



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

<b>Name and address of applicant</b>	<b>Name and address of agent (if any)</b>
Brian Wooding (NCC Highways) Transport and Highways Riverside House Bedford Road Northampton NN1 5NX	Tony Ball (NCC Highways) Transport and Highways Riverside House Bedford Road Northampton NN1 5NX

**Part I - Particulars of application**

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<b>Date of Application</b>	<b>Application No.</b>
6 <sup>th</sup> September 2011	NCC Ref: 11/00030/EXT WBC Ref: WP/2011/0442 KBC Ref: KET/2011/0632

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**Particulars and location of development**

Replacement of extant planning permission KE/05/790 & WP/05/584 to extend the time limit for the implementation of the A509 Isham Bypass on Land to the west of the village of Isham

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**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 consent supersedes and updates the previous planning permission for the site, reference KE/05/790 & WP/05/584**

**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.**

## Time Limit

1. The development hereby permitted shall be begun no later than the expiration of **TEN YEARS** from 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. 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 i.e.
  - Application Forms dated 26 May 2011;
  - Planning Support Statement received on 5 September 2011;
  - Supplementary Planning Support Statement
  - A509 Isham Bypass Pre-Construction Ecological Survey Report (Additional) dated December 2008;
  - A509 Isham Bypass Northamptonshire PPS 25 Flood Risk Assessment Addendum dated October 2009;
  - Environmental Statement Volume 1 - Text;
  - Environmental Statement Volume 2 - Drawings;
  - Environmental Statement Volume 3 - Appendices;
  - Drawing No. 28 Revision B Planning Application Section - Winston Drive;
  - Drawing No. 51 Revision F Scheme Plan;
  - Drawing No. 66 Revision B Planning Application Site Plan Sheet 1 of 2;
  - Drawing No. 66 Revision B Planning Application Site Plan Sheet 2 of 2;
  - Drawing No. LS-A509-001 Revision C Landscape Master Plan;
  - Drawing No. LS-A509-002 Revision C Landscape Master Plan;
  - Drawing No. LS-A509-003 Revision C Landscape Master Plan;
  - Drawing No. LS-A509-004 Revision C Landscape Master Plan;
  - Drawing No. 1528-002 Revision A General Arrangement - Pytchley Brook Culvert;
  - Drawing No. 5051674-012/01/1700 Revision C General Arrangement - The Ruts Accommodation Bridge;
  - Drawing No. 5051674-012/03/1700 Revision D General Arrangement - Orlingbury Road Overbridge;
  - Drawing No. 5051673-015/1531/02 Revision D General Arrangement - Hardwick Brook Culvert;
  - Drawing No. 5051673-012/02/1700 Revision C General Arrangement - Frisby Lodge Accommodation;
  - Drawing No. 5051673-012/04/1700 Revision C General Arrangement - Hill Top Road Footbridge;
  - Drawing No. IB02/08/223 Revision D Balancing Ponds;
  - Drawing No. 72 Revision B Planning Application Site Plan;
  - Drawing No. IB02/08/212 Revision C Road Markings, Traffic Signs,

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- Street Lighting & Safety Fencing Sheet 1 of 3;
- Drawing No. IB02/08/213 Revision A Road Markings, Traffic Signs, Street Lighting & Safety Fencing Sheet 2 of 3;
  - Drawing No. IB02/08/214 Revision D Road Markings, Traffic Signs, Street Lighting & Safety Fencing Sheet 3 of 3;
  - Drawing No. IB02/08/200 Revision A Site Location;
  - Drawing No. SD/1/4/1 Routeing Sign Type 1;
  - Appendix 1/9 Control of Noise & Vibration;
  - Options for Noise Mitigation to Properties at Winston Drive & Fairfield Road, Isham;
  - Drawing No. IB02/08/218 Revision A Accommodation Works Sheet 1 of 3;
  - Drawing No. IB02/08/219 Revision A Accommodation Works Sheet 2 of 3;
  - Drawing No. IB02/08/220 Revision B Accommodation Works Sheet 3 of 3;
  - A509 Isham Bypass Pre-Construction Ecological Survey Report (Additional) dated September 2011;
  - A509 Isham Bypass Pre-Construction Ecological Survey Report (Additional) - Badger Survey Results dated September 2011;

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

### **Landscaping**

3. The bypass shall be landscaped and planted with hedgerows, trees and shrubs in accordance with a comprehensive scheme which shall be submitted no later than the commencement of the works for approval in writing by the County Planning Authority. 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. 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 and residential amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Materials**

4. 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.

REASON: In the interest of residential amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

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## Lighting

5. Prior to the commencement of construction works a scheme of all lighting provision related to the development hereby permitted is required to be submitted to, and approved in writing by the County 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.

