



Applicant: Willow Inns Limited

Application No:
09/0079/OUTWNN

Date Registered:
20.07.2009

Expiry Date: 19.10.2009

Ward: St James

Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 09/03/2010

Agenda Item: 5

Description: Outline planning application for the construction of a 112 bedroom hotel complex, spa and leisure facility, access road, car-park and associated development. All matters reserved except for means of access, layout and scale of hotel complex and layout, scale and appearance of spa and leisure facility building and car-parking.

Address: Upton Way, Duston Mill Lane, Northampton

1. Recommendation

1.1 That the application be **APPROVED**, but that the issuing of the outline planning permission be delegated to the Director of Planning Services or Appointed Officer subject to securing the following:

- The withdrawal of the Highway Agency's objection to the application;
- Resolution of any Section 106 Agreement negotiations.

And subject to the planning conditions below, for the following reason:

This is an allocated site in the Northampton Local Plan for a mixed hotel and leisure use. The proposed application would make an important contribution to this important gateway site by virtue of the introduction of a landmark building and by introducing a further range of services available in this area. The associated impacts that the development would create can be adequately mitigated against through the use of appropriate planning conditions and Section 106 Agreement

and therefore the development would not have any significant visual, flood risk or other impact that would warrant the refusal of planning permission. As such the application is considered consistent with policies 18, 19 and 22 of the East Midlands Regional Plan (2009), policies E1, E20, and D7 of the Northampton Local Plan (1997) and the objectives of PPS1, PPS4, PPS23, PPG24 and PPS25.

2. Summary

- 2.1 This is an outline planning application by Willow Inns Ltd to develop the land adjacent to Upton Way for a 112 bedroom hotel and spa / leisure facility.
- 2.2 The development would encompass some 9,631 sq m new commercial floorspace, broken down into 8,072 sq m for the proposed hotel and 1,559 sq m for the proposed spa / leisure building.
- 2.3 Whilst the proposed development is at this stage partly speculative (this is discussed more fully in the next section) the applicant has advised that the new buildings could deliver approximately 146 new jobs. This can be broken down to approximately 90 employees in the proposed hotel and 56 employees in the proposed spa / leisure building.
- 2.4 The proposed hotel, when fully operational, would be a 24 hour use. The proposed spa / leisure building would have limited opening hours, and the applicant has proposed that these be Mon-Fri 10am-9pm and Sat-Sun 10am-7pm. 156 car parking spaces are proposed to serve the whole development, along with disabled, cycle and bus parking arrangements.
- 2.5 The application has attracted some opposition from people living near to the site, as well as an objection on policy and design matters by Northampton Borough Council. The key considerations are whether the principle of the development is acceptable and if so whether the design concept of the development and its impact on neighbouring amenity are acceptable, along with other material planning considerations such as highways, flooding etc dealt with in section 11.

3. Description of Proposal

- 3.1 This is an outline planning application for the construction of a 112 bedroom hotel complex, spa and leisure facility, access road, car-park and associated development.
- 3.2 Whilst this is an outline application it has been described by the applicant as a 'hybrid' application in that a number of matters are not reserved and have been put forward for detailed approval at this stage. These are:
 - The principle of development
 - The means of access into the site
 - The layout and scale of the hotel

- The layout, scale and appearance of the spa / leisure building
 - The car parking
- 3.3 The following matters are reserved for subsequent detailed approval:
- The appearance of the hotel
 - The landscaping of the site as a whole
- 3.4 One might wonder why, when so many of the detailed matters are being put forward now, the applicant is applying for an outline planning permission instead of making a full detailed application at this time. The answer is that the development is partly speculative in nature, in that whilst at this stage the applicant is in discussions with a prospective occupier for the leisure / spa facility – and thus has a good idea of the operational requirements for this building in terms of how it needs to be laid out and its design etc – they are not in the same situation for the hotel. It is the intention of the applicant to secure an outline planning permission for the a hotel that includes the parameters which are fixed – layout and scale (as these would not be significantly different for any occupier) – and then once a future occupier is lined up to secure a detailed consent for the buildings in which the appearance and design reflects that of the future occupier.

4. Description of Site

- 4.1 The application site is an open piece of land located within the Upton / Sixfields area of Northampton Town. The site is predominantly an open field at present although it is regularly used for car boot sales and other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 4.2 The application site is roughly triangular in shape and is 2.47ha in area. The site abounds two roads, Upton Way (A45) to the west and Duston Mill Lane to the east. Telford Way roundabout is located immediately to the north of the site. To the south lies another open field and the meandering River Nene.
- 4.3 The application site in context sits within the built up urban area of Northampton itself; the town centre is located approximately 2.5 Km away from the site to the east. The main leisure area of Sixfields lies to the north of the site. Upton residential development lies to the west, separated by Upton Way by approximately 63m at the closest point. To the east lies Storton's Pits Local Nature Reserve, a site designated in the Local Plan as a Site of Acknowledged Nature Conservation Value and also falling within the River Valley Policy Area.
- 4.4 Approximately two thirds of the site lies within Flood Zones 2 and 3. The site is not within a Conservation Area, within the curtilage of any Listed Buildings and none of the existing trees on the site are subject to a Tree Preservation Order.

5. Policy Considerations

WNDC Purpose:

- 5.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy Guidance

- 5.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 – Sustainable Development

PPS1 – Sustainable Development: Planning and Climate Change (Supplement to PPS1)

PPS4 – Planning for Sustainable Economic Development

PPS9 – Biodiversity and Geological Conservation

PPS10 – Planning for Sustainable Waste Management

PPG13 – Transport

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

PPS25 – Development and Flooding

6. **Development Plan:**

- 6.1 The Development Plan documents for the area comprise;

The East Midlands Regional Plan (RSS8) (2009);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);

The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);

The Northampton Borough Local Plan (NLP) (1997) (saved policies).

- 6.2 **East Midlands Regional Plan (RSS8) (2009) relevant policies;**

Policy 1 (Regional Core Objectives);

Policy 2 (Promoting Better Design);

Policy 3 (Distribution of New development)

Policy 11 (Development in the Southern Sub Area)

Policy 18 (Regional Priorities for the Economy)

Policy 19 (Regional Priorities for Regeneration)

- Policy 20 (Regional Priorities for Employment Land)
- Policy 22 (Regional Priorities for Town Centres and Retail Development)
- Policy 29 (Priorities for Enhancing the Region’s Biodiversity);
- Policy 39 (Regional Priorities for Energy Reduction and Efficiency)
- Policy 40 (Regional Priorities for Low Carbon Energy Generation);
- 6.3 **The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) relevant policies;**
 - Policy 1 (Spatial Framework Locational Growth);
 - Policy 3 (Sustainable Communities);
 - Northamptonshire Policy 1 (The Spatial Framework);
 - Northamptonshire Policy 2 (Northampton Implementation Area).
- 6.4 **The Northamptonshire County Structure Plan (NSP) (2001) (relevant saved policies);**
 - SDA1 Strategic Development Areas
- 6.5 **The Northampton Borough Local Plan (NLP) (1997) (relevant saved policies);**
 - Policy E1 (Landscape and Open space)
 - Policy E2 (Riverside Landscape)
 - Policy E14 (Corridors of Travel)
 - Policy E17 (Nature Conservation)
 - Policy E18 (Sites of Acknowledged Nature Conservation Value)
 - Policy E20 (New Development)
 - Policy E40 (Crime and Vandalism)
 - Policy D7 (Duston Mill, Duston Mill Lane: Hotel and Leisure)
- 7. **Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)**
 - 7.1 Northamptonshire County Council Planning Out Crime (2005);
Northamptonshire Minerals and Waste Development Framework: Development and Implementation Principles SPD (2007);
 - Other non-statutory documents**
 - 7.2 WNDP Planning Principles (2009):
 - 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
 - 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.

3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

7.3 WNDP Planning Obligation Strategy (POS):

The Planning Obligations Strategy sets out WNDP's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDP's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDP's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved.

The POS is currently subject to review by WNDP.

8. **Relevant Planning History**

- 8.1 N/2006/1138 Commercial outdoor leisure activities – refused (allowed o appeal 31/08/2007)
- 8.2 N/2000/322 Hotel, Restaurant and Associated parking (outline) - Refused
- 8.3 95/0055 Drive-thru - Take-Away/Restaurant (Outline) - Refused
- 8.4 93/0782 Renewal of DOE Appeal Decision 89/1121 - Multiplex Cinema. Granted
- 8.5 89/1121 Erection of Eight Screen Multiplex Two Storey Cinema (Outline)
- 8.6 88/1202 Erection of an Eight Screen Multiplex Cinema (Outline)
- 8.7 88/1176 Proposed Drive-Thru Take-Away Restaurant and Petrol Filling Station (Outline).
- 8.8 88/1100 Proposed 100 Bed Hotel with Conference and Leisure facilities (Outline).

