

PLANNING COMMITTEE: 28th July 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1277

LOCATION: Development Land, Lancaster Way

DESCRIPTION: Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of conditions 10 and 16

WARD: Delapre & Briar Ward

APPLICANT: Barry Howard Homes (Towcester) Ltd
AGENT: Frampton Town Planning Ltd

REFERRED BY: Director of Planning and Sustainability
REASON: Major application requiring a Section 106 Agreement

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to:

- i) The completion of a Section 106 Legal Agreement to secure planning obligations set out in the report; and
- ii) The Council's monitoring fee subject to the Director of Planning and Sustainability being satisfied the monitoring fee is necessary and of an appropriate scale.

1.2 Planning conditions as set out below and for the following reason:

The proposed development, subject to conditions, represents an acceptable land use which would contribute towards the Council's 5-year housing supply and would have a neutral impact upon the character and appearance of the surrounding area, visual and neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policies S1, S3, S10, H1, H2, INF2, BN2, BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.3 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Director of Planning and Sustainability be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy.

2 THE PROPOSAL

- 2.1 Variation of Condition 2 of Planning Permission N/2012/0909 (Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout) to alter the layout of the development, alter house types, and remove and alter garages, and variation of Conditions 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, and 26 to be in accordance with details submitted. Removal of Conditions 10 and 16.
- 2.2 The application proposes amendments to the layout of the development with plots shifting slightly and garages being removed. The approved house type designs have also altered from those approved under N/2012/0909 in size and design.
- 2.3 This altered layout necessitates the amendment of details previously agreed through conditions under application N/2012/0909, as these agreed details need to be updated to show the new layout. The applicant has also applied to vary conditions that have not previously been agreed to be in accordance with details submitted, such that the wording of the conditions would be altered to be in accordance with the details submitted as opposed to requiring the submission of details.
- 2.4 The application includes the proposed removal of Conditions 10 and 16. Condition 10 is an erroneous repeat of Condition 7, and the applicants claim Condition 16 is no longer required as the details within Condition 13 have been agreed and no further details are needed.
- 2.5 Development works are underway on the site, and as such this application is partially retrospective.

3 SITE DESCRIPTION

- 3.1 Planning permission was approved in principle by the Planning Committee on the 22nd November 2016, subject to the completion of a S106, for a development for 139 dwellings on this site (N/2012/0909). This was subsequently approved on the 14th December 2017 following the completion of the S106.
- 3.2 Development works have commenced on this previous approval, with a number of properties completed. As such the current situation on site is of a building site.
- 3.3 Prior to works commencing on approval N/2012/0909, the site was historically used for the keeping of animals and as allotments, although the use of the site had been in decline and fallen into disuse.
- 3.4 A Tree Preservation Order is in place to protect the mature tree adjacent to Lancaster Way. The general topography of the site slopes downwards in a northerly direction, with a number of undulations within the site.
- 3.5 The surrounding area is predominantly residential in nature, with the surrounding buildings being of a wide variety of scales, styles and types. Of particular relevance are the traditional houses within Towcester Road which date from the early part of the 20th century, and the more modern dwellings within Hedgely Court and Hexham Court to the south; Braunstone Close to the west; Tunnel Hill Cottages, Radleigh Close and Leah Bank to the north; and Briar Hill Walk to the east.

- 3.6 Pedestrian access to the site was historically present (albeit closed at the time of application N/2012/0909) by a path which runs from Towcester Road (which also serves the rear of dwellings in this road) to Tunnel Hill Cottages, with access from Braunstone Close. This route then travels in a northerly direction joining Rothersthorpe Road. There is a private right of vehicle access across this same route for a selection of surrounding properties.

4 RELEVANT PLANNING HISTORY

- 4.1 N/2012/0909 - Proposed residential development of 139 residential dwellings, garages and associated works including new access roundabout – Approved 14/12/2017.
- 4.2 N/2019/0295 - Variation of S106 Agreement to amend type of affordable housing provision – Approved in Principle by Planning Committee 16/04/2019 – S106 amendments in process.
- 4.3 N/2019/0311 - Formation of temporary access and erection of hoarding (to facilitate construction of development permitted under Planning Permission: N/2012/0909) (partly retrospective) – Approved 29/04/2019.
- 4.4 N/2019/1455 – Erection of an electricity substation – Withdrawn 13/01/2020 following officer advice that the position of the proposal was unacceptable.
- 4.5 N/2020/0065 – Erection of an electricity substation – Approved 03/03/2020.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the saved policies of the Northampton Local Plan (1997).

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

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

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The following policies are considered to be of particular relevance:

Policy H1: Housing Density & Mix & Type of Dwellings
Policy H2: Affordable Housing (35%).

Policy S1: The Distribution of Development
Policy S3: Scale and Distribution of Housing Development
Policy S10: Sustainable Development Principles
Policy BN2: Biodiversity
Policy BN7: Flooding
Policy BN9: Planning for Pollution Control
Policy INF2: Contributions to infrastructure requirements

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 – Design of New Development.

5.5 **Supplementary Planning Documents**

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

6 **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection** – No comments to make on minor amendments proposed to the consented layout and house types being sort by this application. Amended acoustic assessment reports for conditions 13 and 16 of N/2012/0909 are acceptable and condition 16 can be removed. Further details are required for condition 12. CEMP is acceptable.

6.2 **NBC Tree Officer** – No tree related concerns and so no comment to make. Soft landscaping scheme for condition 6 is acceptable.

6.3 **NCC Highways** – Object - Pedestrian visibility splays have been reduced below the minimum 2m requirement which is unacceptable (a minimum of 2mx2m is required), and any feature within the splay must not exceed 0.6m in height above footway level. The relocation of no. 17 is within the vehicle to vehicle visibility splay, and the raised table block paved areas have been removed which makes the access into the small road serving 18-25 unacceptable. It is advised that garages are not considered towards the parking allocation for the properties and triple spaces are only considered as two spaces as they are unlikely to be used for three vehicles. Confirm submitted Travel Plan is acceptable, and that the details submitted for conditions 5, 11, 18, 23, 24 and 25 are acceptable.

No further comment received on the revised plans.

6.4 **NCC Ecology** – Object. There are ongoing issues with badgers which were not detected in the original application. A final licence is needed to establish the clan in a new sett which is understood to have been built but not yet approved by Natural England. At present there is no active licence on the site and badger activity is continuing with badgers digging in neighbour's gardens. It is considered that the problems stem from the failure to have the appropriate surveys undertaken so a licence can be secured. As stated in Circular 06/2005 Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system, 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat...it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...' (para. 98 & 99). Further, paragraph 175 of the NPPF states that 'if significant harm to biodiversity

resulting from a development cannot be avoided...adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

It is considered that it has been neither established the extent to which the current application would impact the site's badger clan and its historical territory, nor demonstrated that they have adequately complied with the mitigation hierarchy as outlined in the NPPF.

With the pressure to deliver housing, and with this site already partly built out, if the Council is minded to approve this application, two key conditions are requested. One requiring an exclusion zone and one requiring a comprehensive method statement for badgers.

- 6.5 **Lead Local Flood Authority** – No concerns with proposal.
- 6.6 **Anglian Water** – No comments received.
- 6.7 **Northamptonshire Police** – Initially raised concerns with the link being retained between Towcester Road and Tunnel Hill Cottages, which was a crime issue, and an indication on the plans that there is a link to Leah Bank. Following this the plans have been amended to remove any reference to a link to Leah Bank and to re-instate gates as within N/2012/0909.
- 6.8 **Natural England** – No comment on proposed alterations. Standing advice should be used.
- 6.9 **Environment Agency**- No comment on proposed alterations.
- 6.10 **The Wildlife Trust** – concerned new layout does not provide a coherent ecological network across the site, particularly for badgers, and that it fails to compensate for the orchard habitat which was previously found there. Strongly recommend that the existing badger sett is retained and that a coherent ecological network is developed across the site which connects the sett with existing foraging areas and the proposed open spaces. Paragraph 170 of the NPPF requires developments to establish ecological networks and provide a measurable net gain in biodiversity, and at present this revised layout does not provide either. Recommend that an orchard is included in one of the public open spaces to compensate for the orchard which has been lost.
- 6.11 **Northamptonshire Badger Group** – Concerned regarding welfare and future of badgers on the site. 6 setts have been lost and the main sett is also to be lost. Foraging space has been lost. Badgers are now seen to be digging in neighbouring gardens. Concern artificial sett that has been built is unacceptable and there are no wildlife corridors and insufficient soft landscaping and food sources for badgers. Request suitable artificial sett is built and includes protection zone, wildlife corridor, planting, and fencing with badger holes and gate for maintenance.
- 6.12 **Councillor J Davenport** - Proposal is retrospective and application should be heard at Committee.
- 6.13 **Councillor G Walker** – Objects as there is only one entry and exit.
- 6.14 38 letters have been received from 19 different neighbouring properties, 15 objecting to the application and 4 making observations. The concerns raised within these letters can be summarised as follows:

Design

- Concern with driveway design with use of long driveways. Particular concern for plot 107.
- Concern with design such as rear gate for plot 19 opens onto a different close, plots 35 and 36 will require plot 37's driveway to access their rear gate, plot 66 has to use plot 67's parking bay to access rear garden, plot 103's parking spaces are scattered, and plot 101 has no access to garden at all.
- Re-designed Seacroft housetype have no rear access from kitchen and so bins probably won't be stored in garden. Bin store should be provided to the front.

