarding, have been resolved, hence this is no longer considered relevant to this application.
- 9.141 The developer has committed to 10% of Affordable Housing units and 10% of market units being constructed to meet mobility unit standards. NBC Building Control have confirmed that they consider the proposed details acceptable. The location of these units would be set out and secured through the layout plan.
- 9.142 The submitted Waste Management Strategy, recognises the two streams of waste to arise from the site, construction waste and operational waste, Those standards set out within the Strategy are considered acceptable for both construction waste recycle and household storage.
- 9.143 For the avoidance of doubt, this application does not seek to consider the principle or location of conservatories across the development.
- 9.144 Matters raised by respondents relating to the developments site address are noted. However, it should be recognised that the location of development is taken from the South West District Policy approach. As discussed above, this proposal constitutes part, as does the current occupied area of Banbury Lane, of the larger Pineham Community. Therefore, whilst any confusion is regrettable, the site address is considered accurate. Site Notices were also posted around the development site, with a plan attached as part of the consultation process.
- 9.145 Matters raised by respondents in relation to the timing and duration of public consultation are also noted. For the avoidance of doubt, the consultation period was that referred to following the necessary Regulation. Whilst it is recognised that the end of this period crossed the festive break by three days, it is important to recognise, that the vast majority of this period, actually fell before Christmas. That said, the Corporation has continued to be flexible in registering and assessing respondent letters beyond the statutory period.
- 9.146 A number of minor inconsistencies have been found between the information submitted as part of the application. To ensure that any permission granted is consistent in detail,

for ease of implement and monitoring and to asset the enforcement process (if requirements) conditions have been applied to seek the re-submission of detail.

10. Conclusion

- 10.1 The principle of the proposed development is considered to be acceptable being in accordance with the Northampton Local Plan. The details of the proposal constitute a recognised component of the South West District and overall they reflect the requirements set out within the Banbury Lane Phase 4: Development Brief. There is current uncertainty around regional housing targets but as things currently stand RSSs are not revoked but the Secretary of State's position in this regard may be a material consideration. The Pre-submission Joint Core Strategy, although seeking to reduce the overall housing numbers for Northampton, does not materially effect the scale of development proposed. In addition, Local Authorities are still required to have due consideration to the provision of housing and the achievement of a robust and evidence based five year housing land supply in accordance with PPS3.
- 10.2 It is considered that the matters raised and all other material planning considerations have been given due consideration by Officers in coming to the recommendation and that no adverse impacts would arise which cannot be satisfactorily mitigated through the imposition of conditions and S106 obligations.
- 10.3 The development is considered to constitute an acceptable extension to the urban boundary of the town comprising an area which is contained within existing natural and physical confines and constitutes part of the South West District.. The development would be compliant with guidance contained in the related Planning Policy Guidance/Statements and the relevant saved policies of the Northampton Local Plan (1997). It is therefore recommended that the application be approved.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Statutory requirement under provision of Section 51 of the Planning and

Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 of this permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the construction of any dwellings, a Materials Schedule and plan(s) shall be submitted to and approved in writing by the Local Planning Authority. The materials schedule should include elevation /roof details to all dwellings and garages details of walls, roofs, windows (including confirmation of 'A' rating on the Green Guide), heads, cills, banding, quoining, eaves, and door detail.

Reason: To ensure a satisfactory quality of development in accordance with Policy E20 of the Northampton Local Plan 1997 and the Banbury Lane Phase 4: Development Brief.

4. Prior to the commencement of development samples of all proposed external facing materials (including roof 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.

5. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details for the management of waste arising from the construction process, siting and design and drainage arrangements for any temporary construction offices, buildings and storage compounds/areas and measures proposed to mitigate against adverse effects of noise, dust and vibration during construction and implementation of the proposed development and shall also include;

- A. The proposed hours of operation of construction activities;

- B. The frequency, duration and means of operation involving excavations, drilling, piling and concrete production;
- C. Sound attenuation measures to be incorporated (in relation to construction) to reduce noise at source;
- D. A scheme for the control of dust and emissions from construction activities and traffic during the development phase of the project.
- E. Details of temporary lighting;
- F. Arrangements for site access and vehicle parking;
- G. A Construction Workers Travel Plan;
- H. Details of the management of waste generated by the site clearance and construction process, together with measures taken to minimise its generation;
- I. Details of measures to minimise waste and incorporate facilities for the management of waste in development;
- J. Method statement for the prevention of contamination to soil, groundwater, Wootton Brook, Grand Union Canal and air pollution and remediation in the event of pollution; and
- K. A method statement outlining measures to protect of ecological sensitive areas and potential protected species during the construction phases.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that appropriate consideration is given to environmental assets during construction and to ensure compliance with the Northamptonshire Waste Local Plan (March 2006) and Development and Implementation Principles Supplementary Planning Document (March 2007).

