

<u>Application Number:</u>	WND/2022/0234
Location:	Overstone Leys, Overstone Lane, Overstone
Development:	Reserved matters application (appearance, layout and scale) for construction of 69 dwellings (Zone 10) pursuant to outline approval DA/2013/0850 and approval of Condition 26 (noise)
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Applicant:	Vistry Group
Agent:	McBains
Case Officer:	Rebecca Grant
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Ward:	Moulton
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Reason for Referral:	Relates to Overstone Leys Sustainable Urban Extension
Committee Date:	12.09.2022
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application is a reserved matters application for 69 dwellings (Zone 10) within the southern part of the Overstone Leys Sustainable Urban Extension (SUE).

Outline planning permission was granted in 2015 for the SUE (planning reference DA/2013/0850). A number of reserved matters applications have since been approved for Zones 1, 2, 3, 4, 5, 8 and 9 and a food store within the local centre. A full application was recently approved for a care home within the local centre.

This application forms a small element of application WND/2021/0172 which was refused planning permission for the following reason;

The proposal is contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy which requires new developments which are likely to result in exposure to sources of pollution to demonstrate they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. In this case the proposed design of the residential scheme would result in unacceptable internal and external noise levels within the development as a result of noise from the nearby industrial estate.

Application WND/2021/0172 was for 350 dwellings. Due to outstanding issues with noise in the southern part of Zone 10, the applicant have submitted an application for a smaller element of the overall parcel, set in the northern section of Zone 10.

The principal access to the site is taken from the A43 and the spine road runs east through

Zones 10 and 9 and then heads north to link in with the northern section of the spine road.

The application is considered to be in accordance with the Masterplan approved under the outline consent. The layout is the same as that approved under application WND/2021/0172.

Part of the site fronts the A43 to the west, the approved spine road to the north, the approved Taylor Wimpey development (WND/2021/0152) to the east and Round Spinney Industrial Estate to the south.

The site proposes a total of 28 affordable units which is 40.5% of the units of which 21 units will be affordable rent and 7 units will be shared ownership.

The application is considered to be in accordance with the Design Code approved by a discharge of condition application.

Consultations

The following consultees have raised **objections** to the application:
WNC Environmental Health

The following consultees have raised **no objections** to the application:
Moulton Parish Council, Overstone Parish Council, WNC LHA, WNC Landscape Officer, WNC Policy Team, Crime Prevention Design Advisor and WNC Archaeology

No representations from residents have been received following the consultation exercise.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Character of Development
- Highway Safety
- Impact upon Residential Amenity
- Landscape and Open Space
- Affordable Housing
- Noise – discharge of Condition 26 of outline approval

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 Overstone Leys is located to the north of Northampton.
- 1.2 Outline planning permission (ref DA/2013/0850) was approved in 2015 for the Sustainable Urban Extension (SUE) which comprises up to 2,000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings.
- 1.3 The SUE application site is defined by the existing settlement edge of Northampton to the south, which includes the Round Spinney Industrial Estate. Immediately to the west of the SUE is the A43 and to the north is the extension to the SUE referred to as Overstone Green (DA/2020/0001). This application now has a resolution to approve subject to finalising the S106 agreement.
- 1.4 A number of Reserved Matters Application have been approved, including Zone 1, 2, 3, 4, 5, 8 and 9, together with a convenience store and care home both of which are within the southern part of the local centre.
- 1.5 The application forms part of Zone 10 of the overall SUE. The site lies to the south of The Avenue. The A43 forms the western boundary of the site, The Avenue is to the north and the approved Taylor Wimpey development (Zone 9) to the east. To the south is a large, mature tree belt beyond which is the established residential area of Crabb Tree Drive and Pine Ridge. Land levels fall considerably in the southern section of the application site. An industrial estate lies to the south west of the application site.

2. CONSTRAINTS

- 2.1. There is a row of trees with Tree Preservation Orders attached to them along The Avenue.
- 2.2. Pytchley Gates are positioned to the north east of the application site on the junction of Billing Lane, Overstone Lane and Sywell Road. Pytchley Gates are Grade II listed (formerly listed as Gateway to Overstone Park, originally of Pytchley Old Hall). The gates are located over 300m from the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is a Reserved Matters Application within Zones 9 of the SUE. The proposal is for 69 dwellings of which 28 units will be affordable. This equates to 40.5% affordable units.

