Addendum Report to the Secretary of State for Communities and Local Government

by Richard Clegg BA(Hons) DMS MRTP

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 14 April 2016

TOWN AND COUNTRY PLANNING ACT 1990
NORTHAMPTON BOROUGH COUNCIL
APPEAL BY
THE HOMES AND COMMUNITIES AGENCY

Inquiry opened on 16 June 2015

Land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, NN4

Appeal Ref: APP/V2825/A/14/2228866
File Ref: APP/V2825/A/14/2228866  
Land to the east of Hardingstone, north of Newport Pagnell Road, Northampton, NN4

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by The Homes and Communities Agency against the decision of Northampton Borough Council.
- The application Ref N/2013/338, dated 28 March 2013, was refused by notice dated 15 May 2014.
- The development proposed is described as: ‘A sustainable urban extension to include 1,000 dwellings (use class C3), supporting retail facilities of up to 1,320m² (use classes A1, A2 and A3), food and drink premises of up to 375m² net (use class A4), a two form entry primary school (use class D1), and up to 750m² of community uses which may include a medical centre, pharmacy, and community centre (use class D1). Infrastructure improvements including a new pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road.’
- The inquiry sat for nine days, on 16-19 and 23-26 June and 29 July 2015.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matter

1. Following the inquiry into the appeal described in the headings above, my report was sent to the Secretary of State on 16 November 2015. I recommended that the appeal be allowed subject to conditions.

2. On 29 February 2016 the Secretary of State’s decision was issued. He agreed with my recommendation and allowed the appeal, attaching the conditions that I had set out in the Annex to my report.

3. On 4 April 2016 Walker Morris, acting on behalf of the appellant, wrote to the Planning Inspectorate to point out an error in condition 17. I have read that letter and agree that the condition indeed contains a mistake - it is a condition that I recommended be attached to a grant of planning permission on a recovered appeal in Fylde Borough Council. To have recommended the same wording on the extant appeal is clearly an administrative error on my part.

4. I take the view that the error can be corrected, without prejudice to any person, by the Secretary of State re-issuing his decision, subject to condition 17 being corrected as set out in the Annex below. For the avoidance of doubt, this addendum report should be read with my original report dated 16 November 2015.

Recommendation

5. I recommend that the appeal be allowed and that planning permission be granted subject to the conditions set out in the Annex.

Richard Clegg

INSPECTOR
ANNEX - SCHEDULE OF SUGGESTED CONDITIONS

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in any phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.

2) Application for approval of the first reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and application for approval of all remaining reserved matters shall be made within ten years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved, and development of any subsequent phase shall begin not later than two years from the date of approval of the reserved matters for that phase.

4) The number of dwellings to be constructed on the site shall not exceed 1,000.

5) The development and all reserved matters applications shall accord with the following approved plans and parameters:

   i. Application Boundary Plan, drawing no. 3238/100.


   ix. Highways plans – SK01, SK02, SK04, SK05, SK09, SK10 & SK11.

   x. Up to 2.09 hectares for the provision of a primary school.

   xi. A minimum of 9.98 hectares of public open space, including playing pitches, formal and informal play areas, parkland, allotments and public footpaths/cycleways.

   xii. A local centre of up to 1,320m² net floorspace comprising of uses within use Classes A1(shops), A2 (financial & professional services) and A3 (restaurants/cafes), up to 375m² net public house (Class A4) and up to 750m² of non-residential uses (Class D1).

6) Prior to the submission of any reserved matters application, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be formulated having regard to the design and access statement, the framework plans (Plans 3-9), and respond to the recommendations of Building for Life 12 and shall include the following details:
i. The character area objectives and principles for each part of the site in support of the overall vision for the scheme to guide the design code performance specifications for each component of the design. The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking. The proposed layout, use and function of all open space within the development.

ii. The approach to and design principles applied to parking (on street and off-street).

iii. Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups.

iv. Performance specifications for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.

v. Servicing, including utilities, design for the storage and collection of waste and recyclable materials.

vi. Performance specifications to guide the selection of external materials, including wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.

vii. The design principles that will be applied to the development to encourage security and community safety.

viii. The specific design principles that will be applied to the local centre.

ix. The specific design principles that will be applied to the ‘green link’ that runs from the northwest to the southeast of the site along the existing public footpath.

x. The design principles for development and green infrastructure along Landimore Road particularly to the south of the public footpath that crosses the road.

xi. The design principles for the incorporation of SUDS throughout the development.

Thereafter, any reserved matters application for any phase of development shall comply with the principles established by the approved masterplan and within the approved design code.

