



Department for
Communities and
Local Government

Mr Stuart Baillie
GL Hearne Ltd
280 High Holborn
London
WC1V 7EE

Our Ref: APP/V2825/A/14/2228866

14 April 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING APPEAL AT LAND TO THE EAST OF HARDINGSTONE, NORTHAMPTON**

1. I refer to the attached letter of 4 April 2016 from Walker Morris to the Planning Inspectorate requesting a correction to the Conditions as set out at Annex A to the Secretary of State's decision letter on the above case dated 29 February 2016.
2. As this request was made before the end of the relevant period for making such corrections under section 56 of the Planning and Compulsory Purchase Act 2004 (the Act), a decision has been made by the Secretary of State to correct the error. Accordingly, he has commissioned the attached Inspector's Addendum Report dated 14 April 2016 and has amended condition 17 in the attached decision letter accordingly.
3. Under the provisions of section 58(1) of the Act, the effect of the correction referred to above is that the original decision is taken not to have been made and an application may be made to the High Court within six weeks from the date of this notice for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
4. A copy of this letter, the Inspector's Addendum Report and the letter dated 4 April from Walker Morris have been sent to Northampton Borough Council, Walker Morris, The Homes and Communities Agency and the Planning Inspectorate.

Yours faithfully

Jean Nowak

JEAN NOWAK



Department for
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Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING APPEAL AT LAND TO THE EAST OF HARDINGSTONE, NORTHAMPTON**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA (Hons) DMS MRTPI, who held a public local inquiry for 9 days starting on 16 June 2015 into your client's appeal against the refusal by Northampton Borough Council ("the Council") to grant outline planning permission for a sustainable urban extension to include up to 1,000 dwellings (class C3); a local centre with up to 1,320m² net floorspace of retail, professional and financial services, and restaurants/ cafes (classes A1, A2 and A3); up to 375m² net for a public house (class A4); 2.09ha of land for a two-form entry primary school; up to 750m² for community uses which may include a medical centre, a pharmacy and a community centre (class D1); infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road in accordance with application N/2013/338, dated 28 March 2013.
2. On 19 December 2014, the Secretary of State recovered the appeal for his own decision because it involves a proposal for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the IR is enclosed, and all references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

4. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and the addendum to the ES primarily dealing with surface water drainage. The Secretary of State agrees with the Inspector (IR5) that the information provided in the Environmental Statement is adequate for the purposes of this appeal decision.

Policy and statutory considerations

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of this appeal, the development plan consists of the West Northamptonshire Joint Core Strategy Local Plan – Part 1 (JCS), adopted in December 2014 and those saved policies of the Northampton Local Plan (LP), adopted in 1997, which were not replaced by the JCS. The Secretary of State agrees with the Inspector that the policies most relevant to this appeal are those referred to at IR17-20 and IR25.
6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (The Framework) and the subsequent planning guidance; as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.
7. As required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main issues

8. The Secretary of State has taken account of the matters already agreed between the parties (IR32-36), including the agreement that there is not a five years' supply of housing land for the Northampton Related Development Area (NRDA) (IR32, sixth bullet point); and he agrees with the Inspector that the main outstanding issues relevant to this appeal are those listed at IR134.

Character and appearance

9. For the reasons given at IR 135–148, the Secretary of State agrees with the Inspector's conclusion that, whilst the proposed development would not have a significantly detrimental effect, it would have certain adverse effects on the character and appearance of the area. He shares the Inspector's view that the proposed development would cause a large-scale change to the landscape of the site and the nature of the footpath, and to views from both the footpath and nearby roads (IR148). For the reasons given, he also shares the Inspector's opinion that the site is located in part of the Landscape Character Area (LCA) which is of medium sensitivity (IR135) and he agrees that the proposed development would be contained by the physical form of the built-up area and the woodland which would lessen its effect on the LCA (IR136). However, in agreement with the Inspector, he considers that, taking into account the allocation of the site as a Sustainable Urban Extension (SUE), these are effects of moderate harm and there would only be minor harm to the LCA (IR148).
10. The Secretary of State agrees with the Inspector's reasoning at IR137-140 and IR148 with regard to LP Policy E7. He agrees that LP Policy E1 being replaced by Policies BN2 and BN5 of the JCS does not lessen the weight attributable to LP Policy E7 (IR138). He also shares the Inspector's view that LP Policy E7 is consistent with the Framework and its age is insufficient reason to give this policy less weight (IR139).
11. Like the Inspector, the Secretary of State does not consider that the development would have an adverse effect in landscape terms by virtue of the presence of buildings on the ridge to the south of the Nene Valley and he considers that there would only be a minor

detrimental effect on visual amenity in the early years after construction has begun (IR148). He also agrees with the Inspector that the proposal would cause moderate harm to the outlook from nearby dwellings (IR148) but he does not consider that the presence of built development would be so pronounced that it would conflict with Policy E7 (IR140). Similarly, for the reasons given at IR142-143 and IR148, the Secretary of State agrees with the Inspector's finding at IR148 that the proposed development complies with the policy requirements of Policy N6 of the JCS. However, for the reasons given in that paragraph, the Secretary of State shares the Inspector's view that, while the development of the appeal site would not have a significantly detrimental effect, it would give rise to a conflict with Policy BN5 of the JCS.