- Concern that previous application showed foot connection from housing estate to Sandringham Gardens estate on Leah Bank by 106/107 plots and this has been removed. This was a convenient link for residents of surrounding properties to access GP surgery, Tesco and bus stops.

Neighbouring amenity

- Houses that have been built overlook existing neighbouring properties.
- Noise issues to existing residents during construction.
- Concern proposed dwellings will be overbearing to neighbouring properties and result in a loss of light.
- Properties to north have gardens that drop in land levels, meaning the rear elevations are not screened from the site and will be entirely overlooked.
- Loss of conditions 10 and 16 would harm neighbouring properties.

Highways

- Concern visibility splays are now unacceptable. E.g. plot 17.
- T-junction would be better than roundabout at entrance. Question why a roundabout is needed and why it has not been built as a mini-roundabout.
- Roads are unlikely to be adopted and as such should be conditioned or S106 requiring maintenance.
- Parking spaces not correct sizes (should be wider if adjacent wall).
- Only one entrance and exit to the site is a safety risk. Access should have been provided via Briar Hill.
- Previous permission 2012/0909 not lawfully implemented as condition requiring toucan crossing date for implementation not provided.
- Location of SUDs under play area should not be acceptable to Highways as within 5 metres of highway.
- Sight lines of junctions also an issue – highways raised a concern.
- Concern land between tunnel hill cottages will be used as rat run out of the development.

Flooding

- Northern end of site becomes flooded during heavy rain.
- Condition for foul water management has been removed and it needs reinstating.
- Maintenance of surface water flood attenuation important. Condition 26 should not have been discharged and needs looking at again.
- Disagree with Anglian Water saying they are adopting the drainage system as they are not adopting the flood attenuation tanks or pipe for the foul water system.
- Development may overload water, drainage, electric systems and current drainage system is not fit for 139 more properties.
- Ground levels raised – may cause flooding, landslip.
- Close boarded fence around site will not provide protection against flooding. Retaining wall plus fencing is needed to protect against flooding and overlooking.
- Loss of wells on site exacerbates flooding.
- Question if existing sewer cope with more foul water sewage from this development.
- No surface water runoff data for roundabout.
- Problems with drainage and request to remove condition 10 is way to try to stop discussions.
- Issues with drainage – can't guarantee maintenance of northern boundary tank as don't own land and Anglian Water would have to agree this. Maintenance of suds scheme should form part of s106.
- Question accuracy of surface water and foul water details.

Ecology

- Impact in badgers – see less badgers now development is on site.
- Impact on wildlife – used to get foxes, hedgehogs, deer, bats – land was perfect for wildlife and the entire loss of this to houses shows no consideration by the Council to protect this historical land.
- Conditions are needed to protect the badgers.
- Artificial badger sett is not on application site.
- Badgers damage properties as lost setts.
- Had squirrels in roof since development started.
- Bird and bat box plan includes positions that are not on site.

Private right of way

- Neighbouring properties have vehicle access right over land and kissing gates stop this.
- Concern developer wants to bring vehicles down alley on Towcester Road which is not wide enough and would be health and safety issue.
- Concern rumours that Towcester Road alleyway will be gated off and manhole installed.
- Concern private right of way between Towcester Road and Tunnel Hill Cottages has become public and this should have been consulted on – on NCC website it is private right of way. If it is made a public right of way, this results in crime concerns.
- Concern private right of way over site has been fenced off during construction and is not safe for use.
- CEMP should include details of how residents can utilise the private right of access across the site.
- Vehicle access gates should also provide kissing gates adjacent.

Boundary treatment

- Question what the boundary treatments will be.
- Who will be responsible for upkeep of fencing.
- Want concrete posts with wire mesh.
- Object to kissing gates – want palisade fencing with spokes to deter people using this.
- Pleased with proposed kissing gate but want to know what materials and who will be maintaining it. Also will there be a fence either side.
- Gate on eastern end of site was 1.5 metres and no justification to change this now. Post-and-rail allows people to climb through.
- Fencing should be provided around unregistered pieces of land to prevent flytipping and cars parking.

Crime

- Loss of gates and bollards to either end of this right of way results in crime concerns.
- Footpath for plots 43-46 has been removed and driveway is the footpath which results in loss of defensible space.
- Open accesses by plots 19 and 88 were asked to be blocked by police but are open again.
- Plot 37's garden exposed.
- Alleyway for plot 67 poor.
- Close boarded fencing and retaining walls on boundaries will provide cover for illegal activity.
- Concern that when temporary fencing on development site dividing site from the private right of way to the garages behind 184-196 Towcester Road is removed there will be no separation stopping people from accessing this existing private road. Concern this will result in rat-run and crime issues.

Levels

- Question what the ground levels will be – ground levels appear to be raised and this raises loss of privacy concerns alongside flooding concerns.
- Land has been raised to northern edge of site.
- Site levels too high – not the same as original consent and this results in loss of light and privacy.

Landscaping

- Loss of soft landscaping areas e.g. end of plot 98's parking and between plots 44 and 45.
- More landscaping should be provided along boundaries with existing properties to screen development.

Open space

- Public Open Space calculations appear to be incorrect and not in line with S106 plan.
- Large areas of open land not included in POS and so not included in maintenance – question who will be looking after these areas.

Environmental Health

- Land must be highly contaminated.
- Concern regarding contamination – neighbours' clothes have been permanently stained from dust from site and land needs testing to see why.
- CEMP cannot be altered as it has already been agreed. CEMP mentions control of dust but it doesn't, contamination issues as soil moved around, waste materials are dumped in open metal box and blow on neighbouring properties, statements made in CEMP have not been followed thus far.
- Noise assessment is unacceptable – doesn't study A5076.

Other matters

- Concern with potential impact on neighbouring garages.
- Application form and CIL forms have applicant as 'Barry Howard Homes' – there is no such company with this exact name (*Officer Comment: The applicant name has been updated during the application*).
- Concern proposal does not comply with building regulations (*Officer Comment: This is not a material planning consideration but rather would be dealt with under Building Regulations*).
- Understand developer owns more land around the site and how this is to be used should be included within the application (*Officer Comment: The application under assessment is the scheme submitted and any future aspirations for the surrounding area would not be a consideration at this time*).
- Conditions previously discharged need looking at again to check if they need more information (*Officer Comment: All conditions are being checked within this application*).
- Retrospective as developer not following plan he has permission for – why has developer been allowed to apply to regularise this? (*Officer Comment: The Town and Country Planning Act allows the submission of retrospective variation applications*).
- Affordable housing has moved to a single area and it wasn't supposed to be built in that form. (*Officer Comment: The Affordable housing is not located in a single area on the plan and is not in a dissimilar location to that previously shown*).
- What street lighting is proposed? (*Officer Comment: Application N/2012/0909 did not require details on street lighting*).
- Boundary of permission is incorrect (*Officer Comment: The red line of the site matches the red line of application N/2012/0909 as is required within a variation application*).
- Many enforcement issues with the site (*Officer Comment: This is not a consideration within this Planning Application*).
- Do not believe wording of conditions can be altered now as it is too late (*Officer Comment: A variation application issues a new permission for the site and as such all conditions can be altered or deleted if they are not needed, or new conditions added*).
- Plan for phasing submitted does not match affordable housing requirements in S106 which state that no more than 30% market housing should be occupied before 50% affordable housing is provided. Also breaches of contributions to be paid by occupation (*Officer Comment: Should a breach of the S106 occur, this will be assessed at that time. This is not a matter for consideration within the assessment of this planning application*).
- Substation has been removed from the plans (*Officer Comment: The substation has been removed from the plans at the request of the Council for clarity as the substation layout shown has not been approved*).

