



Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Northamptonshire County Council
County Hall
Northampton
NN1 1DN

Name and address of agent (if any)

Head of Sustainable Transport
Riverside House
Riverside Way
Northampton
NN1 5NX

Part I - Particulars of application

Date of Application

20th October 2006

Application No.:

SN/06/1502 & DA/06/1218

Particulars and location of development

Construction of the Sandy Lane Improvement North to include associated roundabout junctions and side roads.

Land to the west of the town of Northampton, east of the village of Lower Harlestone.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the submitted subject to the following conditions:-

Time Limit

1. The development hereby permitted shall be begun no later than the expiration of 3 YEARS from the date of this permission.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application and further information provided during the assessment process i.e. Planning Application Supporting Statement; Environmental Statement Volume 1, 2 and 3 (dated October 2006) and Addendum, Cultural Heritage Section Volume 1: Main Report (dated December 2006).
3. The construction of the Sandy Lane Improvement North shall occur in accordance with the details of the approved Ecological Management Plan (EMP) and Construction Environmental Management Plan (CEMP) required by Conditions 4 and 5 of this planning permission.

Construction Environmental Management Plan

4. Prior to the construction works commencing a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The plan shall include provision for mitigation of the effects of the development on the following:

Cultural heritage (see condition 20).

Water quality and pollution control (see conditions 21, 22 and 23)

Noise and vibration (see conditions 7, 8, 9 and 10)

Air Quality (see conditions 15 and 16)

Pedestrians, cyclists and equestrian and community effects (see condition 18)

Geology and soils (see condition 17)

Dust Management Plan

An appropriate location for the Construction Compound should be identified

The plan as approved shall be implemented throughout the development works.

Ecological Management Plan

5. Prior to commencing works onsite, the Applicant shall submit an Ecological Management Plan (EMP) to the Local Planning Authority for approval. Such EMP shall contain the detail identified in condition 6; and thereafter shall be implemented as approved upon commencement of works.
6. The Ecological Management Plan should include the following:
 - i) A comprehensive summary of mitigation measures to be implemented as part of the development:

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- Summary of the measure to be implemented
 - Effect(s) which will be mitigated by this measure
 - Stage at which the measures will be implemented
 - The person responsible for implementing the measures
 - Measures identified subsequent to the original design of the road scheme.
- ii) Ecological and biodiversity mitigation measures shall be designed in conjunction with the proposed EMP for the Sandy Lane Relief Road, so as to achieve an ecologically functioning wildlife corridor.
 - iii) Be in accordance with the proposed mitigation strategies proposed in the Environmental Statement and previously agreed by the Wildlife Trust and Natural England.
 - iv) A working design, methods statement and timetable of works to mitigate any undue adverse effects to badgers.
 - v) Include a detailed Landscape Plan as required by Conditions 21, 22 and 23 below;
 - vi) Post environmental construction management plan to be implemented and permanently retained thereafter.

Hours of Working

7. Prior to the commencement of the development a scheme for the hours of construction works on site shall be submitted as part of the CEMP to the Local Planning Authority for approval in writing. Such hours of working shall occur between the following times:

Monday to Friday	0800 and 1800 hours
Saturday	0800 and 1300 hours
Sunday and Bank Holidays	No works shall occur

Permitted hours of operation and thereafter works shall be undertaken in accordance with the approved scheme unless otherwise agreed by the Local Planning Authority.

8. Any construction activity which is likely to emit perceptible levels of vibration and which are to occur within 40 metres of a residential property shall not occur prior to 0900 hours on any working day.

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Noise and Vibration

9. Except as may otherwise be agreed in writing by the Local Planning Authority, all plant, equipment and machinery used on site for the road construction, including vehicular traffic to and from the site, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer's instructions. All plant, equipment and machinery used on site, including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.
10. The permission holder shall undertake noise monitoring at sensitive receptors in the surrounding area to confirm which residential properties will be entitled to insulation under the Noise Insulation Regulations (1988). The requirement for insulation should be based on a likely worst-case scenario.