Traffic movement

12. The Secretary of State has given careful consideration to the Inspector's comments at IR149-170 and he notes the Highways Agency's view that, with the mitigation measures proposed, the transport effects of the development can be accommodated on the network. He agrees that the traffic effects of the proposed development would be adequately mitigated (IR170). He also shares the Inspector's concerns expressed at IR166 and IR170 with regard to the uncertainty about the effect of the signalisation at Pavilion Drive and the addition of the fifth lane at the Queen Elizabeth Interchange. However, like the Inspector, he is satisfied that the modelling undertaken is adequate for assessing the appeal (IR162) and that the reservations about aspects of the modelling do not indicate that the development would cause material harm to traffic movement (IR170). The Secretary of State also agrees with the Inspector that measures in the Northampton Growth Management Scheme, scheduled for early implementation, have the potential to benefit the strategic road network without causing a negative impact on the roads (IR164). Overall, for the reasons given at R170, the Secretary of State agrees with the Inspector's conclusion that the residual cumulative impacts of the development would not be severe and that it would not conflict with Policy C2 of the JCS or paragraph 32 of the Framework.

Brackmills Industrial Estate

13. In reaching his conclusion on the effect of the proposed development on the Brackmills Industrial Estate (BIE), the Secretary of State has carefully considered the Inspector's analysis at IR171-174. He notes the concerns of businesses on the estate about the road network and access as well as the issues with finding and keeping staff which, it has been suggested, could be due to difficulties travelling to work (IR171). Like the Inspector, the Secretary of State considers that the significant pool of labour in close proximity to the BIE, which would result from the appeal proposal, would help to address this matter (IR173). He too considers this supports the sustainability credentials of the development. Overall, the Secretary of State agrees with the Inspector's conclusion that the proposed development would benefit the operation of the BIE and it is therefore consistent with Policy S8 of the JCS. Like the Inspector, he gives this matter moderate weight.

Housing supply

14. The Secretary of State agrees with the Inspector's reasoning set out at IR174-177 with regard to housing supply. Like the Inspector, the Secretary of State considers it appropriate that a 20% buffer should be applied to the Council's housing assessment (IR175). He also agrees with the Inspector that the contribution the appeal site would make towards the five year housing land supply carries considerable weight in favour of the proposal (IR176). He notes that it is common ground between the parties that the

provision of 24% affordable housing proposed would be policy compliant and he agrees with the Inspector that the 240 affordable dwellings would make a significant contribution to meeting the affordable housing need. He accords this significant weight.

Infrastructure, facilities and services

15. The Secretary of State notes that there are concerns about the effect of the development on infrastructure, facilities and services. However, for the reasons given at IR178-181, the Secretary of State is satisfied that they do not present any unsurmountable impediments to the granting of planning permission for the appeal scheme. He agrees with the Inspector that the planning obligations concerning infrastructure, facilities and services are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related to it in scale and kind (see paragraph 22 below).

Hardingstone Conservation Area

16. The Secretary of State agrees with the Inspector's analysis at IR182 -183, and with his overall conclusion that the proposed development would not detract from the setting of Hardingstone Conservation Area, or the contribution that setting makes to its significance as a heritage asset. He also agrees that the development would not detract from the character of Hardingstone as a whole.

Nature conservation

17. In reaching his conclusion on nature conservation, the Secretary of State has carefully considered the Inspector's reasoning at IR184-186, including Natural England's opinion that golden plover remain unlikely to make any significant use of the site; and he agrees with the Inspector that, subject to the imposition of conditions to secure mitigation measures, the proposed development would not have an adverse material effect on nature conservation interests (IR186).

Retail development

18. The Secretary of State agrees with the Inspector at IR187 that the level of detail provided for the retail component is adequate for outline planning stage. He notes that the main parties agree that the amount of retail floorspace indicated in the proposal would be appropriate to serve the new residential community and, like the Inspector, he attributes negligible weight to the opportunity for existing residents to use the facilities in the local centre.