REASON: In the interest of residential amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

## Hours of Working

6. Prior to the commencement of the development a scheme for the hours of construction works on site shall be submitted to the County Planning Authority for approval in writing, and thereafter implemented in accordance with the approved scheme.

REASON: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

## Geotechnical Survey

7. Prior to the commencement of the development a full geotechnical survey must be carried out to identify the appropriate engineering works to ensure stability of all cuttings and embankments, and ground stability for adjacent land uses. Details of these works shall be submitted to the County Planning Authority for approval in writing.

REASON: In the interest of residential amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

## Construction Traffic

8. 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 County Planning Authority. The approved scheme shall be implemented and thereafter maintained during the construction of the bypass.

REASON: In the interest of amenity and highway safety with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

9. Prior to the commencement of development all temporary access, construction and accommodating works shall be submitted to the County Planning Authority for approval in writing and thereafter maintained.

REASON: In the interest of amenity and highway safety with regard to Policy

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13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Machinery Noise Suppression**

10. 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.

REASON: To minimise noise disturbance to local residents with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Wheel Cleaning**

11. 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.

REASON: In the interest of highway safety and to prevent mud and dust getting onto the highway with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Dust**

12. During the road construction works suitable measure, 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.

REASON: To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Vehicle Sheeting**

13. 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.

REASON: To safeguard the interest of users of the public highway with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Archaeology**

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a

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written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the County Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the County Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the County Planning Authority.

REASON: To safeguard the archaeological interests of the site and enable adequate opportunities for archaeological investigations with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Protected Species**

- 15. 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 County Planning Authority in writing and thereafter implemented and maintained in accordance with the approved details.

REASON: To safeguard Protected Species with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Drainage**

- 16. Prior to the commencement of the construction works, a detailed Flood Risk Assessment/surface water drainage scheme incorporating the design, provision, implementation and maintenance of the proposed Sustainable Drainage System shall be submitted to, and approved in writing by the County planning Authority in consultation with the Environment Agency.

REASON: To reduce the risk of flooding with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

- 17. The approved scheme for flood risk protection shall be implemented fully in accordance with the requirements of the approved flood risk assessment and with the approved implementation programme.

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REASON: To reduce the risk of flooding with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Public Rights of Way**

18. Details of the design, construction and materials of all public rights of way overbridges and underpasses for the bypass shall be submitted to the County Planning Authority for approval in writing prior to their construction. The approved details shall then be implemented.

REASON: In the interest of vehicular and pedestrian safety and visual amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Breeding Birds**

19. Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, unless approved in writing by the County Planning Authority, following submission of a specialist report and once it is satisfied that breeding birds will not be adversely affected.

REASON: To protect breeding birds with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **Noise Mitigation**

20. Prior to the commencement of construction works, a scheme for additional noise mitigation near to properties in Winston Close shall be submitted to, and approved in writing by the County Planning Authority. The approved scheme shall be implemented prior to the new road first coming into use.

REASON: In the interest of residential amenity with regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

### **REASONS FOR APPROVAL**

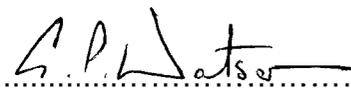
The proposal is for an extension of time limit for the implementation of planning permission KE/05/790 & WP/05/584, which was approved in May 2006, to enable sufficient time for the Highway Authority to secure funding. A 10 year period for implementation of the scheme has been proposed and Section 91 of the Town and Country Planning Act 1990 enables consideration of this longer period having regard to the provisions of the development plan and any other material considerations. The A509 between Kettering and Wellingborough, which includes the Isham Bypass, has been identified in Policy 2 of the North Northamptonshire Core Spatial Strategy DPD as a strategic transport route which needs to be strengthened and enhanced in order for the future growth of North Northamptonshire. It is therefore considered that the need for the bypass is acceptable in principle and a longer period for implementation

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is in accordance with the North Northamptonshire Core Spatial Strategy which looks forward to 2021.

Objections raised to the application by local residents relate particularly to the amenity impacts of the new road and that the extended 10 year period for implementation will blight the properties nearest to the proposed bypass route. The route of the bypass was determined after extensive public consultation and an appropriate process before it was chosen. This and the support in the Development Plan for this route is considered to outweigh the objections against the longer 10 year timescale for implementation. The potential local amenity impacts were considered in detail when planning permission KE/05/790 & WP/05/594 was determined, and the mitigation being proposed continues to outweigh the amenity and landscape impact of the proposed scheme and there are no further material planning considerations which have arisen which would justify refusal of the application. It is therefore considered that the proposal is considered acceptable having regard Policy 13 of the North Northamptonshire Core Spatial Strategy DPD (June 2008).

Date 20<sup>th</sup> June 2012

Signed 

For Assistant Director of Environment and Planning

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