

PLANNING COMMITTEE: 30th July 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1207

LOCATION: Land At Former British Timken Site, Main Road, Duston

DESCRIPTION: Erection of 138no dwellings with access, car parking, landscaping and associated works

WARD: Old Duston Ward

APPLICANT: David Wilson Homes South Midlands and Bellway Home
AGENT: CC Town Planning

REFERRED BY: Head of Planning
REASON: Major application requiring S106 agreement

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the completion of a Section 106 Agreement to secure:

- 1.1.1
- i) 10% affordable housing;
 - ii) Early Years and Primary Education contribution;
 - iii) Healthcare contribution;
 - iv) Travel Plan Monitoring;
 - v) Air Quality Mitigation;
 - vi) Construction Futures towards construction employment training;
 - vii) Open Space provision, off-site open space contribution and future maintenance arrangements; and
 - viii) Council's monitoring fee, subject to the Head of Planning being satisfied the monitoring fee is necessary and of an appropriate scale.

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

The development of the site for residential use will make a positive contribution towards the Council's 5 year housing land supply. The site is situated in a sustainable location and will be adequately served by the necessary infrastructure, and it is considered that the environmental and highway impacts can be adequately mitigated or reduced to an acceptable degree. The proposal is in accordance with the requirements of the National Planning Policy Framework, Policies SA,

S1, S10, S11, C2, H1, H2, H4, BN2, BN7, BN9, INF1 and INF2 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 1.1.3 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 Head of Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on account that the necessary mitigation measures have not been secured in order to make the proposal acceptable in line with the requirements of Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application is for the erection of 138 dwellings, comprising a 12 two-bedroom, 82 three-bedroom, 40 four-bedroom and 4 five-bedroom mix of 2, 3, 4 and 5-bedroom properties ranging from 2 to 2½ storeys in height. Parking is provided on-plot with some visitor parking provided on-street.
- 2.2 Access to the site would predominantly be from an existing junction from Bants Lane which currently serves the adjacent amenity restaurant, but would be extended to serve the application site. Seven of the proposed dwellings would be served by Timken Way South.
- 2.3 The site includes areas of open space which link to the adjoining open space to the north and attenuation areas.

3. SITE DESCRIPTION

- 3.1 The application site comprises 6.02 hectares of vacant land that previously formed part of the British Timken industrial site which closed down in 2002, after which the factory buildings were demolished. The majority of the overall site has since been developed following the grant of various planning permissions, with the exception of the current application site, and now comprises residential development, a medical centre, public house/amenity restaurant and a residential care home.
- 3.2 The site is predominantly surrounded by residential development to the east, south and west with an area of open space to the immediate north which includes a play area, and Duston Tennis Club and Bowls club.
- 3.3 To the immediate south west is St Lukes Medical Centre and a residential care home with access from Timken Way South, and to the south, a public house/amenity restaurant with access from Bants Lane.
- 3.4 The site is relatively level with the majority of vegetation on the eastern and southern boundaries. The site is in Flood Zone 1, with low probability of flooding. A drainage easement runs diagonally through the middle of the site.

4. PLANNING HISTORY

- 4.1 N/2013/1239 - Outline approval for commercial development (Use Class B2/B8) of up to 14150sqm and residential development (Use Class C3) of up to 50 dwellings. (All matters reserved). Full approval for Amenity Restaurant (Use Class A3/A4) of up to 1163sqm with car parking, associated ancillary works and access. Withdrawn 26.06.14.

08/0117/REMWNN – Reserved matters application including access, appearance, landscaping, layout and scale for Phase 1 of the employment site. Approved 10/11/08.

WN/2006/0013 – Redevelopment to provide employment (B1-offices; B2-General Industrial) uses, housing, sports facilities and public open space (outline application). Approved 19/04/07.

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), Northampton Local Plan (1997) saved policies, and emerging Neighbourhood Development Plans where relevant.

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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 76 - Viability within residential developments

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 110 - development should give priority first to pedestrian and cycle movements and then to facilitating access to high quality public transport, creating safe, secure environments and enabling the provision of low emission vehicles in safe, accessible and convenient locations.