Economic implications

19. In reaching his conclusion on the economic implications of the proposed development, the Secretary of State has carefully considered the Inspector's analysis at IR188. He agrees that the employment opportunities that would be provided by the scheme are an important benefit, but that limited weight should be accorded to the potential for the development to make money for a local authority through the New Homes Bonus.

Localism

20. For the reasons given at IR189, the Secretary of State agrees with the Inspector that the process undertaken was not contrary to the objectives of the localism agenda.

Conditions and obligations

21. The Secretary of State has considered the recommended conditions set out at Appendix C to the IR and the Inspector's comments on them at IR193 -195. He is satisfied that these conditions are reasonable and necessary and meet the tests of the Framework and the guidance. He has therefore incorporated them in his decision as set out at Annex A to this letter.
22. The Secretary of State has considered the Inspector's comments at IR190-192 on the sealed S106 Planning Agreement dated 29 July 2015, and agrees that the provisions meet the statutory tests in Regulation 122 of the CIL Regulations as amended.

Planning balance and conclusion

23. For the reasons set out in this letter, the Secretary of State concludes that the proposed development is consistent with, and would play a major role in implementing, Policies S5 and N6 of the JCS, which provide for an SUE on the appeal site; and that it would be in accordance with the development plan overall. He has gone on to consider whether there are any adverse effects of the proposal that would outweigh the benefits it provides.
24. The Secretary of State acknowledges that the size and nature of this development would inevitably involve a major change to the landscape and appearance of the area and that, whilst the development would not cause significant harm in this respect, there would be a degree of conflict with Policy BN5 of the JCS. However, for the reasons given in this letter, he does not consider that, overall, the development would conflict with the Local Plan.
25. Turning to the benefits of the proposal, it is an agreed matter that the Council is unable to demonstrate a five year housing land supply in the NRDA, and the Secretary of State considers that the contribution which this scheme would make towards the land supply position should be given considerable weight in its favour. The Secretary of State also considers that the significant contribution the proposal would make towards affordable housing need (at 24%) provides a considerable social benefit and should also be given considerable weight.
26. Overall, the Secretary of State concludes that the proposal represents a sustainable form of development which would accord with the Development Plan and the Framework, and he considers that the adverse effects would not outweigh the benefits. Consequently, he concludes that there are no material considerations which indicate that this development should not be determined in accordance with the development plan.

Public Sector Equality Duty

27. In making this decision, the Secretary of State has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In this

regard, and in coming to his decision, the Secretary of State considers that there would be some positive impact on protected persons arising from the affordable housing.

Formal Decision

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission to grant outline planning permission for a sustainable urban extension to include up to 1,000 dwellings (class C3); a local centre with up to 1,320m² net floorspace of retail, professional and financial services, and restaurants/ cafes (classes A1, A2 and A3); up to 375m² net for a public house (class A4); 2.09ha of land for a two-form entry primary school; up to 750m² for community uses which may include a medical centre, a pharmacy and a community centre (class D1); infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road in accordance with application N/2013/338, dated 28 March 2013.
29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
30. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
32. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

JEAN NOWAK

Authorised by Secretary of State to sign in that behalf

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.
 - ii. Access and Movement Framework, drawing no. 3238_201 Rev A, received 14 March 2014.
 - iii. Land Use Framework, drawing no. 3238_202 Rev A, received 14 March 2014.
 - iv. Proposed Layout Framework, drawing no. 3238_203 Rev A, received 14 March 2014.
 - v. Scale Framework, drawing no. 3238_204 Rev A, received 14 March 2014.
 - vi. Green Infrastructure Framework, drawing no. 3238_205 Rev A, received 14 March 2014.
 - vii. Blue Infrastructure Framework, drawing no. 3238_206 Rev A, received 14 March 2014.
 - viii. Urban Structure and Legibility Framework, drawing no. 3238_207, received 14 March 2014.
 - 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, eaves, 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 junctions 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 shall 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.

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

by Richard Clegg BA(Hons) DMS MRTPI

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.
- Site visits took place on 14 May, 11 & 25 June, and 30 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.
 - ii. Access and Movement Framework, drawing no. 3238_201 Rev A, received 14 March 2014.
 - iii. Land Use Framework, drawing no. 3238_202 Rev A, received 14 March 2014.
 - iv. Proposed Layout Framework, drawing no. 3238_203 Rev A, received 14 March 2014.
 - v. Scale Framework, drawing no. 3238_204 Rev A, received 14 March 2014.
 - vi. Green Infrastructure Framework, drawing no. 3238_205 Rev A, received 14 March 2014.
 - vii. Blue Infrastructure Framework, drawing no. 3238_206 Rev A, received 14 March 2014.
 - viii. Urban Structure and Legibility Framework, drawing no. 3238_207, received 14 March 2014.
 - 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

junctions 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 shall 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.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.