- 3.2. The scheme will deliver:

Market dwellings;

2 bed x 7 units

3 bed x 27 units

4 bed x 7 units

Affordable rent;

One bed x 4 units

Two bed x 8 units

Three bed x 12 units

Four bed x 4 units

- 3.3. Access to the site will be from the A43 to the west. This spine road links to the spine road within the northern section of the SUE which already has planning permission and has been constructed, although not yet fully opened (planning application reference DA/2019/0067). Planning permission has now been approved for the spine road within the southern section (WND/2021/0132). The spine road will provide a bus route through the development which will link to the wider Overstone Leys SUE. A number of bus stops are proposed along the route.
- 3.4. Secondary routes are taken off the main spine road. There is clear hierarchy of road typologies across the site, down to private driveways.
- 3.5. The site contains an area of open space in the northern part of the site, a smaller parcel in the western part of the site and a larger area of open space to the south of the application site together with a drainage basin.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
DA/2013/0850	Outline application of up to 2000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings; a new section of A43 dual carriageway road; up to 3.83ha for a local centre incorporating provision for a Use Class A1 foodstore (up to 2,000 sqm), Class A4 public house (up to 650 sqm), Class C2 care home (up to 2,800 sqm), Class D1 day nursery (up to 465 sqm), Class D1 medical centre (up to 750 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (up to 450 sqm), Class B1(c) light industry (up to 5,000 sqm); a new primary school (up to 3,150 sqm); public open space provision to include outdoor sports pitches, allotments and children's play space; structural landscape planting; associated infrastructure, including drainage features and access	Approved 28.08.2015
DA/2015/0263/NCC	Construction of a 2.5 kilometre dual carriageway (A43 Bypass) and associated landscaping, drainage and infrastructure works	No objection
DA/2016/0082	Surface water attenuation scheme in relation to Phase 1A & B of Overstone Leys development, including re-profiling of existing ditch, construction of connection ditch and balancing pond	Approved 14.04.2016
NMA/2016/0084	Non material amendment to application to application DA/2013/0850 (Outline application for up to 2000 dwellings)	Approved 20.02.2017

	Change of house types for Phase 1 – approved 20.02.17 DA/2013/0850 (Outline application for up to 2000 dwellings) Change to house types	
DA/2017/0010	Reserved matters application for 96 dwellings (including 14 affordable); open space; landscaping and infrastructure	Approved 26.10.2017
NMA/2017/0036	Non material amendment to application DA/2013/0850 (Outline application for up to 2000 dwellings) to revise house types (New Plot Nos 20-34 (inclusive) and 47-53 (inclusive)) and amend layout	Approved 14.06.2017
NMA/2017/0082	Non material amendment to application DA/2013/0850 (outline application for up to 2000 dwellings) to revise access arrangement for Phase 1A – approved 12.10.17 DA/2017/1262 Construction of a 2.5 kilometre dual carriageway (A43 Bypass) and associated landscaping, drainage and infrastructure works	Approved 20.06.2018
NMA/2018/0077	Non material amendment to planning consent 15/00022/CCDFUL for the replacement of acoustic bund – withdrawn DA/2019/0067 Reserved matters application (access – primary infrastructure or Phase 2) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015 for outline application of up to 2000 dwellings	Approved 15.04.2019
DA/2019/0067	Reserved matters application (access – primary infrastructure for Phase 2) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015	Approved 04.07.2019
DA/2019/0260	Reserved matters application (appearance, landscaping, layout and scale) for construction of 207 dwellings (Phase 2) pursuant to Condition 1 of outline planning permission DA/2013/0859 in addition to the discharge of Condition 19 (surface water drainage)	Approved 24.10.2019
DA/2020/0490	Reserved matters application for 172 dwellings and supporting infrastructure including details of appearance, landscaping, layout and scale pursuant to outline approval DA/2013/0850 and approval of Condition 36 (Bus Stops), Condition 37 (Travel Plan) and Condition 38 (Public Rights Of Way).	Approved 17.03.2021
DA/2020/0950	Construction of 66 bedroom care home with associated access, car parking and landscaping	Approved 26.04.2021
DA/2020/1034	Reserved matters application (access, appearance, landscaping, layout and scale) relating to application DA/2013/0850	Approved 27.04.2021