9. **Consultations**

- 9.1 **Northampton Borough Council (NBC):** objects to the proposal for the following reasons:

1. Notwithstanding that the site is allocated in the Local Plan for the uses proposed, in light of recently adopted Regional Plan (Policy 22 and Policy MKSM SRS Northamptonshire 3) the Borough Council has strong concerns over the potential impact that the development would have on Northampton town centre and considers that the application should not be approved without first demonstrating that the development accords with the requirements of PPS6, including the sequential analysis of alternative sites.

2. The Borough Council objects to the application, particularly the hotel element, as its

- orientation, layout and scale is considered to be out of keeping with the local character of the built and landscape environment, of exceptionally close proximity and overbearing scale to Upton Way where it amounts to an important gateway location to Northampton. For these reasons the proposed hotel and spa are considered to conflict with saved Policies D7, E1, E2, E14 and E20 of the Northampton Local Plan and Policy 2 of the East Midlands Regional Plan.
- 9.2 **NBC Environmental Health:** no objection in principle but does raise concerns with potential air quality issues. Notes that the location of the proposed hotel adjacent to a busy road means that traffic pollution has the potential to have an impact on air quality that may affect hotel users, and in addition the additional traffic generated by the hotel has the potential to affect air quality in the vicinity. Recommends a planning condition to cover this and other potential environmental impacts including light, noise, contamination and refuse collection.
- 9.3 **NBC Tree Officer:** no objection, highlights that the proposed plans and landscape scheme offer a good mix of species and planting sizes and would enhance the amenity of the local landscape. However, does raise concerns with the proximity of the landscaping adjacent to the proposed hotel building.
- 9.4 **NCC (Highways):** no objection in principle subject to comments; raised initial concerns with the Transport Statement but these have now been resolved.
- 9.5 **NCC (Rights Of Way):** no objection in principle to the application but makes comments regarding improvement of local cycleways and other matters.
- 9.6 **NCC (Growth Management Planning Policy):** no comment received.
- 9.7 **Highways Agency:** objection, states that the proposed development will have to contribute towards the measures being derived from the A45/M1 Corridor Study. Also raised initial concerns with the submitted Travel Plan but this matter has now been resolved through discussions with the application.
- 9.8 **Environment Agency:** raised an initial objection on the basis that the submitted Flood Risk Assessment (FRA) was not compliant with PPS25; however, on receipt of further information and clarification from the applicant is now satisfied that the submitted FRA is acceptable and the development would not increase flood risk in this respect.
- 9.9 **Anglian Water:** no objection subject to informatives being placed on any planning permission
- 9.10 **Natural England:** no objection in principle, make the following comments:
- From the information provided, the application does not appear to affect any of the locally designated sites within the area.
 - In relation to the landscape surrounding the site, although it is not close to a nationally protected landscape, it is Natural England policy that all landscapes matter. Therefore WNDP need to have sufficient confidence in the Landscape

Visual Impact Assessment to be assured that it is fit for purpose. We have concerns over the scale and massing of the development as it is currently proposed.

- Based on the information provided in the Ecological Appraisal Update report and its appendices, Natural England has no objections to the development subject to the recommendations in Section 4 being carried out in full. This should be secured through the use of an appropriately worded planning condition.
- We also consider that there are further opportunities for biodiversity enhancement on the site than have been expressed within the application and would welcome proposals that secure biodiversity gains to the area.

9.11 **The Wildlife Trust:** makes the following comments:-

“No reference has been made to the nearby Storton’s Pits site as a designated Local Nature Reserve, nor any consideration given to potential synergies or enhancements that the development could deliver for local people and wildlife. As the plans currently stand, there is likelihood that the size and height of the development, as well as the noise during construction, could reduce the visitor experience at both of the adjacent Nature Reserves. Instead of just this negative impact, it is our opinion that a development such as this could have a lot to offer in terms of enhancing the site and its surroundings, as well as opportunities for working in synergy with the existing Nature Reserves to capitalize on the added value they can offer to future hotel guests. We would be happy to discuss with the Applicants potential opportunities to achieve this.

With reference to Paragraph 2.2, it is clear that data (especially in respect of species records) held by the Northamptonshire Biodiversity Records Centre (NBRC) is limited. Therefore, this initial desktop survey cannot replace the value and importance of up-to-date ecological surveys of relevant species and habitats.

With reference to the Paragraphs that deal with the issue of Invasive Species (of plants), 4.17 and 4.18, we would actually recommend that it would be of far greater long-term benefit to the biodiversity of this site and the local area if steps were taken to completely physically eradicate both the Japanese Knotweed and the Parrot’s Feather from this location.”

9.12 **Northamptonshire Fire and Rescue Service:** no comment received

9.13 **Ramblers Association:** no comment received

9.14 **Sustrans:** no comment received

9.15 **Police:** do not object to this outline planning application in principle however Northants Police will formally object if the full application comes forward without an access control system for the car park, a robust perimeter treatment adjacent to the footpath link and mast mounted white lighting rather than bollard lighting in the car park.

Following feedback between the applicant and the CPDA the Police have confirmed that the applicant has addressed all of their concerns and have agreed to install additional security to mitigate against the potential for crime on the site. Northants Police will therefore not be objecting to this application when it comes forward for consultation.

- 9.16 **Northampton Connect 2:** no general comments about the proposal but would like to note that the original aspirations for the Connect2 project's river corridor thread in this area ran adjacent to the Nene and took advantage of the grade separated crossing under Upton Way.

In terms of ease of delivery however a short to midterm solution was devised to avoid the need to negotiate over access on private land (in the ownership of this applicant.) The Connect2 route alternative is more circuitous whilst still attractive; it was agreed with Sustrans and other partners that should the opportunity arise to add the alternative route at a later stage then this would be pursued.

This seems the opportunity to create that additional riverside link for the benefit of non motorised users and develop the Connect2 project for the enjoyment of all. Therefore request that planning a condition is devised that provides the required land on freehold basis, and access rights for route construction and also a contribution to the construction costs.

- 9.17 **Upton Working Group:** makes the following comments:-

"Firstly I would like to state that John Hill of WNDC is a member of the Upton Working Group, as such John has declared an interest in the application as a member of the determining planning authority? Therefore all comments within this response do not include comments/opinions made by John Hill or WNDC.

HCA would like to confirm that there is adequate provision of sewage for this site, however, any connection to the existing sewer system, constructed by HCAs former body, will be subject to an appropriate contribution cost to the applicant, and will have to cross HCA land.

It is recognised that the application site is allocated for hotel use.

Could you confirm whether PCT have been consulted on this application? PCT currently own an area of adjacent land to the east of the site.

With regard to the proposed design for the hotel we would like to submit the following observations:

1/ Massing? The hotel massing is monolithic and does not maximise the views across the Upper Nene Country Park to the south. Roof profile could be stepped to create roof terraces for hotel rooms and add value to the business at this location. The scheme as it stands will create negative visual impact for the country park. The monolithic roofscape does not reflect the varied and punctuated roofscape of the

Upton development opposite and imposes negative visual impact on Upton properties facing onto Upton Way.

2/ Front door and elevations? The proposed development is inward-looking with blank curtain-wall façade on ground floor facing Upton Way. The proposed curtain walling system will create a flat and uninteresting façade, adding to the bland quality of the design.

3/ Pedestrian connectivity? The proposal does not address pedestrian connections with Upton or the Sixfields eateries. Given that the spa and hotel restaurant can attract customers from Upton and Sixfields this could be a missed opportunity.

4/ Materials and sustainability? The materials proposed are very generic in character and do not address the locality adjacent to the Country Park. Sustainability was briefly mentioned in the Design and Access Statement but the scheme design lacks commitment and a clear environmental strategy.

5/ Overlooking? In assessing the proposals could you please consider the possible overlooking issues in relation to future development opportunities to the east of the site?

6/ River Nene Flood Risk? We have been asked by members of the Upton Steering Committee to raise the issue of historic flooding to this area, and ask that a further detailed flood risk assessment is required as a condition of any reserve matters application, should you determine an outline planning permission.

9.18 **Cllr P Varnserry:** objects to the application, and has raised concerns regarding design, traffic and transport implications and potential environmental impacts.

10. **Notifications and Responses**

10.1 The application was advertised by press notice and site notice and approximately 160 neighbouring properties were notified of the application by letter.