Materials

11. The road shall be constructed utilising a low road noise surface material as proposed in the submitted application and all maintenance thereafter shall utilise the same type of low road noise construction materials.

Construction Traffic

12. Prior to the commencement of the development, a scheme for the routing and control of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter maintained during the construction of the development.
13. Prior to the commencement of development details of all temporary access, construction and accommodating works shall be submitted to the Local Planning Authority for approval in writing and thereafter maintained.

Wheel Cleaning

14. No vehicle used in connection with the road construction works shall enter the public highway unless its wheels and chassis are clean, to prevent the deposit of mud, slurry, or other debris.

Air Quality

15. During the road construction works suitable measures, including the use of water spray facilities in periods of dry weather shall be adopted to ensure that dust is kept to a minimum on the site and temporary access, construction and accommodation roads.

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16. All vehicles transporting materials to and from the site in connection with the road construction works shall be securely sheeted in such a way to ensure that no material is deposited on the public highway.

Geology and Soils

17. If during development, contamination not previously identified, is found to be present at the site no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the CEMP. This addendum to the CEMP must detail how this unsuspected contamination shall be dealt with and thereafter implemented as approved.

Signage along Public Rights-of-Way

18. The CEMP required by Condition 3 above shall include mitigation measures identified in the Environmental Statement for the provision of signage to be implemented during construction. These measures shall be implemented prior to the closing or re-routing of public rights of way and farm access routes.

Lighting

19. All lighting provision related to the development hereby permitted shall be in accordance with a detailed scheme to be submitted to, and approved in writing by the Local Planning Authority, prior to its installation unless otherwise agreed by the Local Planning Authority. The scheme as approved shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimizing light spillage and the proposed hours of use.

Archaeology

20. The construction of the proposed new road and associated works shall be continually monitored for the uncovering of archaeological remains. The CEMP required by Condition 3 shall include details of this monitoring and actions to be taken as a result of any find.

Landscape and Visual

21. The Ecological Management Plan shall include detailed landscape plans identifying vegetation which is to be retained along with protection measures to ensure their health is not compromised during the construction period.
22. Within three months of works occurring on the site a detailed Landscape Plan shall be submitted to the Local Planning Authority for approval. The plan shall include details of long-term management to ensure the long-term viability of the landscaping.

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23. Landscape planting shall occur in the first planting season following the construction of the Sandy Lane Improvement North. The landscaping shall be maintained and replaced until established.

Water Quality

24. Prior to the commencement of any development, a detailed surface water drainage scheme (including overland flow routings) for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved flood risk assessment shall be submitted to and approved by the Local Planning Authority. The scheme shall be fully constructed and completed before the road is opened to traffic, and in accordance with the phasing plan submitted and approved in relation to Condition 25.
25. There shall be no development until details of a phasing plan for construction of the development has been submitted to and approved in writing by the County Planning Authority and the development shall be carried out and brought into use in accordance with the details so approved.

Reasons for Conditions and Development Plan Policies

1. Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Reason: To define the scope of the permission and in the interest of clarity.
3. Reason: To ensure the visual and environmental amenity of the surrounding area is protected during the construction of the proposed development (Daventry District Local Plan Chapter 3 and South Northamptonshire Local Plan Policies Chapter 4 'Environment')
4. Reason: To ensure the visual and environmental amenity of the surrounding area is protected during the construction of the proposed development (Daventry District Local Plan Chapter 3 and South Northamptonshire Local Plan Policies Chapter 4 'Environment' and Northamptonshire County Structure Plan Policy T5)
5. Reason: To ensure the ecology of the site and surrounding area is protected during the construction of the proposed development (Northampton Local Plan Policies E17 and E18 and Northamptonshire County Structure Plan AR3 and AR5)
6. Reason: To ensure the protection of existing biodiversity within the site and surrounding area throughout the construction and implementation of the proposed development (Daventry District Local Plan Policies EN1, EN23, EN33 and EN34 and South Northamptonshire Local Plan Policies EV18, EV21, EV23 and EV24 and Northampton County Structure Plan Policies AR3, AR5, AR7, AR8 and AR9)