7 APPRAISAL

- 7.1 The application is for a variation of approval N/2012/0909. It is only the changes proposed from that approval which can be considered within this application.

Principle of development

- 7.2 The principle of 139 residential dwellings on this site has been established within application N/2012/0909 which was approved on 14th December 2017 and has been part implemented. As this has been approved and part implemented, it would not now be reasonable to object to the principle of 139 residential units on this site.

Design and the impact upon the street scene

- 7.3 During the course of construction works on approval N/2012/0909, the development has been built not completely in accordance with the approved plans. Subsequently this variation of condition application has been submitted to attempt to regularise the changes that have been undertaken, and to permit alterations to further parts of the development which have not yet been constructed.
- 7.4 It is understood that large number of the changes that have occurred on site are due to the road layout being slightly re-positioned once the highway works technical drawings were created for the

site and in consultation with NCC Highways. The slight re-positioning of the internal roads has resulted in a knock-on effect that has necessitated alterations to the approved scheme.

7.5 The variation application proposes to slightly alter the position of a large number of the approved plots. The vast majority of these changes are re-positioning the plots by a de-minimus amount and the re-positioning would not be evident when on site. The changes would be to a level expected on a construction site of this size. There are, however, a number of plots where the re-positioning is to a material level, and it is understood that this is due to changes in the road layout as approved with NCC Highways. Of particular note are:

- Plots 11-13 have been altered to a terraced row of equal depths, whereas the approved included a step in for the central property;
- Plots 14-16 have been altered from a semi-detached property and a flat above garage to a terrace row of three properties;
- Plot 17 has been shifted 2 metres to the north;
- Plot 25 has been re-angled to face the road;
- Plot 27 has been re-angled;
- Plots 38-42 and 47-49 have all been re-positioned further to the west;
- Plot 52 has been re-positioned 1.5 metres to the west;
- Plot 53 has been re-positioned and re-angled;
- Plots 71-73 have been shifted 1.5 metres to the west;
- Plots 82-83 have been shifted 1.5 metres to the east;
- Plots 84-85 have been altered to a stepped pair of semi-detached properties;
- Plots 86-87 and 106 have been shifted 2.5 metres to the east;
- Plot 94 has been shifted 1 metre to the south-east;
- Plot 95 has been shifted 1.5 metres to the south and west;
- Plot 99 has been re-positioned 1.5 metres to the east and south;
- Plots 100-101 have been re-positioned 2.5 metres to the east and 1 metre to the north;
- Plots 126-131 have all been re-positioned slightly with 130-131 being moved to the west and south, plots 128-129 being moved southwards, and 126-127 being moved 0.5 of a metre to the east and 0.5 of a metre to the south;
- Plot 132 has been re-positioned 2.5 metres to the west and 2 metres to the south;
- Plot 133 has been re-positioned 3 metres to the west and 2 metres to the south;
- Plot 139 has been re-positioned 1 metre to the east (closer to the boundary edge of the site).

7.6 In addition to the re-positioning of the dwellings, the garages for the dwellings have been altered, with these largely being removed from the development, so just 30 properties retain garages. Parking spaces locations have also been slightly altered as a result of the shift in dwelling positions and garden boundary lines have been slightly amended.

7.7 With regards to alterations to the appearance of the approved dwellings, Plot 12 has been altered to a Millport housetype from a Heath housetype, Plot 14 has been altered to a Heath housetype from a flat over garage AF05, Plot 78 has been altered to a Millport housetype from S461 (altered from a 4 bedroom to a 3 bedroom dwelling) and plots 100 and 101 have been altered from Fairhaven to Woodhall.

7.8 It is also proposed to amend the appearance of the approved housetypes within this application, and to increase the variety in the housetypes used. It is the case that the majority of the dwellings have increased in height between the approved scheme and that now proposed. Minor alterations have also occurred to the appearance of the dwellings through changes to, for example, the porches, cills, and window and door sizing.

7.9 During the course of this application, 4 properties have also been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124.

- 7.10 It is considered that the amended housetypes would remain in character with the area, would not appear significantly different in design terms to those approved, and would provide an attractive appearance.
- 7.11 Concern has been raised within neighbour letters as to the design of the driveways and access points to properties. It is considered that the access points to each plot are acceptable, being over footpaths or parking spaces associated with the plot. Concern has also been raised as to all properties of the Seacroft Design needing bin stores to the front. Each property has a good rear garden and it is not considered that bin stores to the front of houses are needed.
- 7.12 A neighbour letter also raises concern that application N/2012/0909 showed a pedestrian connection from housing estate to Sandringham Gardens estate on Leah Bank by plots 106/107 plots and this has been removed. No access was provided in this location under application N/2012/0909 with the footpath marked ending at a fence. A link is not proposed here due to crime safety concerns raised by the Police.
- 7.13 It is considered that in design terms the changes proposed to the scheme would not have an unacceptable impact upon the character and appearance of the street scenes within the development, nor the appearance of the site from outside of the development, when compared with that previously approved.

Residential Amenity

- 7.14 Neighbour letters raised concern as to the impact of the proposed development on existing occupiers, such as through overlooking, noise, loss of light and the properties appearing overbearing to residents. It was raised that properties to the north have lower gardens and the entire rear elevations will be overlooked.
- 7.15 A significant consideration within the assessment of the impact of the proposed development on neighbouring amenity is the height and position of the amended dwellings when compared to that previously approved. This relates to both the amended heights of the proposed house types, and the proposed levels.
- 7.16 The table below provides a direct comparison between the approved ridge heights and levels under application N/2012/0909, and the proposed ridge heights and levels within the current variation application on a plot by plot basis. The table then outlines what the overall differences in height between the approved and that now proposed.

<u>PLOT</u>	<u>APPROVED RIDGE</u>	<u>PROPOSED RIDGE</u>	<u>DIFFERENCE RIDGE</u>	<u>APPROVED LEVELS</u>	<u>PROPOSED LEVELS</u>	<u>DIFFERENCE LEVELS</u>	<u>OVERALL DIFFERENCE</u>
1	7.65m	8.4m	+0.75	93.20	93.00	-0.2	+0.55
2	8m	8.25m	+0.25	92.50	92.250	-0.25	0
3	8m	8.7m	+0.7	92.00	91.750	-0.25	+0.45
4	7.85m	8m	+0.15	91.30	91.25	-0.05	+0.1
5	7.8m	8.2m	+0.4	91.40	91.40	0	+0.4
6	8.3m	8.7m	+0.4	91.50	91.55	+0.05	+0.45
7	7.85m	8m	+0.15	91.60	91.75	+0.15	+0.3
8	7.8m	8.15m	+0.35	93.30	93.350	+0.05	+0.4
9	7.8m	8.15m	+0.35	93.60	93.650	+0.05	+0.4
10	7.8m	8.15m	+0.35	93.90	93.950	+0.05	+0.4
11	7.8m	8.15m	+0.35	93.50	93.425	-0.075	+0.275
12	7.5m	8.15m	+0.65	93.80	93.425	-0.375	+0.275
13	7.8m	8.15m	+0.35	93.80	93.425	-0.375	-0.025
14	6.9m	8m	+1.1	92.90	93.30	+0.4	+1.5
15	7.5m	8m	+0.5	92.45	92.85	+0.4	+0.9
16	7.5m	8m	+0.5	92.00	92.40	+0.4	+0.9

