



Applicants: ProLogis  
Development Ltd

Application No:  
08/0143/FULWND

Date Registered:  
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Ward: Braunston

# Daventry UDA Planning Committee Paper

Report by Director of Planning and  
Development

Date of Committee Meeting: 10/03/2009

Agenda Item: 4

Description: Construction of three B8 units and ancillary offices, together with landscaping, access, parking and associated infrastructure

Address: Apex Park, Drayton Fields, Daventry, Northamptonshire, NN11 5NF

## 1. Recommendation

- 1.1 Subject to the application being referred to the Secretary of State as a departure from the Development Plan and the Secretary of State not recovering the matter, and the Environment Agency withdrawing their objection to the scheme, the application be **APPROVED** but that the issuing of the planning permission be delegated to the Director of Planning and Development or appointed Officer subject to the prior completion of a Section 106 agreement and the conditions set out below for the following reason:
- 1.2 The proposed application (as revised) represents an employment led development which is considered to be consistent with the objectives of policy 22 of RSS8 (and the emerging RSS8) particularly MKSM and WNDC's statutory purpose. The application has been considered against the provisions of all local development plan policies as well as the emerging regional plan and is considered to be acceptable having regard to the planning objectives set out in policies GN1, GN2, GN3, EN25, EN26, EN42 and CM8 of the Daventry Local Plan (1997) and Policy GS5 of the County Structure Plan (2001). It is therefore considered to be a justifiable and acceptable form of development that departs from Policy EM3 and EM16 of the Daventry Local Plan. The environmental effects of the

development have been identified by the applicants through preparation and submission of an Environmental Statement and associated technical supporting documentation together with supplemental submissions and WNDC has satisfied itself through its assessment process that the impacts and environmental effects of the development can be satisfactorily mitigated by the specific scheme and the recommended conditions proposed

## 2. Summary

- 2.1 This is a full planning application for the erection of three large commercial warehouse buildings (Class B8) on the north west outskirts of Daventry, adjacent to the existing Drayton Fields Industrial Estate.
- 2.2 Members may be aware that a similar application was made to WNDC in December 2006 (reference number WN/2006/0003) for a similar development of three warehouse units. This application was withdrawn by the applicant following a request by WNDC under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for further information regarding the submitted Environmental Statement (ES). The applicant has stated that this new application has addressed the issues raised under that request and has submitted a new Environmental Statement (ES). It is important to note that as the previous application was never determined (further the application was never put before this committee for consideration) that the current application must be considered fully on its own merits with regard to all material planning considerations.
- 2.3 The current application seeks permission for a significant level (66,311 sq m) of new commercial floorspace, predominantly falling into the B8 Use Class – Storage and Distribution – with ancillary offices, B1 Use Class. The applicant is proposing three separate buildings, identifying these by two zones (A and B) with two units in Zone A and one unit in Zone B. Zone A would be sited to the west of the application site with Zone B to the east. This can be summarised, with additional information, as follows:

	Plot Area (ha)	Main B8 Floorspace (sq m)	Ancillary B1 Floorspace (sq m)	Total Floorspace (sq m)
Zone A Plot 1	1.85	7,618	279	<b>7,897</b>
Zone A Plot 2	4.11	19,230	743	<b>19,973</b>
Zone B Plot 1	7.13	37,149	1,292	<b>38,441</b>
<b>Total</b>	<b>13.09</b>	<b>63,997</b>	<b>2,319</b>	<b>66,331</b>

	Parking Spaces			Ridge Height (m)	Floor Level (m)
	Car	Cycle	Lorry		
Zone A Plot 1	66	8	18	10	166.450
Zone A Plot 2	157	20	30	14	165.450
Zone B Plot 1	304	40	100	15	162.550
<b>Total</b>	<b>527</b>	<b>68</b>	<b>148</b>	<b>N/A</b>	<b>N/A</b>

- 2.4 The applicant also proposes a significant landscaping scheme especially along the boundaries of the site and including a 4ha woodland area at the northern tip of the application site. As Members will see in the evaluation section of this report below the visual and landscape impact of the proposed development, along with the question of what the appropriate level of landscaping is to reduce such impact, has been a matter that Officers have been discussing with the applicant during the course of the application. These discussions have resulted in some noteworthy changes to the scheme during the course of the application that seek to respond to and address the landscape impact of the buildings; these matters are fully considered in the report below. These changes (detailed in the report) are not considered to require any additional information or modification of the Environmental Statement.
- 2.6 The site is not allocated in the extant Daventry Local Plan 1997 for any form of development and is instead shown as being the open countryside. Land to the immediate south is allocated for industrial development and has been built out (i.e. Drayton Fields Industrial Estate).
- 2.7 The applicant has stated that the proposed development would have the potential to deliver approximately 700 jobs to the area and represents initial £45 million investment. However, concerns have been raised by the District Council and Braunston Parish Council regarding the principle of this development (in particular in relationship to the emerging Local Development Framework) and its visual impact, among other matters.
- 2.8 Having regard to all material planning considerations the proposed development subject to the measures identified is considered to provide benefits to the area (notably with regard to the provision of employment and economic development) that on balance outweigh the planning policy implications .

### **3. Description of Proposal**

- 3.1 The application seeks full planning permission for the construction of three B8 units and ancillary offices (class B1), together with landscaping, access, parking and associated infrastructure.
- 3.2 The details of the application are as set out in the table above.

#### 4. Description of Site

- 4.1 The application site is located on the north west of Daventry approximately 2.2km from the town centre. The site currently comprises the open countryside; to the south lies the existing built up Drayton Fields Industrial Estate which includes Apex Park Phases One and Two. The application site is approximately 17 hectares in size.
- 4.2 Specifically, the application site consists of three grazed fields bounded by native hedges around most of the perimeter of the site, with numerous mature trees within the hedge line along Braunston Road and scattered trees in other hedgerows. There is a native hedge running along the ridgeline from the north eastern end of the site to the south western edge along the A45 and a further hedge running roughly perpendicular to this to meet the south eastern boundary next to Drayton Fields Industrial Estate. A bridleway runs along the south-eastern boundary, with a concrete surface at the entrance from the A45. Along this section of the eastern boundary of the site, a native hedge separates the users of the bridleway from the tall existing warehouse buildings along the south eastern boundary.
- 4.3 To the north-east, the application site has a linear boundary which does not follow the field boundaries or existing hedgerows, with one of the grazing field stretching further than the other creating the 'Z' shaped line of the northern boundary. To the north-west the site is bounded by a native hedge with occasional mature trees separating neighbouring arable land.
- 4.4 The south-west corner of the site contains a small pocket of land extended slightly beyond the continuous linear hedge running along the north-western boundary. The south-western boundary of the site follows the edge of Braunston Road (A45), and is defined by a native hedge with a number of mature trees. The road is well screened by the hedge, which runs all the way along the boundary up to the bridleway access gate in the south-west corner of the site.
- 4.5 The Middlemore Residential development Area lies to the west of the site; the closest building would be approximately 690m away from the edge of what is known as Middlemore Site 9, which, whilst being undeveloped at present, does have an outline consent for residential development. Drayton Gate Farm lies to the north of the application site approximately 250m away.
- 4.6 Braunston village lies to the north of the application site, approximately 2.2km away. The 'rolling, gently hilly' character of the Northamptonshire Upland Area can be clearly seen in the countryside north west of Daventry. The application site conforms to the topographic descriptions of the Undulating Hills and Valleys Character Type and the Bugbrooke and Daventry Character Area.
- 4.7 To the west lies Flecknoe approximately 3.5 km away. Also to the west lies a large area designated in the 1997 Local Plan as a Special Landscape Area, although this area does not include the application site. The applicants' topographical survey (Figure 13.1 of the Environmental Statement) indicates that the application site lies at approximately 155-170m AOD (Above Ordnance Datum), which is broadly similar to that of the built up

area of Daventry itself, along with some which falls within the 140-155m AOD. Braunston to the north lies approximately 110-125m AOD.

- 4.8 The site is not within or adjacent to any designated Conservation Areas or in the curtilage of any Listed Buildings. The site is shown to be within Flood Zone 1 'low probability' as detailed on the Environment Agency's Flood Zone Maps.
- 4.9 Although the A45 bounds the application site to the south west the main access for the site would be via the A361 through the existing Drayton Fields Industrial Estate.
- 4.10 Located to the east of the application site are the existing Apex Park units (sometimes referred to as Apex Park Phase 2). These units are broadly speaking of a similar height of those proposed in the current application (all approximately 13m high to the ridge); similarly apart from the unit located immediately adjacent to the A45 (Unit 1 occupied by Netto) they are located on a lower floor level (around 152m AOD). The Netto unit floor level is approximately 161m AOD.

## 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
- PPG4 – Industrial, Commercial Development and Small Firms
- PPS4 – Planning for Sustainable Economic Development (Consultation)
- PPS9 – Biodiversity and Geological Conservation
- PPS10 – Planning for Sustainable Waste Management
- 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 Regional Spatial Strategy for the East Midlands (RSS8) (2005);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);  
The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);  
The Daventry District Local Plan (DLP) (1997) (saved policies).

**6.2 The Regional Spatial Strategy for the East Midlands (RSS8) (2005) relevant policies;**

Policy 1 (Regional Core Objectives);  
Policy 4 (Promoting Better Design);  
Policy 5 (Concentrating Development in Urban Areas);  
Policy 17 (Regional Housing Provision);  
Policy 22 (Regional Priorities for Employment Land);  
Policy 27 (Protecting and Enhancing the Regions Natural and Cultural Assets);  
Policy 28 (Priorities for Enhancing the Regions Biodiversity);  
Policy 30 (Priorities for the Management and Enhancement of the Regions Landscape);  
Policy 41 (Regional Priorities for Renewable Energy);

**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);**

Policy GS5 (Design);  
Policy GS6 (Infrastructure, Services and Facilities);  
Policy T3 (Transport Requirements).

**6.5 The Daventry District Local Plan (DLP) (1997) (relevant saved policies);**

Policy GN1 (General);  
Policy GN2 (General);  
Policy GN3 (Implementing Development);  
Policy EN11 (Rural Access Areas);  
Policy EN25 (Comprehensive Landscaping Schemes);  
Policy EN26 (Landscaping);  
Policy EN42 (Design);  
Policy EM3 (Existing Sites);  
Policy EM16 (Hamlets and Open Countryside)

Policy CM7 (Public Transport Provisions);

Policy CM8 (Cyclist and Pedestrians);

## 7. **Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)**

7.1 Northamptonshire County Council Planning Out Crime (2005);

Northamptonshire County Council Parking (2003);

Northamptonshire Minerals and Waste Development Framework: Development and Implementation Principles SPD (2007);

Daventry District Council Energy and Development (2007);

Daventry Design Codes (2005)

### **Other non-statutory documents**

7.2 WNDC Planning Principles (June 2007)

Sets out a set of core principles based around quality services, Quality places, sustainable environments and infrastructure delivery. Explains how these principles will effect WNDC's approach to planning decisions.