10.2 Five letters received making the following points:

- Development on Greenfield land
- Traffic, access and parking problems
- Question the commercial basis for the development insofar as the number of existing hotels in this area
- Development should / does not fit in with surrounding area
- Proposed hotel would lead to loss of privacy and overbearing impact issues on Upton
- Concerns over flooding, noise and future development
- Concerns over information submitted with the application

11. Evaluation

The following matters are relevant to the determination of this application:

Principle of development
Visual/landscape impact, design and layout and landscaping
Neighbouring amenity
Environmental Impact Assessment
Environmental impacts
Highway matters
Rights of Way matters
Flooding
Ecology
Crime and Safety
Archaeology
Sustainability
Section 106
Other matters

Principle of Development

- 11.1 This application is for a mixed used development of a hotel and leisure facility in the Sixfields area of Northampton, approximately 2.5 km west of the town centre. The land is allocated for development in the extant Local Plan 1997. In terms of the principle of development there are two main issues to consider – the compliance of the proposal with the current Development Plan for this area and what, if any, other material considerations are relevant to this.
- 11.2 In terms of considering the principle of the development in this location it is noted that section 38(6) of the Planning and Compulsory Purchase Act 2004 states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires conflicting policies with the adopted development plan “to be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)”. The adopted Development Plan is made up of the East Midlands Regional Plan 2009 (RSS8)(including the Milton Keynes South Midlands (MKSM) Sub Regional Strategy), the Northampton Structure Plan 2001 and the saved policies of the Northampton Local Plan 1997.
- 11.3 Current development plan policy in the East Midlands Regional Plan (2009) and the MKSM proposes new growth and sustainable patterns of development in several locations in Northamptonshire and provides a broad strategy for development up to 2026. It identifies the scale and distribution of development particularly in relation to the provision of new housing across the County. Northamptonshire Policy 1

identifies that 30,000 new homes should be provided during the course of the plan period (2001) 2006 – 2021 in the Northampton Borough area. MKSM indicates that in terms of locating this development sustainable growth will take place both by means of intensification of the built-up area and expanding onto greenfields through one or more sustainable urban extensions. Furthermore, MKSM states that, whilst not a specific target, the combined areas of Northampton Borough and South Northants and Daventry Districts should aim to deliver 37,200 jobs in the plan period, i.e. a commensurate level of employment to new housing provision.

- 11.4 The East Midlands Regional Plan (2009) also sets priorities for the economy and regeneration, for natural and cultural resources, and transport infrastructure together with means by which progress should be monitored. Policies 1, 2, 3, 11, 18, 20 and 22 are considered particular relevant in terms of this planning application. Policy 1 of the MKSM SRS, which is incorporated in the East Midlands Regional Plan (2009), sets out a spatial framework for Northamptonshire which seeks to concentrate major areas of development in Northampton and the growth towns.
- 11.5 Policies 18 and 20 of the recently published East Midlands Regional Plan (2009) both promote new and improved economic and employment development. In particular the supporting text to policy 18 states (emphasis added) *“Although the East Midlands is performing relatively well compared to other UK regions, the research underpinning the RES [Regional Economic Strategy] highlights a number of structural weaknesses which need to be overcome if the Region is to prosper in the longer term. In particular the low pay-low skill equilibrium means there is a need to improve the skills of the Region’s workforce and to develop a ‘knowledge intensive’ economy in order to address the productivity gap; **the development of the service sector, high value added manufacturing activities and the creation and growth of innovative businesses will be required to maintain regional competitiveness.**”*
- 11.6 Policy 20 – Regional Priorities for Employment Land – states:
- “Local authorities, emda and sub-regional strategic partnerships should work together in housing market area groupings to undertake and keep up to date employment land reviews to inform the allocation of a range of sites at sustainable locations. These allocations will:*
- be responsive to market needs and the requirements of potential investors, including the needs of small businesses;*
 - encourage the development of priority sectors as identified in the Regional Economic Strategy, namely transport equipment, food and drink, healthcare and construction as well as specific sectors which have local economic significance;*
 - serve to improve the regeneration of urban areas;*

- *ensure that the needs of high technology and knowledge based industries are provided for;*
- *promote diversification of the rural economy;*
- *assist the development of sites in the Priority Areas for Regeneration; and*
- *be of a scale consistent with the essential policy of urban concentration as set out in Policy 3.”*

11.7 Policy 22 – Regional Priorities for Town Centres and Retail Development – states:

“Local Authorities, emda and Sub-Regional Strategic Partnerships should work together on a Sub-area basis to promote the vitality and viability of existing town centres, including those in rural towns. Where town centres are under-performing, action should be taken to promote investment through design led initiatives and the development and implementation of town centre strategies.

Local Planning Authorities should:

- *within town centres bring forward retail, office, residential and leisure development opportunities, and any other town centre functions as set out in PPS6, based on identified need;*
- *prevent the development or expansion of additional regional scale out-of-town retail and leisure floorspace; and*
- *monitor changes in retail floorspace on a regular basis.”*

11.8 The Northamptonshire County Structure Plan was adopted in 2001 and covers the period 1996-2016. The majority of its policies were superseded by the East Midlands Regional Plan when it was adopted in March 2009. The one remaining extant policy is not considered relevant to the consideration of the principle of this development. On a similar note, whilst the Minerals Plan (2006) comprises part of the policy context, it is not considered that development in this site would prejudice the extraction of minerals at any allocated minerals site or prejudice the aims and objectives of that plan.

11.9 The Local Plan was adopted in 1997 (and subsequently formally altered) and covers the period 1993-2006. Whilst it clearly no longer provides a complete up to date policy framework, a number of policies have been ‘saved’ beyond September 2007 and therefore still carry significant weight as part of the current Development Plan framework. ‘Saved’ Policy D7 is considered to be directly relevant to the principle of the development of the application site.

11.10 Policy D7 of the Local Plan was put forward by the Council to be a saved policy and confirmed by the Secretary of State in September 2007. The policy is one of many sites within the Borough that was specifically identified for a particular use or mix of uses when the Local Plan was adopted (and subsequently saved). Indeed, the introductory text to the Development Sites chapter within the Local Plan states *“In*

addition to sites where a single land use is proposed and referred to in policies earlier, there are sites in the town which offer potential for alternative or mixed land uses...Other sites have been identified as suitable for a variety of uses so as to promote their redevelopment...In others there are no compelling reasons for precluding alternative forms of development providing that proposals satisfy specified criteria.”

11.11 Policy D7 itself states:

“Planning permission will be granted for hotel and leisure use at Duston mill so long as the proposals do not significantly detract from the character and appearance of the area beside the river.”

11.12 It is therefore considered that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 significant weight should be given to the fact that the site is allocated in the adopted Development Plan for a hotel and leisure use. In terms of the principle of development therefore this is whether any other material planning considerations indicate otherwise, i.e. not in favour of the proposed development.

11.13 The comments of a number of statutory consultees and third parties, in particular Northampton Borough Council (NBC), are noted here. NBC advise that *“Notwithstanding that the site is allocated in the Local Plan for the uses proposed, in light of recently adopted Regional Plan (Policy 22 and Policy MKSM SRS Northamptonshire 3) the Council has strong concerns over the potential impact that the development would have on Northampton town centre and considers that the application should not be approved without first demonstrating that the development accords with the requirements of PPS6, including the sequential analysis of alternative sites.”*

11.14 There are a number of different, not inherently mutually exclusive, factors here. Firstly, whether more up-to-date elements of the Development Plan – which as well as the Local Plan consists of the recently adopted East Midlands Regional Plan (and the MKSM SRS) – give emphasis to promoting the proposed uses within established (town) centres, vis-à-vis opposed to such uses outside of such centres, should be given greater weight. Secondly, whether the proposal is consistent with the requirements as set out in Government guidance PPS6 (which has now been replaced by PPS4: Planning for Sustainable Economic growth, see below) in terms of town centres uses and the sequential test, the implication being that if they are not this is a material consideration that may be given significant weight. Finally, whether any other Government policy is relevant to the principle of the proposed development.

11.15 The references to the East Midlands Regional Plan (2009) are noted. Policy 22 of the East Midlands Regional Plan (2009) is clear in promoting the viability and vitality of existing town centres through bringing forward those uses set out now within PPS4 within the plan led system, i.e. the Local Development Framework and its associated documents. It goes onto to advise that that out of town retail and leisure developments of a regional scale should be resisted. The proposed development

would encompass some 9,631 sq m of new floorspace which, whilst not small, is not in Officers opinion of a regional scale.

- 11.16 Furthermore, in terms of more up-to-date Development Plan documents the comments of NBC in relation to the emerging Local Development Framework specifically the Central Area Action Plan (CAAP) are noted. Members will be aware of the ongoing work being undertaken by the Joint Planning Unit (JPU) to produce a Joint Core Strategy (JCS) for West Northamptonshire. This will identify the broad locations for the growth identified in the regional strategy (as outlined above). The CAAP is being prepared by NBC and the JPU as part of this process (and the JPUs Local Development Scheme recognises that the JCS must be adopted before the CAAP can be progressed). The CAAP is therefore at a very early stage of production. In terms of the weight that can be attached the document it is noted that the Government has issued guidance in the Planning System: General Principles (Supplement to PPS1); paragraph 17 states:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.”

- 11.17 Where planning permission is to be refused on grounds of prematurity, the local planning authority must demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process. PPS1 also states (in The Planning system: General Principles paragraphs 18 and 19) that in relation to the weight to be given to emerging policies:

“18. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.*
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy.*

However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

19. Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.”

11.17 On this basis given the relative early stage of the CAAP it is not considered that at this point it can be given greater weight than the adopted Local Plan saved policies.

