



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Northamptonshire County Council
Highways Authority
One Angel Square
Angel Street
Northampton
NN1 1ED

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

30 April 2019

Application No.

NCC Ref: 19/00038/CCDVOC

DDC Ref: DA/2019/0405

Particulars and location of development

Planning Application 19/00038/CCDVOC for Variation of condition 2 (Scope of Permission – Schedule of Approved Plans/Reports) on planning permission 15/00022/CCDFUL, to amend originally submitted General Arrangement Plans and Typical Cross Sections and related details in respect of Phase 1b of the A43 Moulton Bypass.

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 development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Note: This permission updates Planning permission 15/00022/CCDFUL and conditions have been updated. Any which have been fully discharged have been struck through.

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.

Commencement Time Limit

1. The amended development to which this permission relates supersedes Planning Permission 15/00022/CCDFUL and it must be begun not later than the expiration of **ONE YEAR** beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Permission

2. Unless otherwise agreed in writing by the Planning Authority and except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the approved plans listed in the attached schedule.

Reason: To define the scope of the permission and in the interest of clarity.

Construction Environmental Management Plan

3. The development shall be undertaken in accordance with the Construction Environmental Management Plan related to Phase 1b of the road construction works, submitted on 12 February 2019.

Reason: In the interests of residential amenity, highway safety and visual amenity having regard to Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Highways

4. The final detailed highway arrangement plans for Phase 1b of the road works shall be submitted and approved in writing by the County Planning Authority prior to the completion of the works. The plans shall include: full construction details of the works to Overstone Lane; full details of the construction and routes of the new pedestrian and cycle ways and their links to the existing network; and full details of the additional pedestrian crossing facilities. The plans as approved shall be fully implemented and maintained thereafter, unless alternative plans are submitted and agreed.

Reason: In the interests of highway safety and local amenity having regard to S10 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Traffic Calming

5. Prior to opening of the new road to vehicular traffic, a final Traffic Calming Measurements Plan in general accordance with the submitted Existing A43 Traffic Calming Indicative Proposal ref: 287512A-HHE-SK-092 Rev B shall be submitted to and approved in writing by the County Planning Authority. The

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approved Traffic Calming Measurements Plan shall be implemented in full and maintained thereafter.

Reason: In the interests of residential amenity and highway safety having regard to S10 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Hours of Construction

6. All construction works shall be confined to the hours of 7.30am to 6.30pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, with no works on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of neighbouring properties from noise and other disturbance having regard to Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Surface Water

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy undertaken by Parsons Brinckerhoff under their document reference number 287512A dated February 2015 and later a revised Highway Drainage Calculation document reference number 287512A – HHE February 2015, unless an alternative drainage strategy is submitted and approved in writing by the County Planning Authority.

Reason: In the interests of flood risk protection having regard to Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan Part One) 2014.

- ~~8. No development shall take place until details showing a positive outfall location for the eastern drainage ditch to Billing Brook is confirmed and has been submitted and agreed in writing by the County Planning Authority. The agreed details shall thereafter be implemented in full.~~

~~Reason: In the interests of flood risk protection having regard to Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan Part One) 2014.~~

9. The surface water drainage scheme for the A43 Moulton bypass shall be managed and maintained by the Highway Authority throughout the life of this road.

Reason: To ensure the future maintenance of drainage systems associated with the development having regard to Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Contamination

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner to protect controlled waters having regard to Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Landscaping

11. The bypass shall be landscaped and planted with hedgerows, trees and shrubs in accordance with a comprehensive scheme which shall be submitted and approved in writing by the County Planning Authority. no later than the commencement of the scheme. The scheme as approved shall be implemented concurrently with the development and shall be completed no later than the first planting season following the substantial completion of the development, or as may otherwise be agreed in writing by the Planning Authority

Reason: In the interest of visual, landscape and residential amenity having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

12. Any hedgerow plants, trees or shrubs removed, dying, being seriously damaged or becoming seriously diseased within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted, or such other species as may be agreed.