7) Prior to the submission of any reserved matters application, a detailed phasing plan for the development that identifies stages at which each element of the proposed development (including the affordable housing, local centre, open space, play equipment, primary school, public house, allotments and housing, highway infrastructure including the five access
junctons as shown on drawings SK01, SK02 and SK05, walking and cycling measures and SUDs) shall be commenced, completed and made available for occupation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

8) Contemporaneously with the submission of reserved matters applications for each phase of development containing non-residential development, a sustainability strategy including pre-assessment checklist detailing a method of achievement of BREEAM “very good” (or equivalent) for any non-residential development shall be submitted to the Local Planning Authority. No development in that phase shall take place until the sustainability strategy has been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved sustainability strategy.

9) Concurrently with the submission of reserved matters applications for each phase of development, full details of the proposed surface treatment of all roads, access and parking areas, footpaths, cycleways and private drives, including their gradients, within that phase shall be submitted to the Local Planning Authority. No development in that phase shall take place until the details have been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

10) The development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority relating to that phase. The CEMP shall include the following:

a) The management of traffic and routing during construction: to address site access, routes within site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for prevention of surface water discharges onto the highway;

b) Location of access points for site traffic for that phase of development

c) Detailed measures for the control of dust during the construction phase of development

d) The location and size of compounds;

e) The location and form of temporary buildings, adverts and hoardings;

f) Details for the safe storage of any fuels, oils and lubricants;

g) Construction of exclusion zones to prevent soil compaction for large scale planting areas, public and school playing fields, and remediation of any soil compaction;

h) A scheme for the handling and storage of topsoil;

i) A scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas

j) Details of any temporary lighting

k) Procedures for maintaining good public relations including complaint management, public consultation and liaison;

l) Measures for the control of noise emanating from the site during the construction period;

m) Construction Plant Directional signage (on and off site);
n) Provision for all site operatives, visitors and construction vehicles, loading and unloading of plant and materials;
o) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.

The approved CEMP and measures contained therein shall be adhered to throughout the construction period.

11) 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, or public holidays. No construction traffic shall enter or leave the site before 0700 Mondays to Saturday or at any time on Sundays, or public holidays.

12) As part of each reserved matters application, engineering and construction details of the access junctions relating to that reserved matters phase in accordance with drawings SK01, SK02 and SK05 shall be submitted for approval in writing by the Local Planning Authority. The junctions shall be provided prior to commencement of any other works on site in the relevant reserved matters phase in accordance with the approved details.

13) As part of each reserved matters application details of the precise location and engineering and construction details of walking and cycling measures relating to that reserved matters phase shall be submitted to the Local Planning Authority for approval in writing. The following walking and cycling measures shall be implemented in accordance with an approved Phasing Plan:
   i. A new pedestrian link to The Warren as indicated on the ‘Access & Movement Framework’ plan, drawing no. 3238_201 Rev A (with measures to prevent vehicular access).
   ii. Two toucan crossings on Landimore Road.
   iii. Provision of a shared pedestrian cycle track (3m wide) along the entire western side of Landimore Road.
   iv. Two controlled pedestrian crossings on Newport Pagnell Road.

The works shall be carried out in accordance with the approved details prior to the first occupation of any part of the relevant phase.

14) No development hall take place until engineering and construction details of the following highway improvements (as shown on Parsons Brinkerhoff drawings of the revised transport assessment, December 2013), together with a programme for implementation, have been submitted for approval in writing to the Local Planning Authority:
   i. Improvement to Landimore Road/Gowerton Road roundabout (drawing -SK04, Appendix 10).
   ii. Improvement to Caswell Road/Rhosili Road junction (drawing SK09, Appendix 11).
iii. Improvement to the Queen Eleanor Interchange (drawing SK11, Appendix 12).

iv. Improvement to the Brackmills Interchange (drawing SK10, Appendix 13).

The junction improvements shall be carried out in accordance with the approved details and programme.

15) Prior to submission of any reserved matters application a Foul Water Strategy including phasing for the provision of mains foul sewage infrastructure on and off site and details of the procurement of works shall be submitted for approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and prior to occupation of any building.

16) Prior to the submission of any reserved matters application 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, shall be submitted for approval in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and the approved phasing details as required by Condition No 7. The scheme shall include:

i. Percolation tests to be undertaken in accordance with BRE-Digest 365 or Ciria 156.

ii. Full detailed surface water calculations to ensure adequate surface water drainage facilities on site all for all events up to and including 0.5% (1 in 200) plus climate change.

iii. Sustainable Drainage Systems (SuDS) features on site to be in accordance with Table 12.1 of the Northampton Level 2 Strategic Flood Risk Assessment.

iv. An assessment of overland flood flows.

v. Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.

17) No development shall take place within each phase until a contamination investigation has been carried out relating to that phase, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures
for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

18) No infiltration of surface water drainage into the ground shall take place 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 controlled waters. The development shall be carried out in accordance with the approval details.

19) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Prior notice shall be given to the Local Planning Authority’s nominated archaeologists of the exact date on which it is proposed that construction of the development hereby permitted is to begin. During the construction period representatives of the Local Planning Authority’s nominated archaeologists, shall be allowed access to the site in order to observe and inspect all excavation works and record all findings of archaeological interest. If required they shall be allowed to excavate such remains, provided that this shall not interfere unreasonably with the progress of the development.

20) Prior to the submission of any reserved matters application a detailed Green Infrastructure Strategy (in accordance with the mitigation requirements outlined in Sections 7.6 and 8.4.2 of the Environmental Statement dated January 2013) shall be submitted for approval in writing by the Local Planning Authority. The submission shall include the following:

i. Principles of any existing habitats to be retained and managed, including existing trees, hedgerows, grassland or other habitats, including the enhancement of existing hedgerows.

ii. Strategy for the creation of new habitats, including where appropriate Acid Grassland, and their on-going maintenance (being those habitats/ mitigation requirements referred to in Section 7.6 of the Environmental Statement dated January 2013).

iii. Principles for the provision of new amenity areas, including the allotments, public open space, play areas, and multi-use games area.

iv. Principles of how the site will link to Brackmills Wood, including the points of access, treatment of any new footpath/ cycleways, and the approach to landscaping within the residential areas adjacent to the existing woodland.

v. An assessment of the contribution of Brackmills Wood to the green infrastructure and opportunities to increase its value to both residents and wildlife detailed in a Future Management Strategy.

vi. Detailed proposals for the design and layout of the green streets, highlighting the use of street trees and SUDS infrastructure.

Thereafter, any reserved matter submissions shall accord with the approved Green Infrastructure Strategy.

21) Prior to commencement of development a detailed mitigation strategy in accordance with the mitigation measures proposed in the submitted ‘Dormouse Survey Report’ dated December 2012 in Appendix E1 of the
Environmental Impact Assessment dated January 2013 shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

22) No development in any phase shall take place until an arboricultural method statement, in accordance with BS 5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”, including details and proposed timing of all proposed tree works to any tree or hedge on, or, if consent obtained, adjacent to, the site and replacement tree planting, has been submitted for approval in writing by the Local Planning Authority for that phase of the development. Thereafter, the development shall be carried out in accordance with the details so agreed.

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

24) Prior to the submission of each reserved matters application, details of the need and scope for updating any protected species surveys shall be submitted for approval in writing by the Local Planning Authority. Any updated surveys shall be submitted as part of the reserved matters application. The development shall be carried out in accordance with any approved mitigation measures contained therein.

25) Bat and bird boxes shall be provided in accordance with a scheme which has been submitted to and approved by the Local Planning Authority as part of each reserved matters application. The details shall be implemented concurrently with the development and thereafter retained and maintained.

26) As part of each reserved matters application, a scheme shall be submitted for approval in writing by the Local Planning Authority that demonstrates how the objectives of Secured by Design have been addressed in the development as identified in the submitted Design and Access Statement. The approved details shall be implemented concurrently with the reserved matters development.

27) A minimum of 10% of the residential units on any phase shall be designed so as to be capable of occupation by persons with disabilities and constructed to a Lifetime Homes standard or any subsequent Government equivalent standard set out in Building Regulations and shall include 1% of the total number of residential units constructed to full wheelchair standard, the detailed layout of which shall be submitted for approval in
writing by the Local Planning Authority prior to the commencement of construction of any residential unit on that phase.

28) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), at no time shall the total gross retail floor area of the development hereby approved exceed 1,320m² or any individual unit (A1/A2/A3) exceed 500m² net floor area.

29) Concurrently with the reserved matters submission for each phase, a noise assessment of the exposure of proposed residential premises, with particular reference to bedrooms, based on the final building and estate layout, due to transportation noise shall be submitted for approval in writing to the Local Planning Authority. The assessment shall take into account the likely growth of traffic over the next 15 years. Where any habitable room or outdoor amenity space cannot achieve the noise levels recommended by the World Health Organisation, a scheme to protect outdoor amenity space and any affected habitable rooms shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved details.

30) Prior to the occupation of any part of each phase, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. No dwelling or other unit shall be occupied until the associated refuse storage facility has been provided in accordance with the approved details.

31) As part of each reserved matters application 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.

32) Details of the precise location and engineering and construction of the following public transport infrastructure shall be submitted for approval in writing by the local planning authority and implemented prior to the first occupation of the development hereby permitted:
   i. Two pairs of bus stops on Landimore Road, to include shelters, raised boarders, flags and poles.
   ii. One pair of bus stops on Newport Pagnell Road, to include shelters, raised boarders, flags and poles.
   iii. Two bus shelters to be added to existing bus stops on Newport Pagnell Road.