11.18 It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth. PPS4 sets out the Government’s guidance on planning for economic development. Broadly the Government’s policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings. PPS4 particularly emphasises that local authorities should be positive, proactive and flexible when considering these matters, and states:

“EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

EC10.2 All planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;*
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;*
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;*
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;*
- e. the impact on local employment.”*

11.19 Officers consider that the proposed application complies with policy EC10.1 of PPS4 in that the development would result in economic development. In relation to the criteria set down in policy EC10.2 Officers again consider that the proposal is consistent with these. Officers consider that the development would meet criteria a-c and these matters are discussed in more detail in other sections of this report. It is considered that the proposal would meet criteria d and e by virtue of regenerating the land

leading to a long term employment sustaining activity on the site that is consistent with national and regional objectives.

11.20 PPS4 is now the Governments planning statement for economic development that affects town centres as it has replaced PPS6: Planning for Town Centres, which was relevant when the application was submitted but has now been superseded when PPS4 came into affect on the 29th December 2010. It is noted that NBC have advised that as the proposed development – a hotel and leisure facility – are town centres uses and as the proposed location is not in the town or other recognised centre that a sequential assessment of preferred sites should be undertaken.

11.21 As noted above the site is allocated for the proposed hotel and leisure use in the Local Plan, and the specific policy was saved as recently as September 2007. Paragraph EC14.3 of PPS4 states:

“A sequential assessment... is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres.”

11.22 A sequential assessment of the site has not been undertaken by the applicant. They have stated that:

“The site is allocated for hotel and leisure facilities under Policy D7 of the Local Plan and this policy was saved as part of the Development Plan in September 2007. The site is therefore allocated in an up-to-date development plan document and there is no requirement for a sequential appraisal to be undertaken in relation to this application.”

Therefore in terms of whether this element of PPS4 has been met the key question is whether the proposed development is in accordance with an up-to-date Development Plan. As already set out the proposed development is complies with policy D7 of the Local Plan; however, as already noted, whilst this policy was Saved by NBC in 2007 and carries significant weight, it was adopted through the proper planning process in 1997 and therefore cannot be considered as wholly ‘up-to-date’. However, as already set out above it is considered that proposed development is in accordance with the more up-to-date elements of the Development i.e. the East Midlands Regional Plan (2009), in particular policy 22. Therefore on the basis that the site is allocated in a development plan document (policy D7 in the Local Plan) and there is no material conflict between that allocation and the latest adopted component of the development plan (the East Midlands Regional Plan) it is considered that the proposals accord with the relevant components of the development plan for the purposes of PPS4 and there is no requirement for a sequential assessment to be undertaken in relation to this application.

11.23 It should also be noted that, insofar as replacing PPS6, the new statement gives guidance on how to consider proposals for town centre uses which fall outside of that designated area. Whilst there are changes in inference of the Governments policy in

the context of taking into account various matters when making assessments, the crux of the guidance insofar as it is related to this application is that the such assessments should only be made when the proposed town centre use is not in accordance with the Development Plan. Officers have already highlighted above that this proposal is in accordance with the Development Plan.

- 11.24 The final point to note in terms of the principle of the proposed development is that planning application N/2000/322 for a proposed hotel on what is essentially the application site (the actual site location / layout was not exactly the same but close enough to make the connection) was refused planning permission by NBC in January 2001. One of the reasons for refusing planning permission was based on PPG6 (the forerunner to PPS6) insofar as the proposed hotel was not located in the town centre. Whilst this decision is noted and does form a part of the consideration of the current application it is considered it can be given limited weight on the basis of a) the change in Government guidance since that time from PPG6 to PPS6 (i.e. the policy basis for the consideration has changed and is outlined above) and b) the not insignificant period of time that has lapsed since that decision.
- 11.25 On the basis of the above planning policies and Government guidance it is considered that the principle of the proposed hotel and leisure use is acceptable.

Visual impact, layout, design and landscaping

- 11.26 There are a number of regional and local planning policies that consider the potential visual and landscape impact new developments should have regard to. East Midlands Regional Plan (2009) policy 1 sets out one of the Regional Core Objectives as being to protect and where possible enhance the quality of the environment in urban and rural areas so as to make them safe and attractive places to live and work. Policy 2 promotes better design for new developments.
- 11.27 Local Plan policy E1 seeks to restrict new development that is likely to be detrimental to the character and structure of the landscape. Policy E14 adds greater emphasis to Policy E1 by stating that in relation to new developments that *'special importance will be attached to its effect upon the landscape/townscape alongside the principle corridors of travel...Development adjoining such corridors will be expected to be of a standard of design appropriate to a site seen by many visitors to the town.'* Finally, policy D7, as outlined above, caveats the acceptance of a hotel and leisure facility here *"so long as the proposals do not significantly detract from the character and appearance of the area beside the river"*.
- 11.28 The development has the potential to impact on both the immediate and wider landscape and therefore would have some visual impact on the area. It is noted that several statutory consultees and third parties have raised concern over this aspect of the proposal, in particular the six storey hotel. NBC have made the following comment:

“The Council objects to the application, particularly the hotel element, as its orientation, layout and scale is considered to be out of keeping with the local character of the built and landscape environment, of exceptionally close proximity and overbearing scale to Upton Way where it amounts to an important gateway location to Northampton. For these reasons the proposed hotel and spa are considered to conflict with saved Policies D7, E1, E2, E14 and E20 of the Northampton Local Plan and Policy 2 of the East Midlands Regional Plan.”

- 11.29 At this stage it is worth re-iterating what aspects of the proposal the applicant is seeking permission for now and which elements they are seeking to have reserved for consideration at a later stage. The layout and scale of the hotel and the layout, scale and appearance of the spa / leisure building are matters which the applicant has put forward for consideration at this stage. In relation to the appearance – i.e. design – of the hotel, the applicant has reserved this matter to be considered at a later date (should Members grant planning permission).

The layout and scale of the hotel

- 11.30 The proposed hotel would lie on the western side of the application site near the top of the ‘triangle’, immediately adjacent to Upton Way. The applicant proposes an 8,072 sq m building up to 6 stories in height, approximately 24m.
- 11.31 The applicant has submitted a Design and Access Statement with the application which seeks to demonstrate how the proposed hotel would be accommodated into the immediate and wider landscape. It states:
- *Consideration has been given to the height and bulk so that the proposed building allows for a transition in height with the neighbouring buildings.*
 - *The proposal creates a stepped change in height in relation to the neighbouring housing development to the West of the site, ensuring that a successful transition is made between the neighbouring buildings.*
 - *The proposed development will have no impact on the neighbouring housing development which is located on the opposite side of Upton Way (A45) and will furthermore look to enhance and protect the characteristics of the buildings by taking its proportions and design rational into consideration.*
 - *The bulk and mass of the proposed building is particularly important in considering the articulation of the built form to the proposed development, in particular to the West of the site where the hotel borders Upton Way (A45).*
 - *The proposed approach takes into account the massing of the adjacent housing development in terms of its bulk and spread.*
 - *The proposed development will be seen within the context of Upton Way (A45). Within this context the predominant views will be of the South, North and West*

elevations of the proposed development. The remaining elevation will be East facing and therefore will not afford for any long distance views.

- *The views from the residential properties to the West of the site will be limited or even oblique.*

11.32 Notwithstanding the information put forward in the Design and Access Statement, Officers have sought further information from the applicant with regards to the specific rationale (and constraints) for the proposed location of the hotel and spa building within the site and the potential impact on neighbouring sites. Officers posed the following questions to the applicant: why is hotel proposed in the current location as opposed to another area within the site? What other factors have informed this choice? What impacts would this have upon neighbouring land uses, particularly the existing residential occupiers at Upton and the land to the east currently used as overspill car parking for Northampton Town Football Club (NTFC) and its future development?

11.33 In response to this the applicant has submitted a further written summary alongside a 'Context Plan' and 'Opportunities and Constraints Plan'. The Opportunities and Constraints Plan identifies that within the site itself there are three main constraints which inform where development can take place on the site. Firstly, the access to the site from the A45 is already in place. Secondly, the majority of the southern half of the site lies within a designated flood plain, and therefore is better suited to certain types of development such as car parking. Lastly, an existing water line dissects the site from north to south and obviously represents a major barrier to development – no significant works could be undertaken that would make this water main inaccessible.

11.34 These factors entail the location of the hotel and spa building as set out in the application. However, the applicant has stressed that these constraints have been fortuitous as they have resulted in a proposed layout that would *"...preserve the open landscape character to the south and provide delineation yet close composition for the two principal buildings of the scheme. They also direct a linear frontage to Upton Way which encloses the gateway along Upton Way, complements the Upton housing and provides a substantial barrier in terms of noise and visibility protecting the spa building and falling river valley to the east"*.

11.35 In terms of the wider land uses surrounding the site the applicant has produced a Context Plan. This seeks to highlight how the proposed development would interact with these land uses and the impacts, if any, it would have, as well as key static and moving views and key focal points. The Context Plan highlights the adjacent residential development at the recently built part of Upton as being a key context in which the proposed hotel would sit. It identifies that with the juxtaposition of the hotel with the residential properties fronting onto Upton Way a key focal point could be produced that would form a short and long distance vista when entering Northampton from the south.