17	7.5m	8.3m	+0.8	92.60	93.125	+0.525	+1.325
18	7.5m	8m	+0.5	93.80	93.80	0	+0.5
19	7.5m	8m	+0.5	94.10	94.10	0	+0.5
20	7.5m	8m	+0.5	94.40	94.40	0	+0.5
21	7.5m	8m	+0.5	94.70	94.70	0	+0.5
22	7.8m	8.15m	+0.35	94.90	95.10	+0.2	+0.55
23	7.8m	8.15m	+0.35	94.60	94.80	+0.2	+0.55
24	7.8m	8.15m	+0.35	94.30	94.50	+0.2	+0.55
25	7.8m	8.2m	+0.4	93.10	94.00	+0.9	+1.3
26	8m	8.8m	+0.8	93.50	93.35	-0.15	+0.65
27	7.5m	8.3m	+0.8	92.85	93.00	+0.15	+0.95
28	7.8m	8.15m	+0.35	93.50	93.90	+0.4	+0.75
29	7.8m	8.15m	+0.35	94.10	94.20	+0.1	+0.45
30	7.8m	8.15m	+0.35	94.70	94.50	-0.2	+0.15
31	7.8m	8.2m	+0.4	92.20	92.20	0	+0.4
32	7.8m	8.6m	+0.8	91.30	91.90	+0.6	+1.4
33	7.8m	8.6m	+0.8	90.70	91.60	-0.1	+0.7
34	7.8m	8.6m	+0.8	92.05	92.20	+0.15	+0.95
35	7.8m	8.6m	+0.8	91.60	91.90	+0.3	+1.1
36	7.8m	8.6m	+0.8	91.15	91.60	+0.45	+1.25
37	7.8m	8.2m	+0.4	90.30	90.30	0	+0.4
38	8m	8.8m	+0.8	89.60	90.325	+0.725	+1.525
39	8m	8.8m	+0.8	89.60	90.325	+0.725	+1.525
40	8m	8.4m	+0.4	89.60	90.40	+0.8	+1.2
41	7.65m	8.4m	+0.75	89.60	90.325	+0.725	+1.475
42	8m	8.4m	+0.4	89.60	90.325	+0.725	+1.125
43	7.5m	8m	+0.5	89.60	90.00	+0.4	+0.9
44	7.8m	8.2m	+0.4	90.20	90.30	+0.1	+0.5
45	7.65m	8.4m	+0.75	90.75	90.80	+0.05	+0.8
46	7.85m	8m	+0.15	91.30	91.60	+0.3	+0.45
47	7.8m	8.6m	+0.8	91.50	92.225	+0.725	+1.525
48	7.8m	8.6m	+0.8	91.80	92.225	+0.425	+1.225
49	8m	8.4m	+0.4	92.00	92.225	+0.225	+0.625
50	8m	8.8m	+0.8	91.30	91.55	+0.25	+1.05
51	7.65m	8.4m	+0.75	91.90	92.20	+0.3	+1.15
52	7.5m	8.3m	+0.8	92.60	93.00	+0.4	+1.2
53	7.8m	8.2m	+0.4	92.30	92.30	0	+0.4
54	7.65m	8.05m	+0.4	91.60	91.70	+0.1	+0.5
55	7.5m	7.8m	+0.3	91.00	91.150	+0.15	+0.45
56	7.8m	8.6m	+0.8	87.30	87.80	+0.5	+1.3
57	7.8m	8.6m	+0.8	87.60	88.10	+0.5	+1.3
58	7.65m	8.4m	+0.75	89.10	89.50	+0.4	+1.15
59	8m	8.8m	+0.8	89.10	89.40	+0.3	+1.1
60	8m	8.8m	+0.8	89.00	89.20	+0.2	+1
61	8m	8.8m	+0.8	88.90	89.25	+0.35	+1.15
62	8m	8.4m	+0.4	88.80	89.15	+0.35	+0.75
63	7.65m	8.4m	+0.75	88.70	89.15	+0.45	+1.2
64	8m	8.25m	+0.25	88.70	89.15	+0.45	+0.7
65	7.5m	8m	+0.5	88.80	89.30	+0.5	+1
66	7.5m	8m	+0.5	87.50	87.60	+0.1	+0.6
67	7.5m	8m	+0.5	87.05	87.30	+0.25	+0.75
68	7.5m	8m	+0.5	86.60	87.00	+0.4	+0.9

69	7.5m	7.65m	+0.15	85.80	86.45	+0.65	+0.8
70	7.5m	7.65m	+0.15	85.80	86.15	+0.35	+0.5
71	7.8m	7.95m	+0.15	86.20	86.85	+0.65	+0.8
72	7.5m	7.65m	+0.15	85.75	86.40	+0.65	+0.8
73	7.5m	7.65m	+0.15	85.30	85.95	+0.65	+0.8
74	7.6m	7.8m	+0.2	84.20	84.20	0	+0.2
75	7.6m	7.8m	+0.2	84.20	84.20	0	+0.2
76	7.6m	7.8m	+0.2	84.50	84.50	0	+0.2
77	7.6m	7.8m	+0.2	84.50	84.50	0	+0.2
78	8.3m	7.95m	-0.35	84.80	84.80	0	-0.35
79	7.8m	7.95m	+0.15	84.80	84.80	0	+0.15
80	7.8m	7.95m	+0.15	85.60	85.60	0	+0.15
81	7.8m	7.95m	+0.15	85.60	85.60	0	+0.15
82	7.8m	7.95m	+0.15	86.00	86.00	0	+0.15
83	7.8m	7.95m	+0.15	86.00	86.00	0	+0.15
84	7.8m	8m	+0.2	85.85	85.85	0	+0.2
85	7.8m	8m	+0.2	86.30	86.30	0	+0.2
86	7.6m	7.8m	+0.2	85.40	85.40	0	+0.2
87	7.6m	7.8m	+0.2	85.40	85.40	0	+0.2
88	7.8m	8.2m	+0.4	86.10	86.40	+0.3	+0.7
89	7.8m	8m	+0.2	87.25	87.20	-0.05	+0.15
90	7.6m	7.8m	+0.2	87.70	87.50	-0.2	0
91	7.5m	8m	+0.5	89.10	89.35	+0.25	+0.75
92	7.6m	7.7m	+0.1	89.10	89.10	0	+0.1
93	7.6m	7.7m	+0.1	89.10	88.80	-0.3	-0.2
94	8m	8.35m	+0.35	88.80	88.70	-0.1	+0.25
95	7.8m	8m	+0.2	88.50	88.40	-0.1	+0.1
96	8.1m	7.8m	-0.3	86.75	86.70	-0.05	-0.35
97	8.1m	7.8m	-0.3	86.30	86.40	+0.1	-0.2
98	7.8m	8.2m	+0.4	85.80	85.60	-0.2	+0.2
99	7.8m	8.2m	+0.4	87.40	87.10	-0.3	+0.1
100	7.6m	7.85	+0.25	86.70	86.70	0	+0.25
101	7.6m	7.85	+0.25	86.70	86.70	0	+0.25
102	7.8m	8m	+0.2	84.70	85.30	+0.6	+0.8
103	7.8m	8m	+0.2	85.00	85.30	+0.3	+0.5
104	7.8m	8m	+0.2	85.30	85.30	0	+0.2
105	7.8m	8.2m	+0.4	85.50	85.45	-0.05	+0.35
106	7.8m	8.2m	+0.4	84.60	84.60	0	+0.4
107	8.2m	7.9m	-0.3	83.00	83.00	0	-0.3
108	7.8m	8.2m	+0.4	84.70	84.70	0	+0.4
109	8m	8.3m	+0.3	84.60	84.60	0	+0.3
110	7.8m	8.2m	+0.4	84.00	84.00	0	+0.4
111	7.8m	8m	+0.2	82.50	82.50	0	+0.2
112	7.8m	8m	+0.2	82.20	82.20	0	+0.2
113	7.25m	7.6m	+0.35	83.00	83.00	0	+0.35
114	7.25m	7.6m	+0.35	83.00	83.00	0	+0.35
115	7.25m	7.6m	+0.35	83.00	83.00	0	+0.35
116	7.25m	7.6m	+0.35	83.00	83.00	0	+0.35
117	7.5m	7.65m	+0.15	83.40	83.400	0	+0.15
118	7.5m	7.65m	+0.15	83.70	83.70	0	+0.15
119	7.5m	7.65m	+0.15	83.70	83.70	0	+0.15
120	7.5m	7.65m	+0.15	84.00	84.00	0	+0.15

121	7.5m	7.65m	+0.15	84.30	84.30	0	+0.15
122	7.5m	7.65m	+0.15	84.20	84.20	0	+0.15
123	7.5m	7.65m	+0.15	84.65	84.65	0	+0.15
124	7.5m	7.65m	+0.15	85.10	85.10	0	+0.15
125	7.8m	8.2m	+0.4	86.00	85.80	-0.2	+0.2
126	7.5m	8m	+0.5	86.60	87.25	+0.65	+1.15
127	7.5m	8m	+0.5	86.90	87.55	+0.65	+1.15
128	7.8m	8.15m	+0.35	87.95	87.75	-0.2	+0.15
129	7.8m	8.15m	+0.35	88.40	88.05	-0.35	0
130	7.8m	8.15m	+0.35	88.75	88.35	-0.4	-0.05
131	7.8m	8.15m	+0.35	88.20	88.65	+0.45	+0.8
132	7.8m	8m	+0.2	89.40	89.150	-0.25	-0.05
133	8m	8.7m	+0.7	89.90	89.55	-0.35	+0.35
134	7.5m	8m	+0.5	90.50	90.80	+0.3	+0.8
135	8m	8.7m	+0.7	90.30	90.50	+0.2	+0.9
136	7.8m	8.4m	+0.6	89.80	90.00	+0.2	+0.8
137	7.8m	8.4m	+0.6	89.80	89.70	-0.1	+0.5
138	7.65m	8.4m	+0.75	89.00	89.40	+0.4	+1.15
139	8m	8.25m	+0.25	88.50	89.30	+0.8	+1.05

