

Application Number: WND/2022/0833

Location: Overstone Leys, Overstone Lane, Overstone

Development: Reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline planning permission DA/2013/0850 for 350 dwellings (Zone 10) **and approval of Condition 26 (Noise)** - resubmission of application WND/2021/0172

Applicant: Vistry Group

Agent: McBains

Case Officer: Rebecca Grant

Ward: Moulton

Reason for Referral: Relates to Overstone Leys Sustainable Urban Extension

Committee Date: 14/11/2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application is a reserved matters application for 350 dwellings (phase 10) within the southern part of the Overstone Leys Sustainable Urban Extension (SUE). The site proposes a total of 92 affordable units which is 26% of the units, of which 70% will be affordable rent and 30% will be shared ownership.

This application is a resubmission of application WND/2021/0172 which was refused at the May 2022 Strategic Planning Committee on grounds that noise had not been adequately addressed.

Consultations

The following consultees have raised **objections** to the application:

- none

The following consultees have raised **no objections** to the application:

- WNC Environmental Health, WNC Policy Officer, WNC Archaeology, Highways

No representations have been received.

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
- Ecology

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 first phase was split into two sections phases 1A (104 dwellings) and 1B (96 dwellings). Construction of the approved Phase 1A development has been completed. Planning permission was granted in 2019 for the primary infrastructure to Zone 2 and 207 dwellings within Zone 2. Work has progressed on site and a number of dwellings are occupied. Planning permission has also been granted for Zone 3, 4, 5, 8, 9 and a small element of 10.
- 1.4 The application forms 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 for 350 dwellings (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.
- 1.5 Planning permission was granted for 69 dwellings (reference WND/2022/0234) in relation to Zone 10 which forms a smaller part of this application.

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 10 of the SUE. The proposal is for 350 dwellings of which 92 units will be affordable. This equates to 26% affordable units.

3.2. The scheme will deliver:

Market dwellings;
 2 bed x 14 units
 FOG x 1 unit
 3 bed x 129 units
 4 bed x 78 units
 5 bed x 27 units

Affordable rent;
 One bed x 14 units
 Two bed x 41 units
 Three bed x 33 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 (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),	Approved 28.08.2015

	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	
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) 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	Approved 20.02.2017
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	Approved 04.07.2019

	approval DA/2013/0850 granted approval on 27.08.2015	
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 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)	Approved 27.04.2021
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	Approved 29.10.2021

	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)	
WND/2021/0700	Reserved matters application – Zone 4 – 229 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 18.08.2022
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/2021/0860	Hybrid application for detailed approval for site access, provision of petrol filling station with convenience store : two food & drink units (with drive-thru lanes), retail units & 119 parking spaces & public access routes. Outline application (with matters of scale, access & layout to be determined) for an employment unit; a nursery, 21 parking spaces and public access routes.	Refused 27.10.2022
WND/2022/0234	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)	Approved 22.09.2022
WND/2022/0770	Reserved matters application (appearance, layout and scale) for construction of 223 dwellings on zone 4	To be determined

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 have prepared a Neighbourhood Plan which was '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)

6. RESPONSE TO CONSULTATION

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	Comment
Moulton Parish Council		No comments received at time of drafting the report.
Overstone Parish Council		No comments received at time of drafting the report.
WNC Local Highway Authority	No objection	All matters relating to the highway layout and access were resolved to the LHA's satisfaction during consultation for WND/2021/0172. As this new application is a re-submission of the same plans, the LHA has no further comments to make. The Travel Plan has previously been reviewed and approved.
WNC Environmental Health	No objection	Satisfied that Condition 26 can be discharged.
WNC Landscape Officer		No comments received at time of drafting the report.
WNC Strategy Team	No objection	The Local Strategy Service made comments on the previous application (WND/2021/0172) on the following issues: Design of the proposal to respond positively to the site's characteristics and context and be in accordance with the approved Design Code for Overstone Leys. Amount of affordable housing is satisfactory, tenure split is also fine and meets the mix requested by the Affordable Housing Officer. Clustering arrangements are also fine. Question over whether the national space standards are being met. Providing you are satisfied that the proposal is meeting point 1, we have no further comments to make.
Crime Prevention		No comments received at time of drafting

Design Advisor		the report.
Archaeology	No comments to make	The archaeological fieldwork has been satisfactorily completed in this zone.
Ecology	Raises concerns	The Ecological Constraint note is two years old, so the findings are out of date. Given the length of time that has elapsed, a pre-commencement badger check would not suffice so an updated survey is warranted.

7. RESPONSE TO PUBLICITY

7.1. 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. Other material considerations are discussed below, with all considerations weighed in the planning balance at the end of the report.