- 11.36 The applicant notes that the land to the immediate east of the application site is currently used for overspill car parking for NTFC and that whilst there are development proposals being suggested for this land, at this time it does not benefit from any extant planning permission and there is no current or lodged application. Key views of the proposed hotel from the north are identified, including local views from around Sixfields itself and more long distance views as one moves closer to the centre of Northampton. The applicant states that: *“The design and positioning of the spa building within our scheme has been formulated so as not to in any way prejudice or constrain any future proposals which might come forward. The common boundary is formed by a hedge beyond which lies Duston Mill Lane which provides a distinct physical and functional separation of the two sites. The height of the spa building and its design provide a sensitive transition between the hotel building and the boundary with Duston Mill Lane to the east.”*
- 11.37 In this regard the applicant contends that their application would not have any impact on the future development of this site, which as already noted does not benefit from any extant planning permission. It is considered that in the absence of an existing or approved planning permission, or an imminent proposal, refusal of this application on the grounds of prejudicing the future development of this parcel of land would be unlikely to be supported at appeal. Members will be aware that WNDC is working with key delivery partners in this area, notably the HCA and PCT, to ensure that when future developments come forward they are in a holistic manner. However, WNDC must also be mindful of its remit as a local planning authority insofar as determining planning applications before it; namely, that each case must be considered on its own merits. In this case Officers consider that the current proposal would not inherently prejudice the future development of this parcel of land and the location of the hotel is acceptable in this context.
- 11.38 Insofar as how the proposed hotel fits in with the immediate and surrounding area Pages 5, 8, 13 and 13 of the Design and Access Statement give an indication of how the building would be seen from various viewpoints, including isometric images and a cross section through Upton Way. The applicant has supplemented this with further information in the form of a Design Context and Rationale sheet. This seeks to highlight how a six storey hotel would be viewed within the immediate context and some of the local design features that it could pick up on.
- 11.39 The comments received citing concern with the proposed hotel are noted. It is considered that the issue of the scale of the building is an important one. The question is - is a 6 storey building in this location appropriate? Officers consider that in order to answer this question it is important to consider the potential of the site to deliver a real landmark building. Its gateway location into Northampton itself makes the impact it will have on people using Upton Way (taking into account policy E14 here) and ones perception of Northampton more important. On this basis it is imperative that the building makes a statement. Arguably, the most effective way to achieve

those aspirations are through the design, massing and fenestration of the building, which, as already noted, are not the subject of our consideration here. However, the scale of the building is also important to make such a statement. The applicant contends that: *“The intention has always been for the building to harmonise with its contextual environment whilst simultaneously creating a landmark building on a major road frontage at this prominent gateway. A building confident in scale, height and form as presented by the hotel is undoubtedly required in this particular position.”*

- 11.40 The additional information submitted by the applicant, namely the Design Rationale and Context sheet, adds to this by demonstrating further how a six storey building would fit in with the area but using a different set of illustrative (not proposed – see below paragraphs) designs for the hotel. These images again set out how the building would of course be prominent, although interestingly some of the images show that when viewed from certain angles a six storey building would not appear a great deal bigger than the existing properties at Upton – this of course all depends on ones perspective, i.e. where one is viewing the building from. On this basis it is considered that a 6 storey building can be acceptable because the size of the building helps to make such a statement, but *only* when coupled with an innovative and imaginative design.

Appearance of hotel

- 11.41 Insofar as design and appearance of the hotel is concerned as part of the Design and Access Statement the applicant has discussed potential design options and provided indicative elevations. These details have attracted some criticism for, in essence, not fulfilling the aspirations as outlined above. Whilst these matters are inherently somewhat subjective, in Officers opinions this criticism is not without foundation and the details currently proposed by the applicant leave something to be desired. The comments received from the Upton Steering Group are considered pertinent:

“The hotel massing is monolithic and does not maximise the views across the Upper Nene Country Park to the south. Roof profile could be stepped to create roof terraces for hotel rooms and add value to the business at this location. The scheme as it stands will create negative visual impact for the country park. The monolithic roofscape does not reflect the varied and punctuated roofscape of the Upton development opposite and imposes negative visual impact on Upton properties facing onto Upton Way.”

- 11.42 However, the key point is that approval of this application would not confer any approval of the current designs for the hotel, only the location (layout) and size (scale). Any reserved matters application for the design (appearance) of the hotel would need to ensure that the aspirations discussed above are achieved and would come before this committee for determination in any event.
- 11.43 Members will note that the designs for the hotel put forward in the latest information submitted by the applicant (in the Design Context and Rationale sheet) are different to

those in the original application. The applicant has stressed that notwithstanding the additional information requested by Officers that the application remains as a hybrid and that these new images also do not inherently represent what would be applied for at reserved matters stage were outline permission to be granted.

- 11.44 On this basis it is considered that the proposed layout and scale of the hotel are acceptable.

The layout, scale and appearance of the spa / leisure building

- 11.45 The proposed spa / leisure building would be approximately 1,559 sq m over three storey's and approximately 11m in height. The building would be located to the immediate east of the hotel and joined by way of an elevated walkway.
- 11.46 The proposed scale of the building is considered acceptable in the context of the surrounding buildings and land uses. Clearly should the proposed hotel receive planning permission and be built then this would screen the proposed spa / leisure building from most perspectives. To the east the building would be partially screened by existing and new landscaping.
- 11.47 As noted above the proposed appearance of the building is a matter which the applicant is seeking planning permission for at this stage. The proposed spa / leisure building would have a rectangular footprint but the massing of the building would be broken up on the first floor by a predominately curved western elevation facing the proposed hotel and on the second and third floors by the introduction of a balcony and non-usable areas, such that when viewed the building would have a visual interest to the elevations. This would be further enhanced through the use of extensive floor to ceiling glazing, breaking up the visual mass of some of the elevations and a protruding canopy feature.
- 11.48 The applicant has proposed a mixed palette of materials for the building that are outlined on the submitted plans. At this stage it is not considered that this is of sufficient detail and therefore a planning condition is recommended below that requires further information on these. Overall the proposed spa / leisure building is considered acceptable.

Landscaping

- 11.49 The comments of NBCs Tree Officer are noted. The site is already the subject of existing mature landscaping along its main boundaries. Landscaping is not a matter the applicant is seeking consideration of at this stage and therefore should this application receive outline planning permission it will be subject to a further reserved matters application.

Neighbouring amenity

- 11.50 The nearest residential properties lie to the east of the application site within the relatively new Upton development. Properties fronting onto Upton Way along Clickers Drive lie between approximately 63m (numbers 61-65) to 75m (number 52-56) from the western elevation of the proposed hotel.
- 11.51 Between the properties at Upton and the proposed development lies Upton Way, a dual carriageway road, pedestrian/cycle paths and mature landscaping fronting both sites. As described above the proposed hotel would be 6 storeys and 24m in height to the top of building. The properties along Clicker Drive vary slightly but go up to 4 storeys and are approximately 11m in height.
- 11.52 As discussed above the building would be visible in the skyline from a variety of viewpoints, and this would be prominent from the residential properties around Upton. The concerns raised in relation to the impact the building would have on the properties at Upton, insofar as overshadowing and overbearing impact, and also the potential loss of privacy, are noted.
- 11.53 The proposed hotel would be due east of this area and therefore given the track of the sun the most impact on terms of overshadowing would be earlier in the day and more pronounced in the winter, when the sun is lower. However, given distance (circa 63m minimum) separating the two sites it is not considered that this relationship would be unacceptable on this basis. Similarly it is considered that in terms of the potential for overbearing impact this too would be mitigated by the separation of the two sites. Certainly the proposed hotel would be visible from the frontages of the properties along Clickers Drive and others within Upton but it is considered that the limited impact of the hotel would not be of sufficient weight to refuse planning permission on this ground.
- 11.54 The concerns raised in relation to the potential loss of privacy are noted but it is considered that these can be given limited weight. The predominant relationship between the proposed hotel and the existing properties at Upton would be that of a frontage to frontage. Furthermore, the distance between the two sites would again limit any impact in terms of overlooking.
- 11.55 In terms of other neighbouring land uses to the north lies Sixfields Stadium and associated leisure development. Given the rising topography of the land in this area it is not considered that the proposed hotel would have an adverse impact on the viability or operations of those occupiers.
- 11.56 To the east and south east lies Storton's Pit which is designated as a Local Nature Reserve and in the Local Plan is designated as a site of acknowledged nature conservation value, which relates to policy E18. It is noted that the Wildlife Trust has raised concerns that due to the size and height of the development, as well as the construction noise, that the visitor experience of the nature reserve could be affected. However, Natural England note that in their opinion that the proposed development

- would not affect any locally designated sites in the area, although they do have some concerns over the buildings massing and height.
- 11.57 The slight difference in opinion by the two ecology experts is noted; this matter is to some extent a matter of opinion rather than fact. Clearly the provision of a six storey building to the west of Storton's Pit would be visible from various viewpoints, and its relative dominance would decrease the further away that one is viewing it from. The area of Storton's Pits itself is relatively large and ones perspective when in the reserve very much depends on location, especially when taking into account the significant mature vegetation that exists. In this context views of the proposed hotel may only be fleeting depending on where you are in the area.
- 11.58 It is considered that similar to the relationship with the residential properties to the west the relationship with the protected nature areas to the east is acceptable. It is considered that whilst the Local Nature Reserve is an important resource its context in spatial terms insofar as its relationship with the urban areas of Sixfields and others means that it is already affected by such built development. It is not considered that the proposed hotel would add a significant adverse impact to this relationship and therefore, taking into account the comments that have been received, it is not considered that the impact on this land use is unacceptable.