- 6. Prior to the commencement of development details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and such

measures shall be installed on site prior to the commencement of development hereby permitted.

Reason: To safeguard the amenities of the locality and the general safety of highway users.

7. No development shall take place until a written scheme of investigation and programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented and completed in accordance with the approved scheme.

Reason: To ensure adequate provision is made for the investigation and recording of archaeological remains in accordance with PPS5 Planning for the Historic Environment.

8. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Waldeck Flood Risk Assessment for Banbury Lane, Northampton Reference 10-5016, Revision E dated January 2011 and the following mitigation measures detailed within the FRA:

- Finished floor level for buildings and associated external levels for drives and access roads adjacent to Wootton Brook should be no lower than 65.35 meters Ordnance Datum (AOD), 300mm above the 0.5% (1 in 200) plus climate change flood level.
- No build development is to be located in the 0.5% (1 in 200) plus climate change flood extent as shown on Drawing 10-5016-301 Rev P5.

Reasons:

- A) To reduce the impact of flooding on the proposed development and future

occupants.

B) To reduce the risk of flooding to the proposed development and future occupants and not increase flood risk to third parties.

10. Development shall not begin until a detailed surface water drainage scheme 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 completed. The scheme shall include as outlined in the Waldeck Flood Risk Assessment for Banbury Lane, Northampton Reference 10-5016, Revision E dated January 2011:

- A. Percolation tests results, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156;
- B. On site surface water drainage to be designed to accommodate the 0.5% (1 in 200) plus climate change event and 80% of the 10% (1 in 10) storm within 24 hours;
- C. Surface water discharge to be no greater than existing (maximum of 39.1 l/s)
- D. Maintenance and adoption for every element of the surface water drainage system should be identified, including roles and responsibilities.

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

11. No development shall commence, until a scheme confirming the capacity of the Wootton Brook Culvert to accommodate the level and volume of surface water discharge arising from the development into the Brook, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of any dwellings.

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

12. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
- A. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - C. The site investigation results and detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of protection of groundwater and surface water quality from potential contamination associated with the former use of the site.

13. Development shall not begin until details, including cross sections, of the bund indicated on Dwg No: RDC821_110: Rev. D. has been submitted to and approved in writing by the Local Planning Authority. The bund shall subsequently be constructed

in accordance with the approved details before the first occupation of development is completed and maintained thereafter.

Reason: To ensure a satisfactory level of residential amenity is secured and maintained within the development site.

14. No dwelling (including flats) across the development shall be occupied, until those dwellings edged by the 55dB LAeq Contour Line as indicated within Figure 3 of the Road Traffic Noise Survey and Assessment For Residential Development at Land Off Banbury Lane, Northampton (Dated: 27th January 2011) have been constructed to act as the effective physical noise barrier as presented by Figure 3.

Reason: To safeguard the amenities of the occupiers of the properties from the adverse effects of noise.

15. Where a dwellings facade(s) or floors do not fall into NEC A, as defined by PPG 24, a noise insulation scheme following the principles set out within Table 5 of Road Traffic Noise Survey and Assessment for Residential Development at Land off Banbury Lane (Dated 25th January 2011), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the dwelling.

Reason: To safeguard the amenities of the occupiers of the properties from the adverse effects of noise.

16. Prior to the commencement of development full details of the proposed highway alterations to include the 2 no. bus stops to be provided on Banbury Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To promote a sustainable development through the provision of increased accessibility to public transport and in the interest of highway safety.

17. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive.

Reason: To ensure that breeding birds are not adversely affected.

18. Prior to the commencement of development, details of the method of protection of all existing trees and hedgerows shall be submitted and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented prior to the commencement of development and retained thereafter until the development is complete. Within the protected area no development works shall take place on, over or under ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees and hedgerows on or adjacent to the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality and the existing wildlife habitat which exists.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season(s) following the occupation of the first building of the character area for which the landscaping relates, 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.