Section 12 - Achieving well-designed places

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Paragraph 148 - planning system should support the transition to a low carbon future.

Paragraph 163 - ensuring development does not increase flood risk

Paragraph 165 - incorporating sustainable drainage systems in major developments

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. Policies of particular relevance are:

Policy SA - Presumption in Favour of Sustainable Development

Policy S1 - The Distribution of Development

Policy S3 - Scale and Distribution of Housing Development

Policy S10 - Sustainable Development Principles

Policy S11 - Low Carbon and Renewable Energy

Policy C2 - New Developments

Policy H1 - Housing Density and Mix and Type of Dwellings

Policy H2 - Affordable Housing

Policy H4 - Sustainable Housing

Policy BN2 - Biodiversity

Policy BN7 - Flood Risk

Policy BN9 - Pollution control

Policy INF1 - Approach to Infrastructure Delivery

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 – New Development (design)

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Planning Obligations SPD (2013)

5.6 **Other Material Considerations**

Duston Neighbourhood Plan

At Full Council on 14th December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

Policy OP1: Sustainable Development Principles (all objectives)

H1 Development on Previously Developed Land

H2 Residential development on the former Timken site

H3 Meeting the needs of all sectors of the population

T1 Transport issues within Duston Parish

Community Proposal OS3 – Connections to open spaces in nearby areas

6. **CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **NBC Public Protection** – no objection subject to conditions in respect of contamination, a construction management plan and securing air quality mitigation measures in accordance with the damage cost calculation as set out in the submitted Air Quality Assessment (January 2019) by condition and/or S106 Agreement.
- 6.2 **NCC Highways** – no objection, following the receipt of amended plans to address concerns regarding internal road layouts, junction visibility and tracking.
- 6.3 **Highways England** – no objection.
- 6.4 **NCC Development Management** – request S106 contributions towards Early Years and Primary Education, provision of fire hydrants, and financial contribution towards library facility provision/enhancement.
- 6.5 **Environment Agency** – no objection subject to conditions relating to surface water infiltration, use of piling or other penetrative methods without express consent, unexpected contamination, and a scheme for the provision of mains foul sewage infrastructure.
- 6.6 **Anglian Water** – no objection subject to condition for a surface water management strategy.
- 6.7 **NCC Lead Local Flood Authority** – no objection subject to conditions for the submission and approval of a surface water drainage scheme and a scheme for the ownership and maintenance of the surface water drainage and appropriate verification of the installed scheme.

- 6.8 **NCC Ecology** – no objection. The biodiversity impacts should be minimal and there is good potential for ecological enhancement on the site. Recommends conditions for bird and bat boxes and nest domes for hedgehogs.
- 6.9 **Police Crime Prevention Design Advisor** – no major issues, but the random bits of green space between development parcels with no defined purpose is of concern. The various bits of spaces should be put together to create a bigger space with more defined purpose. Advises on security measures in respect of rear alleyways, overlooking of parking courts and parking spaces.
- 6.10 **NBC Housing Strategy** – the priority should be to maximise the number of affordable rented within the scheme.
- 6.11 **Construction Futures** – request 582 employment/ training and education weeks overall and a financial contribution.
- 6.12 **Duston Parish Council** - comments are summarised as follows:

- Proposed entrance to site could have detrimental impact on highway safety
- Inadequate parking
- Should be 35% affordable housing
- Open space next to the lake could present hazard to small children
- Consideration should be given to installation of play equipment before occupation by residents
- Should be electric car parking points on the site
- More consideration should be given to how the site can access and integrate with facilities of Tennis Club and Mendip Park
- Concern regarding extra strain on services such as primary schools, doctors
- Concern regarding the establishment of management companies to manage open space and other facilities. Parish Council asks that it be given freehold and responsibility of these facilities, accompanied by appropriate funds.