	for the erection of a food store within the local centre, including discharge of Condition 18 (foul water disposal), Condition 19 - partially discharged (surface water drainage), Condition 20 (ground investigation), Condition 23 (closure report), Condition 25 (ground gas) and Condition 43 (Compensatory Habitat Creation)	
DA/2020/1178	Reserved matters application (access, appearance, landscaping, layout and scale) for 129 dwellings within Zone 5 pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (soft landscaping), Condition 18 (foul water drainage), Condition 26 (acoustic report), Condition 30 (fire hydrants), Condition 37 (travel plan), Condition 39 (arrangements for management and maintenance of proposed streets), Condition 41 (external lighting plan), Condition 42 (soil management plan) and Condition 43 (compensatory habitat creation and management scheme).	Refused 29.10.2021
WND/2021/0132	Reserved matters application (access - primary infrastructure for Zone 9) pursuant to Condition 1 of outline planning approval DA/2013/0850 granted approval on 27.08.2015.	Approved 29.10.2021
WND/2021/0152	Reserved matters application (access, appearance, landscaping, layout and scale) for 350 dwellings (Phase 9) pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (details of open space), Condition 26 (internal noise levels), Condition 36 (Bus stops), Condition 37 (Travel Plan) and Condition 41 (external lighting)	Approved 29.10.2021
WND/2021/0172	Reserved matters application (access, appearance, landscaping, layout and scale) for 350 dwellings (Zone 10) pursuant to outline approval DA/2013/0850 and approval of Condition 26 (noise) and Condition 37 (travel plan)	Refused 10.05.2022
WND/2021/0700	Reserved matters application – Zone 4 – 223 dwellings including details of appearance, landscaping, layout and scale pursuant to outline approval DA/2013/0850 and approval of Conditions 15 (open space), 36 (bus stops), 37 travel plan) and 38 (public rights of way).	Approved 18.8.2022

WND/2021/0870	Reserved matters application (access, appearance, landscaping, layout and scale) for 123 dwellings within Zone 5 pursuant to outline approval DA/2013/0850 and approval of Condition 14 (finished floor levels), Condition 15 (soft landscaping), Condition 18 (Foul Water), Condition 26 (acoustic report), Condition 36 (bus stops), Condition 37 (travel plan) and Condition 38 (public rights of way) - Resubmission of application DA/2020/1178.	Approved 23.2.2022
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5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Daventry Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA Presumption in Favour of Sustainable Development
- S1 Distribution of Development
- S10 Sustainable Development Principles
- H1 Housing Density and Mix and Type of Dwellings
- H2 Affordable Housing
- N3 Northampton North Sustainable Urban Extension
- C1 Changing Behaviour and Achieving Modal Shift
- C2 New developments
- BN1 Green Infrastructure Connections
- BN2 Biodiversity
- BN7 Flood Risk
- BN9 Planning for Pollution Control

Daventry Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- H08 Housing Mix and Space Standards
- CW1 Health and Well Being
- CW2 Open Space Requirements
- ST1 Sustainable Transport Infrastructure

- EN1 Landscape
- ENV4 Green Infrastructure
- ENV5 Biodiversity
- ENV10 Design

Neighbourhood Plan (NHP)

5.5. Overstone Neighbourhood Plan 'made' on 3.12.2021.

Material Considerations

5.6. Below is a list of the relevant Material Planning Considerations

Supplementary Planning Guidance e.g. SPG on house extensions etc.
 National Policies the National Planning Policy Framework (NPPF)
 Chapter 2 Achieving sustainable development
 Chapter 5 Delivering a sufficient supply of homes
 Chapter 8 Promoting healthy and safe communities
 Chapter 12 Achieving well-designed places

Technical Housing Standards – Nationally Described Space Standard (NSS, 2015)
 National Design Guide 2019
 Northamptonshire Parking Standards 2016
 Local Highway Authority Standing Advice 2016

Daventry Supplementary Planning Documents

Biodiversity Supplementary Planning Document (2017)
 Housing Supplementary Planning Document (2017)
 Planning Out Crime in Northamptonshire (2004)

6. RESPONSE TO

Below is a summary of the consultation responses in regards to the second round of consultation received at the time of writing this report. Responses are available to view in full via the online Planning Register.