7.3 The Draft Regional Spatial Strategy for the East Midlands (pending adoption)

## 8. **Relevant Planning History**

8.1 WN/2006/0003 Construction of three B8 units and ancillary offices, together with landscaping, access, parking and associated infrastructure – Withdrawn

8.2 Land to the east/south east has been developed as industrial land in accordance with the provisions of EM1 and EM2 of the Daventry District Local Plan

## 9. **Consultations**

9.1 **Daventry District Council:** the Council's Planning Committee resolved to raise strong concerns to the application on the following grounds.

- The site is located on prominent open land and would constitute an undesirable and visually intrusive extension of Daventry into the open countryside contrary to the provisions of the existing development plan.
- The proposal would prejudice the emerging Core Strategy by reason of its scale, nature and location of the proposals.
- If WNDC are minded to approve the application careful consideration should be given to:

- securing necessary infrastructure improvements in the local road network to accommodate this development with particular regards to the impact on the A361 both north and south of Daventry;
- application of horizontal colour graduation across the building rather than vertical graduation as currently shown on the submitted drawings;
- provision of substantial woodland planting and its subsequent maintenance to ensure a substantial effective screen to the proposed development;
- development of high quality and sustainable format;
- archaeological concerns would need to be satisfactorily addressed;
- lighting details to be agreed prior to development;
- and submission of a green travel plan with the application.

9.2 **Environmental Health:** no objection to the development subject to conditions controlling noise from the site. Although some concerns were raised initially with regard to the noise and vibration chapter of the applicant's ES based on further correspondence and clarification with the applicant's environmental noise consultant the EHO can confirm that these concerns have now been resolved. The EHO has confirmed that the ES complies with BS4142 and raises no objections to the development subject to the following conditions:

- In accordance with the applicant's acoustic report, in order to reduce noise levels from HGVs particularly in the evening, at Drayton Gate Farm an acoustic barrier should be built along that border.
- The acoustic barrier must be built in accordance with figure 11.2 of the noise and vibration chapter of the applicant's environmental statement so as to completely shield Drayton Gate Farm.
- The acoustic barrier must be continuous with no gaps, either between sections or at the base or sides of the barrier. The barrier must be constructed of a material providing a minimum superficial mass of at least 16kg/m<sup>2</sup>. The barrier must be no less than 3m in height so as to completely screen the noise sources from nearby noise sensitive receptors.
- The acoustic barrier must be maintained in a sound condition.
- The measures for mitigating construction site noise as recommended in 11.7 of the noise and vibration chapter of the applicant's noise and vibration chapter shall be followed.

9.3 **NCC (Highways):** States that as the development will consist of three individual units Parsons Road must be extended as an adoptable road up to a turning head to be positioned at the western access to Plot 2 Zone A which shall include footway on the south side with a link to Plot 1 Zone B. A Travel Plan for the development must be submitted for consideration prior to planning permission being issued so that the

modal shift being promoted can be assessed in relation to the Council's sustainability objectives. A contribution for the proposed signage to Apex Park on the A45 must be secured.

- 9.4 **NCC (Rights Of Way):** comment that there is a Public Right of Way, Bridleway VB9, registered on the Definitive Map (2005) surrounding the proposed development. The Bridleway runs along the south eastern boundary of the proposed site to link with the A45. It is 2 kilometres in length and has an awarded width of 4 metres in part. VB9 links to another Bridleway VB6, which has been severed by the A45.

NCC RoW has no objections to this proposal as long as Prologis is prepared to re-negotiate for the existing S106 agreement to be implemented along with Phase Three and the comments are addressed below (direct quote):

“Northamptonshire County Council Rights of Way Service has specific comments with regards to the Design and Access statement as follows:

1. We note and support the proposals to divert and surface the bridleway, reference drawing 10026PO13. However there is no indication of details for the proposed surfacing or width? As the width of the bridleway is recorded at 4metres, how does the applicant proposed to have a half metre grass strip either side of the surfaced path to address the width? The diversion Order is to be implemented under s257 of Town & Countryside Planning Act with advice and guidance through Northamptonshire County Council Definitive Map Team prior to commencement of any on site works.
2. We advise a Pegasus Crossing is required to link the two bridleways, VB9 and VB6, which can be used by horse riders, cyclists and pedestrians to cross the A45, where the new link footway is provided along the road. This costs in the region of a maximum £80,000. We are aware that Prologis have already agreed to S106 agreement to fund a toucan crossing and would like to upgrade this crossing option. We are now seeking an additional £38,000 to fund the crossing that did not get implemented from Phase Two of the Apex Park. Please see attached email in relation to existing s106 agreement at Daventry District Council. This contribution would be improving the gaps in the network for the shared pedestrian cycle facility along the A45 from the bridleway VB6 back into the town centre and towards redesigning and reprinting the Daventry cycling map, as included.
3. Northamptonshire County Council is in agreement with Daventry District Council to transfer the existing s106 agreement to improve the outstanding cycling links and is committed to putting in a crossing at the A45. We are just awaiting confirmation from Prologis regarding this matter. We hope that following our feasibility study if we cannot be achieved, Northamptonshire County Council hopes to negotiate with the developer in spending the money on other cycling facilities improvements which cannot be specified at this stage.
4. We note and support the new shared cycle and pedestrian links to the existing network, especially the footway along the A45 to link the Bridleways. In addition

to this or as part of the enhancements proposed, would the applicant consider extending it south to meet the existing cycle track, the dark blue line on the attached map? The quote from our highways contractors for cycle tracks is between £100 and £150 per metre allowing for a 2.5- 3.0 wide cycleway. If kerbs need changing I would allow for the £150. I cannot provide accurate lengths at present, as our mapping system has collapsed with the IT software upgrading this week. It is approximately 16 metres length, if not present already?

5. We note the provision of secure cycle parking for each building within the development. Providing enough convenient and secure cycle parking at employment sites and other locations for both employees and visitors is critical to increasing the use of cycles and achieving the 20% modal shift target published in the Local Transport Plan 2006/7 - 2010/1. With reference to Northamptonshire's SPG on Parking, we argue that 40 cycle spaces may not reach the minimum guidelines?
  6. Northamptonshire County Council Rights of Way service supports the cycle parking provided within the development that is convenient and secure by natural surveillance, to encourage the reduction in motor vehicle use.
  7. With reference to drawing 10026PO13, how does Prologis intend to extend the footway, at the rear and west of the site, to connect with the Bridleway VB9? With reference to the supplementary planning guidance: Planning Out Crime in Northamptonshire, the county council would like to make the following comments in regards to design. Public access should be design in the way that is safe, convenient, well connected, sustainable and over looked by natural surveillance. Following this guidance we ask that there is not fence between the new development and existing industrial park, to the southeast of the Bridleway. If there is we ask for a post and rail fence up to a height of 1.2 meters along the boundaries of new properties which border the public bridleway VB9 in relation to safety issues of enclosed Public Rights of Way. It is best practise that streets and spaces should be well overlooked, lit and busy in order to reduce crime and access requirements comply with Disability Discrimination Act 2005 regulations. Users also feel safer when they can be seen by drivers, residents and other users."
- 9.5 **Highways Agency:** raised an objection initially, citing concerns with the submitted Travel Plan. Stated that given the site's distance from the strategic road network it is not expected that this application on its own will have any significant impact upon the operation of the principal points of contact and also that any external trip generation will be worked down through the implementation of the Travel Plan. However, the response then went onto say that as the application is premature in the context of the emerging LDF, and the site was not taken into account in WNDGs Infrastructure Study which only considered potential housing numbers, that the site would contribute to the cumulative impact on the junctions identified in the study. As such the site should contribute to the deliver of junction improvements on the strategic network as part of the growth strategy.

However, subsequent discussions and submission of further details has led to the HA

withdrawing their holding direction and now direct that planning permission can be granted subject to a planning condition controlling the submission of a further Travel Plan to be submitted

- 9.6 **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. However, the EA maintains an objection to the application as submitted on the grounds that the proposed development, if approved and built ahead of a sound investigation into, and provision of, the necessary improvements to sewerage and sewage treatment infrastructure, is likely to be unsustainable, leading to increased pollution and sewage flooding. This would be contrary to policy requirements within PPS3 (Para 69), PPS23 (various), PPS25, the adopted MK/SM SRS (para. 53-55), the Daventry District Local Plan and RSS8 (existing and draft).
- 9.7 **Natural England:** no objection to the development subject to a number of planning conditions. NE is satisfied that the development would not have any effect on statutorily designated sites and that the majority of habitat to be lost is of low nature conservation value. NE is pleased to see that the Masterplan offers opportunities for habitat creation and landscaping that will represent a net improvement in the biodiversity of the site and the character of the urban fringe. Appropriate planning conditions should be imposed on any consent that mitigate the potential for impact on badgers and bats on the site.
- 9.8 **The Wildlife Trust:** no comment received
- 9.9 **Ramblers Association:** is disappointed with the potential loss of excellent agricultural land to accommodate this huge development of the B8 units and ancillary offices. Deplore the loss of green fields and do not welcome this proposed development. In relation to the access point of PROW Bridlepath VB9, if one goes west from this access point using the proposed bridlepath diversion, the existing hedgeline with trees is stated to be conserved and maybe there will be more planting to enhance matters. This would become a reasonable barrier to protect riders and walkers from some of the ramifications of the A 45 traffic. However, if from the access point when one would turn east, would protection of the hedge line/trees be available as well? It is noticed that on the north side of the proposed bridleway line alongside the A 45 there will be proposed woodland and tree planting approx 10 metres to its centre-line from the road verge. This will have the effect of being a 'corridor path' but Zone A Plots 1 & 2 will be more obscured from the user's view. This would also apply to Zone B Plot 1. Being more or less a headland bridle path there is a 3 metre minimum. Will Northamptonshire County Council be in a position to maintain it in the future? During the construction phase/s (when planning permission is given) would provision for the continued use of the bridlepath be protected?
- 9.10 **East Midlands Development Agency:** state that they commented on the previous application where they supported the employment aspects of the proposals but raised concerns over the scale of the development. Previous comment in full:

“It is my understanding that the site of the above proposal lies outside the limits of Daventry town as defined in the Local Plan, but within the designated boundary of the Development Corporation Area, where there is an expectation that economic growth will occur. It is accepted that the site was one of the areas under consideration in the Daventry Core Strategy Draft Identified Issues and Options but this document was not further progressed due to the requirement for a joint strategy prepared with adjoining local authorities. The Issues and Options document for the new joint strategy is scheduled for publication in draft next month (February 2007). This draft has not been seen by the Regional Assembly, as yet. It is understood that this site, and others are being considered for B1, B2 and B8 purposes in this document, because additional employment is necessary to achieve a balance with the housing requirements. It is noted that current Daventry housing provision is somewhat below the Milton Keynes Sub Regional Strategy housing targets.”

