



Appeal Decision

Hearing held on 28 October 2014

Site visit made on 28 October 2014

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 27 November 2014

Appeal Ref: APP/V2825/A/14/2220834

Land North of Danes Camp Way, Hunsbury Hill, Northampton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bloor Homes Limited against the decision of Northampton Borough Council.
 - The application Ref N/2013/1325, dated 20 December 2013, was refused by notice dated 8 May 2014.
 - The development proposed is residential development comprising 69 dwellings with associated access (via Harcourt Way) public open space and local equipped area of play.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 69 dwellings with associated access (via Harcourt Way) public open space and local equipped area of play, on land North of Danes Camp Way, Hunsbury Hill, Northampton, in accordance with the terms of the application ref N/2013/1325, dated 20 December 2013, subject to conditions set out in the schedule attached to this decision.

Application for costs

2. At the Hearing an application for costs was made by Bloor Homes Limited against Northampton Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application was accompanied by heads of terms for a planning obligation under S106 of the Town and Country Planning Act 1990. A draft copy of the obligation was submitted prior to the hearing and a completed copy has been provided subsequently. The agreement sets out covenants in respect of the provision and management of affordable housing on site, the provision and management of the public open space and local equipped area of play, provision of a replacement bus shelter. The merits of the obligation are considered later in this decision.
4. The description of development on the application form was for residential development, access arrangements, public open space and local equipped area of play. This was altered on the decision notice and agreed by the

appellant on the appeal form. The altered description is stated in the banner heading and in my formal decision above.

Main Issues

5. Based on all that I have read, seen, and the discussion at the hearing, the main issues in this case are:
 - Whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development.
 - Whether the proposal would provide a safe and suitable area for play to meet the needs of future residents
 - The effect of the proposal on highway safety.

Reasons

6. The appeal site consists of some 4.9ha of open land situated between an existing residential estate off Hunsbury Avenue and Danes Camp Way, a busy dual carriageway that forms the ring road around the southern part of the town.
7. The site comprises two distinct sections. To the west is a relatively flat area of land bounded to the west by a dismantled railway line upon an embankment, to the south by Danes Court Way and the north by the existing residential estate. It is proposed to site the 69 dwellings on this side of the site, with access from Harcourt Way. Emergency access would be provided via Limlow Close. 24 of the proposed dwellings would be affordable housing. A footpath would be created along the southern edge of the site which would link to the local footpath network to the south-west and to the eastern part of the site.
8. The development of this part of the site includes the provision of a 3m high acoustic barrier to the southern boundary of the site and a sustainable urban drainage system (SUDS) which including a balancing pond to be located to the south west corner of the site.
9. The eastern side of the site, bounded by existing housing to the west, slopes upwards towards in a northerly direction. This area would be laid out and transferred to the Council to be used as public open space (POS) and would include a children's play area. Footpaths would be provided in and around the POS and the existing footpath link to Harcourt Way would be improved. A new pedestrian access would be created to Highdown Close. An earth mound, currently heavily planted separates the two areas. It is proposed to thin these trees.

Policy Context

10. For the purposes of this appeal, the development plan comprises the saved policies of the Northampton Local Plan (Local Plan) adopted in 1997. Although this plan is dated, policies can be afforded weight in accordance with their consistency with the National Planning Policy Framework (the Framework). Work is well advanced in the preparation of the Northamptonshire Joint Core Strategy (Core Strategy) which has been the subject of examination in public and the Inspectors findings published, however this cannot yet be given full weight as it has not yet been adopted.

11. The site is currently designated in the Northampton Local Plan 1997 as Green Space under Policy E6. This policy states that planning permission shall only be granted where development would not unacceptably prejudice the function of the land as a buffer between different land uses. The policy is not being carried through to the Core Strategy. It is common ground that as a substantial part of the site is being retained as open space its function as a buffer would be retained. Danes Camp Way forms a tangible barrier on the southern side of the site that prevents this area physically coalescing with the neighbourhood further south. The use of part of the site for residential development does not therefore to my mind compromise the purposes of Policy E6.
12. It is common ground that the Council cannot currently demonstrate a 5 year supply of deliverable housing land. In these circumstances the National Planning Policy Framework (the Framework) advises that the housing supply policies of the development plan cannot be considered up to date. The unmet need for additional housing becomes a consideration of substantial weight in the appeal. In accordance with the Framework the appeal proposal must be assessed in the context of the presumption in favour of sustainable development. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development.