Consultee Name	Position	Comments
Moulton Parish Council		Support the comments of Overstone Parish Council.
Overstone Parish Council	No further comments to make.	
WNC Local Highway Authority	No further comments to make.	The site forms part of a wider application. Given that the LHA was content that the layout under WND/2021/0172 was acceptable, this section if also acceptable.
WNC Environmental Health	Object	Unable to support the application and do not recommend that Condition 26 can be discharged.
WNC Landscape Officer	Support	In line with other schemes within the SUE.
WNC Policy Team	No comments to make	As previously agreed

Crime Prevention Design Advisor	No comments received	
Archaeology	No comments to make.	The archaeological fieldwork is complete in this area and the programme is now in the analysis phase.

7. RESPONSE TO PUBLICITY

7.1 Four site notices were posted around the site on 6 April 2022 and neighbours notified.

No representations have been received.

8. APPRAISAL

Principle of Development

8.1. The application site falls within the policy N3 allocation of the WNJCS. Policy N3 states that the development will make provision for:

- In the region of 3,500 dwellings;
- Primary school provision to cater for the needs of the development;
- A total of approximately 10ha of land for local employment opportunities;
- At least one local centre to include local retail facilities of an appropriate scale (including a convenience store), health care services and community facilities;
- A contribution towards the provision of a high quality public transport corridor to Northampton town centre;
- A local multi modal interchange;
- A43 corridor mitigation measures
- An integrated transport network focused on sustainable transport;
- Structural greenspace and wildlife corridors
- Sports and leisure provision;
- Archaeological and ecological assessment of the site and required mitigation; and
- Flood risk management

8.2. The principle of the development on this site was established through the granting of outline planning permission in 2015 (planning application reference DA/2013/0850). Planning permission was granted for;

Outline application of up to 2000 dwellings, with access, appearance, layout and scale unreserved for the first phase of 200 dwellings; a new section of A43 dual carriageway road; up to 3.83ha for a local centre incorporating provision for a Use Class A1 foodstore (up to 2,000 sqm), Class A4 public house (up to 650 sqm), Class C2 care home (up to 2,800 sqm), Class D1 day nursery (up to 465 sqm), Class D1 medical centre (up to 750 sqm), a parade of 5 retail units (Classes A1, A2, A3, A5 and D1) (up to 450 sqm), Class B1(c) light industry (up to 5,000 sqm); a new primary school (up to 3,150 sqm); public open space provision to include outdoor sports pitches, allotments and children's play space; structural landscape planting; associated infrastructure, including drainage features and access.

8.3. The application is considered to be in accordance with Policy N3 of the WNJCS.

- 8.4. Other material considerations will now be discussed below, before all considerations are weighed in the planning balance towards the end of the report.

Impact upon character of the area

- 8.5. The principal of the layout was established through discharging Condition 12 attached to the outline planning permission (ref DA/13/0850). Condition 12 required a Design Code to be submitted and approved prior to any works commencing to the east of the A43.
- 8.6. The Design Code set parameters for the subsequent phases of development, for example, setting out different frontages e.g. A43 Corridor, Primary Streets, General Neighbourhood and Rural Edge. It also established street hierarchy and sets out generic design principles.
- 8.7. The Design Code Regulating Plan indicates that the application site falls within four character areas, A43 frontage, Primary frontage and General neighbourhood.
- 8.8. The A43 is characterised by;
- Higher proportion of terraces/semi-detached
 - Predominately front gardens
 - Small gaps between buildings
 - Contemporary design
 - Consistent detailing
 - Limited materials palette (Primary red/Secondary up to 40% buff – grey/red roof tiles)
- 8.9. The Primary Street is characterised by;
- Semi-detached/terraces/some large detached
 - Symmetry and formality
 - Regular set backs
 - Boulevard trees with regular spacing
 - More contemporary design
 - Limited materials palette (Primary red/Secondary up to 20% buff, up to 20% render – grey/red roof tiles)
- 8.10. The General Neighbourhood is characterised by;
- Detached/semi, limited terraces
 - Varied gaps between dwellings
 - More informal setback
 - Varied parking arrangement
 - Traditional design
 - Broad materials palette (buff/timber/weatherboard/red/render)
- 8.11. The overall layout for the site is largely in accordance with the approved Design Code. The design approach creates distinct character zones across the site, each with different features and characteristics which help to break up the mass of the development and help with wayfinding across the site. The key principle which help to demonstrate the legible and well connected approach to the design;
- Well defined linear form of development addressing A43 corridor and Primary Street frontage.
 - Hierarchy of street types with distinctive character and surface treatments.
 - Gateway buildings and key areas to aid way finding and act as visual focal points.