9.11 **MAFF:** no comment received

9.12 **Police:** no objection in principle to the application. However, states the following should be noted. States that consideration should be given to the use of planning conditions to secure the appropriate level of security for the development, in order to attain the high standards of sustainability as aspired to in the submitted documentation. In the view of Northamptonshire Police, a development is not sustainable if unacceptable levels of crime and disorder of any type are allowed to prevail, causing people or organisations to make major changes in order to cope with (or escape) the problem. The design stage is the cheapest and most effective opportunity to put in place arrangements to impact on crime opportunity. The CPDA understands that a client company is in place to operate the larger facility, but in the current climate there may be some uncertainty regarding this. The company concerned (Wincanton) have a solid reputation and long experience in their field, and it is reasonable to assume that necessary security measures will be in place. However, this will vary according to the type of goods/material being handled through the facility. It should be noted that any goods which are portable and saleable can be targeted by thieves. Notes that the Design and Access statement contains no specific reference to crime prevention measures to be incorporated in the development.

9.13 **Daventry Town Council:** no objection to the principle of this development but has raised strong concerns over the potential traffic impact from the development upon both the local and strategic highway network; the Town Council notes the position of the Highways Agency in serving holding directions on the Churchfields and Monksmoor planning applications and considers that the Apex Park scheme is similar to these in terms of impacts. As such considers that the improvements to local and strategic highway works should take place before the granting of planning permission / start of development on site. Also, states that the existing large warehousing / commercial units on the Drayton Fields Industrial Estate, particularly when viewed from the A361 approaches from the North of the Town are a prominent ‘sore thumb’ on the skyline and the Town Council is keen to minimise the prominence of the proposed development.

9.14 **Braunston Parish Council:** state that the Local Plan is still operation and should not be disregarded as this would lead to all farmland in the open countryside being considered building land. The application is contrary to the Northampton Structure Plan as there would be an adverse impact on local amenity and traffic; the land in question is not Brownfield. DDCs Economic Development Strategy 2003-2006 advises that the unemployment rate in the district is 1.5% (661 people) of which 47% live in rural areas – this is a low rate and therefore the need for new jobs is unproven. Furthermore, the transport assessment states that the new jobs would be staffed from within the town or nearby villages which would not be the case in the short term

The proximity of DIFRT logistics 2, where there is currently 1.945 million square foot of outline planning consent for B8 and B2 floor space, and where excellent road and rail networks are closer to hand, is an alternative that the applicant dismisses purely because Wincanton believes that their employees wish to work nearer to settlements. The Parish Council wonders why DIRFT was ever built if this argument was in any way credible. The environmental impact of this application is far greater than DIRFT as it will require more road miles to allow the vehicles operating to reach the motorway network to enable the vehicles to carry on their longer journeys. It is DIRFT where logistics companies should be directed towards, which was purpose built for such companies. This would allow the planning authorities to concentrate on improving and diversifying Daventry's Economic Base, one of their chosen areas of action

The applicant admits that the greatest visual impact will be from Braunston but that a 4 hectare woodland and landscaping scheme would mitigate the effect. Views from Braunston are important, and have already been despoiled by the current developments allowed by Daventry Planners. The Parish Council is appalled that such landscaping schemes were not part of the proposals then and those requirements linked with Phase 1 have still not been completed. The Jurassic Way footpath is well used and the impact will be greatest there. The woodland will take up to 50 years to develop fully, and also require a management plan far greater than the one currently proposed, it is a proven fact that without proper management 95% of all trees planted will not survive and it can take up to two years for a tree to die thus rendering the 12 month plan as inadequate, and the applicant admits that the development will still be visible, as it is up to 12.5m high in parts on a ridge of high ground.

Bringing the built up area closer to Braunston will severely impact on the village and the landscaping will only have a long-term mitigating effect.

The road network from Apex Park to the motorways are inadequate. All roads are currently mainly single carriageways - the A361, the A45 and the A5 - before leading to the better roads and motorways. There is a high incidence of deaths and serious injuries on these roads, some stretches of which are designated Red Routes. The significant increase in cars and HGV's acknowledged in this application can only lead to an increase in D.S.I. statistics. The applicant's transport assessment only deals with the roads immediately around Apex Park and thus is misleading.

Public transport facilities are poor to this area, and from Braunston only operate from 8 to 7 Monday to Saturday. A 24 hour facility such as Apex Park is unlikely to improve

the service without subsidy, which is not offered in the proposal. Given the low unemployment rates in the town and villages, it is unlikely that current bus services will see any great increase in users, given that most workers would come from a much wider area.

The Access Road to the Phase 3 development will cut across a bridleway, with "some inconvenience" acknowledged and that it is likely that users will be intimidated by the car and HGV movements. The Parish Council feels this to be completely unacceptable.

Phase 3 must take into account there is likely to be a phase 4. If Phase 3 is approved, there are few arguments left to stop continued expansion into open countryside.

The Parish Council notes that the Prologis consultation statement gives great emphasis to the views of 42 people who attended an exhibition, where around 14 of them completed a questionnaire. With a population of approx. 75,400 in the district, a response rate of 0.0017% should be disregarded. The statement that "86% of respondents thought that it was important to bring additional employment opportunities into the Daventry area" does not look that important when you realise it was only 12 people.

The Parish Council notes that there is no economic benefit or planning gain to the village from this application - there is no cycle path included from the village to the area, no improved footpaths, no support of its village facilities such as Village Hall or Playing Field. With low unemployment and little improvement of public transport, our villagers will not see any benefit to such a large development. What they will see is a large blot on the landscape moving closer to the village, with light and noise pollution increasing, roads becoming increasingly congested and dangerous, and deteriorating through increased traffic.

Summary:

With so much other warehousing space available in better locations Braunston Parish Council cannot support an application that will allow building in open countryside, outside the Daventry boundary, have such an environmental impact, and that would have such a detrimental impact on the amenity value of our village. We urge the WNDC to reject this application.

9.15 **Welton Parish Council:** no comment received

## 10. Notifications and Responses

10.1 The application was advertised by press notice and site notice and approximately 181 neighbouring properties were notified of the application by letter.

10.2 Three letters have been received (two from the same occupier), one stating that due to the scale of the application it should be determined by the Planning Committee (as opposed to Officers under delegated powers), and the other makes comments about the state of the British Engineering and Industry sector without identifying anything in particular to this 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 significant commercial development on the outskirts of Daventry. It is noted that Daventry District Council (DDC) has raised strong objections to the principle of this development on the basis that it would be contrary to the Local Plan and it would prejudice the emerging core spatial strategy by virtue of its scale, nature and location. It is also noted that Braunston Parish Council has objected to the principle of development on the basis that the Local Plan is still 'in operation'. This principle objection is noted and it is considered appropriate to fully explore the policy position for this application. The consultation response received from DDC considered that in terms of the principle of development there are two main issues to consider – a) the compliance of the proposal with the current Development Plan for this area and what, if any, other material considerations are relevant to this and b) whether the application would be premature in the context of the emerging core strategy.

### Development Plan

- 11.2 In terms of considering the principle of this 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." In this instance it is considered that the Development Plan is made up of the Regional Spatial Strategy 2005 (RSS8)(including the Milton Keynes South Midlands (MKSM) Sub Regional Strategy), the Northampton Structure Plan 2001 and the Daventry Local Plan 1997. The emerging RSS also contains policies which are relevant for the determination of this application and is due for

adoption in the early part of 2009. It is also noted that a consultation draft of a town Masterplan has been prepared by DDC's Property and Development department. This non-statutory document nevertheless seeks to outline the strategic vision for the development of Daventry in the future.

- 11.3 Current development plan policy in RSS8 and the MKSM proposes new growth and sustainable patterns of development in several locations in Northamptonshire and provides a broad strategy up to 2021. It identifies the scale and distribution of such development and provision for new housing and priorities for the environment, transport, infrastructure, economic development and other matters. Policies 1, 2, 5 and 22 are particularly relevant in terms of this planning application. The policies of the MKSM, which are incorporated in RSS8, set out a spatial framework for Northamptonshire and seek to concentrate major areas of development in Northampton and the growth towns. Smaller amounts of development are indicated to be located in the sub-regional centre of Daventry.
- 11.4 Northamptonshire Policy 1 identifies that 540 dwellings per year should be provided within the Daventry District local authority area during the period (2001) 2006 – 2021, giving a total of 10,800 over the plan period. Paragraph 124 of the MKSM indicates that the population of Daventry will grow towards 40,000 by 2021, seeking to consolidate and extend its role by revitalising and extending the function of the town centre as a sub-regional centre offering improved shopping facilities and a wider range of jobs and services. It goes on to indicate that 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.
- 11.5 The emerging policies of the Draft RSS8 will cover the period up to 2026. The policies generally adopt a similar approach to the current RSS8 seeking to concentrate new development in the Principal Urban Areas (PUAs), significant levels of development in the growth towns and appropriate development of a lesser scale in the Sub-Regional Centres (SRCs) such as Daventry. The most recent policies are contained within the Proposed Draft Changes (July 2008) which is due for adoption following the collation of responses in the early part of 2009. The average annual housing growth figures for Daventry District are proposed to be carried forward at the rate of 540 per annum, giving a total over the plan period of 13,500 (2001 – 26). Policy 20 of the Draft RSS8 is proposed to be changed following the panels recommendation; this policy sets out the regional priorities for employment land. The revised (although not yet adopted) policy requires local authorities, among other things, to be responsive to market needs and the requirements of potential investors.
- 11.6 The Northamptonshire County Structure Plan was adopted in 2001 and covers the period 1996-2016. Whilst RSS8 (extant and emerging) and MKSM provide a more up to date policy framework, a number of Structure Plan policies were 'saved' in September 2007 and still form part of the current development plan framework. It is not

considered that any of the 'saved' policies are 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.