- 6.13 2 representations objecting, and 1 representation in favour have been received. Comments are summarised as follows:

- No consideration for infrastructure
- Bants Lane gridlocked most of day and cannot cope with any more traffic
- No widening of road planned to stop build up
- Doctors surgery overwhelmed
- What is percentage of affordable homes?
- In favour - Resident of Duston all my life and now want to purchase my own home in the area
- Affordable new homes are rarely available
- Will add to the area and complete the Timken site nicely
- Only 140 homes, and building will be quick and keep disturbance to neighbours to a minimum.

6.14 **Community Consultation**

Prior to submission of the application, the applicant carried out public consultation comprising a public exhibition in May 2018. Leaflets were also distributed to the surrounding area, ward members and the Parish Council. The planning application has also been subject to consultation in accordance with statutory requirements.

7. **APPRAISAL**

Background

- 7.1 The outline planning permission for the development of the overall British Timken site, approved in 2007, comprised a scheme for a mixed use development of housing, employment Classes B1 (business/offices)/ B2 (general industrial), sports facilities and open space and set out a site wide Masterplan and Design Code for the development of the site. A condition of the outline consent stipulated that the development should provide for a minimum overall business floorspace of 23,190 sq. m to include a minimum of 13,190 sq. m Class B1 (office) floorspace, and a maximum of 10,000 sq. m Classes B1 (light industrial)/ B2 (general industry) in the interests of providing a sustainable mixed use development, and in order to retain an element of employment use on the site.
- 7.2 The majority of the overall former British Timken site was built out with predominantly residential development along with a medical centre. A subsequent outline application for a mixed use scheme comprising commercial development (Use Classes B2-general industrial/B8-storage and distribution), residential development and a full application for an amenity restaurant was submitted in 2013 on the remaining land, but subsequently withdrawn due to concerns regarding the impact of the proposed employment use on existing and proposed amenity. Following this, two separate applications were submitted for development on parts of the remaining land for an amenity restaurant (approved October 2014), and a residential care home (approved November 2016). The submitted Planning Statement advises that despite proposals being put forward, the remaining area of land has failed to attract any viable commercial development interest and is unlikely to do so. The current application therefore relates to the residential development of this remaining area of land.

Principle

- 7.3 The National Planning Policy Framework (NPPF) advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up to-date development plan and that where the development plan is out of date Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 8 of the NPPF seeks to ensure the planning system maintains the provision of a sufficient number and range of homes to meet the needs of present and future generations.
- 7.4 Paragraph 11 of the NPPF advises that relevant policies for housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing land supply which is currently the case for the Borough. Therefore, in accordance with the presumption in favour of sustainable development, as outlined in Paragraph 11, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 Whilst the original outline planning permission sought to retain employment uses on the remaining area of land within the former British Timken site, more recent planning policy seeks to direct office development towards the Town Centre. Furthermore, the applicant has advised that interest in commercial development of the site has been limited and proved unviable and, in any event, appropriate development of the site for light/general industrial has proved difficult to design in order to ensure no adverse impact on surrounding and proposed residential amenity. It is also of note that Policy H2 of the Duston Neighbourhood Plan supports development of the site for residential use. As such, the development of the site for residential use is deemed the most appropriate use of the land, and would assist in bringing this long-term vacant site into back into use and make a positive contribution towards the Council's 5 year housing land supply as a windfall site.

Design, appearance and impact on neighbours

- 7.6 The NPPF advises that good design is a key aspect of sustainable development and should contribute positively to making places better for people, creating safe, inclusive and accessible places that promote health and well-being, with a high standard of amenity, and providing opportunities to promote walking, cycling and public transport. Policy S10 of the JCS seeks to achieve high standards of design and promotes the use of sustainable development principles in

relation to access to facilities, alternative transport methods, waste generation and building methods. Policy H1 of the JCS seeks to ensure new housing development has regard to the character of the surrounding area, accessibility to services, facilities and public transport and provides appropriate levels of amenity for existing and proposed occupiers.