13. The Framework notes at paragraph 7 that there are three dimensions to sustainable development; economic, social and environmental. The proposal would contribute to both the economy of the area and to the supply of housing required to meet the needs of present and future generations. The proposal would also provide a significant proportion of affordable housing to meet local need as set out in the Council's Affordable Housing Interim Statement. The layout of the development meets the Council's requirements in terms of its design and layout, and would provide a high quality built environment with a good standard of amenity for residents. The site is not designated or noted as having any particular wildlife or landscape interest. Moreover, an area of open space, which would be managed by the Council as part of a 106 Agreement would continue to provide for biodiversity.
14. Local services are located around Hunsbury Hill and Briar Hill, where there are also primary schools, within a 1km radius of the appeal site. Northampton town centre is around 2km away. The appellants' Transport Statement sets out the bus service destinations and frequency. The nearest bus stop – some 575m from the nearest part of the site, has frequent bus services into Northampton both during the week and at weekends.
15. The Council's greatest concern appears to relate to journeys on foot, with particular emphasis on the distances involved and the poor quality of the footpaths in the area. I note that the Transport Statement (TS) advises that there are services, including local schools, within a 25 minute walk from the site which is the maximum limit recommended by the Institution of Highways and Transportation, although Councillors at the hearing disagreed with this. On the evidence of my visits to the area, I accept that some of the existing

footpaths are less than ideal in terms of their gradient, paving and lighting. As such not all of the possible walking routes to local services are attractive nor would they be appropriate for use by all sections of the community. However, these paths are used at present and could be by future residents in appropriate circumstances. The improvements proposed as part of the application would enhance the footpath network and improve their connectivity with the adjoining areas.

16. Being located at the edge of an urban area, the site does not have ideal access to all local facilities. But an overall assessment of its accessibility show that it would have considerable advantages particularly in terms of access to the cycle network along the Grand Union Canal, and the availability of a frequent bus service in close proximity to the site for access into Northampton. The proposal would thereby allow residents a choice of transport and would offer sustainable access to services and jobs. The submission of a travel plan, along with the proposed upgrades to existing footpaths, as well as new paths and links, would allow measures to promote use of non-car modes of travel.
17. To achieve sustainable development, the Framework advises that economic, social and environmental gains should be sought jointly and simultaneously. Whilst there are some disbenefits of the site in terms of accessibility, there are significant gains from the provision of housing, the quality of the development for future residents, the provision of public open space and improvements to the footpath network. My overall conclusion on this issue is that the development of this site, in accordance with the provisions of the framework, is sustainable.

Play Area

18. The proposed play area, described in the application as a 'Local Equipped Area of Play' (LEAP) is to be situated within the area of POS which, it is common ground, is required under the provisions of the Planning Obligations Strategy Supplementary Planning Document (SPD). These areas, which would be transferred to the Council and maintained by it under the terms of the planning obligation would provide an area of recreation for the occupiers of both the existing and proposed developments and is therefore a benefit of the scheme. However, I have noted the concerns of the Council and the local residents that the LEAP is unsuitable as a play area as it is not readily overlooked from the habitable room windows of neighbouring properties as suggested by the Police as being 'best practice'.
19. I note that the LEAP would be directly overlooked only from the upper floor windows of the end property on Highdown Close and as such it does not represent best practice as the Police advise. However, it strikes me that the paths proposed in the locality would provide opportunities for surveillance and I note that the site would be visible from the end of Highdown Close from where there would be a footpath link. I noted at my site visits that there were a number of dog walkers around the existing estate and although I accept that the public open space is on a slope, there is no reason to suggest that this area would not be used by residents of the existing and proposed estates. People using the open space for recreational purposes would have clear sight of the play area. Moreover, it would be unusual for children

between the ages of 4 – 8, which the LEAP is to cater for, to be unaccompanied or unsupervised.