Impact upon character of the area

8.4. The principle 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.

8.5. 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.

8.6. The Design Code Regulating Plan indicates that the application site falls within four character areas, A43 frontage, Primary frontage, General neighbourhood and Rural Edge

8.7. 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)

8.8. 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)

8.9. 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)

8.10. The Rural Edge is characterised by;

- Large detached
- Informal arrangement
- Shared drives
- Detached garages
- Traditional design

- Varied detailing
- Broad materials palette (recon stone, buff, red, timber/weather board – red/grey roof tiles)

- 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. 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.
- 8.13. 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.
- 8.14. 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.
- 8.15. Finally, larger units are proposed along the rural edge arranged in a more informal setting around the edges of the development facing the public open space. Regular gaps are proposed between dwellings with variation in the ridge line and set back. Detached dwellings are proposed with properties arranged mainly along private drives.
- 8.16. 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.
- 8.17. 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.
- 8.18. In order to ensure that the materials palette is acceptable, a condition is proposed to require details and samples of materials to be submitted.
- 8.19. 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

- 8.20. 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.
- 8.21. 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.
- 8.22. 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.
- 8.23. An access link to Billing Road to the east has not been provided on the advice of the LHA in order to avoid creating a cut through which would likely be heavily used and not designed for this level of traffic.
- 8.24. A bus gate was also suggested during the outline stage and indicated in the Design Code. This has also been removed from the scheme at the advice of the LHA. As a result, the road design here has been downgraded as it will no longer need to meet the requirements for a bus route. The bus route serving the development will therefore follow the spine road.
- 8.25. 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.
- 8.26. 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.
- 8.27. WNC Highways approve the submitted Travel Plan and are satisfied that the condition can be discharged.
- 8.28. 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.
- 8.29. WNC Highways have confirmed that the revised layout has addressed all previous comments raised and as such is acceptable.
- 8.30. 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

- 8.31. The layout has been assessed to ensure that distances between habitable windows conform to our guidelines to prevent issues of overlooking. The nearest existing residential properties lie to the south of the site within South Fields Park residential area. The dwellings are over 100m from the boundary of the site and there is a significant tree

screen forming the southern boundary. There are therefore no issues of overlooking from existing properties with the application site.

- 8.32. The application forms part of the southern development area where Zones Phase 9 and 10 are positioned. A reserved matters application for Zone 9 (WND/2021/0152), which is also for 350 dwellings, was approved at the October 2021 Strategic Planning Committee. The dwellings within this application form the closest properties to the application site. There are no issues of overlooking between phases 9 and 10 as minimum separate distances are complied with.
- 8.33. A significant constraint on the site is the difference in levels. The ground levels fall away to the east and south of the site and also west to east. The site has been designed to take account of the levels with dwellings being offset from each other, having tiered gardens, pushing back distances between properties as far as possible and removing the need for retaining walls. Sections have been provided to illustrate the relationship between dwellings. Four different sections have been provided to illustrate how boundary treatments will be dealt with around the site. Officers raised concern with the use of potentially 3m high retaining walls as well 1.8 boundary. Rather than use retaining walls where levels are most significant, the applicants propose to tier the gardens for both properties. This prevents overlooking from the properties on the upper side and creates private amenity space for residents. This results in the boundary only being a standard 1.8m close boarded fence with 0.3m trellising. A drawing has been provided to illustrate which section will be used in which scenario.
- 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. To the south of the site four drainage ponds are proposed, one is existing and three are new ones to be created. The existing pond will be the only wet pond (as is currently). The other three ponds will be dry for the majority of the time and will only be wet in

extreme weather conditions. Due to the level differences, the dry ponds may not be easily accessible for play, they will however provide an attractive environment for residents and can be used for leisure activities.

- 8.39. Given that the scheme complies with the parameters set in the outline planning approval and additional incidental open space has been provided, it is considered that the level of open space is sufficient for the development.
- 8.40. To the south of the application site, the Design Code and masterplan indicate a pedestrian link to Southfields playing field. The applicants are providing a pedestrian link to the site boundary (i.e. all within their site boundary). There are desire lines through the site and woodland that connect into the site. A formal footpath (with lighting) provides a connection to Crabb Tree Drive. Residents can then make their way using the existing footpath network to the playing fields.
- 8.41. Our Landscape Officer has been involved with the application and has no objection in principle to the proposals.
- 8.42. 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

- 8.43. 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.
- 8.44. 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%. Therefore, on a scheme of 350 dwellings we would expect 53 affordable housing units to be provided.
- 8.45. The scheme will provide 92 affordable units which comprise;

Type	Affordable Rent	Shared Ownership	Total
1 bed house	14	0	14
2 bed house	27	14	41
3 bed house	20	13	33
4 bed house	3	1	4
Total	64	28	92

- 8.46. 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.
- 8.47. 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.