- 7.7 The area surrounding the site comprises varying building heights, the medical centre and residential care home and some residential properties on the western boundary at 3-storeys, with predominantly 2-storey houses around the remainder of the site, and some bungalows along the eastern boundary. The proposed dwellings would be 2-2 ½ storeys in height which is considered an appropriate scale in view of the surrounding context.
- 7.8 Density throughout the site would be approximately 35 dwellings per hectare. The composition of the development comprises a mixture of dwelling types, ranging from 2-bedroom to 5-bedroom properties consisting of detached, semi-detached and terraced properties with one flat above a garage. This, in combination with an element of affordable housing within the site would ensure that an appropriate density, mix and type of dwellings is provided in accordance with the requirements of Policy H1 of the JCS.
- 7.9 The design of the proposed dwellings features gabled roofs, with some architectural features (such as door and window detailing and porches) that serve to break up the massing of the development and add interest to the future streetscene. Dwellings have been designed to ensure windows provide an active frontage on corner plots, and appropriate levels of surveillance for parking areas. The submitted details indicate a palette of materials comprising red and buff brick, with some render finish, and a mix of varying tones of red and grey roof tiles which are in keeping with the character of the surrounding area and would be conditioned accordingly. Boundary treatments comprise a mix of fencing and brick walls, with walls provided on exposed boundaries adjacent to the highway.
- 7.10 Seven of the proposed dwellings would be served from Timken Way South and have been orientated to front the street to maintain an active frontage along this street.
- 7.11 The design of the dwellings would ensure that the future residents of the development would have a satisfactory level of light, outlook and privacy. This would ensure conformity with the requirements of national and local planning policies and result in residents of the development having a satisfactory level of amenity. In addition, suitably sized garden spaces have been provided, which is considered to be necessary given the provision of family accommodation as part of the development. In order to ensure that these spaces are safe and secure, a condition is recommended that would ensure that suitable boundary treatments are provided. This would also aid the creation of sufficient privacy to these spaces.
- 7.12 In respect of the amenity of existing properties, proposed dwellings have been located and orientated to ensure there is no adverse impact in respect of overlooking and overshadowing.
- 7.13 An existing sewer easement runs diagonally through the middle of the site which has, to some extent, dictated the location of the open space. However, the layout of the open space as proposed would provide a green link through the site from the existing amenity restaurant to the south to the existing area of open space and play area to the north. A further area of open space is proposed in the south western corner of the site adjacent to Bants Lane which would include an attenuation area. Due to proximity to the existing children's play area to the north of the site, no on-site provision has been requested in this regard, however, a financial contribution would be sought through a S106 Agreement for the enhancement of existing facilities in the area. In addition, off-site contributions would be sought toward the provision of facilities for young people and for outdoor sports facilities through a S106 Agreement which would also require details of appropriate future maintenance of any areas of open space. In this instance, Duston Parish Council has expressed an interest in taking on this future maintenance requirement.

Highways

- 7.14 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.15 Vehicular access to the site would be via an existing traffic signal controlled junction on Bants Lane, originally constructed to serve the commercial development intended for this area of land. The application is accompanied by a Transport Assessment which has assessed the impact of development on the surrounding area, and has been assessed by the Highway Authority who raise no objections with regards to impacts on the wider highway network.
- 7.16 The scheme has been amended in line with the requirements of the Highway Authority with regards to the precise details of the internal layout, in order to ensure that there is appropriate visibility splays at junctions and driveways and that access roads are of the appropriate width. The Highway Authority raise no objection in respect of the proposed layout as amended.
- 7.17 Parking is provided on site at a ratio of approximately 2.35 spaces per unit comprising on-plot parking spaces in addition to garages for the majority of properties. The car parking spaces are located in positions that would ensure that they benefit from sufficient natural surveillance in order to ensure that they are safe and secure, which will serve to deter anti-social behaviour, whilst also encouraging their use. The development also includes the use of rear parking courts in some parts of the site. Whilst not desirable, these have been designed with an appropriate level of surveillance from adjoining dwellings. In addition, the development includes the provision of on-street visitor parking. The Highway Authority raised no objection to the level of parking provided.
- 7.18 The application includes a Residential Travel Plan which sets out measures to encourage occupiers of the new development to choose sustainable transport options. The measures include the provision of a Travel Information Pack for new residents promoting the use of public transport, local walking and routes, and lift sharing schemes. The implementation of the Travel Plan will be required by condition.