20. I have taken into consideration the concerns of the local residents that the area is too noisy and suffers from air pollution as a result of the proximity of the dual carriageway. However, Danes Camp Way is largely screened by mature vegetation and is at a distance from the play area. As such I am unconvinced that its presence would make the play area unsuitable or dangerous for children to use or that noise from traffic would prevent children from being heard.
21. I have also taken into consideration concerns that the play area could become the subject of vandalism. I accept that after dark when any advantages from direct surveillance would be unavailable, there is the potential for vandalism but this would not be dissimilar to any other unlit play area. The nearby subway was pointed out at the hearing as being subject to vandalism and I accept that such places can attract anti-social behaviour. However at my site visit I noted that this particular subway was lit and relatively free from graffiti. It did not strike me that this is an area with high levels of anti-social behaviour and I am not therefore convinced that the play area would suffer from high levels of vandalism. Moreover, the Council have accepted responsibility for maintaining the play area through the planning obligation and a commuted sum would be provided for that purpose.
22. The Framework seeks to promote healthy inclusive communities through the promotion of, amongst other things, opportunities for meetings between members of the community; safe and accessible environments where crime and disorder do not undermine the quality of life or community cohesion; and safe and accessible development containing clear and legible pedestrian routes and high quality public space. Whilst there would be very limited opportunities for surveillance of the LEAP from neighbouring buildings, there is no reason to suggest the area would be unsuitable for its intended use. The provision of the POS and the LEAP, and the footpaths proposed across the site would therefore achieve the aims of the Framework outlined above.

Highway Safety

23. Access into the site would be via the existing estate, from Hunsbury Hill Avenue via Harcourt Way. I noted at my site visits that Harcourt Way is a long, sloping and winding estate road. While there were relatively few cars parked on-street at the time of the visit I have noted the comments of the residents that on-street parking increases at certain times of the day and at the weekends. However, the estate was constructed relatively recently and the standard of the road, in terms of its width and alignment, meets the criteria set out in the Manual for Streets as being suitable for residential use. There is no evidence before me to demonstrate that the road does not function as it should or that there have been any accidents as a result of any problem with the road layout.
24. The appellants have calculated using the TRICS database that the proposal would generate around 42 additional vehicle trips during the morning peak time of 0800 to 0900 and 49 between 1700 and 1800 based on a higher trip rate of privately owned houses. This is not disputed by the Council. Whilst I have noted the concern that the additional traffic would result in a danger to highway safety on Harcourt Way and Hunsbury Hill Avenue, there is no

evidence to demonstrate that this would be the case, particularly given the correct functioning of the highway network at present and its construction to accepted standards in Manual for Streets. I accept that parked vehicles may cause congestion but there is no evidence to suggest that they result in highway danger.

25. I have taken into consideration the effect of the increase in traffic on the wider network and specifically on the function of the roundabouts at the Hunsbury Hill Avenue/ Harcourt Way mini-roundabout and at the larger Danes Camp Way/ Hunsbury Hill Road/ Hunsbarrow Road roundabout. I accept the comments of the local residents that both junctions suffer from queuing and traffic delays, particularly in peak times and I noted at my site visits the busyness of the larger junction.
26. However, the Transport Statement (TS) demonstrates that the proposal would not have an adverse effect on the function of the mini-roundabout which is forecast to operate within capacity and with minimal queues. The TS acknowledges that there would be a slight increase in traffic queuing at the larger roundabout although given the operation of the junction this would be minimal. Moreover, the increase in traffic would not compromise the safe functioning of the junction. This view is supported by the Highway Authority who consider that the TS is fit for purpose based on the future junction capacity which factors in the growth of the town up to the year 2026.
27. I accept that in winter weather conditions it can become more problematic to drive around the estate, particularly given the gradient of the road, with the result that vehicles tend to be left on Hunsbury Hill Avenue. This is typical in a wide variety of locations where roads are left ungritted in such conditions. However, this occurs for temporary periods throughout the year and in itself is not a reason to withhold planning permission.
28. The Council and residents are particularly concerned about the level of construction traffic accessing the site from Harcourt Way. The appellants, at the hearing, indicated that there would be around 11 construction vehicle movements over the course of a day. I accept the resident's concerns that the construction traffic could result in inconvenience to residents and would be noisier than private cars. However, the estate roads have been designed to accommodate traffic associated with domestic properties including refuse collection and delivery vehicles. There is no reason therefore to suggest that the network would be unable to cope with construction traffic and none to suggest that construction drivers would not exercise due care and attention when negotiating the access. In addition, whilst there may be inconvenience to residents in the short term as a result of construction traffic, this would be for a limited period rather than it being permanent feature of the development. Moreover the appellants are proposing a construction management plan which would restrict the hours of construction on the site. No construction traffic would be present at weekends. This would provide a degree of control to reduce the impact of the construction period on the living conditions of the residents and could be secured by planning condition.
29. The Framework advises at paragraph 32 that decisions should take account of whether, amongst other things, safe and suitable access can be achieved for all people. I am satisfied, based on the evidence provided that the scheme would achieve this for the reasons outlined above. In reaching this conclusion

I have also borne in mind advice in the Framework that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. There is no convincing evidence before me to demonstrate that this would be the case.