Reason: In the interest of visual, landscape and residential amenity having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Trees

13. Trees, scrub and hedgerows to be retained within the vicinity of the development shall be protected in accordance with the Arboricultural Method Statement Revision F submitted 22 March 2019: The approved Arboricultural Method Statement shall be implemented in full throughout the construction period.

Reason: To ensure that retained trees, shrubs and hedgerows are protected from damage in the interests of visual amenity and biodiversity, having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Ecology

14. The development shall be undertaken in full accordance with the submitted

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Ecological Mitigation and Management Plan (EMMP) Revision 2 (April 2019).

Reason: In the interests of biodiversity having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

15. Bats shall be protected in accordance with the Species Protection Plan Long Term Management and Monitoring Strategy for Bats Revision 01 September 2018. The Species Protection Plan as approved shall be implemented in full.

Reason: In the interests of biodiversity having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

16. Badgers shall be protected in accordance with the Badgers Species Protection Plan Long Term Management and Monitoring Strategy for Badgers 001 dated August 2018. The Species Protection Plan as approved shall be implemented in full.

Reason: In the interests of biodiversity having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

- ~~17. In the event that construction works do not commence and proceed within **TWO YEARS**, prior to the commencement of any construction work or site clearance, further protected species surveys shall be undertaken (including surveys for bat roosts and activity surveys, otter, great crested newts and badger activity). The results of the surveys, together with appropriate mitigation strategies shall be submitted to and approved by the Planning Authority in writing and thereafter implemented and maintained in accordance with the approved details.~~

~~Reason: To safeguard Protected Species having regard to Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

Materials

18. The main dual carriage 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.

Reason: In the interest of residential amenity having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Sywell Road Junction

- ~~19. Prior to the commencement of development final construction details for the junction with Sywell Road, including formalised crossing points and full details of works to the stone wall, shall be submitted to and approved in writing to the County Planning Authority. The details as approved shall be fully implemented and maintained thereafter.~~

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~~Reason: In the interest of highway safety, landscape and visual amenity having regard to Policy S10 and BN4 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

Lighting

20. Lighting provision for Phase 1b shall be in accordance with the details shown on Drawings 287512A-HHE-1300-001 to 006 (Rev C11) and Overstone Road Lighting Level 287512A-HHE-SK193 (Rev P01), unless alternative details are submitted and approved in writing by the County Planning Authority.

~~Reason: In the interests of amenity, ecology, and sustainability having regard to Policies S10, BN2 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

Noise Mitigation

21. Noise mitigation including 5 metre high acoustic fencing to protect occupiers of residential properties existing in 2015 shall be installed prior to the bypass road fully opening for traffic in accordance with Cross Section Drawings 287512A-HGN-100-002 and 287512A-100-003. The approved scheme shall be implemented in full prior to the new road fully coming into use.

~~Reason: In the interest of residential amenity having regard to Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

Archaeology

- ~~22. Prior to the commencement of the development, no works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority.~~

~~Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 141 and Policy BN5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

Signage

23. Prior to the erection of signage, a detailed signage strategy for the development hereby permitted is required to be submitted to, and approved in writing by the County Planning Authority. The strategy as approved shall thereafter be implemented in full.

~~Reason: In the interests of amenity having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.~~

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Public Rights of Way (PRoW)

24. Prior to the commencement of any works affecting any Public Rights of Way, full details of any enhancement, improvement, diversion or closure shall be submitted to and approved in writing by the County Planning Authority. The measure as approved shall be implemented in full.

Reason: In the interests of amenity having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Surface Water Pumping Station

25. Prior to the erection of the surface water pumping station design details, including noise mitigation shall be submitted to, and approved in writing by the County Planning Authority. The details as approved shall thereafter be implemented in full.

Reason: In the interests of amenity having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

The Avenue Turning Head

26. The turning head proposed in the Avenue west of the bypass shall utilise the access to the permitted housing development, which is in the same location, and no separate turning head shall be constructed.

Reason: In the interests of amenity and tree protection having regard to Policy S10 and BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Vehicle Restraint System

27. Prior to bringing the new road fully into use a vehicle restraint system for the section of road adjacent to the rear gardens of nos. 4 – 14 Thorpeville as identified on submitted Drawing 287512A-HHE-400-002 Rev C01 shall be installed. The system shall be implemented in full and thereafter maintained.