- 7.17 It is the case that on the southern half of the site the properties have increased in height due to changes in ridge heights and levels by a more significant level. Whilst these properties are higher than previously approved under application N/2012/0909, it is not considered that this is unacceptable. It is the case that the properties on the southern side of the site are positioned such that it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity along the southern, eastern and western boundaries.
- 7.18 On the northern boundary of the site the properties are approximately 0.2 of a metre higher than previously approved at a maximum, with plot 106, being 0.4 of a metre higher. A number of plots are also lower than previously approved. It is considered that a difference in overall height of 0.2 of a metre or less would not be significantly different from that previously approved and would not result in an unacceptable impact upon neighbouring amenity. Plot 106 is positioned away from any neighbouring properties and as such the increase in height by 0.4 of a metre would not result in an unacceptable impact upon neighbouring amenity.
- 7.19 On the eastern boundary (plots 113 to 125) the apartments within plots 113-116 are 0.35 of a metre higher than previously approved. These apartments are positioned away from the boundary and as such it is not considered that the increase in height would have an unacceptable impact upon neighbouring amenity. Plots 117-124 are 0.15 of a metre higher than previously approved, and plot 125 is 0.2 of a metre higher than previously approved. These changes in height are minimal and it is not considered that this would result in an unacceptable impact upon neighbouring amenity.
- 7.20 During the course of the application, 4 properties have been amended from gable end roofs to hipped roofs at plots 111, 112, 122 and 124. These changes have occurred as a direct response to improve the relationship of the properties with the existing neighbouring properties from that approved under application N/2012/0909. These are between plot 112 and 9 Chelmsford Close, and between plot 122 and 34 Briar Hill Walk. As approved under application N/2012/0909, plots 112 and 122 would present gable end walls within close proximity of the neighbouring properties. The alteration of these units to hipped roofs is considered a significant improvement for neighbouring amenity over that previously given consent, even taking into account the 0.2 and 0.15 metres respective increases in height of these buildings.
- 7.21 It is considered that the alterations proposed within this application would not have an unacceptable impact upon neighbouring amenity over that previously approved under application N/2012/0909.

Highways

- 7.22 NCC Highways have been consulted on the proposal. An objection was initially received due to concerns with pedestrian visibility splays, the relocation of plot no. 17 within the vehicle to vehicle visibility splay, and the removal of raised table block paved areas to plots 18-25. Following this, the proposal was amended and NCC Highways re-consulted. No further comments have been received from NCC Highways. In line with this, it must be considered that the proposal would not have an unacceptable impact upon the highway network.
- 7.23 The current application has removed a number of garages from the approved scheme and provided triple tandem parking spaces. NCC Highways have confirmed that neither garages nor the third space in triple tandem parking spaces are counted as parking spaces, and as such there has not been an unacceptable change in parking levels as a result of this change.
- 7.24 Since the approval of application N/2012/0909, the Council has adopted the Parking Standards SPD, which outlines a requirement of EV charging for new dwellings at a ratio of 1 per property. The pre-amble for this outlines that the Council will adopt a flexible approach taking into account a full range of site specific factors in relation to the provision of electric vehicle charging infrastructure. The variation application offers 110 EV charging points for the development. As this is a variation application and the original application contained no EV charging facilities, it is considered that the provision of 110 charging points is acceptable and an improvement over what can currently be built on site.
- 7.25 Concern was raised within neighbour letters as to the visibility splays, parking space sizes, locations of SuDS, and sight lines. NCC Highways have been consulted on the application and raise no objection. As such it is not considered that there is a highway reason for refusing this variation application.
- 7.26 Neighbour letters raise why a roundabout is needed and why it has not been built as a mini-roundabout, and why access is only from Lancaster Way. Application N/2012/0909 approved with one point of entry and a roundabout and the details of this were agreed through conditions with NCC Highways. This element has not changed within the variation application and as such is not under consideration.
- 7.27 A neighbour letter requests that the S106 includes maintenance of the roads. As this has not been requested by NCC Highways it would not be reasonable to require this.
- 7.28 Concern has also been raised that the land between Tunnel Hill Cottages will be used as rat run out of the development. No road is provided at this point and boundary treatments show a fence in this position.

Crime

- 7.29 Northamptonshire Police were consulted on the amended scheme. During the course of the application kissing gates were added to the Towcester Road and Rothersthorpe Lane access points to this development. This was at the request of the Police who wanted a secure point that could not easily be used by those fleeing in vehicles whilst still retaining the private right of access across the site. Neighbour comments subsequently raised that there is a private vehicle right of access over the site between these points. Following this, the plan was amended to remove these kissing gates and proposed gates instead, as these allow vehicle access by those with a private right of access across the site.
- 7.30 The installation of gates at these access points is not considered substantially different from the situation prior to development or that previously approved under application N/2012/0909, subject to the gates being securely locked and keys given to only those persons with a right of access across the site.

- 7.31 Concern was raised within neighbour letters as to the access controls to the eastern and western sides of the private right of way. During the course of the application this has been amended and is now vehicle access gates with padlocks to provide a secure access that only those with a right of entry can cross.
- 7.32 Further concerns were raised as to the defensible spaces of properties, links through the site, alleyways to rear gardens and that close boarded fencing would cover illegal activity. With Northamptonshire Police not raising an objection to the scheme, it is not considered that there would be an unacceptable crime issue as a result of this development.

Ecology

- 7.33 When application N/2012/0909 was approved, the ecology report submitted with the application identified that there were no badgers on the site. It has subsequently been found that there are badgers on the site.
- 7.34 Significant concerns have been raised within this application as to the impact of the development upon the badgers on site, with objections received from NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and neighbouring properties.
- 7.35 Under this variation application a new Ecology report has been required. NCC Ecology, The Wildlife Trust, Northamptonshire Badger Group and Natural England have been consulted on the variation application. Natural England have advised that they have no comments on the scheme. NCC Ecology have objected to the scheme due to evidence being needed that the artificial sett that has been built on a neighbouring piece of land is suitable for the badgers. This would need formal confirmation from Natural England. As this has not been received, it cannot be ascertained that there would not be an unacceptable impact upon badgers as a result of this application. The Wildlife Trust raise concern that the layout does not provide a coherent ecological network across the site and fails to compensate for the loss of orchard habitat. Northamptonshire Badger Group raise concern as to the welfare of the badgers on site with setts and foraging land being lost and raise concern that the artificial sett that has been built is unacceptable.
- 7.36 When assessing a variation application, significant weight must be given to the existing permission N/2012/0909, and this application can only look at the changes proposed. It is the case that under application N/2012/0909, a largely similar layout can be built on the site and it would not now be reasonable for the Council to refuse a variation application which does not propose significant alterations to the approved scheme with regards to layout. It is also the case that the Council cannot presently demonstrate a five year housing land supply and this site is allocated for housing provision. Therefore, in accordance with the presumption in favour of sustainable development in Paragraph 11 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is acknowledged that the proposed development would have some impact on the on-site badger colonies, however, it is considered that on balance the need for housing would outweigh the potential harm to badgers on this site when considered against what can be built under application N/2012/0909.
- 7.37 NCC Ecology have raised that two conditions would be required should permission be granted. The first is for an exclusion zone where no works will take place until a licence has been secured from Natural England for the artificial sett and closing of the main sett. It is considered reasonable to add this condition to the variation application. It is also worth noting that if a licence was not forthcoming, a new application would need to be submitted as plots 74-83 could not be built, nor could the road serving plots 69-73. A second condition requires that no works commence on trenches or culverts until a method statement for the protection of badgers has been agreed. As development has started, it is not possible to word the condition as such, however it is considered that such details should be requested within 1 month of the date of the decision.
- 7.38 NCC Ecology have not raised any concerns as to the impact of the development on other species.

Amendments to conditions

Condition 3 – boundary treatment

7.39 Condition 3 of N/2012/0909 reads:

‘Full details of the method of the treatment of the all boundaries of the site, including for the areas of open space and allotments, together with individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.40 The application proposes to amend this condition to instead of requiring details, for the boundaries to be in accordance with plans 120 Rev F and 121 Rev C. It is considered that the boundary treatments shown in these plans are acceptable and it is considered appropriate to amend the condition to be in accordance with these plans.