- 11.7 The Local Plan was adopted in 1997 (and subsequently formally altered) and covers the period 1991-2006. Whilst it clearly no longer provides an up to date policy framework, a number of policies have been 'saved' beyond September 2007 and therefore still carry weight as part of the current development plan framework. 'Saved' Policies GN1 (General), GN2 (General), EM3 (Existing Sites) and EM16 (Hamlets and Open Countryside) are considered to be directly relevant to the principle of the development of the application site. GN1 seeks to ensure that development, amongst other things, is concentrated in or closely associated with the large and small towns and to severely restrain development in the open countryside.
- 11.8 Policy EM3 states that all new development for B2 and B8 uses should be located within the existing allocated employments sites as identified in the Local Plan. However, the subtext to this policy does go on to state that this policy is based on the premise that at the time of formulating the Local Plan – 1997 – the Council considered that it made suitable provision for such development (over the plan period). Whilst the policy is 'saved' it is considered that in the framework that the plan period expired in 2006 and no new allocations have come forward during that time that the policy can be given limited weight in terms of restricting in principle employment development on sites that are not allocated in the current Local Plan, especially in the context of updated Government guidance in PPS4 (Consultation draft).
- 11.9 Policy EM16 seeks to restrict employment development in the open countryside. The application site falls outside of the built up area of the town and is currently designated as the open countryside in the extant Local Plan. The site is located immediately adjacent to the north west built up area of Daventry immediately adjoining the existing Drayton Fields Industrial Estates and not located away from existing settlements. However, in terms of the Local Plan the site is located in the open countryside. Taking into account the Local Plan allocation it is considered that the application is contrary to those policies that seek to restrict development in the open countryside (NB. the application has been advertised as a departure from the Local Plan on this basis in accordance with the regulations).
- 11.10 Taking into account that the application is contrary to a number of policies contained within the Local Plan it is important to consider whether there are any other material planning considerations that would warrant a decision being made that departed from those policies (in addition to considering other Development Plan policies contained with RSS8 and MKSM). In this case it is considered that Government guidance contained within both PPG4: Industrial, Commercial Development and Small Firms and PPS4: Planning for Sustainable Economic Development (Consultation draft) are significant material considerations in the determination of this application.
- 11.11 Both PPG4: Industrial, Commercial Development and Small Firms and PPS4: Planning for

Sustainable Economic Development (Consultation draft) – the latter of which will replace the former – set out the Government’s guidance on planning for economic development. Broadly the Government’s policy is to promote new economic development where possible as balanced against the principles of sustainable development because of the evident job creation potential that this brings and that local authorities should be positive, proactive and flexible when considering these matters.

11.12 In particular paragraphs 9 and 10 of PPS4 (Consultation draft) are considered relevant:

*9. The Government wants planning policy to support economic growth in line with the principles established in Planning Policy Statement 1: Delivering Sustainable Development and within the plan led approach. Planning can help create sustainable communities which will enable people to meet their aspirations and potential. To fulfil this role, planning strategies, at every spatial level, must be underpinned by a robust evidence base to enable regional planning bodies and local planning authorities to plan effectively and to develop policies which allow a quick response to changing economic circumstances.*

*10. However, there is a limit to the extent local planning authorities can predict the future of their local economies and so a flexible approach to the supply and use of land will be important. In this way the planning system will help to ensure increased competition and enterprise, enhanced skills and innovation, increased job opportunities and greater investment in the UK economy.*

11.13 Furthermore, draft PPS4 goes on to advocate that local planning authorities should ‘Consider proposals favourably unless there is good reason to believe that the economic, social and/or environmental costs of development are likely to outweigh the benefits.’(paragraph 26).

11.14 In relation to this particular application the applicant has stated that it has the potential to deliver in the region of 700 jobs. Whatever the actual levels of employment, the creation of additional employment floorspace would make a meaningful contribution to the requirements of RSS8 / MKSM and would provide complementary growth in Daventry alongside the planned housing expansion envisaged. Whilst it is noted that the majority of the created jobs would be in the ‘storage and distribution’ sector (although it should be noted that PPS4 *does not* differentiate between different industries when classifying what constitutes economic development) a sizeable proportion would also be office based. The applicant has pointed out that whilst there may be a (somewhat disparaging) perception that these jobs are low skilled and low paid this is not necessarily the case, and has cited research from the Cranfield University School of Management and ProLogis own surveys that this sector employs an increasing number of higher skilled employees.

11.15 Furthermore, Government policy advocates that local planning authorities should take into account the demand by the market for the proposed use. The applicant has cited research, this time undertaken by Roger Tym & Partners and Lambert Smith Hampton, that there is a demand for businesses wishing to locate in Daventry given its good transport links and that this demand is currently under supplied.

- 11.16 Braunston Parish Council has stated that “DDCs Economic Development Strategy 2003-2006 advises that the unemployment rate in the district is 1.5% (661 people) of which 47% live in rural areas – this is a low rate and therefore the need for new jobs is unproven”. Whilst this may have been the case in 2003 national planning policies on the creation of new job opportunities are clear in supporting planning applications for economic development; more recent economic circumstances are likely to have changed the makeup of jobs and employment levels.
- 11.17 Following sections of the report will consider the proposals against the emerging policy framework (and guidance) and the physical and environmental consequences of the development. Subject to the proposal not resulting in significant harm to those interests (that cannot be satisfactorily mitigated) the proposal, despite representing development within the open countryside around Daventry, is not, for the reasons outlined above, considered to amount to an unacceptable departure from the Development Plan policies as a matter of principle.
- 11.18 It should be noted that in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 were Members minded to approve planning permission this application would need to be referred to the Government Office for East Midlands for their consideration because the size of the proposed development is greater than 5,000 sq m and would be a departure from the Local Plan policies referred to above.

#### Emerging Core Strategy

- 11.19 Notwithstanding the above national and local policy framework, which sets out the need for growth within the area and contemplates that the likelihood is that it will, in part, be necessary to provide such growth within urban extensions, there remains the need to consider whether the granting of any permission in advance of the allocation of such sites through the ‘proper’ spatial process of the Local Development Plan would prejudice that process. It is noted that DDC has objected to the application on this basis stating that it would prejudice the emerging Core Spatial Strategy.
- 11.20 In terms of the emerging Local Development Framework, the three local authorities in West Northamptonshire have established a 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). A Joint Core Strategy Issues and Options Paper was published for consultation in 2007 (Members may wish to note that recent changes in Government regulations require the West Northamptonshire Joint Planning Unit to carry out some additional consultation on the Issues and Options for the Joint Core Strategy known as Regulation 25 consultation) and included land to the north west of Daventry (broadly speaking the current application site) as a possible site for development (DO12). In line with the recently approved Local Development Scheme (November 2008) the West Northamptonshire Pre Submission Core Strategy will be realised in November 2009 and adopted in the Joint Core Strategy in January 2011.

11.21 In this circumstance therefore it is considered appropriate to take into account Government guidance on dealing with applications that may prejudice future planning documents. The Planning system: General Principles (Supplement to PPS1) says (paragraph 17):

*“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.”*

11.22 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.”*

11.23 As such the consideration is then (i) whether the scale, location and phasing of the proposed development would prejudice the emerging DPD, and (ii) if so what weight could be afforded to this in terms of the stage the DPD is currently at.

11.24 The applicant, noting the principal objection on this ground from DDC, has stated that in terms of the scale of the proposed development “that the Apex Park scheme would represent less than 9% of the total number of jobs, less than 7% of the total developed area”. When this is juxtaposed with the proposed housing scheme at Monksmoor – which DDC’s own planning committee report for the scheme notes is approximately

16% of future housing requirement and would not materially prejudice the preparation of the Joint Core Strategy – the applicant asserts that this scheme would also not be premature in the context of the emerging Joint Core Strategy. Notwithstanding this, it is WNDC’s view that the application is premature in the context of the emerging Joint Core Strategy.

- 11.25 In terms of its locational characteristics the sites proximity to Daventry as a whole and the existing Drayton Fields Industrial Estate is noted. The site is also indicated as a potential Development site in the Joint Core Strategy Issues and Options Paper.
- 11.26 Given WNDC’s statutory objective to secure regeneration of Daventry, and the current timetable for adoption of the Local Development Framework for West Northampton, it is considered appropriate for WNDC to have regard to the short to medium term employment requirements for the town alongside residential growth required by Development Plan policy. In this regard there appears to be few remaining allocated sites within the Local Plan capable of accommodating substantial floorspace to B8 units. Having regard to the sites location, development patterns reality, planning policy objectives to support appropriate employment proposals and the contribution of the site towards realising employment within the town, the proposed development is considered unlikely to seriously undermine the development plan process. Longer term growth options for the town should be considered through the development plan process, having regard to the principles established for sustainable communities within national and regional policy.
- 11.27 Whilst clearly falling ahead of an adopted Development Plan policy allocating the site, and therefore premature, the release of the site, subject to other considerations, is considered to represent an appropriate response to the current market and employment needs of the town which reflects and is consistent with the statutory object of WNDC and the thrust of up to date and emerging planning policy.

### Conclusion

- 11.28 It is concluded that whilst the proposed development of the site at this time would be contrary to some Local Plan ‘saved’ Policies, namely EM1 and EM16, in that it proposes development not within an allocated employment site and beyond the built up part of the town within open countryside, this needs to be weighed against the requirement to deliver growth set out in RSS8 and other material considerations that are strongly in favour of the application. It is considered that the application would be premature in the context of the emerging Joint Core Strategy but that for the detailed rationale identified above it is appropriate to release the site at this time.

### **Visual/landscape impact and landscaping, and design and layout**

- 11.29 There are a number of regional and local planning policies that consider the potential visual and landscape impact new developments should have regard to. RSS 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 to as to make them safe and attractive places to live and work. Policy 27 requires sustainable development to include protection, appropriate management and enhancement of the region's natural/ cultural assets and their settings. Policy 30 indicates that strategies should be informed by landscape character assessments to underpin and act as key components of criteria based policies for the consideration of development in rural fringe areas. MKSM policy 3 seeks to ensure that the countryside in around towns is sensitively designed to assimilate urban extensions into the landscape and accommodate links to and from the wider countryside.