Flood Risk and Drainage

- 7.19 The NPPF seeks to ensure that in determining development proposals flood risk is not increased elsewhere and that development does not contribute to or is put at risk from unacceptable levels of water pollution. Policy BN7 of the Joint Core Strategy states that all new development should demonstrate that there is no increased risk of flooding to existing properties and should seek to improve existing flood risk management. Surface water management incorporating sustainable drainage techniques should be accompanied by a long term management plan and protect and enhance water quality.
- 7.20 The site falls within Flood Zone 1 comprising land of having less than 1 in 1,000 annual probability of flooding from rivers or seas. The principal risk of flooding is considered to be from surface water run-off as a consequence of reducing the permeable surface of the site which is currently undeveloped. In accordance with policy requirements, it is therefore necessary to ensure that development of the site is secure from the risk of flooding and does not increase flood risk elsewhere.
- 7.21 The application is supported by a Flood Risk Assessment that has been assessed by the relevant statutory drainage bodies. A wider drainage network around and through the site has already been constructed with the drainage proposals for the application site designed to connect into this network utilising existing infrastructure where possible. Foul drainage will connect into an existing sewer to the north east of the site, and Anglian Water has confirmed available capacity. The storm drainage will be drained via existing gravity sewers and connect into the existing drainage network running through the site, which includes an attenuation pond to the south east of the site.
- 7.22 The Environment Agency, Lead Local Flood Authority and Anglian Water raise no objection to the development proposals subject to appropriate drainage conditions.

Air Quality, Noise and Contamination

- 7.23 The NPPF seeks to ensure that development is appropriate for its location in respect of pollution and contamination and impacts of noise arising from development are minimised. Policies S10 and BN9 of the JCS seek to ensure new development minimises pollution from noise, air and run off.
- 7.24 The application would include the provision of EV charging point infrastructure for each dwelling, and a Travel Plan promoting sustainable transport measures to assist in mitigating the impacts in respect of air quality. In addition, air quality mitigation measures would be secured in accordance with the damage cost calculation as set out in the submitted Air Quality Assessment. Matters relating to the energy efficiency of buildings are addressed under the Building Regulations. As all new properties have to comply with these, the proposal complies with Policy S10 of the JCS.
- 7.25 A Contamination and Ground Investigation Report has been submitted with the application. In view of the previous industrial use of the site, the use of pile foundations would be required. Public Protection has assessed the submitted details and subsequent information and raises no objection subject to conditions requiring the development is carried out in accordance with the submitted details, and appropriate mitigation in respect of any unexpected contamination found on site.
- 7.26 It is appreciated that the construction process has the potential to have some impacts on neighbouring properties in terms of noise and other activities. In order to counteract this, a condition would secure the submission, and agreement, of a Construction Environment Management Plan (CEMP). This would cover, but not be limited to, the routing of construction traffic and strategies to control noise and dust. A condition is also proposed in respect of construction hours.

Ecology

- 7.27 Section 15 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If significant harm to biodiversity resulting from development cannot be avoided, or adequately mitigated, planning permission should be refused. Policy BN2 of the JCS seeks to ensure development maintains and enhances existing designations or delivers a net gain in biodiversity, with appropriate weight attached to the status of any sites affected.
- 7.28 The application is supported by an Ecological Appraisal which identifies the site as predominantly rough grassland with areas of scrub, hedgerow to the east, a tree line to the south-east, and areas of public open space within existing development to the north, west and south. No protected species were found on site and the assessment concludes that the site is of low ecological value. Enhancements in respect of habitat creation are proposed in respect of areas of landscaping and open space within the site, and the provision of bat and bird boxes, and nest domes to provide hibernation and nesting opportunities for hedgehogs. The County Ecologist has assessed the submitted details and has no objection, subject to conditions in respect of the proposed enhancements.