- Generally permeable layout, balanced with some non-through routes.
- 8.12. The Design Code states, “The A43 corridor frontage will help provide a strong building line and formal avenue tree planting along its length will help to create a more formal character. Properties will be serviced via private drives running parallel to the A43 with a combination of on-street and on-plot parking”.
 - 8.13. Along the A43 corridor building typologies predominately comprise smaller units arranged in blocks of mainly semi-detached properties with primary frontage parking. Occasional detached units are plotted at corner location. There are small gaps between dwellings. Dark casement windows with clean and simple lines combined with dark fascias and a limited and simple materials palette, contribute to a more contemporary architectural style.
 - 8.14. The Design Code states, “The Primary Street character area relates to built form along the primary route that feed off the A43 bypass. Being an important route for the site this character area must provide a well-defined built form to aid legibility and way finding through the development. It must also function as a street, providing activity and a pleasant living environment for its residents”.
 - 8.15. With regards to the Primary Frontage, buildings are typically semi-detached 2 storey with regular gaps and set back behind parallel private drives. A key feature of this frontage is symmetry and formality of the building line. All parking is to the side of dwellings. Dark full height windows are proposed to add a distinctive character to the area.
 - 8.16. The Design Code states, “The General Neighbourhood will accommodate a mix of house types within a more formal setting. There will also be a great ate variation in street typologies within this area encompassing both secondary and site streets, which will provide links to the development edge,”
 - 8.17. The dwellings within the General Neighbourhood are typically 2 storey arranged in a variety of continuous and broken frontages. The building lines are consistent within groups which will enhance the key areas of development defining some formal groupings. There is a greater variation in street typology, varied gaps between buildings and varied parking arrangements.
 - 8.18. The dark cladding and dark window frames are proposed along the A43 frontage and primary frontage in order to provide a more contemporary architectural style as highlighted in the approved Design Code. The development at this point, is on the edge of Northampton. The application site is closer to Round Spinney Industrial Estate and the existing development at Southfields, Northampton, than the village of Overstone. It is therefore considered that a more contemporary design could be accommodated here creating a character area and ensuring legibility across the site. The use of contemporary design along the A43 is proposed within the Design Code. The use of stone is not considered to be appropriate here and is not highlighted with the Design Code.
 - 8.19. It is considered the design of the layout is acceptable. It will provide a variety of house types in order to create an interesting residential environment and one which has character and should provide legibility.
 - 8.20. In order to ensure that the materials palette is acceptable, a condition is proposed to require details and samples of materials to be submitted.

- 8.21. With regards to density, Policy H1 of the WNJCS requires development within SUE's to achieve a minimum average density of 35 dwellings per hectare. The density varies between character areas with the area fronting the A43 having the greatest density however this is 34 dwellings per hectare. Whilst this is slightly less than the policy requirement of Policy H1 of the WNJCS of 35dph, the level of density is considered to be appropriate for the development area given the constraints of the site.
- 8.22. It is considered that the scheme now accords with the principles set out in the Design Code and as such is in accordance with Policy ENV10 of the Daventry Local Plan (Part 2).

Impact on Highway Safety

- 8.23. Policy C1 of the WNJCS states that priority will be given to proposed transport schemes that will contribute towards behavioural change by, inter alia, providing access by walking, cycling and public transport, maximising the use of existing capacity within the transport infrastructure and managing the demand for car based travel within urban area.
- 8.24. Policy C2 of the WNJCS expects new development to achieve modal shift targets set out in the JCS by maximising travel choices from non-car modes.
- 8.25. A Transport Assessment was approved under the outline planning application. This reserved matters application is in accordance with the principles established under the outline consent and approved Transport Assessment.
- 8.26. The LHA have also noted that the bus stops locations as laid out in the S106 Agreement mean that all of the development is located within 400m of a bus stop and therefore the bus route also no longer has to go around the primary road loop through the southern part of the development.
- 8.27. WNC Highways have made a number of comments on the application and have been involved throughout the consultation process. A number of amendments have been made to take account of comments raised by Highways with regards to highways safety.
- 8.28. WNC Highways also made a number of comments on the submitted Travel Plan. Subject to these being addressed the Travel Plan condition can be discharged.
- 8.29. Parking has been designed in accordance with Northamptonshire Highway Parking standards. Parking is accommodated in the following ways;
Largely on-plot behind building line.
To the front of each dwelling in block of 4 allowing at least 2.7m between each group to enable correct design of dropped kerb and adequate landscape strips.
- 8.30. WNC Highways have confirmed that the revised layout has addressed all previous comments raised and as such is acceptable.
- 8.31. Subject to final approval of WNC Highways, given that there are no highway reasons to warrant refusal of the application, the application is considered to be acceptable.