Condition 4 – materials

7.41 Condition 4 of N/2012/0909 reads:

‘Details and/or samples of all proposed external facing materials including windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.42 Under application N/2012/0909, this condition has been partially discharged, with the bricks and roof tiles being agreed. Details of the remaining materials to be used have now been submitted and it is proposed to amend the condition to be in accordance with these details as opposed to requiring these details.

7.43 It is considered that the outstanding materials identified within plan T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020 are acceptable and the condition can be amended to be in accordance with the submitted details.

Condition 5 – surface treatments of road

7.44 Condition 5 of N/2012/0909 reads:

‘Full details of the proposed surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients 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, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.’

7.45 Plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 have been submitted as required by this condition. NCC Highways have confirmed that the details within these plans are considered acceptable and as such it is considered that this condition can be amended to be in accordance with these plans.

Condition 6 – hard and soft landscaping

7.46 Condition 6 of N/2012/0909 reads:

'No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.'

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy. This condition is required in order to ensure that such details are agreed in a timely manner.'

7.47 Under application N/2012/0909, details have been submitted for this condition which were accepted. However, due to the altered site layout now proposed, amended plans are now provided and it is requested to amend the condition to be in accordance with these amended plans.

7.48 16 updated plans have been submitted, 8 for the hard landscaping and 8 for the soft landscaping.

7.49 Plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) have been submitted for the hard surfacing on this development. The hard surfacing proposed is similar to that previously approved under application N/2012/0909 and is considered acceptable.

7.50 Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G have been submitted for the soft landscaping and again are similar to those previously approved under application N/2012/0909. The Council's tree officer has been consulted on the proposed soft landscaping and advises that it is a well-considered and carefully designed planting scheme that proposes a good range of thoughtfully selected trees, shrubs and hedging, as well as feature shrubs, grasses and faux meadows. It is advised that the trees and hedges appear to have been carefully sited in order to avoid future conflict (as far as possible) and the planting and aftercare details that accompany the scheme are thorough. The proposed soft landscaping details are, therefore, considered acceptable.

7.51 It is considered that this condition can be amended to be in accordance with the above plans. In line with this, conditions 6 and 9 would be merged.

Conditions 7, 8, 10 and 26 – surface water management strategy, drainage scheme and drainage maintenance

7.52 Condition 7 and 10 of N/2012/0909 are erroneously the exact same condition and read:

'No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard standing areas shall be constructed until the works have been carried out in accordance with the approved details.'

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

7.53 Condition 8 of N/2012/0909 reads:

'No development shall take place until a 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 drainage strategy should demonstrate the surface water run-off generated up to and

including the 1in200 year plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro brakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework by ensuring the satisfactory means of surface water attenuation and discharge from the site. This condition is required in order to agree such details in a timely manner.'

7.54 Condition 26 of 2012/0909 reads:

'No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework. This condition is required in order to agree such details in a timely manner.'

7.55 Condition 7, 8, 10 and 26 have all previously had details agreed under application N/2012/0909. With the layout of the scheme being amended since these were approved, updated documents have now been received. A document titled Surface Water Drainage Strategy 17/25692 Rev C by DSA another titled Surface Water Drainage Strategy 18/31006 Rev E by DSA dated 16th July 2020 and a surface water drainage strategy and drainage layout plan 31006/300 P16 have been submitted.

7.56 The Lead Local Flood Authority and Anglian Water have been consulted on the application and no objections have been received to the submitted details. It is therefore considered that conditions 7, 8 and 26 can be amended to be in accordance with the details submitted. Conditions 7, 8, and 26 can be merged into a single condition requiring the development to be undertaken in accordance with the approved details. Condition 10 is an erroneous repeat of condition 7 and as such can be removed from the list of conditions.

7.57 It is the case that a condition on Foul Water was erroneously missed off the list of conditions for application N/2012/0909. The applicant has submitted a letter from Anglian Water advising that the Foul Water details used on the development site are acceptable and details of the foul water system have been submitted within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, DS/SFA/001 Rev C. It is considered that a condition should be added requiring the foul water system within these plans to be provided on site.

7.58 Concern has been raised within neighbour letters as to the flood impacts of this development, with concerns as to the surface water drainage and foul water system. With the LLFA and Anglian Water not raising any objection to the submitted details, it is not considered that there is a flood risk issue as a result of this development.

Condition 11 – Construction Environment Management Plan

7.59 Condition 11 of N/2012/0909 reads:

'Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:

- The control of noise and dust during the development process;
- Traffic management and signage during construction;
- Enclosure of phase or sub-phase development sites;
- Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
- Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
- The safe means of access of construction traffic to the site;
- Routing agreement for construction traffic; and
- The hours in which deliveries and construction works would take place.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.60 A CEMP has been approved under application N/2012/0909 however a revised CEMP has now been submitted for consideration under this application. The documents are titled CEMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.
- 7.61 The Council's Public Protection team and NCC Highways have been consulted on the revised CEMP and advise that the details are acceptable.
- 7.62 It is considered that the revised CEMP is acceptable for the purposes of condition 11, and the condition should be reworded to require the development to be undertaken in accordance with these documents.

Condition 12 – contaminants

- 7.63 Condition 12 of N/2012/0909 reads:

'No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

- 7.64 Details have been agreed for condition 12 under application N/2012/0909 however during the course of the application it has been identified that further details are needed. Whilst documents have been provided, it has not been confirmed by the Council's Public Protection team that the amended details are acceptable. As such this condition must be reworded to require the details within 1 month of the date of decision.

Condition 13 and 16 – noise levels

7.65 Condition 13 of N/2012/0909 reads:

‘Prior to the commencement of development, the applicant shall assess the noise levels of the site due to its exposure from transportation noise, with reference to the World Health Organisation Guidelines for Community Noise. This must take into account, where appropriate, roads or railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.66 Condition 16 of N/2012/0909 reads:

‘The approved Noise Assessment shall include, where the World Health Organisation Guidelines for Community Noise has not been complied with, a noise mitigation strategy, which should include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant noise exposure levels. Where noise protection measures for the site are impractical or do not reduce the noise exposure levels for all amenity areas, floors or façades, a noise insulation scheme, including the provision of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in terms of residential amenity in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.’

7.67 Details for condition 13 have been agreed under application N/2012/0909 however revised details have been submitted within this proposal to cover the amended scheme within document AC105893-1R2 titled Noise Impact Assessment Towcester Road by ensafe and dated 16th June 2020. The Council’s Public Protection team have been consulted on these amended details and advise that these are acceptable. As condition 13 has been met, and no mitigation is required, it is the case that this condition is no longer required on the decision notice. With acceptable details being submitted for condition 13, condition 16 is also no longer required and can be removed from the list of conditions. This is because condition 16 only requires details in the circumstance that condition 13 identifies further information is needed and Public Protection have agreed that no further information is needed.

Condition 15 – bin storage for the flats

7.68 Condition 15 of N/2012/0909 reads:

‘Details of the provision for the storage of refuse and materials for recycling to serve the flats and apartments shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, implemented prior to the occupation or bringing into use of the building(s) and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 & S10 of the West Northamptonshire Joint Core Strategy.’

7.69 The proposed site plan 201 Rev G shows the bin store for the apartments in plots 113-116 to be located aside the western elevation of this building with easy access from the entrance to these apartments. Plan REFUSE_P1 identifies an appropriately designed bin store. It is considered that these details are acceptable and the condition should be re-worded to require the bin store

identified within these plans to be implemented on site in accordance with these details prior to first occupation of plots 113-116.

Condition 18 – highway improvement works

7.70 Condition 18 of N/2012/0909 reads:

'No development shall take place until full engineering, drainage and constructional details of the highway improvement works currently shown indicatively on plan/s ref. 5312:SP02 (these works being to create a mini roundabout junction on Lancaster way as access into the development) have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.'

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

7.71 The design of the roundabout has been agreed within application N/2012/0909 in consultation with NCC Highways however amended plans have now been submitted reference 18 31006/90 P14. NCC Highways have advised that the details submitted within this application are acceptable. As such it is considered that the condition can be updated to be in accordance with the details submitted.

Condition 19 – Levels

7.72 Condition 19 of N/2012/0909 reads:

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

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan. This condition is required pre-commencement to ensure that such details are agreed in a timely manner'

7.73 Whilst details for this condition have been agreed under application N/2012/0909, alternative levels are now proposed within this application. Within the residential amenity section of this committee report above, commencing at 7.12, a detailed comparison of the differences in levels between those approved under application N/2012/0909 and those now proposed is provided.

7.74 As discussed earlier in the report, it is considered that on balance the amended levels proposed are acceptable and the condition can be amended to require the development to be in accordance with levels plan 31006/52 P5.