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- 7, 8, 9 & 10 Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties (Daventry District Local Plan Policy GN2 and South Northamptonshire Local Plan Policy EV1)
11. Reason: To minimise noise disturbance to local residents and safeguard the interests of residential amenity (South Northamptonshire Local Plan EV1 and Northamptonshire County Structure Plan Policy T5)
- 12, 13, & 14. Reason: In the interest of amenity and highway safety (Northamptonshire County Structure Plan Policies T3 and T5)
- 15 Reason: To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels (Daventry District Local Plan GN2 and South Northamptonshire Local Plan Policy EV1)
16. Reason: To safeguard the interest of users of the public highway (Northamptonshire County Structure Plan Policies T3 and T5)
17. Reason: To prevent soil and water contamination (Daventry District Local Plan Policy EN40 and South Northamptonshire Local Plan Policy EV1)
18. Reason: In the interests of public amenity and safety (Daventry District Local Plan Policy CM8 and South Northamptonshire Local Plan Policies T1 and Northamptonshire County Structure Plan Policies T3, T5 and T8)
19. Reason: In the interest of residential and landscape amenity (Daventry District Local Plan Policies GN1, GN2 and EN1 and South Northamptonshire Local Plan Policies EV1 and Northamptonshire County Structure Plan T5)
20. Reason: To ensure the affects on the visual amenity of the surrounding landscape is minimised and to safeguard the landscape character of the rural/urban interface (Daventry District Local Plan Policies GN1, GN2 and EN1 South Northamptonshire Local Plan Policies EV1, EV2, EV18, EV21, EV29 and County Structure Plan Policy AR2)
21. Reason: To safeguard the long-term integrity of the surrounding landscape and ensure the preservation of local biodiversity (Daventry District Local Plan Policies GN1, GN2 and EN1 South Northamptonshire Local Plan Policies EV1, EV2, EV18, EV21 and EV29 and County Structure Plan Policy AR2)
- 22 & 23 Reason: To safeguard the long-term integrity of the surrounding landscape and ensure the preservation of local biodiversity (Daventry District Local Plan Policies GN1, GN2 and EN1 EN33 and EN34 and South Northamptonshire Local Plan Policies EV1, EV2, EV18, EV21 and EV29 and County Structure Plan Policy AR2)

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24 & 25 Reason: To prevent the increase in flood risk. The primary purpose of the above condition is to ensure that the attenuation facility is fully operational before the road is surfaced, so that flood risk is not increased (South Northamptonshire Local Plan 1997 Policy EV26 Daventry District Local Plan 1997 Policies EN40 and EN41 Northamptonshire County Structure Plan 2001 Policies AR8 and AR9)

REASONS FOR APPROVAL

The environmental and amenity impacts of the proposed development have been considered against the appropriate Development Plan Policies. Having regard to all relevant policies and the strategic significance of the proposed development for the future sustainable development and growth of the town; it is considered that the proposed development outweigh those localised impacts which are safeguarded in other development plan policies and which can be adequately mitigated through the use of appropriate controls.

The proposed development is considered to be acceptable having regard to Regional Spatial Strategy for the East Midlands 2005: Policies 13, 19,22, 42, 43; Northamptonshire County Structure Plan 2001: Policies RT2, T3, T5, T8, AR2, AR3, AR5, AR6, AR7, AR8, AR9 and RN1; Daventry District Local Plan 1997: Policies GN1, GN2, GN3, EN10, EN15, EN17, EN23, EN25, EN26, EN32, EN33, EN34, EN36, EN40, EN41, EN42 and South Northamptonshire Local Plan 1997: Policies EV1, EV2, EV3, EV7, EV8, EV18, EV21, EV23, EV24, EV26, EV29, EV34, T1, T3.

Date 22nd February 2007 Signed G.P. Watson

Authorised to sign on behalf of the
Head of Sustainable Development

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*

2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*

3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*

- (a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*

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