Other Matters

30. Although not part of the Council's reason for refusal, local residents are concerned about the possible increase in flooding. Indeed the site lies in a Flood Zone 1. The application was supported by a Flood Risk Assessment (FRA) which included measures to manage and mitigate against the risk of flooding. I have no reason to consider that the FRA is not robust and the lack of objection from the Environment Agency supports this conclusion.
31. I understand from comments made by local residents that children currently play in the road at the end of Harcourt Way. I accept that the opportunity for this to happen would be lost as a result of the proposal. Nevertheless this is part of the public highway and dwellings on the estate generally have private gardens. Moreover the proposed play area and POS would provide opportunities for recreation.

Conditions

32. A schedule of conditions prepared by the Council was discussed between the two main parties at the hearing. I consider that the undisputed conditions, with the exception of the suggested conditions seeking to remove permitted development rights for the conversion of dwellings to Houses in Multiple Occupation (HMO), would be reasonable and necessary and would comply with the guidance in the Framework and the planning practice guidance.
33. The planning practice guidance advises that conditions to restrict permitted changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Whilst I understand that there has been an issue with the overconcentration of HMO's in areas popular with students, there is no evidence to suggest that this is a particular problem in this suburban area or on the adjacent estate, that causes parking or social difficulties. Such a condition restricting the permitted change of use would therefore be unnecessary.
34. In addition to the standard time limit condition it is necessary to specify the approved plans, which include the schedule of facing materials plan, for the avoidance of doubt and in the interests of proper planning. Conditions relating to the implementation of measures contained in the Noise Assessment and the provision of an acoustic barrier are necessary to safeguard the living conditions of future residents. The submission and agreement of a Construction Environmental Management Plan, with revised details agreed at the hearing, is necessary for the same reason.
35. Conditions requiring details of external lighting and the submission of a badger survey and a reptile mitigation strategy are required in order to safeguard protected species. The conditions relating to flooding and drainage are necessary to minimise flood risk and ensure that the site is properly drained by sustainable methods.
36. The conditions relating to access and highways, including details of bollards and the submission and agreement of a residential travel plan are necessary

in the interests of highway safety and to promote a choice of sustainable modes of travel. The arrangements for archaeological investigation are required to ensure that the site's heritage value is preserved. Protection of existing trees on the site shown on the approved plans as being retained, is necessary to ensure their value for nature conservation and landscape quality is preserved, and a condition requiring the implementation of the approved landscaping scheme is required for the same reasons.

37. A condition requiring that a proportion of the development is constructed and made available for occupation by persons with disabilities is required to promote inclusive communities as required by Local Plan Policy and supported by the Framework.

Planning Agreement

38. The planning agreement concluded between the Council and the landowners establishes the percentage and tenure of the affordable units, the timing of their provision and transfer to a registered provider and the means of allocation of future tenancies. It also includes provision of the open space including the LEAP, timing of its transfer and payment of a maintenance contribution. Payment of a construction training contribution would be paid to the Council and a training scheme and a mechanism for its implementation would be submitted and agreed. There would also be payment of contributions towards the provision of a footpath link and towpath improvements and timings for their payment. In addition there would be contributions to healthcare provision, education provision and bus infrastructure provision and timings for their payment.
39. I am satisfied that each of these covenants would comply with the tests set out in the Framework and with the advice of the planning practice guidance. The obligation can be fully taken into account in support of the appeal proposal.