Section 106 Obligations and CIL

- 7.29 Paragraph 54 of the NPPF advises that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Heads of Terms as listed below form the basis for the formulation of planning obligations in order to mitigate the unacceptable impact of the development. It is considered that the impact of the development in terms of affordable housing, educational and healthcare requirements are all capable of being sufficiently mitigated taking into account the viability of the scheme.

- 7.30 Paragraph 56 advises the planning obligations must only be sought where they meet the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 7.31 Paragraph 57 of the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances, including whether the plan and the viability evidence underpinning it is up-to-date.
- 7.32 The application is supported by a Viability Report which has been subject to independent assessment on behalf of the Council. The independent assessment concludes that it is reasonable to expect a developer to achieve a profit and it is considered current market expectation would be for a profit equating to circa 20% of market gross domestic value (GDV). The assessment concludes that the scheme could achieve a profit level of 20% and, in view of the unusually high abnormal costs due to ground conditions, provide 10% affordable housing and S106/CIL contributions. CIL contributions are non-negotiable and would be payable on all residential and retail development within the development.
- 7.33 In respect of affordable housing on the site, this would comprise a tenure type of 70% affordable rent and 30% Affordable Home Ownership, the distribution of which throughout the development would be controlled through the S106 Agreement.
- 7.34 The following developer contributions and obligations would be secured through a S106 Agreement:
- 10% affordable housing
 - Early Years and Primary Education contribution
 - Healthcare contribution
 - Travel Plan Monitoring
 - Air Quality Mitigation
 - Construction Futures – provision of employment training weeks and financial contribution
 - Open space provision, off-site open space contributions towards provision for children and young people, and outdoor sports facilities, and future maintenance arrangements including maintenance of SuDS

(All the above S106 requirements are subject to compliance with Regulation 122 and 123 of The Community Infrastructure Levy Regulations 2010).

- 7.35 Requirements in respect of contributions towards the provision fire infrastructure and libraries are not required by planning policy.
- 7.36 The development will be subject to CIL payments which are non-negotiable. The contributions will be considered against the requirements of the Council's CIL Regulation 123 list which includes the following infrastructure: the North West Relief Road, secondary education, the Northampton Growth Management Strategy (NGMS) (M1/A45 junction improvements, and indoor sports provision.
- 7.37 It is disappointing to both officers and the applicant that the site is only able to achieve this reduced level of affordable housing. However, these viability issues must be weighed against the provision of much needed housing to meet the Borough's housing need and the associated New Homes Bonus, and bringing this long-term vacant site into use.

8 CONCLUSION

- 8.1 The National Planning Policy Framework supports sustainable housing development and economic growth. The development of the site for housing will make a positive contribution towards the

Council's 5 year housing land requirement, and bring a long-term vacant site back into use. The site is located in a sustainable location in walking distance of nearby facilities in Duston and adjacent public transport provision, and it is considered that the environmental and highway impacts can be adequately mitigated or reduced to an acceptable degree.

9 CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3. The development shall be carried out in accordance with the materials as detailed on the Proposed Materials Strategy, drawing no. 14039 (D) 111 Rev C.

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

4. The development shall be carried out in accordance with the boundary treatments as detailed on the Proposed Boundary Treatment, drawing no. 14039 (D) 112 Rev B.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

5. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref FRA-17015-18-32 ver R05 prepared by Idom dated 3rd May 2019 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include;
 - i) 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 structures (if required).
 - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - iii) Attenuation on site to accommodate the 1:200year +20% climate change allowance and undertake a sensitivity analysis to understand the flooding implication for the 40% climate change allowance. Significant implications (5m³) will require mitigation.
 - v) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and other flow control devices

Reason: To reduce the risk of flooding both on and off site in accordance with the National Planning Policy Framework and Policy BN7 of the Core Strategy for West Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site. Pre-commencement condition to ensure details are agreed in a timely manner.