- 11.30 Local Plan policy GN1 requires all new development to protect and enhance the environment and to concentrate development in or closely associated with the large and small towns. GN2 also seeks to ensure that development safeguards various features. Policy EM16 seeks to restrict employment development in the open countryside allowing for development only in limited circumstances. EN25 requires detailed landscaping schemes to provide for the protection and incorporation of existing trees, hedges and other features of the site together with proposals for new planting, respect the unique distinctiveness of the site, and be designed to soften and enhance the development. Off site planting should be provided where appropriate and block screening only provided where appropriate.
- 11.31 It is noted that both DDC, Daventry Town Council and Braunston Parish Council have raised concerns over the potential visual impact of the proposed development. DDC have stated that the proposed development would be on 'prominent open land and would constitute an undesirable and visually intrusive extension of Daventry into the open countryside'. Braunston Parish Council notes that the views south from the village have been 'despoiled by the current developments'. Also, that when these developments were allowed that landscaping schemes akin to the one proposed in this instance (4ha woodland and landscaping) were not part of those proposals which has led to the view being despoiled. Furthermore, the Parish Council states that any management plan would need to ensure the landscaping scheme does not fail within the first 12 months. It is noted that the Town Council, whilst being concerned about visual impact, have not specifically objected to the scheme on this basis and have stated that careful consideration should be given to bunding and landscaping to reduce the impact.
- 11.32 The application site lies on the edge of Daventry and currently constitutes a number of enclosed fields. The application site, some 17 ha in size, is bordered by Drayton Fields Industrial Estate to the immediate south – which includes Apex Park Phases 1 and 2 – and the A45 to the immediate west. To the north and east lie the open countryside. The immediate streetscene and nature of the application site when travelling in from the north is a semi-modern industrial estate. The character of the area is already defined by the Drayton Fields Industrial Estate at the south of the site, which on the whole screens the site from Daventry itself.
- 11.33 In terms of the wider landscape the application site does sit at a high point in the landscape, along with the large industrial units to the immediate south of the

application site on the other side of the A45 (the Royal Oak Industrial Estate buildings. Broadly speaking, to the north and west the land does fall away, with the open countryside parcelled up into different fields that are separated by mature landscaping features such as hedgerows and trees.

- 11.34 The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) which forms part of their Environmental Statement. The LVIA includes a Zone of Visual Influence (ZVI – sometimes referred to as a Zone of Theoretical Visibility) which indicates where theoretically a part of the development will be visible from in certain locations. The ZVI indicates that land to the immediate north of the application site, as well as land to the immediate west and other areas further out to the north-east, would get views of the proposed development. Also subject to the ZVI are parts of the south of Braunston, although it should be noted that the ZVI is based on topographical data and does not take into account man made features (i.e. houses etc).
- 11.35 The LVIA also considers a number of viewpoints into the site and potential visual receptors surrounding the site. The ZVI identifies the most prominent visual receptors are to the immediate north of the application site, including Jurassic Way. However, it is important to note here how the existing development at both Apex Park (comprising the Drayton Fields Industrial Estate) and surrounding industrial development – in particular the Royal Oaks Industrial Estate – is seen from these prominent viewpoints and visual receptors. Referring to the applicants LVIA viewpoints C, G and J in particular illustrate how the existing industrial development can be seen from the application site. These viewpoints show either the industrial units themselves sitting along the ridgeline or the landscaping that has been put in place to screen the units.
- 11.36 The proposed development would sit on the urban fringe adjacent to the existing industrial units at the top of the ridgeline. Whilst the units would be visually prominent in the immediate setting, and from a public perspective visible from the Jurassic Way footpath, they would form a continuation of the existing urban-rural boundary. The development would be recognisable from the viewpoints and visual receptors referred to above (depending on the state of the new landscaping). These views would be similarly mixed with urban-rural features that are already apparent. It is not however considered that the overall character of the landscape viewed from these points would change.
- 11.37 The landscape chapter of the applicant's ES concludes that the proposal whilst having some slight to moderate impacts on the landscape setting at the outset of the project, over the longer term there would be inherent benefits with the scheme by way of the additional planting around the scheme. The applicants propose significant new planting consisting of over 12,500 new, predominantly native, trees and shrubs, including a 4ha woodland area to the north of the application site. A Landscape Management Plan would be implemented by the applicant and this would seek to ensure that the existing and new landscaping would be preserved and improved as part of the development.
- 11.38 In terms of the landscape when viewed from the north and west the application site and most of the surrounding area (in particular and especially the Industrial estates) is

an area that has been shaped by human intervention; i.e. it is human induced and has been the subject a significant degree of change. It is not considered to be an isolated or deeply rural landscape where significant development would inherently and dramatically change the nature of the area, and nor is it considered to have tranquil value attached to it in terms of the level of activity that is associated with the area. In relative terms Officers do not consider that the application site or surrounding area is one that is of an especially high landscape value or sensitivity (albeit that the lack of such a designation does not preclude high landscape value or sensitivity). This is reflected in the absence of any national, statutory protection such as an AONB or National Park designation. Indeed, it is further noted that the non-statutory designation of a Special Landscape Area to the west does not cover the application site.

11.39 Notwithstanding the provisional conclusions by Officers WNDP commissioned our Landscape Consultant, Entec, to undertake an independent review and assessment of the landscape impacts of the proposed development.

11.40 The assessment has indicated that:

- Avoidance of the proposed development would avoid further ridgeline development and continuation of sprawling new developments out of the valley head that currently provides visual containment for Daventry. However, the ridgeline has already been subject to development that extends the urban influence beyond the valley head and gives the landscape a transitional character which will not be significantly extended by the proposed development.
- The construction of the proposed development will lead to short and long term adverse impacts to the landscape character and visual amenity of the site and wider surrounding landscape areas. The site has limited visibility to receptors in the north and northwest due to the topography and existing vegetation and the proposed buildings are likely to be less visually intrusive than existing buildings immediately to the east.
- Reduction measures must be considered if the proposed development is to have less impact. In this context, reduction of building heights is a key mitigating factor along with reduction of external lighting, choice of directional luminaires and use of white light sources.
- Proposed landscaping around new buildings is generally appropriate, but due to the magnitude of the development, beneficial effects are limited and could be improved. In this context the soft landscape belt between Zone A and B, should be more robust.
- The most sensitive receptor is Braunston settlement, followed by road users along Welton Road, who could perceive the proposed expansion of Apex Park as another intrusive landmark of warehouses in the neighbourhood.
- Landscaping proposals include compensation for loss of trees and hedges within the site and in a longer perspective this could mean the introduction of new habitats and biodiversity enhancements.

- 11.41 Officers and our Landscape Consultant have been in extended discussions with the applicant regarding the visual impact upon the wider landscape of the proposed development and how this might be further mitigated whilst still delivering the economic benefits the scheme could deliver. This has resulted in a change to the proposed design and layout of the largest of the three buildings, Zone B Plot 1.
- 11.42 The proposed building has been reduced in width on the north west elevation by approximately 8 metres (this has been achieved by the applicant removing an internal bay of 'racking', thus leading to a smaller building). Consequently, the landscaping along the north west boundary has been increased in depth by a commensurate amount (approximately 8 metres) and the gradient of the new slope (between the plinth and site edge) on which this landscaping is to be planted has been reduced making this slope appear more natural. The overall effect is that when viewing the proposed development from the north a much greater level of landscaping is apparent. The applicant has submitted new cross sectional drawings of this relationship to identify the proposed changes.
- 11.43 In relation to the landscaping along this boundary Entec have stated that the originally proposed uniform blocks of *Acer campestre* 'Streetwise' would not integrate into the surrounding woodland planting and it would be preferable to see a proportion of larger stock (up to 25-30cm girth) included into the woodland mix in order to get some quick screening. These comments are noted and can be controlled through a landscaping planning condition.
- 11.44 On balance, whilst it is recognised that the proposed development would have a visual impact on the immediate and to a lesser extent the wider landscape by virtue of its size and location, it is considered that this impact would not inherently be any more significant than the relationship that exists between the countryside and urban-edge defined by the current industrial estates in this location. The revisions that have been sought and achieved in relation to the largest onsite building together with increased landscaping on the north west barrier are considered to represent a material improvement to the scheme. Moreover, the application is an opportunity to improve on the current situation with the significant landscaping planting proposed by the applicant. It is reasonable and appropriate to secure extensive details of this by way of a planning condition, and for WNDL to liaise with DDCs Landscaping Officer when these details are submitted for approval.

### Design and Layout

- 11.45 The applicant has altered the proposed design of the buildings to overcome concerns raised with the previous 2006 scheme that the proposed units were overly dominant in size and scale. The revised scheme now proposes a cable stayed construction instead of the previous north light style. This has led to the proposed buildings appearing smaller in overall scale. The applicant points out that in terms of operation the units must have a certain internal height (referred to as the haunch height) which for the proposed application varies from 10m for Zone A Plot 1 to 12.5m for Zone A Plot 2 and Zone B Plot 1.

- 11.46 The design and layout of the proposed buildings are, of course, led by the commercial function that they serve. This leads to units that are based around a central spine road that is accessed from Parsons Road with the frontages of all three buildings being dominated by the loading bays for HGVs. However, a combination of modern two story offices and landscaping means that these would not inherently be the focus when viewing the development within the application site. Indeed, the modern offices would protrude from the main buildings (this is in part to maximise the amount of natural light and ventilation in the offices and therefore reduce their energy consumption) into the interior of the application site to make this the main vista when entering the site from Parsons Road. The design of these offices utilises glazing and a variety of materials, including timber cladding, to give them a positive aesthetic appearance. The main buildings themselves would be finished in different colour coated profiled sheeting as would the roof structure, of which the cable stayed construction would be obvious when viewed from a close proximity.
- 11.47 The comments of the District Council that the application of horizontal colour graduation across the building rather than vertical graduation as currently shown on the submitted drawings should be required is noted. Given the earlier permutations of material colour across large commercial buildings, with varying success, it is considered that this matter requires detailed discussion, reflecting the unusual shape of the proposed buildings and their particular setting. Full details of the materials should therefore be sought by way of a planning condition – and in respect of this matter in particular a note on the condition.
- 11.48 The Daventry Design Code SPD provides guidance on urban design principles for new urban developments. In terms of design and layout it indicates that generally such developments should reflect the organic nature of Daventry, respond to topography, provide for a range of densities with concentrations at key nodes whilst ‘crumbling’ away at the edges, provide clear linkages to the town, create and protect green lungs, focus mixed uses and higher densities at key nodes, provide for a well balanced socio-economic mix, ensure the use of appropriate scale and density and respond to the grain of the landscape. It is noted that the proposed development would consist of solely employment uses and not provide a ranges of uses. In the context of the sites small size (relative to the large urban extensions that are currently being considered) and the immediate commercial land uses (with associated impacts), it is considered that there are reasons for setting aside the SPDs requirements in this respect in this case.
- 11.49 In comparison to other modern commercial buildings of this size and scale, this proposal is of a good design quality to reflect its visually prominent location. The design is considered acceptable.

### **Neighbouring amenity**

- 11.50 Given the scale, siting and design of the proposed building, and taking into account the form of the existing commercial development, there are no nearby dwellings that would be impacted to any significant extent. There will be no issues of overlooking, overshadowing or visual dominance of or within dwellings from this proposal. Overall

the impact on neighbouring amenities is considered acceptable. Existing and future properties nearby are considered to be sufficiently remote to allow for 24 hour operation without significant harm to residential amenity. Impact upon other commercial uses is considered unlikely to prejudice viability or operation.