- 8.48. 64 of the units are to be shared ownership and 28 units are to be affordable rent.
- 8.49. 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.

Internal noise levels – Condition 26

- 8.50. Policy S10 of the JCS requires new development to minimise pollution from noise.
- 8.51. The NPPF, paragraph 180, states that planning policies and decisions should ‘mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life’.
- 8.52. Noise was assessed through the outline planning application in the Environmental Statement. Condition 26 on the outline planning permission 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”.

- 8.53. WNC Environmental Health Officer raised a number of concerns with the previous application (WND/2021/0172) and the application was refused on the following grounds;

“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”.

- 8.54. Officers worked with the applicant to try to resolve this issue given that the site is allocated for development and outline planning consent has been granted. As a result of the difference in opinion between the applicant’s noise consultant and our EHO, an independent noise consultant was instructed by the Council to review if the noise report submitted with the application is sufficient to enable Condition 26 to be discharged.

- 8.55. The noise consultant 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).”

- 8.56. The noise consultant concluded that the application clearly defines the mitigation required to adequately deal with significant adverse effects and this will help to achieve a satisfactory living environment where the risk of statutory nuisance has been reasonable practicably minimised.
- 8.57. WNC’s Environmental Health officers have confirmed that they accept the findings of the independent noise consultant and have no objection to the application.
- 8.58. It is therefore considered that the scheme will accord with Policy BN9 of the JCS and the overarching intentions of the NPPF and as such the condition can be discharged as part of this reserved matters application.

Ecology

- 8.59. WNC’s Ecologist has raised a concern that the Ecological Constraints Report is two years old, so the badger findings are out of date and have advised that an updated survey is warranted in this case. There are however conditions attached to the outline consent which covers issues such as this.
- 8.60. Condition 43 states that, “no development shall take place in any phase until details of measures for the provision and management of compensatory habitat creation (including a timetable for its implementation) associated with that phase of development have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be informed by the updating, as necessary, of protected species survey work and the protection and mitigation measures identified as being required as a result of previous and any updated survey work. Development shall be carried out in accordance with the approved details”.
- 8.61. As this condition is attached to the outline permission, the applicants will need to discharge Condition 43 in relation to Zone 10 and no development can take place until Condition 43 has been discharged.

- 8.62. Given that there is a condition attached to the outline consent which covers the issue of updated protected species work, it is not reasonable for conditions to be attached any reserved matters approval.
- 8.63. It is therefore considered that the scheme will accord with Policy BN2 of the WNJCS and Policy ENV5 of the Settlements and Countryside Local Plan (Part 2).

Other considerations

- 8.64. National Space Standards - Policy H08 part Ciii) requires that all dwellings should meet the national space standards. The majority of the dwellings meet the minimum national space standards for the minimum number of people for each dwelling type. Unfortunately some of the 2 and 3 bed units do not meet the standards. A total of seventeen 2 bed affordable houses do not meet the NSS and a total of twenty four 2bed and thirty eight 3bed markets units do not meet NSS. This equates to 79 units out of a total of 350 units not meeting standards (22.5%).
- 8.65. The issue of space standards has been raised with the applicant. We are however unable to require the applicant to increase the size of these units as there were no conditions attached to the outline planning permission requiring the development to adhere to these requirements. Legal advice has been sought which concluded that there is a plethora of case law and appeal decisions which supports and confirms the position that prescriptive details cannot be imposed as requirements at reserved matters stage unless details were first secured as part of the outline planning permission. The reserved matters can only properly deal with those requirements set out in the Order. Provided the reserved matters application falls within the principle of what was approved as part of an outline planning permission (together with any relevant planning condition detail requirements) there is no ability to seek to impose further restrictive details.

9. FINANCIAL CONSIDERATIONS

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

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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.
- 10.2. The proposal has been designed in accordance with the parameter plans approved at outline stage and the indicative masterplan.
- 10.3. 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).

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY).