Environmental Impact Assessment

- 11.59 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.
- 11.60 Schedule 2 paragraph 10(a) of the Regulations states that proposals for industrial development of more than 0.5 hectares in area (which this application falls within) may require an Environment Impact Assessment (EIA). The applicant did not request a Screening Opinion for the development prior to submitting the application and therefore in accordance with the Regulations Officers have screened the development based on the planning submissions details.
- 11.61 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out In Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental affect.

Environmental impacts

- 11.62 NBCs Environmental Health Office (EHO) have been consulted on the application and have raised no objections to the development on contamination, noise, light or air quality impacts. However, they have raised a concern in relation to air quality in this area and the potential for the development to have an adverse impact on this. As such they have recommended a planning condition requiring an Air Quality Assessment to be submitted and approved prior to the development commencing. This is considered acceptable and is recommended in the conditions below. Further conditions are recommended in relation to light pollution, noise levels and possible contamination.
- 11.63 As Members may be aware large structures such as Stadiums, tall buildings and warehouses can have the potential to affect the TV reception to nearby properties. Whilst this issue has not been raised by NBCs EHO or any neighbouring properties it is considered prudent to seek to mitigate any potential issue with the requirement of a condition requiring an investigation into the impact upon television reception before and after construction.

Highway matters

- 11.64 There are a number of regional and local planning policies that consider the potential highway impacts new developments should have regard to. RSS8 Policy 1 identifies the need to ensure new development is located so as to reduce the need to travel, especially by car. Policy 2 promotes the use of public transport and non-car means of travel to new developments as well as stressing the need for highway and parking design that improves the safety and quality of public space.
- 11.65 Structure Plan 'saved' Policy SDA1 requires transport choice to be a key feature of sustainable urban extensions and requires various measures to be incorporated to encourage walking, cycling and use of public transport to reduce dependency on the car.
- 11.66 The County Council has also produced a 'Transport Strategy for Growth' adopted September 2007 which sets out the integrated transport strategy to support the planned growth in the County and includes an overall target of 20% modal shift for new development.
- 11.67 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development.
- 11.68 PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:
- i) promote more sustainable transport choices for both people and for moving

- freight;
- ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
 - iii) reduce the need to travel, especially by car.
- 11.69 A Transport Statement (TS) that considers the traffic implication for the development has been submitted with the planning application, along with a draft Framework Travel Plan.
- 11.70 The TS sets out the potential traffic generation from the proposed development. The TS identifies that the hotel development would be expected to generate a total of 28 vehicle trips in the am peak and 26 vehicle trips in the pm peak. The TS advises that the Spa Clinic element of the development is expected to have a very limited vehicle generation, with much of the use potentially related to, or ancillary to the hotel in terms of trips. It goes onto to state:
- “The development, due to the use class proposed, is expected to generate a relatively even number of trips throughout the day, without a noticeable peak period. A study of the TRICS database shows a limited person trip generation during the traditional peak periods of 08.00-09.00 and 17.00-18.00, spread across a number of modes.*
- The level of expected vehicle trip generation during peak hours is limited, with a total of 44 two way vehicle trips during the am peak and a total of 42 two way vehicle trips during the pm peak.”*
- 11.71 The TS concludes by advising that the impact on the immediate highway network, (i.e. Upton Way) by the development is therefore expected to be in the region of 1%, with a negligible effect upon the operation of both the local and wider highway network.
- 11.72 Both the Highways Agency (HA) and Northamptonshire County Council (NCC) as the local highway authority had raised initial concerns with the submitted Travel Plan and NCC Highways had also raised initial concerns with the submitted TS; it should be noted that these concerns were of a technical nature as opposed to an in principle objection to the development itself.
- 11.73 Through discussions with NCC Highways the applicant has amended their TS accordingly and NCC Highways have now withdrawn their objection to the application on this basis. On this basis it is therefore considered that the proposed development would not have an adverse impact on the local road network insofar as traffic generation is concerned.
- 11.74 A Green Travel Plan has been submitted with the applicant that identifies how the development would endeavour to reduce car use by a modal shift. The details contained within the Travel Plan have been subject to extensive discussions between the applicant and the HA and the document has been revised to take account of the concerns of the HA. It is now in a form that the HA are happy with, including a modal shift target of 20% which is consistent with Northampton Transport Strategy for

- Growth (2007) document, and consequently the HA have withdrawn their objection on this matter.
- 11.75 It is therefore considered that in relation to the main highway issues of assessing the impact of the new building upon the local and strategic highway network and adopting a robust and effective Travel Plan to reduce private car travel in the long run, that the application is acceptable in this context.
- 11.76 However, the HA have advised that they are not able to withdraw their TR110 holding objection to the application on the basis that the proposed development will have to contribute towards the measures being derived from the A45/MI Corridor Study. They have stated that *“at present discussions are taking place with WNDG and the contributions methodology has not been finalised. Until this is the case, the Agency will be unable to lift the holding direction currently in place.”*
- 11.77 At this stage it is unclear when this matter will be resolved. However, it is important that this does not unduly delay the consideration of the application and in essence once these matters have been resolved outline planning permission, should members be minded to, could be granted. As such it is recommended that the decision to issue the decision notice is delegated to the Director of Planning Services, or Appointed Officer, to resolve this matter.

Rights of Way matters

- 11.78 NCC Rights of Way (RoW) office has returned comment on the application and has no objection in principle to the scheme. However, NCC RoW have made comments about a range of walking and cycling matters in relation to the application. In particular, they have stated:

“We note the reference to the Transport Assessment 4.3.2 Policy 44 – Sub area Transport objectives (S1). To develop the transport infrastructure and growth consistent with the MKSM Regional Spatial Strategy in a sustainable manner, particularly by encouraging walking and cycling. We support the importance of encouragement here but also feel there is a lack of identified opportunities to develop or improve the existing walking and cycling infrastructure to support the growth of this development.

Although the Transport assessment also references PPG13, there is a lack of opportunities identified for improvement facility for walking and cycling its present form, the layout we feel lacks permeability and we would prefer to see revised plans with a greater degree of permeability into the existing urban fabric for non-motorised users. The County’s Place and Movement Guide 2008 suggests that developments should be designed so as to minimise the need to reverse and that to increase permeability cul-de-sacs should be designed out. Additional guidance regarding the design of permeable streets is available from Manual for Streets and the County’s

Place and Movement Guide should you need to refer. We would encourage links for non-motorised users through the development onto Duston Mill lane.”

- 11.79 These comments are noted. As Members will see further on in this report the Crime Prevention Design Advisor (CPDA) has also reviewed the application and commented on the potential for the surrounding routes to assist potential offenders. This is a classic example of where the principles of urban design (e.g. permeability) conflict with crime prevention. Given the relatively modest scale of the site, just 2.47ha, in this case it is considered that the layout of the site insofar as accessing it is acceptable and that opening up routes onto Dustin Mill Lane would not have any significant benefit when considered against the potential disadvantages.
- 11.80 NCC RoW have queried the level of cycle and disabled parking within the site. 15 disabled spaces are proposed and an area for cycle parking, although no details of the exact number of spaces. As such these concerns are noted and it is recommended that further details of secure and covered cycle parking are required by way of a planning condition, which is outlined below.
- 11.81 NCC RoW have also made comment in relation the adjacent public footpaths and the requirement for diversion orders. It is recommended that the applicant should be made aware of these through an informative should planning permission be granted.

Flooding

- 11.82 The site is within designated flood zone 2 and 3, and as such the applicant has submitted a Flood Risk Assessment (FRA) with the application. It is noted that a number of third parties have raised concerns over flooding in relation to the application
- 11.83 The Environment Agency (EA) has considered the applicants FRA and initially raised some concerns over its compliance with PPS25. However, on receipt of further technical information from the applicant’s consultant they are now satisfied with this and have withdrawn their objection.
- 11.84 The EA are recommending a planning condition is imposed in relation to further FRA details, the applicant signing up the EA’s ‘Floodwatch’ programme, drainage and other conditions. This is considered acceptable and the planning conditions advised by the EA are recommended below.
- 11.85 It is considered that subject to the below conditions and the applicant’s revised FRA the proposed development would not cause undue flood risk.

Ecology

- 11.86 East Midlands Regional Plan (2009) policy 29 requires LPA’s and developers amongst others to work together to promote a major step change increase in the level of the

region's biodiversity. This should be achieved by various methods including the management of features of the landscape which act as corridors and 'stepping stones' essential for the migration and dispersal of wildlife and to ensure that development results in no net loss of BAP habitats and species and that net gain is achieved.