### **Environmental Impact Assessment**

- 11.51 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.
- 11.52 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 requested a formal screening opinion from the local planning authority in January 2006 (at that time DDC) as to whether or not the development was of such a nature that an EIA was required.
- 11.53 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 warranted the submission of an Environmental Impact Assessment. DDC subsequently issued a screening opinion requiring that the application be supported by an EIA in March 2006.
- 11.54 It is worth stating that whilst WNDC as the local planning authority did not issue this Screening Opinion DDCs assessment is accepted. The applicant has not contested this and a full EIA has been submitted with this application.
- 11.55 As noted above the applicant has submitted a number of revised plans/elevations during the course of the application. These changes are not considered to have a material impact on the assessment of impacts within the ES.
- 11.56 Whilst a number of statutory consultees have identified specific issues with sections of the ES these have been dealt with through discussions and the submission of clarification where appropriate. It is considered that the ES is acceptable and provides a proper assessment of the likely significant environmental impacts of the proposed development. WNDC has had regard to the information within the ES in reaching the recommendations in this report.

### **Environmental impacts**

- 11.57 DDCs Environmental Health Office (EHO) has returned comment on the application. Whilst initial concerns were raised in connection to some of the information that was submitted with the application on further clarification with the applicant's consultant the EHO has confirmed that the ES complies with BS4142 and raises no objections to

the development subject conditions being imposed on any consent that relate to noise.

- 11.58 The EHO has stated that the only point of concern from the proposed development in terms of noise would be to the existing Drayton Gate Farm, which is located approximately 250m to the north of the application site. However, in accordance with the applicants acoustic report, in order to reduce noise levels from HGVs particularly in the evening, at Drayton Gate Farm an acoustic barrier should be built along that border and this should be secured by way of an appropriate planning condition which is recommended below.
- 11.59 The EHO has advised that the risk from contamination would be minimal due to the site being industrial and they would not expect there to be an adverse impact from odour from the site due to the activity being carried out there. As such no planning conditions are recommended in this context.
- 11.60 As noted by DDC external lighting should be controlled by a planning condition to ensure they are appropriately positioned and do not cause any undue glare into the night sky. This is recommended below with a note on the condition to ensure that the applicant is aware of what sort of lighting scheme should be submitted.
- 11.61 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. In relation to this application it is considered that due to the significant distance between the proposed building(s), at approximately 250m, it is unlikely to cause any loss of TV reception to these properties. Other commercial premises that are a similar distance on this estate do not have any form of TV booster equipment and no problems have been reported previously. The proposed buildings are lower than many destination buildings and this issue has not been raised by any neighbouring properties. A condition requiring an investigation into the impact upon television reception before and after construction is however considered appropriate given the sites location close to the ridge.

### **Highway matters**

- 11.62 There are a number of regional and local planning policies that consider the potential highway impacts new developments should have regard to. RSS8 Policy 2 indicates that in the sequential approach to the selection of sites for development, after considering sites within urban areas, suitable sites may be in locations adjoining urban areas, which are or will be well served by public transport. Policy 3 includes sustainability criteria relating to the accessibility of the site by non-car modes and the potential to improve such accessibility to town centres, employment, shops and services. The capacity of existing infrastructure to absorb such development is also an important criteria.
- 11.63 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.

- 11.64 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. In more specific terms it indicates that urban extensions will be required to be served by high quality public transport systems and refers to the need to provide high quality cycle and walking routes to encourage increased use.
- 11.65 Local Plan 'saved' Policies CM7 and CM8 adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes.
- 11.66 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.
- 11.67 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.
- 11.68 It is noted that a number of consultees have raised concerns over the developments potential to add to traffic generation on both the local and strategic highway network. The Town Council in particular have raised concerns regarding the use of the A361 for HGVs travelling north to the M6 and considers that provision should be made for a link road between the A45 and A361 north of the application site to accommodate this and other development. Braunston Parish Council has raised the issue of increased traffic leading to a greater incidence of Deaths and Serious Injuries on the A361, A45 and A5 where there are Red Routes designated in some parts.
- 11.69 However, NCC Highways have raised no objections to the development in relation to traffic impact. NCC Highways have requested that as the development will consist of three individual units Parsons Road must be extended as an adoptable road up to a turning head to be positioned at the western access to Plot 2 Zone A which shall include footway on the south side with a link to Plot 1 Zone B. As these elements are within the application site it is considered acceptable to control this by way of a planning condition which is recommended below. NCC Highways have identified the need for a Travel Plan for the site.
- 11.70 The Highways Agency (HA) had initially issued an Article 14 (holding direction) on the application which would prevent WNDP from granting planning permission for this

development. However, following a number meetings and discussions that have been held in the interim between the applicant and the HA, and WNDC Officers, the HA have withdrawn their objection to the development and have directed that should it be granted planning permission this is subject to a condition controlling the submission a Travel Plan.

- 11.71 It should be noted that the HA have stated in their consultation response that given the site's distance from the strategic road network it is not expected that this application on its own will have any significant impact upon the operation of the principal points of contact and also that any external trip generation will be worked down through the implementation of the Travel Plan.
- 11.72 Furthermore, in this case the applicant has been able to take advantage of the fact that they either own or control a significant area of the existing Drayton Fields Industrial Estate to the south and factor this into the reworked Travel Plan principles. That is, the Travel Plan that, subject to receiving planning permission, would be secured for this site would not only seek to ensure modal shift reductions in car travel for the application site itself but for some of the existing occupiers in Drayton Fields (where ProLogis have some control over the buildings). Whilst a planning condition would seek to control the submission of the Travel Plan for the application site itself the Section 106 would cover the areas outside of the application site. This is considered to offer opportunities to improve modal shift and represents a "planning gain" in the context of this application.
- 11.73 The comments of a number of consultees in relation to the increase in traffic and the associated risks that this may entail are noted. However, in the absence of any objection from both the HA and NCC (Highways) on this matter it is considered that the impact of the development upon the local and strategic highway network would be acceptable. Planning conditions are recommended covering the points raised by both of these statutory consultees, including the provision of a Travel Plan that would endeavour to secure a reduction in the level of car use associated with the site. The application is therefore considered acceptable in this context.

### **Rights of Way matters**

- 11.74 NCC Rights of Way (RoW) have stated that there is a Public Right of Way, Bridleway VB9, registered on the Definitive Map (2005) surrounding the proposed development. The Bridleway runs along the south eastern boundary of the proposed site to link with the A45. It is 2 kilometres in length and has an awarded width of 4 metres in part. VB9 links to another Bridleway VB6, which has been severed by the A45.
- 11.75 It is noted that NCC RoW has no principle objection to the proposed development. NCC RoW has however requested monies through the Section 106 process for the upgrading of a crossing to serve the Bridleway. ProLogis have previously contributed monies towards this process when they were granted planning permission for Phase 2 of Apex Park from the District Council, and they have already offered monies for the Section 106 for this application on the same vain. This is to be welcomed and the

detailed Section 106 matters are discussed further on in this report. The Ramblers Association have offered specific comment (see above) objecting to the loss of agricultural land and raising specific queries.

- 11.76 NCC RoW has requested details of specific matters in relation to the widths and boundary treatment of the Bridleway where it relates to the existing buildings. Suitable planning conditions are recommend below to accommodate this.
- 11.77 Overall, subject to the imposition of appropriate planning conditions and securing monies through the Section 106 process for upgrading the link the impact on the Right of Way is considered acceptable.

## **Flooding and drainage**

### Flood Risk Assessment

- 11.78 The site is within designated flood zone 1, which is a 'low probability' flood risk. The applicant has submitted a Flood Risk Assessment (FRA) with the application which the Environment Agency (EA) 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.
- 11.79 The EA are recommending a planning condition is imposed in relation to surface water drainage; this is considered acceptable.
- 11.80 It is considered that subject to the below condition and the applicant's revised FRA the proposed development would not cause undue flood risk.

### Water Cycle Study

- 11.81 The EA has objected to the scheme on the basis of prematurity in advance of the Water Cycle Strategy. Anglian Water has requested that if the local planning authority is minded to approve the application that the sewerage system and surface water sewers are conditioned.
- 11.82 The basis of the objection from the EA on this matter is that the site is not allocated in the existing Development Plan and therefore its impact on the capacity of the local sewerage works is unknown. The EA contend that until the outcome of the Water Cycle Strategy is known they cannot be sure that adequate capacity either exists or can be created and therefore the development should not proceed.
- 11.83 The applicant has been in discussions with the EA and Anglian Water on this matter. As part of this process Anglian Water have stated the following in relation to foul water sewerage system:

*"It is anticipated that the proposed development will produce low domestic foul flows in line with other ProLogis sites elsewhere within the Anglian Water region. A desktop study was carried out on the network sewers from the site to Whilton STW and it was deemed that network capacity would not be an issue."*

11.84 Notwithstanding that Anglian Water appear to have confirmed that insofar as the foul water sewerage system would have sufficient capacity for the proposed development the applicant has proposed an onsite measure, known as a Package Treatment Plant (PTP).

11.85 However, the EA have stated that are still minded to object to the development which proposes to discharge to a Package Treatment Plant (PTP) as it has not been clearly demonstrated that the discharge of foul drainage into the public sewer is not feasible. Furthermore, they have stated:

*“DETR Circular 3/99 sets out guidance for local planning authorities to consider when determining planning applications that indicate the use of non mains drainage. This guidance applies the same hierarchy Approved Document H1. It states that the preferred option will always be to provide a system of foul drainage discharging into a public sewer. Only if the cost and/or practicability demonstrate that connection to public foul sewer is not feasible can private treatment systems be considered.*

*As required by national and regional policy, the Environment Agency is actively promoting a strategic approach to waste water and surface water drainage management. The Outline Water Cycle Strategy for West Northamptonshire is likely to provide clarity as to the existing sewerage infrastructure constraints. Accordingly, the Environment Agency would stress the importance of the Water Cycle Strategy process in providing a robust evidence base and feasible timescales for any necessary upgrades and are recommending that it is progressed further.*

*At present, insufficient information is available to demonstrate that there is (or will be prior to occupation) sufficient capacity in the sewer system and Sewage Treatment Works for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. We are aware that Anglian Water is looking for a solution and is planning upgrades within the Daventry area to accommodate the proposed growth however at this moment, we are uncertain as to when these upgrades will be provided.*

*It is anticipated that the Water Cycle Strategy for West Northamptonshire will identify a strategic solution to provide adequate upgrades for the existing sewerage infrastructure, required due to the proposed growth and the Water Framework Directive. Whilst capacity may not be available in the system at present, the Water Cycle Strategy may identify that infrastructure upgrades can be provided within the timeframe of development and connection to the mains sewer may be possible.*

*In the absence of suitable and up-to-date evidence, the Environment Agency will continue to object to the proposed development and recommend that the precautionary principle in PPS23 is applied until or unless it is clearly demonstrated that the development will be served by adequate water cycle infrastructure and will not increase the risk of pollution or flooding.*

11.86 The applicant has stated that in accordance with the guidance above their proposal is based upon the hierarchical approach, i.e. Anglian Water have confirmed that the preferred discharge method - to a public sewer - is not practical, and therefore they

have opted for onsite treatment. ProLogis has confirmed that they would install a piped foul sewerage network as part of the development proposals, this network would only connect to the adopted foul sewerage network if and when the Anglian Water network upgrades have been carried out.