Conditions 21 and 22 – Ecology

7.75 Condition 21 of N/2012/0909 reads:

'The development hereby permitted shall be carried out in accordance with the recommendations of Table 2 of the submitted Ecology Report (reference: R-2440-01.1 and dated January 2015).'

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

7.76 As discussed in the Ecology section of this report, commencing at 7.24, application N/2012/0909 did not include any conditions on badgers, as no badgers were found to be on the site by the applicant's ecologist. As it has subsequently been found that there are badgers on the site, a new

ecology report has been submitted with this application. NCC Ecology have recommended two conditions covering badgers and as such it is considered that these new conditions would supersede condition 21 of application N/2012/0909.

7.77 Condition 22 of N/2012/0909 reads:

'Notwithstanding the details submitted, full details of new bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

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

7.78 A report reference 2017-03(01) by ecolocation dated 15th July 2020 has been submitted with details of bird and bat boxes. NCC Ecology have confirmed that these details are acceptable. As such it is considered that the condition can be reworded to be in accordance with this document.

Condition 23 – Toucan crossing

7.79 Condition 23 of N/2012/0909 outlines:

'No development shall take place until full details of a new pedestrian toucan crossing in Towcester Road (including full engineering and constructional details) and a timetable for implementation have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of promoting sustainable means of travel in accordance with the requirements of the National Planning Policy Framework. This condition is required pre-commencement to ensure that such details are agreed in a timely manner.'

7.80 Details of the toucan crossing have been agreed under application N/2012/0909 in consultation with NCC Highways. Amended plans 31006/60 P7 and 31006/61 P3 have been submitted with this variation application. NCC Highways have been consulted on these amended plans and advise that the details are acceptable. As such it is considered that the condition can be amended to be in accordance with these plans.

Condition 24 – maintenance strategy for internal access roads

7.81 Condition 24 of N/2012/0909 outlines:

'Notwithstanding the details submitted, a maintenance strategy for the development's internal access roads shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully in place prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of the National Planning Policy Framework. This condition is required to ensure that such details are agreed in a timely manner.'

7.82 A document entitled Maintenance Strategy for Private Access Road reference 04858 dated May 2020 by PJA has been submitted with this application. NCC Highways have been consulted on the submitted details and advise that the details are acceptable for the purposes of the condition. As such the condition can be reworded to be in accordance with these details.

Condition 25 – Travel Plan

7.83 Condition 25 of N/2012/0909 outlines:

'Prior to the first occupation of any unit of the proposed development the applicant shall provide a full Travel Plan for written agreement by the Local Planning Authority. The measures identified shall thereafter be carried out in accordance with a timetable to be included in the full Travel Plan.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.'

- 7.84 A Travel Plan reference DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 has been submitted with this application. NCC Highways have been consulted on this and have advised that the travel plan is approved. In line with this, it is considered that the condition can be reworded to be in accordance with the approved Travel Plan as opposed to requiring the submission of a travel plan.

Planning obligations

- 7.85 Application N/2012/0909 was granted subject to a S106 Agreement requiring 35% on-site affordable housing, primary school education payment, highways payments, that on-site open space is maintained and made available for public access in perpetuity and provided, construction training payment, community development payment, place making payment and the Council's monitoring fee.
- 7.86 Clause 16.4 of the original S106 Agreement relates to section 73 applications but is specific to "...plot substitution but maintaining the number of Affordable Housing Units and Affordable Housing Mix with the same bedroom numbers as approved by the Permission it is hereby agreed that the obligations in this Deed shall apply to the planning permission issued pursuant to the said application unless the Council requires otherwise."
- 7.87 The S106 Agreement required the provision of 50 affordable units, 22x 3 bed houses, 24x 2 bed houses, and 4x 2 bed flats. The amended scheme proposes the same number of affordable units with the same number of bedrooms. However this proposal does result in a change to the open space provision locations and levels from that required by the original S106 Agreement.
- 7.88 The original S106 Agreement requires that no less than 6790m² of public open space will be provided within a certain area shown coloured blue on the plan within the S106 agreement and that all reasonable endeavours will be used to lay out a further 2228m² of additional public open space in an area shown coloured orange on the plan within the S106 Agreement.
- 7.89 The re-positioning of the plots has resulted in the shrinkage of the areas of public open space in these blue locations such that that now proposed provides 6078.15m² within the blue areas, a shortfall of 711.85m². However, open space is provided within areas outside of these blue areas identified within the S106 Agreement to provide a total of 6802m², which is in excess of the 6790m² required within the S106 Agreement. With open space being provided above a level required within the S106 Agreement, it is considered reasonable to allow an alteration to the proposed locations of this agreed open space from that identified within the S106 Agreement. A S106 Agreement variation would need to be undertaken to confirm an agreement to the alteration of the open space to be 6802m² within the areas now shown.
- 7.90 A neighbour letter raised concern as to large areas of open space on the site which are not shown as open space and questioning maintenance responsibility of this. This will be a matter for the developer as these areas would remain in private ownership.

Other matters

- 7.91 Neighbour comments have raised concern that there is a right of way. Documents have been submitted which indicate a private right of way across the site with vehicles for some adjoining properties. The developer was consulted on this and subsequently the plans were updated to provide vehicle access gates to either side of the site to facilitate this private right of way. This is a

private right of way and not a public right of way and as such is not a material planning consideration within the assessment of this application.

8 CONCLUSION

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

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 201 Rev G, 202 Rev D, Plan showing plots 89 and 90, AF10-1_P1 Rev B, P202-1_P3 Rev A, P202-1_P2 Rev B, P202-1_P1 Rev B, S241-1_P3, S241-1_P2 Rev C, S241-1_P1 Rev C, P302-1_P3 Rev A, P302-1_P4, P302-1_P2 Rev B, P302-1_P1 Rev C, S351-1_P2, S351-1_P1 Rev B, P306-2_P1, P303-2_P2 Rev B, P303-2_P1 Rev B, P303-1_P2 Rev A, P303-1_P1 Rev C, P401_P5, P401_P4 Rev A, P401_P3 Rev B, P401_P2 Rev B, P401_P1, P402-1_P3, P402-1_P2 Rev A, P402-1_P1 Rev B, A444-1_P4, A444-1_P3 Rev B, A444-1_P2, A444-1_P1 Rev B, P404-1_P7, P404-1_P6 Rev A, P404-1_P4, P404-1_P3, P404-1_P2 Rev C, P404-1_P1 Rev A, P201-1_P1 Rev A, GARAGE_P1 Rev B, GARAGE_P2 Rev D.

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

2. The method of the treatment of all boundaries of the site as identified within plans 120 Rev F and 121 Rev C shall be provided on site in full accordance with these details prior to the plots to which they relate being first occupied and with regards to those boundary treatments not forming plot boundaries, within 1 month of the completion of the development. The approved boundary treatments shall be retained in accordance with these details at all times thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

3. The materials to be used in the development shall be in accordance with T.078/MPI Rev E, document titled Condition 4 - Window and Door information, and Proposed Materials Schedule Rev E 12/06/2020.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy H1 & S10 of the West Northamptonshire Joint Core Strategy.

4. The surface treatments of roads, accesses, parking areas, footpaths and private drives including their gradients shall be in full accordance with the details within plans 18 31006/81 Rev P7, 18 31006/82 Rev P5, 18 31006/83 Rev P5, 18 31006/84 Rev P5, 18 31006/310 Rev P3, and 18 31006/313 Rev P2 prior to the completion of the development hereby permitted and shall be retained as such thereafter.

Reason: In the interests of securing a satisfactory development in terms of visual amenity and highway safety in line with the requirements of the National Planning Policy Framework.

5. The scheme of hard and soft landscaping for the site outlined within plans 6670.HSP.2.1 Rev F, 6670.HSP.2.2 Rev F, 6670.HSP.2.3 Rev F, 6670.HSP.2.4 Rev F, 6670.HSP.2.5 Rev F, 6670.HSP.2.6 Rev F, 6670.HSP.2.7 Rev F (plan 7 of 7), and 6670.HSP.2.7 Rev F (Hard Surface Plan Overview) and Plans 6670.PP.1.0 Rev F, 6670.PP.1.1 Rev F, 6670.PP.1.2 Rev F, 6670.PP.1.3 Rev F, 6670.PP.1.4 Rev F, 6670.PP.1.5 Rev F, 6670.PP.1.6 Rev F, and 6670.PP.1.7 Rev G shall be carried out in the first planting and seeding seasons following the occupation of the

buildings or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 and S10 of the West Northamptonshire Joint Core Strategy.