Conditions

Drawing Numbers

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

Layouts

OLNVNH-MCB-ZZ-ZZ-DR-A-0200-D5-P2-Site Location Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0230A-S2-P6-Site layout Combined
OLNVNH-MCB-ZZ-ZZ-DR-A-0230-D5-P7-Site layout Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0231-D5-P4-External materials and boundaries treatment plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0232-D5-P4-Surface Finishes Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0233-D5-P3-Affordable Tenure Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0234-D5-P4-Refuse Management Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0235-D5-P4-Parking Strategy Plan
OLNVNH-MCB-ZZ-ZZ-DR-A-0236-S2-P2-Garden Sizes Plan

House Types

OLNVNH-MCB-ZZ-ZZ-DR-A-A43 Corridor HT Portfolio
OLNVNH-MCB-ZZ-ZZ-DR-A-General Neighbourhood & Rural Edge Portfolio_Part1
OLNVNH-MCB-ZZ-ZZ-DR-A-General Neighbourhood & Rural Edge Portfolio_Part2
OLNVNH-MCB-ZZ-ZZ-DR-A-Primary Street HT Portfolio
OLNVNH-MCB-ZZ-ZZ-DR-A-Garages Portfolio

Street Scenes and Site sections

OLNVNH-MCB-ZZ-ZZ-DR-A-0300-D5-P2 - Illustrative Streetscenes A, B, C & D
OLNVNH-MCB-ZZ-ZZ-DR-A-0301-D5-P2 - Illustrative Streetscenes E, F, G & H
OLNVNH-MCB-ZZ-ZZ-DR-A-0302-D5-P2 - Illustrative Streetscenes I & J
OLNVNH-MCB-ZZ-ZZ-DR-A-0305-D5-P1-Site sections Type AA, Type BB
OLNVNH-MCB-ZZ-ZZ-DR-A-0306-D5-P1-Site sections Types CC, Type DD

Engineering

18927-OVER-5-200-B Levels & Drainage Strategy- Sheet 1 of 2
18927-OVER-5-201-B Levels & Drainage Strategy- Sheet 2 of 2

Landscape 7463.LS.1.0.B. Landscape strategy

Other

N46712-1r1 - Overstone Leys, Northamptonshire - Noise Impact Assessment
61626 - Overstone Leys - Accommodation Schedule Site layout - P6 - 2021.09.09
20210909 Overstone Consultation Tracker

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.

Hard landscaping

2. Notwithstanding Drawing OLVNHN-MCB-ZZ-ZZ-DR-A-0231-D5-P4-External materials and boundaries treatment plan prior to construction of the dwellings above slab/foundation level details of hard landscaping works shall be submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatments (including hedgehog holes), including full details of the proposed boundary walls, fences, railings and gates to be erected, specifying the colour of the railings and gates; footpaths. The hard landscaping works shall thereafter be completed in full accordance with the approved details prior to first occupation of the dwellings to which they relate.

Reason: Drawing OLVNHN-MCB-ZZ-ZZ-DR-A-0231-D5-P4-External materials and boundaries treatment plan is not acceptable in its current form as elements of enclosures are missing and in the interest of residential amenity further details are required in accordance with Policy ENV10 of the Settlements and Countryside Local Plan (Part 2).

Removing Permitted Development Rights

3. 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

4. Notwithstanding Drawing OLVNHN-MCB-ZZ-ZZ-DR-A-0231-D5-P4-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).

Landscaping

5. The submitted and approved landscaping scheme shall be implemented prior to the development, or any phase of the development, being first occupied/used, or in

accordance with a programme submitted to and approved in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub, they, or any planted in replacement for them, are removed, uprooted or destroyed or die (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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).

6. Prior to the construction of the dwellings above slab/foundation level, details of a method statement in relation to the installation of the footpath in the vicinity of the line of retained mature trees 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: To ensure that the root protection areas of the retained mature trees are protected in accordance with Policy ENV4 of the Settlements and Countryside Local Plan (Part 2).

Use of garages

7. 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

8. The quantum, disposition and type of affordable housing within the site shall be set out on the Affordable Tenure Plan OLVHN MCB-ZZ-ZZ-DR-A-0233 D5-P3 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

9. Notwithstanding Drawing 18927-OVER-5-200-B Levels & Drainage Strategy- Sheet 1 of 2 and 18927-OVER-5-201-B Levels & Drainage Strategy- Sheet 2 of 2 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).

Noise Mitigation

10. Prior to the first occupation of the plots highlighted in Chapter 5 of the Noise Impact Assessment N46712-1r1 prepared by EnSafe Consultants (dated September 2021), the noise mitigation measures shall have been installed and a verification report submitted and approved in writing by the Local Planning Authority to detail evidence of the mitigation measures installed. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory residential environment for future occupiers in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1).

Allotments

11. Prior to construction of dwellings above slab level full details of the allotments (including boundary fencing/pitch size/associated infrastructure) including a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order that a satisfactory provision of allotments are provided for the development.

Public Art

12. The development shall proceed in accordance with details for the provision of public art which has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design, appearance and siting of the artwork (in consultation with the Parish Council) and a programme for its installation and subsequent retention. The works shall be installed and retained in accordance with the approved details.

Reason: To ensure the development is carried out in accordance with the approved Masterplan and Design Code and in the interest of visual amenity in accordance with Policy ENV10 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.