- 11.87 The applicant asserts that the Water Cycle Strategy (expected to be available in February 2009 but still unavailable) will confirm either:
1. That Anglian Water have sufficient spare capacity in their system to deal with the flows from this development. In that case they will go for the solution of foul discharge going to a public sewer, (therefore overcoming the objection from the EA).
- or
2. That Anglian Water do not have sufficient spare capacity in their system to deal with the flows from this development. In that case they will go for the less preferred solution of foul discharge being dealt with via onsite treatment. Therefore they will meet the “hierarchy” criteria mentioned referred to by the EA (and again this would overcome their objection)
- 11.88 The applicant therefore asserts that in either case, and notwithstanding that the Water Cycle Strategy has not yet been published, that the proposed development would be acceptable insofar as the capacity issue at Whilton STW is concerned. At this stage the EA (who are yet to respond the applicants most recent information) are still objecting to the development.
- 11.89 The EA have pointed out the site is a ‘major’ development set within Flood Zone 2 and as such the Town and Country Planning (Flooding)(England) Direction 2007 is relevant. This states that where the EA object to a major development within Flood Zones 2 or 3 the local planning authority cannot determine planning permission without referring the matter to the Secretary of State.
- 11.90 Given that at this stage the EA have not yet withdrawn their objection on this matter WNDP would expect to fully consider this matter ahead of any final decision. Clearly it is hoped that based on the discussions to date between the applicant and the EA, more recent detailed investigations as part of the Daventry Inquiry and that the Water Cycle Strategy document is expected shortly, this issue can be resolved. Thus the recommendation to the Planning Committee is that the decision to approve planning permission be delegated to the Director of Planning and Development or appointed officer such that this can be resolved subsequent to the committee. Should this issue not be resolved (i.e. the EA would not remove their objection), or if the resolution raises new environmental effects not previously considered, Officers would refer the application to the Planning Committee for further consideration or to the Secretary of State.

## Ecology

- 11.91 RSS policy 28 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.
- 11.92 Local Plan policy EN35 indicates that development will not be permitted where it would adversely affect listed ecologically important sites, none of which is within the application site.
- 11.93 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. The applicant has sought to achieve this by way of undertaking a full assessment of this which forms part of the submitted ES.
- 11.94 It is noted that Natural England (NE) are satisfied that the development would not have any effect on statutorily designated sites and that the majority of habitat to be lost is of low nature conservation value. It is further noted that NE are pleased to see that the Masterplan offers opportunities for habitat creation and landscaping that will represent a net improvement in the biodiversity of the site and the character of the urban fringe.
- 11.95 Based on this response Officers are satisfied that biodiversity and ecology can be resolved through the imposition of appropriate planning conditions that would require an Ecological Mitigation Plan to be submitted and approved that would restrict the destruction or removal of vegetation unless outside the months of March to August, restrict the removal of trees until a survey has been undertaken to ensure that they do not contain any roosting bats and also would set out methods to ensure there would be no adverse impact on any badgers setts within the site (as outlined in the submitted ES). The details of any such measures would be agreed with NE prior to the condition being approved.

## Crime and Safety

- 11.96 The Crime Prevention Design Advisor (CPDA) has raised no formal objection to the principle of the development but states that consideration should be given to the use of planning conditions to secure the appropriate level of security for the development, in order to attain the high standards of sustainability as aspired to in the submitted documentation.

11.97 In particular the CPDA has highlighted the following requirements:

*(a) A secure perimeter fence around the perimeter(s) of the sites, including the staff parking areas. Paladin-style fencing is considered to be the high security option, and is less hostile in appearance than palisade. If a perimeter fence is not installed, the fabric of the main warehouse buildings should include a 2 metre block (reinforced) wall. Where a staff car park is not situated within a secure compound, electronic access control (barriers, rising bollards) should be in operation, and soft landscaping restricted to low-growing varieties to maintain sightlines. Defensive (thorny) planting can be an effective deterrent. Lighting in car park areas should be specified to BS 5489-1: 2003.*

*(b) 24/7 security presence on site. In the event that this is not viable, recommends a remotely-monitored CCTV system to the appropriate British Standard, with movement activation and an audio link, enabling a remote operator to warn intruders and notify police etc.*

*(c) Trunking and cabling should be installed for an intruder alarm system to be installed by an NSI or SSAIB approved installer.*

*(d) Systems should be in place to accommodate loaded HGVs arriving early. Northamptonshire is recognised as a hotspot for thefts from HGVs, where vehicles parked overnight are attacked by criminal gangs for their cargoes. Automatic Number Plate Recognition (ANPR) would be a useful tool for the prevention and detection of any crime involving vehicles. However, its use should be prominently advertised at the site if it is to deter potential offenders.*

*(e) The doors and ground floor windows should be specified to the following minimum standards: windows to at least LPS1175 SR1, and entrance doors to LPS1175 SR 2. Fire doors should be to a similar standard.*

11.98 Due to the nature of the site, and taking on board the CPDA comments over the potential for crime in this location, secure perimeter fencing is considered appropriate. A planning condition securing precise details of boundary treatment is recommended below. As noted by the CPDA paladin (or weld mesh) fencing is considered appropriate and Officers would strongly resist any attempts by the applicant to use palisade fencing on the site (because of its poor aesthetic and security qualities). Within the site Officers consider that fencing may not be entirely appropriate but though the use of appropriate landscaping and other security measures referred to that the site would be secure; points in relation to lighting are noted. These details should be secured through use of appropriate planning conditions.

11.99 Details of CCTV and Automatic Number Plate Recognition (ANPR) Technology should be sought through an appropriate Section 106 obligation. With regard to in depth building design and construction it is anticipated that these detailed considerations would be taken up by the developer as appropriate.

- 11.100 Finally, the CPDA has stated they have concerns regarding the movement of pedestrians/cyclists around the wider site, identifying that the Masterplan shows a number of soft landscaped areas. They state that it is vital that, where these border on paths/cycleways, the height of bushes and shrubs should be restricted, preferably by the planting of low-growing varieties rather than by management by cutting (which can be neglected). Excessive landscaping should be avoided where it encroaches too near to a path, or creates potential hiding places or a "tunnel-like" atmosphere. People will not use paths if they feel unsafe. Refers to detailed guidance on the design and layout of safer walking/cycling routes, please refer to the Northamptonshire Supplementary Planning Guidance, "Planning out Crime", and in particular Section 5, "Layout" in its entirety. Paths and cycleways should not be routed away from the roads for similar reasons - referring to the guidance contained in "Manual for Streets" (Dept for Transport 2007).
- 11.101 The CPDA comments regarding the pedestrian/cycle links around the site are noted. As is often the case in this situations it is about striking an appropriate balance between ensuring sites are properly designed with regard to crime and security but also promoting sound planning principles of allowing access of pedestrians and cyclists around and through new developments. In this case Officers consider that the benefits of promoting these links around the site and into the wider network are significant and therefore these links should be retained. Furthermore, as discussed above the landscaping around the site in terms of reducing its visual impact are of substantial significance. Therefore, in consultation with both DDCs Landscaping Officer and the CPDA Officers would seek to ensure that the appropriate balance is struck when approving the final details of the landscaping though a planning condition.
- 11.102 Therefore, on balance, subject to the imposition of suitable planning conditions (or Section 106 Agreement obligations) controlling matters of CCTV, lighting and boundary treatment it is considered that on the issue of crime and safety the application is acceptable.

### **Archaeology**

- 11.103 In accordance with national guidance and regional and local planning polices the applicant has undertaken an assessment of the cultural and archaeological value of the site, and this assessment forms part of their ES (chapter 14). The ES assesses the likely significant environmental impact the development would have insofar as it would affect archaeology.
- 11.104 In undertaking the archaeological investigations the applicant has advised that the archaeological assessment has been informed by the following sources:
- Consultation with the Northamptonshire Archaeologist at Northamptonshire County Council (NCC);
  - Review of the Northamptonshire Sites and Monuments Records;

- Review of primary and secondary documentary, cartographic and photographic material held by
  - Northamptonshire County Archives;
  - Cartographic sources held by Ordnance Survey (OS)
  - A walkover Site visit undertaken 23/8/06
- 11.105 The ES identifies that traces of agricultural activities from the Bronze Age to Post Medieval periods are the most likely form of archaeological remains to be encountered on the Site. These may include evidence of Settlements, Field systems or past environments
- 11.106 Prehistoric and Romano-British activity is indicated by crop marks to the north and east of the site and one unidentified Iron Age or Roman coin found on the Site. The Site is currently under pasture, and this may have prevented archaeological sites or activity being observed by aerial and other survey techniques. It is unlikely (given current information) that archaeological remains of this date would be of more than local to regional significance.
- 11.107 Archaeological remains, other than those related to agriculture, are unlikely. The western boundary of the site forms the boundary between Drayton and Braunston Fields and could date to the later Saxon period. The remains of medieval ridge and furrow are likely to survive; no firm evidence of their presence was visible during a site visit but is strongly hinted at by geophysical survey. These would be of local significance. Activity dating to the post-medieval period is likely. In particular agricultural buildings and stock-watering ponds are likely to survive as archaeological remains close to the Site's eastern boundary. This boundary probably dates to within a few years of the 1752 parliamentary enclosure, but it may be based on an earlier division in the medieval open fields. These features are of no more than local significance.
- 11.108 The A45 follows the line of the Dunchurch to Towcester Turnpike (1706) which was later improved to be part of the Holyhead road, between London and Dublin (1819). The line of the turnpike indicates a number of important stages in the development of the British road transport system, including the predominantly 18th century creation of turnpikes by private trusts and Central government's attention to reliable national (and international) lines of communication in the early 19th century
- 11.109 The Site's proximity to rail and canal systems adds emphasis to the changing form and scale of national transport networks. However, it is unlikely that remains associated with the turnpike are present on the site and remains of canal and railway will not be affected by development. That said it seems likely that remains of the Windmill Inn were detected by geophysical survey. Remains of the inn would be of Local significance only. Overall, the line of the turnpike is of up to regional importance and its line and character should be respected in the development layout.
- 11.110 In summary the ES has concluded that:

- Although there is no significant archaeological potential known on the Site, comparison with neighbouring sites and one undated coin find suggest low-medium potential for activity in the later Iron Age and Romano British periods. The Geophysical survey appears to confirm this.
- However, it is likely that the Site was in use for arable agriculture from at last the early medieval period until the recent past. Ploughing is likely to have truncated any earlier archaeological remains and there is therefore only low potential for any significant remains from the pre-medieval period.
- The Site is close to routes of historic road, canal and rail networks that are testament to the construction of regional and national transport links. The site of the Windmill Inn would be of local significance and A45 corridor of is of up to regional significance.
- Potential impacts have been analysed and an appropriate level of mitigation consisting of staged archaeological evaluation and survey
- There are no designated heritage resources within the study area (i.e. within 750m of the site). Therefore all of the impacts arising from the proposed development will occur at the construction stage.