6. The development shall be undertaken in full accordance with the surface water management strategy, surface water drainage system and maintenance and upkeep details within documents 'Surface Water Drainage Strategy' 17/25692 Rev C by DSA, 'Surface Water Drainage Strategy' 18/31006 Rev E by DSA dated 16th July 2020 and surface water drainage strategy and drainage layout plan 31006/300 P16 prior to the completion of the development. The maintenance plan shall be carried out in full thereafter.

Reason: To reduce the risk of flooding both on and off site, to prevent environmental and amenity problems arising from flooding and in order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system in accordance with the requirements of the National Planning Policy Framework.

7. The development shall be undertaken in full accordance with the foul water details provided within plans 31006/59 P5, 31006/300 P16, 31006/301 P3, 31006/302 P1, 31006/303 P1, 31006/304 P1, 31006/305 P3, 31006/306 P2, 31006/307 P4, 31006/308 P4, 31006/315 P1, 31006/326 P2, and DS/SFA/001 Rev C prior to the completion of the development.

Reason: To ensure a satisfactory system of foul water drainage is in place for this development in accordance with the NPPF.

8. The development shall be undertaken in full accordance with the details within the CMP PF/10283 dated April 2020 and CMP Addendum PF/10282 dated April 2020.

Reason: In the interests of securing a satisfactory impact upon the highways system and neighbour amenity in accordance with the requirements of the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

9. Within one month of the date of this decision notice a desk top study in respect of possible contaminants within the site shall be completed and a site investigation designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9 which is subject to the approval in

writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 9.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in the National Planning Policy Framework and Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The details for the storage of refuse and materials for recycling to serve the flats at plots 113-116 within plans 201 Rev G and REFUSE_P1 shall be provided on site in full accordance with these details prior to first occupation of units 113, 114, 115, and 116, and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 & S10 of the West Northamptonshire Joint Core Strategy.

12. The development hereby permitted shall be carried out in accordance with the tree protection measures as shown on drawings Towh-03-081Rev. A and Towh-03-081Rev. B.

Reason: In the interests of securing a satisfactory standard of development and the preservation of existing trees on site in accordance with the requirements of Policy BN3 of the West Northamptonshire Joint Core Strategy.

13. The development shall be undertaken in full accordance with the junction details within plans 18/31006/SK50, and 18 31006/90 P14 prior to the completion of the development.

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

14. The development shall be undertaken in full accordance with the levels outlined within plan 31006/52 P5.

Reason: In the interests of residential and visual amenity in accordance with Policy E20 of the Northampton Local Plan.

15. The development shall be undertaken in full accordance with the Well Strategy received by the Council on the 17th and 18th July 2018.

Reason: To ensure effective investigation of the site has been undertaken in respect of historic wells in accordance with the requirements of the National Planning Policy Framework.

16. No works shall occur within the areas marked Wildlife Area and Temporary Work Exclusion Zone outlined in orange and green on plan titled 'A3 extract Lancaster Way wildlife location Plan July 2020' until one of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A licence issued by Natural England pursuant to Section 10 of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
- b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

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

17. Within one month of the date of this decision notice, a method statement to protect badgers from being trapped in open excavations and/or pipe and culverts shall be submitted to and approved in writing by the Local Planning Authority.

The measures may include (but should not be restricted to):

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The development shall be undertaken in full accordance with the approved details.

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

18. The bird and bat boxes identified within 2017-03(01) by ecolocation dated 15th July 2020 shall be fully implemented prior to the substantial completion of the development hereby permitted and shall be retained thereafter.

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

19. The pedestrian toucan crossing in Towcester Road as shown within plans 18/31006/SK50, 31006/60 P7 and 31006/61 P3 shall be provided prior to the completion of the development in agreement with a timetable as agreed with Northamptonshire County Council Highways Department.

Reason: In the interests of promoting sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

20. The development shall be carried out in full accordance with 'Maintenance Strategy for Private Access Road' reference 04858 dated May 2020 by PJA and shall be retained thereafter.

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

21. The measures identified within approved Travel Plan DN/NS/21419-01a by David Tucker Associates dated 17th January 2020 shall be carried out in full accordance with the implementation schedule identified within this plan.

Reason: In the interests of promoting more sustainable means of travel in accordance with the requirements of the National Planning Policy Framework.

22. The EV charging points identified within plan 206 Rev B shall be provided for the outlined plots prior to the first occupation of those plots and shall be retained thereafter.

Reason: In the interests of creating a sustainable form of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the Northampton Parking Standards Supplementary Planning Document (2019).

10 BACKGROUND PAPERS

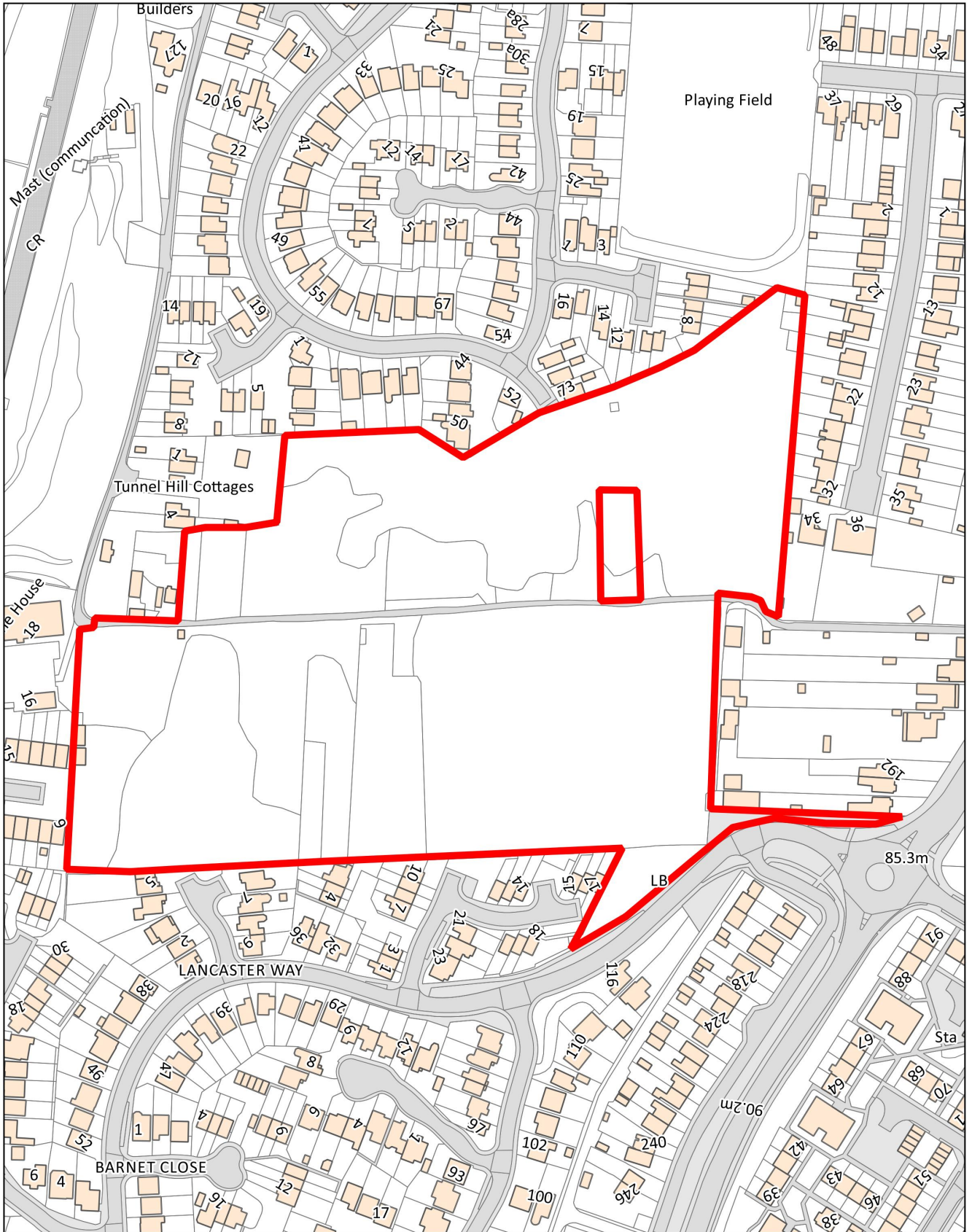
- 10.1 N/2012/0909 and N/2019/1277.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as the development was approved prior to the implementation of CIL at Northampton Borough Council.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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



NORTHAMPTON
BOROUGH COUNCIL

Title: **Development land, Lancaster Way**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 08-04-2019

Scale: 1:2,000

Drawn by: -----