Impact upon residential amenity

- 8.32. The layout has been assessed to ensure that distances between habitable windows conform to our guidelines to prevent issues of overlooking. The dwellings within Zone 9 which are currently under construction will be the nearest dwellings to the application

site. Both Zones have been designed to take account of each other and consequently there are therefore no issues of overlooking.

- 8.33. A significant constraint on the site is the difference in levels. These levels are not so significant in this northern section of the Zone and therefore this is not a consideration for this section of Zone 10
- 8.34. A plan has been provided as a number of dwellings to not have gardens 10m in length. The plan is to illustrate that whilst the length of the garden may not be 10m, the overall size of the garden is sufficient to meet the needs of the occupiers and does not result in any issues of overlooking. For example, there are a number of corner dwellings which have gardens to the side of the property. Whilst the length does not meet 10m, the overall area is in excess of 60sqm and there are no properties to the rear which prevents issues of overlooking.
- 8.35. On balance, it is considered the layout has been designed to take account of levels and how dwellings will relate to each other in terms of overlooking and overshadowing. It is therefore considered that the proposal is in accordance with Policy ENV10 of the Daventry Local Plan (Part 2).

Landscape and Open Space

- 8.36. Policy ENV1 is concerned with ensuring that the proposal maintains the distinctive character and quality of the District's landscapes. ENV4 also aims to protect, enhance and restore the District's green infrastructure network, again relating to the Spinney and ensuring that an appropriate network of green infrastructure leads from the Spinney through the development linking on-site greenspace.
- 8.37. The approved indicative Masterplan sets out the principles of development and provides an indication of where open space will be located. There is also a plan (Plan 2) attached to the S106 which outlines where open space will be provided. Unfortunately there are no figures in the S106 or conditions attached to the planning permission which set out the precise level of open space however an indication is provided within the committee report and within the plans in the S106.
- 8.38. The landscaping was approved under application WND/2021/0152. The applicants are therefore not looking to deal with landscaping as a reserved matters under this application.
- 8.39. Our Landscape Officer has previously been involved with the application and has no objection in principle to the proposals.
- 8.40. Given that the scheme complies with the parameters set in the outline planning approval with regards to open space and landscaping and the details have been approved under application WND/2021/0152, it is considered that the landscaping details are acceptable and as such in accordance with ENV1 of the Daventry Local Plan (Part 2).

Affordable Housing

- 8.41. The site falls within West Northampton Joint Core Strategy (WNJCS) policy H2 (Affordable Housing) which states that on all housing development of five or more dwellings in Northampton Related Development Area (NRDA), 35% should be provided as affordable housing.

8.42. The applicants have previously submitted an affordable housing viability assessment stating that the Overstone Leys development will not be financially viable if they are required to provide 35% affordable housing. The Council employed an external consultant to verify the applicant's viability report. The conclusions of the report confirmed that the quantum should be reduced to 15%.

8.43. The scheme will provide 28 affordable units which comprise;

Type	Affordable Rent	Shared Ownership	Total
1 bed house	4		4
2 bed house	4	4	8
3 bed house	10	2	12
4 bed house	3	1	4
Total	21	7	28

8.44. The proposed mix aligns with the latest housing needs evidence which indicates the greatest need is for 2 bed and 3 bed dwellings, followed by 1 bed dwellings and a lesser number of 4 bed dwellings.

8.45. Policy H04 of Daventry's Housing SPD specifies a housing tenure mix of 70% rented and 30% intermediate housing. Viability work undertaken for the outline application was based on this mix. The mix for the whole of the development has been agreed recently. It was agreed to take an overall development approach and to allow flexibility in the phases to allow more affordable to be delivered near the local centre.