6. No development shall take place until a detailed scheme for the ownership and maintenance for 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.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- i) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- ii) A site plan including access points, maintenance access easements and outfalls.
- iii) Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- iv) Details of expected design life of all assets with a schedule of when replacement assets may be required

Reason: To ensure the future maintenance of drainage systems associated with the development in the interests of flood prevention in accordance with Policy BN7 of the Core Strategy for West Northamptonshire and the National Planning Policy Framework. Pre-commencement condition to ensure details are agreed in a timely manner.

7. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment ref FRA-17015-18-32 ver R05 prepared by Idom dated 3rd May 2019,

These shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site in accordance with the requirements of the National Planning Policy Framework and Policy BN7 of the West Northamptonshire Joint Core Strategy.

8. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with the requirements of Policies BN7 and BN9 of the West Northamptonshire Joint Core Strategy.

9. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This condition is only needed if soakaways (infiltration drainage) are proposed. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with the requirements of the National Planning Policy Framework.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the potential risk posed to groundwater is not increased. Piling through confining layers that may be providing protection to underlying aquifers can increase the potential risk posed to groundwater if residual contaminants are present. A piling risk assessment should be undertaken to assess any potential risks if piling is proposed to be used. In the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

11. The development hereby permitted shall be carried out in accordance with the recommendations of the Contaminated Land Assessment by Idom Merebrook Ltd dated January 2016, Supplementary Geotechnical Report by Idom Merebrook Ltd dated May 2016, and details contained in the email from Idom dated 25th February 2019.

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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

12. 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, and where remediation is necessary a remediation scheme must be prepared i), 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

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 Policy BN9 of the West Northamptonshire Joint Core Strategy.

13. Details of existing and proposed ground levels and finished floor levels of the development in relation to adjoining land levels shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In the interests of surrounding amenity and to ensure a satisfactory standard of development in accordance with the requirements of Policies S10 and H1 of the West Northamptonshire Joint Core Strategy and the aims of the National Planning Policy Framework.

14. Notwithstanding the details submitted, full details of the surface treatments to all roads, paths and driveways 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 highway and pedestrian safety, in accordance with the requirements of the National Planning Policy Framework.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage accommodation shall be used as habitable accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of adequate parking facilities in accordance with the National Planning Policy Framework.

16. The development shall be carried out in accordance with the submitted Residential Travel Plan, Appendix S of the Transport Assessment by Motion dated 15th June 2018.

Reason: In the interests of providing a sustainable development in accordance with the aims of the National Planning Policy Framework.

17. No construction work (including use of machinery and/or plant maintenance) shall be carried out on the site outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturdays or at any time on Sundays, Bank Holidays or other statutory holidays.

Reason: In the interests of surrounding amenity in accordance with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy.

18. Prior to the commencement of development a Construction Environment 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; and
- Routing agreement for construction traffic.

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

19. Prior to any above ground works commencing a Low Emissions Strategy shall be submitted for approval in writing by the Local Planning Authority, based on the mitigation measures as detailed in 11.2 of the Air Quality Assessment by IDOM dated January 2019 which includes the provision of electrical vehicle charging infrastructure.

Reason: In the interests of improving air quality and reducing greenhouse gases in accordance with the requirements of Policies S10 and S11 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

20. All planting, seeding or turfing as shown on drawings 6567/ASP2.0 Rev B, 6567/ASP2.5 Rev B, 6567/ ASP2.4 Rev B, 6567/ASP2.3 Rev B, 6567/ASP2.2 Rev B and 6567/ASP2.1 Rev B shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

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

21. Notwithstanding the details submitted, full details of new bat and bird boxes and nest domes for hedgehogs 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 promoting a more ecologically sustainable form of development in accordance with the National Planning Policy Framework.