- 11.87 In addition the advice in PPS9 and supporting Good Practice Guidance is relevant. Amongst the key principles of PPS9 are that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- 11.88 The applicant has submitted an ecological assessment of the application site and the proposed development. Natural England and the Wildlife Trust have returned comment on this assessment.
- 11.89 Natural England have confirmed that based on the information submitted in the Ecological Appraisal Update report and its appendices, that they have no objections to the development subject to the recommendations in Section 4 being carried out in full. This is considered acceptable and should be secured through the use of an appropriately worded planning condition.
- 11.90 Natural England note that that there are further opportunities for biodiversity enhancement on the site other than those that have been put forward within the application; as such a planning condition is recommended to required further details of biodiversity enhancement is recommended.
- 11.91 It is noted that the Wildlife Trust have raised some concerns with the ecological information submitted by the applicant. However, given that Natural England do not share these concerns it is not considered appropriate to require further details of this by way of a condition.
- 11.92 The Wildlife Trust have also advised against the spread of Japanese Knotweed and the Parrot's Feather invasive species on the site. The applicants Ecological Report (para 4.18) sets out that:
- "In order to comply with national legislation and good practice relating to these invasive species, it is recommended that measures are undertaken to ensure that activities on site during the construction or operational phases of development proposals do not encourage their spread."*
- 11.93 Based on this Officers are satisfied that biodiversity and ecology can be resolved through the imposition of appropriate planning conditions that would requiring the development to be carried out in accordance with Section 4 of the Ecological Appraisal Update and details of biodiversity enhancement; the details of any such

measures would be agreed with Natural England and the Wildlife trust prior to the condition being approved.

Crime and Safety

- 11.94 The Crime Prevention Design Advisor (CPDA) has no objection in principle to the application. However, the CPDA has raised concerns regarding various aspects of the proposal. These matters have been the subject of discussions between the CPDA and the applicant and it is important to set out how the CPDA concerns have been overcome.
- 11.95 The CPDA highlighted concerns with the crime context of the area, the perimeter boundary treatment, the potential for car crime from the car park, and made suggestions regarding cycle parking and CCTV. In particular the CPDA noted that there is a footpath link adjacent to the rear boundary of the site which runs from Briar Hill towards Sixfields. This footpath has always been a route used by youths on illegally ridden motorcycles and is used as a rat run for offenders travelling between the areas. Cars parked adjacent to this perimeter could be vulnerable to thefts from vehicles unless there is a substantial perimeter treatment to keep people out, the CPDA advises.
- 11.96 In response to these concerns the applicant has made the following comments (quote):
- *When designing the car park the proximity of Duston Mill Lane was considered and private car parking moved to provide maximum distance between the far eastern car parking spaces and Duston Mill Lane. The car parking spaces closest to Duston Mill Lane are separated from Duston Mill Lane by the car park perimeter road, coach parking and a grass verge. As the car park access and perimeter road will be particularly well lit, any opportunistic car thief will have to enter the contained car park area and be exposed over well lit open ground.*
 - *The eastern perimeter boundary of the development, adjacent to Duston Mill Lane, will include a hedge and fence on the development side of the hedge. Although the exact specification of this fence is yet to be determined, we note your comments and proposals for it to be 'robust'. In terms of the prickly hedge we have, in recent years undertaken heavy trimming and pruning which has helped thicken its mass and noticeably reduced trespassers onto our land.*
 - *Due to the application being detailed for the spa, access road and car park, initially operations on site will not be 24hrs. Once the hotel is developed the site will become operational 24hrs.*
 - *As the site, initially will not be operational 24hrs a car park access control system will be installed, although the exact system has yet to be selected*
 - *The lighting scheme in the car park has been carefully chosen to fit in with the proposed development while being sensitive to surrounding land uses. In order to*

meet with the CPDA requirements it is proposed to incorporate high level white lighting into the car park. This lighting, together with the proposed bollard lighting and existing significant light spillage from Upton Way street lighting will provide an adequate even spread of light over the car park area in general further assisting crime deterrent from Duston Mill Lane.

- In regards to soft landscaping this will not grow to a height in excess of 1 meter and will plant appropriate species accordingly.*
- The cycle parking has been located in a position so it can easily be used by staff and visitors to both the hotel and the spa. As the spa will be run as a separate operation from the hotel, the cycle parking has been deliberately been located in a common area serving both operations however taking your comments into account it can be moved to the north of the 4 disabled bays to bring it closer to and thus more visible from both operations.*
- A CCTV system will be installed covering areas of the site to include the entrance, car park and low natural surveillance areas (in particular the perimeter edge adjacent to Duston Mill Lane).*

11.97 Encouraging the CPDA in response they have confirmed that the applicant has have addressed all of their concerns and have agreed to install additional security to mitigate against the potential for crime on the site.

11.98 Clearly this is positive in that the CPDA has withdrawn their objection based on the comments of the applicant. In order to secure the necessary measures outlined above planning conditions are recommended below that cover boundary treatment, landscaping, CCTV measures and access into the site. A planning condition is also recommended to secure details of lighting. The comments of both parties above are noted but Officers would advise that the type of lighting agreed *may not* inherently be the best type in planning terms. When making an assessment of this other factors such as light spill, amenity and energy efficiency, as well as crime prevention, will be used to inform WNDcs final decision on this matter.

Sustainability

11.99 The applicant has advised that as this application is essentially submitted in outline a detailed BREEAM assessment is not possible. However, a provisional BREEAM assessment for the proposed development has been prepared and is attached to the Planning Statement at Appendix D. The BREEAM assessment seeks to demonstrate that a 'very good' rating is possible, however, because not all detail for the development is available it has not been submitted to or verified by BRE. Accordingly, the applicant undertakes to ensure that when the reserved matters application is submitted, it will be accompanied by a full BREEAM assessment that will confirm that the development will achieve a 'very good' rating, at least.

- 11.100 The comments of the applicant on this matter are noted. In accordance with the most up-to-date national and regional approach to this issue in terms of PPS1 Supplement-Planning and Climate Change and the East Midlands Regional Plan (2009) BREEAM Very Good and on site renewable energy provision is considered necessary to make the development acceptable.
- 11.101 In order to secure the BREEAM Very Good criteria, and in accordance with previous applications WNDc have considered, it is considered appropriate and reasonable to impose a planning condition that requires a 'sustainability strategy' to be submitted and approved in writing. This strategy will cover the measures used to achieve BREEAM Very Good, details of the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority where appropriate) and the mechanism for an independent post-construction assessment that would demonstrate the schemes compliance with the strategy.
- 11.102 Therefore subject to the imposition of a planning condition requiring a sustainability strategy the proposal is considered acceptable in this respect.

Section 106

- 11.103 Policy GN3 of the Local Plan seeks to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.
- 11.104 Members will be aware of WNDc's position regarding securing Section 106 benefits on commercial developments to date. Whilst it is important to recognise that each application must be considered on its own merits, and of course being mindful of the current economic climate, it is also essential to consider the demands on infrastructure that are generated through development proposals.
- 11.105 The WNDc Planning Obligations Strategy was published in December 2008 setting out the Corporation's approach to planning obligations and the arrangements for a 'standard charge' to be applied to development to ensure that development contributes appropriately towards infrastructure need across the Corporation's area. Bearing in mind the other S106 contributions achieved in relation to commercial schemes it would be reasonable and consistent to seek an appropriate contribution from this site. It is noted that the Panasonic development at Brackmills Industrial Estate in Northampton contributed £10 per sqm of commercial floorspace, whilst the more significant development on greenfield land at Grange Park achieved an in principle contribution of £25 per sqm for B1 offices. The strategy document itself takes a more open view in relation to commercial sites, which takes account of context, 106viability and scale of development.