Reason: In the interests of safety having regard to Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

Informative(s)

1. All occupiers of potentially sensitive properties surrounding the site should be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom enquiries/complaints should be directed.
2. If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you

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should contact the Development Control Section, Planning Services, Floor 3, County Hall, Guildhall Road, Northampton, NN1 1AX (Tel: 01604 366700) for advice on the appropriate procedure.

3. The applicant's attention is drawn to the protection given to breeding birds under the Wildlife and Countryside Act 1981. To avoid contravening the relevant provisions of the Act it would be advisable to avoid carrying out any work that might damage an active nest during the bird breeding season (March to September inclusive) or to ensure that an appropriate inspection is undertaken by a competent person to ensure that no breeding birds will be adversely affected.
4. The applicant is advised that other consent or agreements may be required from statutory undertakes or other bodies.
5. The applicant is advised that Policy 7 of the Northamptonshire Local Flood Risk Management Strategy October 2013 limits development within 9m of the edge of an ordinary watercourse. Any works within this distance would require flood defence consent from Northamptonshire County Council.
6. The applicant is advised that with respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-
 - i. The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under s137 HA 1980.
 - ii. There must be no interference or damage to the surface of the right of way as a result of construction. Any damage to the surface of the path must be made good by the applicant to the specification of the Local Highway Authority.
 - iii. If as a result of the development the Right of Way needs to be closed by applying for a Temporary Traffic Regulation Order. An Application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks notice is required. Please follow the link below:
 - iv. <http://www.northamptonshire.gov.uk/en/councilservices/transport/row/pages/temptros.aspx>
 - v. Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access development Officer, standard examples can be provided.
7. In response of works to Public Rights of Way, the applicant's attention is also drawn to the following advisory notes:
 - i. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way team.
 - ii. The development is reminded to apply to the local planning authority

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for any proposed diversion of a right of way under Section 257 of the Town and Country Planning Act 1990 required facilitating the development. The alternative route for such a diversion must be agreed with the local highway authority's Rights of Way team and be available for public use prior to the closure of any existing route. Northamptonshire County Council is available and preferably required for the involvement, guidance and consultation at all stages of the diversion orders as necessary.

- iii. Please do not rely on the position of features on site for an accurate position of the public rights of way. This must be taken only from the Definitive Map and Statement 2010.

19/00038/CCDVOC - Schedule of Approved Plans

Drawings/Plans

- Site Location Plan - 287512A-HHE-PA-001
- Planning Application Boundary – 287512A-HHE-PA-002 Rev B
- General arrangement plan – 287512A-HGN-100-001 Rev D
- General arrangement plan Key Changes to Phase 1B - 287512A-HGN-100-005 Rev C
- Longitudinal sections – 287512A-HHE-PA-008
- Typical cross sections sheet 1 of 2 – 287512A-HGN-100-002 Rev A
- Typical cross sections sheet 2 of 2 – 287512A-HGN-100-003 Rev A
- Fence Type 4 (Environmental Barrier) Standard Details - 287512A-HGN-300-102 Rev PO4
- Fence Type 4 (Environmental Barrier) Standard Details - 287512A-HGN-300-103 Rev PO2
- Fencing plan Sheet 01 of 11 - 287512A-HHE-300-001 Rev C15
- Fencing plan Sheet 02 of 11 - 287512A-HHE-300-002 Rev C15
- Fencing plan Sheet 03 of 11 - 287512A-HHE-300-003 Rev C14
- Fencing plan Sheet 04 of 11 - 287512A-HHE-300-004 Rev C15
- Fencing plan Sheet 05 of 11 - 287512A-HHE-300-005 Rev C15
- Fencing plan Sheet 06 of 11 - 287512A-HHE-300-006 Rev C15

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the application have been assessed against relevant Development Plan policies, the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Policy Guidance. The Waste Planning Authority has identified all material considerations; considered any valid representations received; liaised with consultees to resolve issues; and, progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach to this

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application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date: 30/09/2019

Signed 

For Assistant Director of Environment,
Planning and Transport

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