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

Reason: In the interests of amenity and to prevent overdevelopment of the site in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

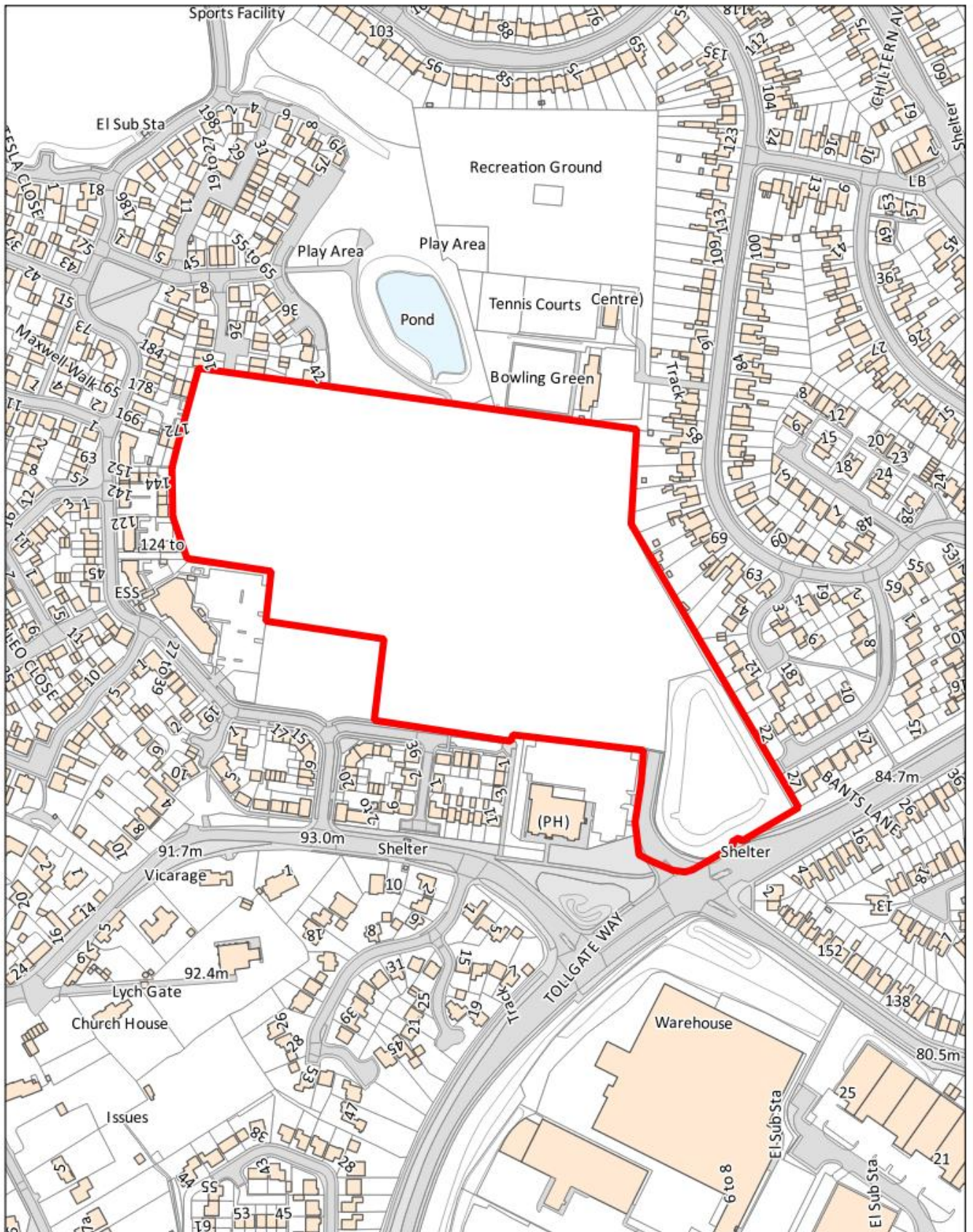
- 10.1 N/2018/1207.

11 LEGAL IMPLICATIONS

- 11.1 The development is CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

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



Title: **Former British Timken Site, Main Rd, Duston**

Date: 16-07-2019

Scale: 1:3,000

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