8.46. The Affordable Housing Officer has confirmed acceptance of the approach and mix proposed. It is therefore considered the proposal is in accordance with the principles of Policy H2 of the WNJCS.

Noise – Condition 26 of the outline consent

8.48. Condition 26 of the outline consent states;

"Prior to the commencement of the development of each phase hereby approved, a scheme to demonstrate that the internal noise levels within the residential units of that phase will conform to the guideline values for indoor ambient noise levels under background ventilation rates as identified within BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. External living area (gardens) noise levels shall conform to World Health Organisation (W.H.O):1999 guidelines – 50-55dB LAeq, 16hr. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation and be retained thereafter".

8.49. As Members will be aware, planning permission was refused for application WND/2021/0172 for the full extent of Zone 10 as insufficient information was submitted to ensure that future residents would not be adequately protected against noise. The reason for refusal was as follows;

"The proposal is contrary to Policy BN9 of the West Northamptonshire Joint Core Strategy which required new developments which are likely to result in exposure to sources of pollution to demonstrate they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. In this case the propose design of the residential scheme

would result in unacceptable internal and external noise levels within the development as a result of noise from the nearby industrial estate”.

- 8.50. WNC Environmental Health Officers (EHO) have raised concerns that the industrial noise when assessed against BS4142 is still a problem within this northern section of the Zone and that it is going to have an adverse and significant adverse impact on future residents. WNC EHO have advised that whilst the noise consultant for the applicant has proposed a glazing and ventilation scheme that will lower internal noise levels than outlined in BS8233, the industrial noise is not an anonymous noise source as it has required some character corrections, so BS4142 must be the assessment standard, not BS8233.
- 8.51. Officers need to consider the wording of Condition 26 and whether the applicant has submitted sufficient information to discharge Condition 26 attached to the outline consent. Condition 26 requires indoor noise levels under background ventilation rates to be as identified within BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings and external living areas (gardens) to be in accordance with World Health Organisation (W.H.O):1999 guidelines – 50-55dB LAeq, 16hr.
- 8.52. Given the difference in opinion between the applicant’s noise consultant and our EHO, an independent noise consultant has been instructed by the Council to review if the noise report submitted with the application is sufficient to enable Condition 26 to be discharged.
- 8.53. At the time of drafting the report, the noise consultant has advised that “In summary the proposals address the issues appropriately, recognise the potential for adverse and significant adverse impacts and suggest a range of mitigation measures to address those impacts so that noise and planning policy and guidance aims and objectives are likely to be achieved. The scheme relies on some sources of guidance and advice on the evaluation of noise that may not be ideally suited to the sounds emitted from the nearby commercial sources, but applies these in a precautionary way so that the risk of adverse and significant adverse effects is mitigated and minimised and avoided, as required by policy and guidance. Mitigation measures include as far as reasonably practicable using the site layout and orientation of dwellings coupled with boundary noise barriers to mitigate noise impacts. In addition, fundamental to the mitigation measures is the use of the building envelope with windows closed, and alternative means of ventilation provided, to achieve acceptable internal noise conditions. This is itself an adverse effect as it limits how the occupiers can use their home, but is recognised as a suitable means of noise mitigation in these situations in the National Planning Practice Guidance in Paragraph: 009 Reference ID: 30-009-20190722 Revision date: 22 07 2019, which advises the following:

“The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring). “

- 8.54. The application clearly defines the mitigation required to adequately deal with significant adverse effects and in my view this will help to achieve a satisfactory living environment where the risk of statutory nuisance has been reasonably practicably minimised”.
- 8.55. A full report will be provided and a further update will be provided as a late item.
- 8.56. Given the advice of the noise consultant, the fact that the site is allocated for residential development and has outline approval with an indicative masterplan illustrating residential within this area, on balance, it is considered that the noise report submitted is sufficient to discharge Condition 26 on the outline planning permission.

8. FINANCIAL CONSIDERATIONS

- 8.49. CIL payments are not applicable to this site as the outline consent was approved prior to CIL being adopted.