11.111 Based upon the investigations that have been carried out to date it is considered that the issue of archaeology has been appropriately considered and that there is a need for a watching brief to be agreed during the sites construction. This is considered appropriate and as such a suitable worded planning condition is recommended.

### **Sustainability**

11.112 The applicant has submitted a BREEAM assessment that demonstrates the development would meet the 'Very Good' criteria. In accordance with WNDCCs draft Planning Principles (June 2007) document it is considered that this level is acceptable.

11.113 In order to secure the BREEAM Very Good criteria, and in accordance with previous applications WNDCC 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.

11.114 Therefore subject to the imposition of a planning condition requiring a sustainability strategy the proposal is considered acceptable in this respect.

## Section 106

- 11.115 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.
- 11.116 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. WNDC is moving to an approach whereby residential and commercial developments across West Northamptonshire contribute to the infrastructure requirements cumulatively across the area and have developed a Planning Obligations Strategy document accordingly. This Strategy went before the WNDC Board on 28/10/2008 and was published in January 2009. Bearing in mind the other recent 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, viability and scale of development.
- 11.117 The Planning Obligations Strategy suggests that the Section 106 Heads of Terms should cover Green Infrastructure, Public Realm, Transport, Employment Training, Voluntary and Community Sector and Emergency Services and Secure by Design for commercial sites. The document talks of £50 to £100 per sqm but in the current market that scale of financial contribution is not achievable. However, given other Section 106 Agreements that are currently being discussed or agreed it would appear that a lesser sum is reasonable, achievable and appropriate for this type of project that clearly does have commercial value.
- 11.118 In relation to Section 106 obligations the measures offered by the applicant in connection with the current application are (the Planning Obligations Strategy Head of Term covered in brackets at the end):-
- Pegasus crossing as requested by the County Highway Authority (Transport)
  - Contribution towards signage from the A45 as requested by the County Highway Authority (Transport)
  - Contribution towards the education quarter or possibly even the IHUB or even the Daventry Enterprise Centre (Education)
  - Funding of a travel plan coordinator (Transport)

- Contribution towards improved cycleways and footpaths, noting the draft DIS refers to the benefits of a link between Daventry and Braunston (Transport)
  - A S106 monitoring officer (Monitoring)
- 11.119 Further to the section above on highway matters the HA and County Council are clear that a Green Travel Plan should be required that sets out ways in which the development will reduce private car travel. The County Council's Strategy seeks to ensure that a 20% modal shift takes place for all new development to the modes of transport other than private car. The Section 106 proposes funding the employment of a Travel Plan Co-ordinator for the site to ensure that this is monitored and enforced. Given the comments earlier, this would also capture the existing development at Apex Park. Finally, given that the 20% reduction is a target to be achieved, there would need to be a penalty for non-compliance in the form of a financial bond in line with good practice.
- 11.120 At this time Officers can advise that agreement on these matters has not been reached, and hence whilst it is recommended that planning permission is granted the conclusion of the Section 106 preparation will need be delegated to the Director of Planning and Development or an Appointed Officer such that these negotiations can be resolved and an appropriate Section 106 Agreement can be realised.

#### **Other matters**

- 11.121 The comments of Braunston Parish Council in relation to the development at DIRFT are noted. However, it is considered that in planning terms limited weight can be afforded to the fact that there are other sites within the district that currently accommodates employment development.
- 11.122 The comments of Braunston Parish Council in connection to the potential to develop a phase 4 of Apex Park are noted. However, this application, were it approved, would not inherently mean that further development around this area would be acceptable in principle and each application must be considered on its own individual merits. This would be matter for the Development Plan process, given the role of the current proposal in meeting short and medium terms requirements for growth in this area.
- 11.123 The comments of Braunston Parish Council in relation to the level of pre-application public consultation are noted. Whilst in the context of the population of Daventry and the district as a whole the level of feedback could be considered low this is not inherently a material consideration of such sufficient weight to warrant the refusal of planning permission. WNDC as part of considering the planning application have undertaken statutory consultation in accordance with planning legislation and the level of public feedback (i.e. interest) has been limited despite local press reports.
- 11.124 It should be noted that DDCs Daventry Masterplan – Interim Draft (December 2006) allocates part of this site for a 'North West Employment Area'. However, whilst this is consistent with the application the document cannot be afforded any significant weight in planning policy terms because it is not a statutory document forming part of

the Development Plan (nor for that matter the emerging Local development Framework).

- 11.125 Previous paragraphs have discussed the potential job opportunities (up to 700) that this development could create when built out. It should also be noted that a development of this size would involve immediate job opportunities being created in the construction of the units should they receive planning permission. At the request of Officers the applicant has advised that based on their experience of other sites of this size the build out period would be approximately 21 months, over which on an average basis would entail 275 construction workers, with potentially 60-80% of these being sub-contracted from local firms / suppliers.

## **12. Conclusion**

- 12.1 The site at Apex Park is an important gateway site located to the north of Daventry. Whilst the site is located on prominent land when approaching from the north via the A45 the context in which it sits – an urban fringe location that is immediately adjacent to existing built up commercial development (of mixed aesthetic quality) – means that it would be viewed in this already industrialised landscape.
- 12.2 Whilst the site is not allocated in the current Development Plan (its potential allocation in the emerging Joint Core Strategy is noted but can be given somewhat limited weight at this time) its ability to deliver much needed economic development and job creation in both the immediate and long term is considered of significant weight, especially when tied in to the planned housing growth for Daventry. The issue of bringing this site forward in advance of the Joint Core Strategy has been considered and whilst it is accepted that it is premature in advance of the LDF process being completed it is considered appropriate to release this site now on the basis of the economic benefits that would be derived.
- 12.3 Officers have sought to work with the applicant to secure alterations to the scheme such that whilst it would inevitably have some visual impact, that impact has been reduced and can be mitigated against to an extent where, in planning and landscape terms, the development would be acceptable.
- 12.4 Officers consider the Section 106 Heads of Terms that would be associated with the planning permission are those relevant from the Planning Obligations Strategy and it is on this basis that Members would be endorsing the Section 106 for this application.
- 12.5 All other matters, including representations received, have been fully considered and, subject to the planning conditions listed below and the resolution of Section 106 negotiations, are considered acceptable in the context of the current application. On balance therefore and for the reasons set out above the proposal should receive planning permission.

### 13. Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before any work is commenced on the construction of any building, details of the external treatment of that building(s) (including samples where appropriate) shall have been submitted to and approved by the local planning authority and the development shall thereafter be carried out in accordance with the approved details within that phase.

**Reason:** To achieve a satisfactory elevational appearance for the development.

3. Prior to the installation of external lighting for each phase, details 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.

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries for each phase of the development 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.

5. Full details of all roads, the cycleway link and drainage including cross-sections, longitudinal sections, highway boundaries and proposed ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction on the site.

**Reason:** To secure a satisfactory standard of development.

6. Prior to the occupation of any of the buildings a Green Travel Plan for that phase of 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.

7. Prior to the first use or occupation of any building on the development hereby permitted, covered secure cycle parking facilities shall be provided for that building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development for each building. The covered secure cycle parking facilities shall thereafter be retained in accordance with the approved details.

**Reason:** To encourage sustainable forms of transport.

8. The part of the land which is shown on the plan submitted with the application as being undeveloped and to be used for open space shall be laid out and used only for that/those purpose(s) in relation to, and for the benefit of, the remainder of the land to which the application relates and thereafter maintained. Details of its management and maintenance, plus the facilities to be provided on site (such as bins, benches and fitness equipment) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby permitted and retained thereafter.

**Reason:** To ensure that the relevant land shall be used for the purposes described in the application so as to benefit the remainder of the development.

9. Notwithstanding the submitted details, prior to the first use of any building on the development hereby permitted, details of the proposed acoustic barrier(s) shall be submitted to and approved in writing by the Local Planning Authority. The barrier(s) shall be implemented and retained in accordance with the approved details.

**Reason:**

10. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) 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.

11. Operations that involve the destruction and removal of vegetation and/or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority (subject to being satisfied that breeding birds will not be adversely affected).

**Reason:** in the interest of protecting exiting habitats

12. Before any phase of the development hereby permitted is occupied a detailed and comprehensive scheme, including an Ecological Management Plan where appropriate, to increase biodiversity within the application site shall be submitted to and approved

in writing 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.

13. No goods or articles shall be stored on any part of the site or within the car park area except within the buildings without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality.

14. No industrial process shall take place on any part of the site except inside the building(s) without the prior consent of the local planning authority.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality.

15. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of amenity and to secure a satisfactory standard of development.

17. Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good' (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 each distinct phase of 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.

18. The developer shall afford access during the construction period at all reasonable times to the County Archaeological Advisor (or other representative nominated by the Local Planning Authority) and shall allow him/her to observe the excavations and record items of interest and finds, in accordance with the details set out in the Assessment Report and Updated Project Design dated July 2008 (Northamptonshire Archaeology) hereby approved.

**Reason:** In the interests of archaeological research.

19. Prior to the commencement of each phase of any development, a detailed surface water drainage strategy for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved flood risk assessment shall be submitted to and approved by the Local Planning Authority. The development (including surface water drainage system) shall be constructed, and maintained thereafter, fully in accordance with the agreed details.

**Reason:** To prevent the increase in flood risk.

Note: The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).

20. 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