20. Prior to the commencement of development a detailed and comprehensive scheme of ecological enhancement of the site out within an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning authority. The scheme shall include measures including by not limited to enhancing and maintaining the biodiversity value of the Spinney, the western Canal boundary and the remaining

hedgerows across the development and any management or maintenance requirements. The development shall be implemented in accordance with the approved scheme including retention and maintenance .

Reason: To increase biodiversity within the application site through a scheme of ecological enhancement in accordance with PPS9 Biodiversity and Geological Conservation.

21. No works shall be carried out within the towpath adjacent to the western boundary of the site until a water vole survey has first been undertaken by a suitably qualified person(s) and submitted to and approved by the Local Planning Authority in writing. Such survey must be undertaken at the appropriate time of year (April- October) and any works shall only be carried out thereafter in accordance with the findings and recommendations of the survey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ascertain whether or not any water voles are present and if they are, to ensure that any works required on the adjacent towpath do not adversely affect water voles.

22. Two months prior to commencement of development, a Preliminary Protected Species Survey should be undertaken by a suitability qualified person(s) and submitted to and approved by the Local Planning Authority in writing. Such survey must be undertaken at the appropriate time of year (April- October) and any works shall only be carried out thereafter in accordance with the findings and recommendations of the survey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ascertain whether or not protected species are present on site prior to the commencement of development and take forward satisfactory remedial measures

23. Notwithstanding the details contained on the plans submitted, no development shall take place until a scheme has first been submitted to and agreed in writing by the Local Planning Authority to provide suitable barriers and/or boundary treatments within the development to reduce the risk of vehicles from entering

the waterway. The development shall subsequently only be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and to protect users on the canal, the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed barrier and boundary treatments.

24. Notwithstanding the details contained on the plans submitted, no development shall take place until a landscape and boundary treatments scheme of all footpaths making connections, from the site to the adjacent Canal Towpath and footpaths has been submitted and approved in writing by the Local Planning Authority in consultation with British Waterways. The scheme shall, include evaluations and plans, at a scale of 1:50 and indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hardsurfaced areas (including all footway connections from and to the existing routes). The approved scheme shall be fully implemented prior to the first occupation of any dwellings(s).

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the waterway corridor.

25. Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side elevation of plots 80, 169, 86, 87, 88, 93, 113, 150, 129, 130, 142, 143, 63, 64, 62, 66, 68, 46, 44, 79, 37, 4, 7, 23, 34 or rear elevation of plots 144, 132, 43, 81 ; within the development hereby approved.

Reason: To protect the amenities of occupiers of neighbouring properties.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience and safety of road users.

27. Prior to the 1st occupation of the development hereby approved, a scheme detailing the positioning and design of external lighting to include lamp columns, bollard lighting, bulkheads, PIRs and porch lighting, including those serving communal cycle/ bins stores, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with British Waterways. The scheme should consider limiting light pollution and mitigate potential impacts upon the Grand Union Canal. Thereafter the lighting shall be implemented in accordance with the scheme prior to the occupation of the units to which it relates.

Reason: In the interest of community safety to ensure that adequate lighting is provided within the development whilst avoiding any adverse impact upon the visual and residential amenity of the development and the Grand Union Canal..

28. Prior to the 1st occupation of the development hereby approved, details of the automated vehicular gates to be installed to the Parking Courts accessed between plots 59; and 90 shall be submitted to and approved by the Local Planning Authority. Thereafter the approved gates shall be fully installed prior to the occupation of the units to which they relate. The gates shall be retained thereafter.

Reason: In the interest of community safety and in accordance with NCC Supplementary Planning Guidance Planning out Crime and Parking.

29. Prior to the commencement of construction of any dwellings, details of the design and location of vehicular gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details. All vehicular gates shall be installed to open away from the highway and shall be set back a minimum of 5m from the adoptable highway and shall be retained in this position unless otherwise agreed in writing by the Local Planning Authority.

Reason: Inadequate detail has been submitted to ensure a satisfactory quality of development in accordance with Policy E20 of the Northampton Local Plan 1997 and in the interest of community safety and in accordance with NCC Supplementary Planning Guidance Planning out Crime and Parking.

30. Notwithstanding the details contained within the boundaries plan, Dwg No: RDC821_115, Rev A (or as amended), details of all individual plot front boundaries gates, including elevations, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the front boundaries of the site are properly treated so as to secure a satisfactory standard of development and in the interest of safety and security in conformity with saved policy GS5 and Northamptonshire County Council Supplementary Planning Guidance – Planning Out Crime.