9. PLANNING BALANCE AND CONCLUSION

- 9.49. The planning system is actively encouraged to assume a presumption in favour of sustainable development rather than being an impediment to sustainable growth. The site, being located with the Overstone Leys SUE will have a good level of accessibility and be within reasonable walking and cycling to the local centre. Taking the above into account, this development is considered to be acceptable.
- 9.50. The proposal has been designed in accordance with the parameter plans approved at outline stage and the indicative masterplan.
- 9.51. On balance, it is considered that the proposal is acceptable in planning terms and hence overall complies with policies S1, S10, N3, C1, C2 and BN9 of the West Northamptonshire Joint Core Strategy and policies ST1, EN1, ENV4, ENV5 and ENV10 of the Settlements and Countryside Local Plan (Part 2) (February 2020).

10. RECOMMENDATION / CONDITIONS AND REASONS

- 10.49. The application is recommended for **APPROVAL**

Conditions

Drawing Numbers

1. The development shall be carried out strictly in accordance with the following drawings;

Layouts

OLNVNH-MCB-ZZ-ZZ-DR-A-0200B-D5-P1-Site Location Plan

OLNVNH-MCB-ZZ-ZZ-DR-A-0230B-D5-P1-Site layout Plan

OLNVNH-MCB-ZZ-ZZ-DR-A-0231B-D5-P1-External materials and boundaries treatment plan

OLNVNH-MCB-ZZ-ZZ-DR-A-0232B-D5-P1-Surface Finishes Plan

OLNVNH-MCB-ZZ-ZZ-DR-A-0233B-D5-P1-Affordable Tenure Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0234B-D5-P1-Refuse Management Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0235B-D5-P1-Parking Strategy Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0236B-S2-P1-Garden Sizes Plan

House Types as set out in the Accommodation Schedule dated 25.02.2022

Street Scenes and Site sections

OLNVNH-MCB-ZZ-ZZ-DR-A-0300B-D5-P1 - Illustrative Streetscenes A & C

Engineering

Levels and Drainage Strategy 18927-OVER-5-SK007

Other

Planning Statement prepared by Tetra Tech

Affordable Housing Statement prepared by Pioneer Property Services Ltd

Site Waste Management Plan

Green Travel Plan prepared by Woods Hardwick

Reason: To ensure development is in accordance with the submitted drawings and to enable the Local Planning Authority to consider the impact of any change to the approved plans.

Removing Permitted Development Rights

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no alterations shall be made to any means of enclosure hereby approved that front a highway, footpath or private drive, and no new means of enclosure shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway, footpath or private drive, in either case without the prior written consent of the Local Planning Authority. For the avoidance of doubt, 'means of enclosure' shall include fences, gates, railings, walls or hedges. Any gates shall be set back 5.5m from the highway boundary.

Reason: In the interests of the visual amenity of the area and of highway safety and in accordance with Policy ENV10 of the Settlements and Countryside Local Plan (Part 2).

Materials

3. Notwithstanding Drawing OLVNH-MCB-ZZ-ZZ-DR-A-0231B-D5-P1-External materials and boundaries treatment plan prior to construction of the dwellings above slab/foundation level samples (including photographs) of the materials to be used for the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered. In the interests of visual amenity of the area in

accordance with Policy ENV10 of the Settlements and Countryside Local Plan (Part 2).

Use of garages

4. The garages, parking spaces and turning areas shown on the approved plan(s) shall be constructed/laid out and surfaced in accordance with the approved drawings before the dwelling is first occupied and shall not thereafter be used for any purpose other than garaging/parking of private motor vehicles.

Reason: In the interests of residential amenity and the safety and convenience of users of the adjoining highway in accordance with Policies ENV10 and SP1 of the Settlements and Countryside Local Plan (Part 2).

Affordable Housing

5. The quantum, disposition and type of affordable housing within the site shall be set out on the Affordable Tenure Plan OLNVDN MCB-ZZ-ZZ-DR-A-0233B D5-P1 and the Affordable Housing Statement prepared by Pioneer Property Services Ltd and the tenure and phasing of the affordable housing shall be as set out in the existing Section 106 agreement for the site, in all cases, unless otherwise agreed in writing by the Local Planning Authority, in the context of a viability assessment for the site.

Reason: In the interests of providing an appropriate level and standard of affordable housing.

Retaining walls

6. Notwithstanding Drawing 18927-OVER-5-SK007 Levels & Drainage Strategy, prior to construction of the dwellings above slab/foundation level, details of any retaining walls proposed shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and in accordance with Policy ENV1 of the Settlements and Countryside Local Plan (Part 2).

NOTES

As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies: In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.