- 11.106 Officers have initiated discussions regarding a potential Section 106 Agreement for this site with the applicant to establish the level of financial contributions and other relevant obligations. It is accepted that for a development of this modest scale the viability of it to deliver financial contributions to the wider infrastructure improvements will be a key factor to take into account when making this assessment. As set out in the Planning Obligations Strategy financial contributions for commercial schemes are considered on a scheme-by-scheme basis. Officers have proposed a financial contribution based on a pro rata of £25 per sq m, which it is considered is an appropriate and viable level of contribution which would make a meaningful contribution to the wider infrastructure needs of this area.
- 11.107 In preliminary discussions regarding this matter the applicant has indicated that as part of the wider development of Upton they have made significant contributions to the infrastructure required by way of donating land to the HCA and through services diversion. It is accepted that on this basis an offset against the total contribution may be appropriate where this can be demonstrated. At this time Officers can only advise that we are currently waiting for a response and further information from the applicant on this matter.
- 11.108 NCC RoW have raised the possibility of this site making a financial or otherwise contribution to the further development of cycling infrastructure associated with this area. They have made the following statement:
- “We are looking to negotiate section 106 agreements or works to that effect to make improvements towards the sustainable transport infrastructure. Thus to accomplish the green infrastructure aspirations of Northamptonshire County Council and partners, such as Sustrans, to complete the missing links in the Sustrans routes through Northampton along the River Nene. Please see enclosed a copy of the current works scheme phase.*
- Options 1** is to achieve a surfaced towpath along the River Nene, as shown on the red dashed line on the following page. This links the current Connect 2 cycling infrastructure project at Duston mill. Please see enclosed the current map for the construction phase plan for the scheduled improvements works to the south of Duston Mill.*
- Option 2***
- To widen the existing footway along Upton Way (A5076) adjacent the western boundary to the development to a 3 meter wide shared pedestrian and cycle track facility for safe passage of users in both directions and connecting the existing network.”*
- 11.109 The comments and aspirations of NCC RoW are noted. In response Officers have sought the applicants view on this and they have stated:

“The current cycle mode share for journey to work trips terminating in West Hunsbury Ward is 2.21%, applying this to the expected staff associated with the site, (working on the assumption of 20 staff arrivals and 12 staff departures during the peak hour period), would result in 1 expected cycle trip during each of the peak hour periods. It is appreciated that this is a baseline figure and that levels of cycling are expected to increase as a result of the site Framework Travel Plan, however even is applying the Highways Agencies proposed modal split for staff working at the site, which assumes a very high percentage of cyclists at 12.7% (representing an increase of nearly 600% on current expected levels), this would only equate to a maximum of between 3-4 cycle trips generated by the development in each peak hour period. As such, whilst the applicant appreciates the importance of encouraging cycle trips and will do so through the site travel plan, it is considered that a requirement for considerable off site cycling infrastructure is disproportionate to the level of development proposed and the expected related level of cycle trips generated.”

- 11.110 The comments of both NCC RoW and the applicant are noted. Officers consider that this matter needs to be progressed alongside the wider S106 discussions with the applicant which are currently taking place. As such it is recommended that the decision to issue the planning permission is delegated to the Interim Director of Planning and Development, or Appointed Officer, to resolve this matter.
- 11.111 Officers also advise that we will require a commitment to the Construction Futures project to be tied in with any Section 106 Agreement from the applicant, and this commitment would involve the obligation to have a number of onsite training placement opportunities available commensurate with the scale of the development.

Other matters

- 11.112 The comments of an adjacent occupier questioning the need for this development in this location are noted. As already discussed in detail the policy context for the development of a hotel, whilst not being clear cut, is supported in Officers opinion. The proposal is clearly a commercial scheme and it is for the applicant to decide whether their business plan supports this development. This is not a matter that can be given any significant weight as a material planning consideration.
- 11.113 It is considered important that because of the type of permission that is recommended to be granted – i.e. a hybrid permission which would confer consent for one building but only outline consent for another – that the phasing of the development would need to be suitably controlled. This would need to ensure that the development does not come forward in a piecemeal fashion. As such a planning condition is recommended below to control this aspect.

12. Conditions

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application, and the further approval of the Local Planning Authority shall be required to the under mentioned matters hereby reserved before any development is commenced:-

- (a) The appearance of the proposed hotel building
- (b) The landscaping of the site

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or, if later, before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. Notwithstanding the submitted details, prior to the commencement of development samples of all proposed external facing materials of the leisure / spa building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings.

5. Prior to the occupation of the buildings, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the first occupation of the buildings hereby approved within that phase.

Reason: in order to balance the desire to minimise light pollution with the safety and security needs of occupiers of the site.

Note: any lighting scheme submitted under this condition shall ensure that all measures are taken to reduce any light spill into the night sky and shall include low energy luminaries where possible.

6. Full details of the method of the treatment of the external boundaries and those within the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.

7. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities.

8. Full details of the proposed surface treatment of all roads, access and parking areas, and footpaths including their gradients shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site.

Reason: To secure a satisfactory standard of development.

9. Prior to the first occupation of the buildings a Green Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The content of the Travel Plan shall be formulated so as to maximise travel to the site by methods other than the private car and shall be reviewed and updated on an ongoing basis.

Reason: In accordance with local and national planning policy advice which seeks to minimise travel by private car.

10. The car parking spaces shall at all times be reserved for the parking of vehicles by staff and visitors and there shall be no storage of goods, materials, refuse, pallets or skips thereon.

Reason: To ensure that adequate parking facilities are maintained.

11. Prior to the commencement of the development hereby approved an Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall be agreed in writing prior to the commencement of the assessment and any recommendations to be implemented shall be carried out prior to the first occupation of the development.

Reason: To protect the future users of the hotel.

12. Prior to development commencing the applicant shall assess the Noise Exposure Category(ies) of the site due to its exposure to transportation noise. This must take into account, where appropriate, Roads or Railways that may not be immediately adjacent to the site and the likely growth of traffic over the next 15 years.

The applicant shall also submit for approval a scheme to protect the site where its noise exposure exceeds NEC A. The scheme shall include a site plan showing the position, type and height of the proposed noise protection measures together with the resultant NEC(s) for the site.

Where noise protection measures for the site are impractical or do not reduce the NEC for all amenity areas, all facades or all floors of the proposed dwellings to NEC A the plan shall clearly indicate the site layout and the predicted NEC for all facades.

Where facades or floors do not fall into NEC A a noise insulation scheme, which will require the provision of mechanical ventilation, shall be submitted for approval by the Local Planning Authority and implemented prior to the properties being occupied.

Reason: To protect the amenities of nearby occupants from noise and vibration.

13. Before the development hereby permitted commences a scheme shall be agreed in writing with the Local Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated within the buildings, and the provisions to be made for its control.

The agreed scheme shall be implemented prior to the development coming into use and shall be maintained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration.

14. Deliveries to or collection from the premises shall not take place before 08:00 or after 20:00 hours on any day.

Reason: To protect the amenities of nearby occupants from noise and vibration.

15. Prior to the commencement of the development hereby permitted, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

16. Prior to the commencement of the development hereby permitted, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

18. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with the advice contained in PPS23 Planning and Pollution Control.

19. No development shall commence until a scheme for the investigation and alleviation of electromagnetic interference, including to television reception, mobile phone operators and emergency services, caused by the buildings hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures proposed shall be carried out in accordance with the approved scheme.

Reason: To protect quality of life in accordance with PPS1

20. Prior to the first occupation of the development, a Green Infrastructure Statement, that includes but is not limited to, measures to increase biodiversity within the site, shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved Statement.

Reason: To ensure that ecological issues are fully considered and promoted in relation to ecological targets for the region.

21. Before the development hereby permitted is occupied a detailed and comprehensive scheme to increase biodiversity within the application site has shall be submitted to and approved by the Local Planning Authority. Development shall be in complete accordance with the approved details.

Reason: To ensure that ecological issues are fully considered and promoted in relation to ecological targets for the region.

22. The development hereby permitted shall not be commenced until such time as a Full Stage 2 Flood Risk Assessment (FRA) has been submitted to, and approved in writing by, the local planning authority. The stage 2 FRA should:

- Consider the best available flood levels
- Identify and detail car park closure scheme in various flood scenarios
- Ensure all vehicles are kept on site in a flood event (Details and drawings of the open face railing proposed to be submitted)

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

23. The occupier shall sign up to the Environment Agency Floodline and upon receipt of the Environment Agency's 'Flood Watch' the car park shall be closed and fully evacuated until such time as the 'Flood Watch' is removed.

Reason: To ensure the safe evacuation of the car park in line with the submitted Flood Risk Assessment.

24. Notwithstanding the planning application for 09/0079/OUTWNN, surface water drainage shall be disposed of to the River Nene, as stated in the approved Flood Risk Assessment (A055718/FRA001, dated 13 October 2009) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity.

25. No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing and future management and maintenance arrangements, for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any buildings within the relevant phase(s) of the development.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure, irrespective of the

provisions of Sections 94, 98 and 106 of the Water Industry Act 1991.

26. Prior to the occupation of the development hereby permitted, full details of the CCTV system to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed details and maintained at all times thereafter.

Reason: In the interest of creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1 and NCC Planning out Crime in Northamptonshire SPG.

27. Prior to the commencement of development details of the proposed finished floor levels to all new onsite buildings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall clearly depict the finished floor level relationship of these dwellings to the finished floor level of the existing dwellings. Development shall be completed in accordance with the approved details.

Reason: In the interests of the amenities of adjacent occupiers.

28. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities) and the location of waste management and site compound areas within the site.

Reason: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy E19 of the Northampton Local Plan.

29. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good or excellent' (or successor), the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority), and mechanisms for independent post-construction assessment shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policy GS5 of the Northamptonshire County Structure Plan adopted 2001 and Policy E19 of the Northampton Local Plan adopted 1996.

30. The development shall not be begun until a strategy for the phasing of the development ('the Phasing Strategy') has been submitted to and approved in writing by the Local Planning Authority. Development must be completed in complete accordance with the approved details and any variations to the Phasing Strategy must first be approved in writing by the Local Planning Authority.

Reason: To ensure the development is carried out in an appropriate order.