31. Notwithstanding the details contained within the boundaries plan, Dwg No: RDC821_115, Rev A, a revised scheme shall be submitted agreed in writing by the Local Planning Authority. The scheme shall seek to maximise the level of enclosure to the front boundaries of the Central Core Area. The boundary treatments shall be constructed prior to the occupation of the units to which the boundary relates and once constructed shall be retained thereafter.

Reason: To seek assist in the achievement of the level of enclosure sought by the Development Brief.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or and re-enacting that Order with or without modification) unless otherwise agreed in writing by the Local Planning Authority, boundary treatment shall be in accordance with approved plan no. Dwg No: RDC821_115, Rev A (or as amended). The boundary treatments shall be constructed prior to the occupation of the units to which the boundary relates and once constructed shall be retained thereafter.

Reason: To ensure that the boundaries of the site are properly maintained so as to secure a satisfactory standard of development and in the interest of safety and security in conformity with saved policy GS5 and Northamptonshire County Council Supplementary Planning Guidance – Planning Out Crime.

33. Prior to the commencement of development full details, including scaled evaluations and plans of the Gateway Entrance, as illustrated within Drw. No. BIR.CAN.SK 02 to be integrated into Banbury Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure an adequate quality of public realm is delivered and the development integrates into its surrounds in accordance with Policy E20 of the Northampton Local Plan 1997

34. Prior to the occupation of the development details of safety and security measures to be incorporated within the development to minimise the potential for crime and anti-social behaviour including opportunities for arson shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the locking mechanisms to be provided to all residential rear access gates, including the communal metal dual aspect lockable gates serving the car parking courts; secure entry systems to apartment blocks and the method of locking or securing communal bin storage areas and/or other measures to be taken to minimise the opportunity for arson. The development

shall be implemented in accordance with the approved details prior to the occupation of the development and retained thereafter.

Reason: In the interests of safety and security in order to secure a satisfactory development.

35. Notwithstanding the details approved, a scheme for the inclusion of contemporary residential units within plots 101, 107, 108, 44 and 148 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to details of the contemporary built form to be constructed and elevations and floorplans at a scale of 1:100. The parameters set by the existing plots which the revisions relate; including height, width, depth and setback should be used to regulate submissions through setting maximum parameters. The development shall be carried out in accordance with the approved scheme prior to occupation of the relevant plot.

Reason: To allow an adequate response to the development context, provide key way markers throughout the development and respond to the principles established in the Development Brief.

36. Notwithstanding the details approved, full details of the covered and lockable cycle stores to serve the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the flatted blocks which the cycle stores relate. The approved store shall be provided in accordance with the approved details prior to the occupation of the development and thereafter retained.

Reason: To provide safe, functional and secure storage of cycles

37. 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.

38. Before the development hereby permitted is commenced, a Supplemental 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 three months (or other such period to be 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, Policy E19 of the Northampton Local Plan and the sites approved Sustainability Strategy

39. Prior to the construction of any dwellings (including flats) a scheme for meeting 10% of the developments overall energy needs by low or zero carbon technologies (or other level to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and design of the renewable or low carbon energy mechanism(s) to be incorporated within each dwelling or flatted block. Thereafter the approved scheme shall be implemented and maintained.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policy E19 of the Northampton Local Plan and the sites approved Sustainability Strategy

12. Notes

Water

- A. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and

accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or in the case of apparatus under an adoption agreement liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- B. The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991 when they will be advised of the most suitable point of connection.
- C. The foul drainage from this development will be treated at Great Billings STW that at present has available capacity for these flows.

Flood Defence Consent

- A. Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting ordinary watercourses, statutory main river, within the indicative floodplain or within the byelaw distance requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage byelaws. The applicant is advised to contact our Development and Flood Risk team on 01536 385126 to discuss the requirements of any consent. It should not be assumed that such consent will automatically be forthcoming, and the applicant should consult the Environment Agency at the earliest opportunity in order to determine and secure consent for the proposed works as appropriate.

British Waterways

- A. The applicant/developer is advised to contact the Works Engineers Team at the Milton Keynes Office on 01908 302500, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways.
- B. The proposed development includes provision of new accesses to British Waterways land (towpath adjacent to the western boundary of the Application

Site). Such access will require the prior consent of British Waterways including a commercial agreement. Please contact the Estates Team at the Milton Keynes Office on 01908 302500 for further advice.



RDC 821-100
Location Plan 1:1250



Banbury Lane, Northampton