Planning Balance and Conclusion

40. The Framework seeks to boost significantly the supply of housing and seeks to promote sustainable economic growth. There is no dispute in this case that the Council's five year supply is lacking. The contribution to meeting the shortfall, and providing an element of affordable housing to meet local need lends substantial weight in support of the scheme.
41. There would thus be clear evidence of the social dimension of sustainable development. The economic dimension would be illustrated by employment generated during construction and addition to the local economy by future residents. These economic factors add moderate weight in support of the proposal.
42. In environmental terms the open character of this part of the site would be lost but this would be offset by the provision, for public use, of a large area of public open space. Given that the site is effectively contained by the ring road, the loss of the visual function of the space in separating it from communities to the south is not significant and moreover, space would be preserved at the eastern side.
43. As a result of its location on the edge of the settlement, walking routes to local services are steep and tortuous and would not be suitable for use by all

sections of the community. However, there is a bus service within walking distance and the site has good links to a footpath and cycle network. There would be some enhancement to the network through contributions to provide a footpath link to the south-west and improve the towpath.

44. I have found no convincing evidence to demonstrate that the development would be harmful to highway safety. Whilst I accept that the proposed play area would not be overlooked significantly by houses, a network of paths are proposed in the vicinity of it which would offer opportunities for surveillance.
45. On balance the drawbacks of the scheme regarding accessibility and the location of the play area, after mitigation, would not significantly and demonstrably outweigh the benefits of the development. In accordance with the Framework, the proposal must be regarded as sustainable development to which the presumption in favour applies.
46. I therefore conclude that the appeal should be allowed and planning permission granted subject to the conditions outlined above.

Susan Ashworth

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; location plan (SM536 LP 001B); Site Plan (SM536 PL 04A); Floor Plans & Elevations (419 C PL01); Floor Plans & Elevations (419 C PL02); Floor Plans & Elevations (427 C PL01); Floor Plans (405 C PL01); Elevations (405 C PL02); Elevations (405 C PL03); Elevations (405 C PL04); Elevations (303 C PL02); Elevations (405 C PL04); Floor Plans & Elevations (420 C PL02); Floor Plans & Elevations (304 C PL02); Elevations (3B5P PL05); Floor Plans & Elevations (2B4P PL02); Floor Plans (3B5P PL04); Floor Plans & Elevations (2B4P PL01); Floor Plans (3B5P PL02); Floor Plans (2B4XP PL03); Floor Plans (2B4XP PL01); Elevations (2B4XP PL04); Elevations (3B5P PL01); Floor Plans and elevations(2B4P PL01); Elevations (3B5P PL03); Floor Plans (3B5P PL04); Floor Plans & Elevations(304 C PL01); Floor Plans & Elevations (420 C PL01); Floor Plans and elevations(410 C PL01); Floor Plans & Elevations (411 C PL01); Floor Plans (405 C PL06); Floor Plans (303 C PL01); Floor Plans & Elevations (414 C PL02); Floor Plans & Elevations (410 C PL02); Floor Plans (405 C PL06); Floor Plans & Elevations (411 C PL02); Floor Plans & Elevations (414 C PL01); Floor Plans (407C PL01); Elevations (407 C PL02); Landscape Proposals (SMHH05-LS-001); Tree Distance Draft (SMHH05-LS-002); Landscape Proposals (SMHH05-LS-003); Indicative Drainage Strategy (HUNS-002 E); Section Plan (SM536-EN-003); Materials Plan (HH-MP-002); Bin Store (BS_01); estate rail; Tree Constraints Plan (JBA 13/14-TS01); detailed Hard and Soft

- Landscape Proposals for POS (JBA 13/14-02 D); detailed Hard and Soft Landscape Proposals for POS (JBA 13/14-03 B).
- 3) The approved Noise Assessment (13/0210/P01//1) including the necessary mitigation measures referred to in Chapter 7, shall be implemented in full prior to the properties being first occupied and the installed mitigation measures shall be retained at all times thereafter.
 - 4) Prior to the first occupation of the development, full details of the approved 3m high acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be installed on the alignment detailed on the approved Site Plan (SM536 PL04A), shall be constructed to a minimum mass of 10kg/sqm and shall be retained at all times thereafter.
 - 5) Prior to the commencement of development a 'Checking Survey' for badgers shall be carried out by a biodiversity professional and the results submitted to and approved in writing by the Local Planning Authority. In the event that badger activity is monitored on-site a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented prior to the commencement of development.
 - 6) Full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site, implemented concurrently with the development and thereafter retained.
 - 7) Prior to the commencement of development a 'Reptile Mitigation Strategy' shall be submitted to and agreed in writing by the Local Planning Authority; development shall be implemented in full accordance with the approved strategy.
 - 8) 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Confirmation that the hierarchy of drainage has been followed.
 - Full detailed surface water calculations to ensure adequate surface water drainage facilities on site for all events up to and including 0.5% (1 in 200 AEP) plus climate change.
 - Sustainable Drainage System (SuDS) features on site to be in accordance with table 1.1 of the Northampton level 2 Strategic Flood Risk Assessment (SFRA).
 - An assessment of overland flood flows
 - Details of how the scheme shall be maintained and managed after completion for the lifetime of the development.
 - 9) Development shall not commence on any phase of the development 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 CMEP shall include the following:

- The management of traffic during construction: to address site access routes within the site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas, a scheme for the prevention of surface water discharges onto the highway;
 - Location of access points for site traffic for that phase of the development; detailed measures for the control of dust during the construction phase of development;
 - The location and size of compounds;
 - The location and form of temporary buildings, adverts and hoardings;
 - Details for the safe storage of any fuels oils and lubricants (as required by the Environmental Statement at paragraph 5.6.1);
 - Construction of exclusion zones to prevent soil compaction for large scale planting areas, and remediation of any soil compaction;
 - A scheme for the handling of top soil;
 - Details of the methods of protection of trees, hedgerows and water features in accordance with condition 14;
 - A scheme for the protection of areas of ecological interest and for the mitigation of any possible harm to such areas;
 - Details of any temporary lighting;
 - Hours of operation.
 - Hours of access by HGV vehicles
- 10) Full details of the proposed surface treatment of all roads, access and parking areas, footpaths and private drives including their gradients shall be submitted to and approved in writing by the Local planning Authority prior to the commencement of construction work on site. Development shall be carried out in accordance with the approved details.
- 11) No construction 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.
- 12) All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased with others of similar size and species.
- 13) Prior to the commencement of development a specification for the Balancing Pond (as detailed indicatively upon approved Site Plan SM536 PL 04A) which includes details for its construction and a timetable for its

implementation together with a management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation and long terms maintenance if the balancing pond shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in full accordance with the approved specification.

- 14) All trees shown to be retained on the approved plans shall be protected for the duration of the development by stout fences in line with 'BS5837:2012 trees in relation to design, demolition and construction – recommendations' to be erected and maintained on an alignment to be approved in writing by the Local Planning Authority before any development works shall take place. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.
- 15) No development shall take place within the application site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation has been submitted to the Local Planning Authority and approved in writing.
- 16) Prior to the first occupation of the premises hereby approved, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented at all times that the development is occupied unless agreed in writing by the Local Planning Authority.
- 17) A minimum of 10% of the affordable dwellings and a minimum of 10% of other dwellings shall be available for occupation by persons with disabilities and constructed to the Local Planning Authorities mobility housing standards and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site and thereafter implemented concurrently with the development and thereafter retained as such.
- 18) Prior to the occupation of the development full details of the bollards to be provided to the emergency link (as detailed on Site Plan SM536 PL04A) together with full details of their management and maintenance shall be submitted to and approved in writing by the Local Planning Authority, development shall be implemented in accordance with the approved details and retained at all times thereafter.

APPEARANCES

FOR THE APPELLANT:

Stephen Bawtree Dip TP MRTPI	Pegasus
Rob Riding BSc (Hons) MA MRTPI	Pegasus
Neil Findlay BSc CEng MICE	WSP
Paul Doyle	Bloor Homes
Daniel Lloyd	Bloor Homes

FOR THE LOCAL PLANNING AUTHORITY

Simon Tindle Dip TP MRTPI	Northampton Borough Council
Rita Bovey BA (Hons) BPI MRTPI	Northampton Borough Council
Councillor M. Ford	Northampton Borough Council
Councillor B. Oldham	Northampton Borough Council
Councillor Jill Hope	Northamptonshire County Council

INTERESTED PERSONS:

Gordon King	Near neighbour
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DOCUMENTS SUBMITTED AT THE APPEAL

Letter from Orbit Homes dated 20 October 2014
Extract from High Court Decision Case No: CO/2003/2001
Draft Section 106 Agreement

DOCUMENTS SUBMITTED AFTER THE APPEAL

Completed Section 106 Agreement

Richborough Estates