



APPENDIX ONE

Applicant:

Northamptonshire

Police Authority

Application No:

08/0283/FULWNN

Date Registered:

25/11/2008

Expiry Date:

24/02/2008

Grid Ref: 476515/258290

Ward: Nene Valley

16 September 2009
Further Response Sept 09.doc

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Dear Bernadette

Planning Application Reference: 08/0283/FULWNN
Proposed Criminal Justice Centre, Northampton Business Park, Pavilion Drive, Northampton.

Further to the recent submission of the Supplementary Planning Report dated August 2009 for the above development, please find attached our formal response to further objections received from SSR Planning, Indigo Planning, Tim North & Associates and Reverend Stevens. A separate letter will follow to address the objection raised by Mrs Ceely.

Although the objections raise no new issues over and above those already discussed and addressed in our original Planning Statement and recently submitted Supplementary Planning Report, they do include a number of potentially misleading statements and factual inaccuracies. To assist WNDC and its members, this letter seeks to provide clarification on these points as well as addressing a number of other statements made by the objectors.

Policy B14

Policy B14 has been discussed at some length in both the original Planning Statement and the recently submitted Supplementary Planning Report. Our analysis and interpretation of Policy B14 demonstrates that the CJC will be of significant benefit to the local community, as well as the wider community of Northampton and will create significant employment opportunities both immediately and in the future. Although the new objections raise no new issues, we address the main points below.

Local / Wider Benefits

In their objection (pages 3-5), Tim North make a number of references to the CJC proposal offering a "wider" community benefit as opposed to a purely "local" community benefit. The benefit of the proposal to the community was discussed in both the Planning Statement and Supplementary Planning Report in Para's 6.8-6.9 and sections 6.2 and 6.2.7 respectively.

Although we do not dispute a wider benefit will exist, the facility will also provide a benefit to the local community too. It is unreasonable not to expect this as the two are, in this case, plainly consistent.. Any proposal resulting in a benefit to the wider community (in addition to the local community) should be welcomed.. It is incorrect to suggest that the proposal would not be compliant with Policy B14 on the basis that it benefits the wider community. The policy does not require that the proposal only benefits the local community and as such the achievement of both, does not render the proposal contrary to policy. .

In Para 6.2.7 of the Supplementary Planning Report the question of what constitutes a local benefit was also discussed. The approval of the medical facility at 500 Pavilion Drive was deemed to have a local benefit even though it was a regional facility. This was on the basis that the service was also a service that would be available to the people of Northampton further reinforcing our interpretation of Policy B14 above. To suggest, as one objector does that this decision was based on a "flawed interpretation" of policy is plainly without foundation. The decision and accompanying policy analysis were made by the competent planning authority at that time and the resulting decision has neither been criticised up until now, or indeed subject to a successful (or otherwise) legal challenge by way of judicial review.

New Employment

Tim North and SSR Planning both suggest that the proposal will result in the creation of very few "new" jobs focusing on the fact that there will be a significant amount of relocated jobs.

It is important to note that the basis of Policy B14 is to ensure that high employment generating uses remain on business parks and not that proposals should create purely new jobs. Furthermore, it is important to recognise that very few uses (perhaps with the possible exception of a new entrant retail supermarket into a catchment) actually result in the creation of purely new jobs. The vast majority of office based companies relocating to business parks usually result in a transfer of jobs from existing locations within the local area. No objector adduces evidence to suggest that an office based use on the site would, in fact, "create" new jobs. Our experience suggests that that is most unlikely to be the case.

The issue of new employment was addressed in both the Planning Statement and Supplementary Planning Report in Para's 6.10-6.14 and section 6.3 respectively. The objection raises no new issue over and above what has already been discussed and accepted by WNDC.

Staff Numbers

With regard to employment generation both SSR and Indigo Planning question whether there is a discrepancy in the employment figures quoted in the Planning Statement and Travel Plan.

The staff numbers in the Travel Plan (154) which are considered to be "core jobs" reflect the number of jobs at opening, which is normal practice. The impact of any increase in staff numbers is then picked up (and acted upon if necessary) through the Travel Plan annual monitoring surveys. This is therefore quite logical and an accepted practice by the Highways Agency.

The figure of 200 staff referred to in the Planning Statement stems from the total number of people expected to be employed at the CJC once fully operational. Whilst we acknowledge that at opening, the CJC is likely to only house the "core jobs", as the various departments such as the Crown Prosecution Service go operational, the 200 figure will be quickly achieved.

Furthermore, SSR Planning also wrongly claim that the proposal would result in 67% fewer jobs than permitted in the office permission for the same site. This is a misleading and unsubstantiated conclusion. SSR Planning compare the employment figures for the CJC on day 1 as opposed to the 200 jobs once the facility is fully operational with those that could be expected to be generated from the office permission.

In response to this, if the fully operational CJC (200 jobs) was compared with the extant office permission (260 jobs), it would only result in 23% fewer jobs, highlighting the fact that the proposal still results in an high density employment use.

Medical Facility & Hotel Application

With regard to the planning application at 500 Pavilion Drive for a medial facility (clinic) under N/2006/1042, Tim North, on page 5 of his objection, considers it "was decided on a flawed interpretation of Policy B14" and therefore not relevant to the proposal.

In this instance it was argued by the decision making authority that although the proposal would not lead to substantial job opportunities it could bring significant health benefits to the local community. The decision made is considered to be correct and was at no point judicially reviewed.

SSR Planning, Indigo and Tim North all make reference to the refusal of planning permission for a hotel use on the same site in 1999. They collectively comment that the Council correctly interpreted the wording of Policy B14 by refusing permission for hotel use and that the current proposal is not materially different and should therefore be refused.

The refused proposal was for hotel use and therefore draws no comparisons with the CJC which is a facility for the provision of law and order, which will accommodate a substantial number of office based roles. The hotel use neither resulted in a significant benefit to the local community nor did it result in substantial employment opportunities on the basis that it only resulted in 70 jobs as opposed to the 200 proposed in the CJC.

In our opinion, the reason to refuse planning permission by the LPA was correct and relevant to that particular application. However, the decision to refuse is by no means comparable with the CJC on the basis that the CJC proposal will result in a facility which provides law and order to the benefit of the local and wider community and supports approximately 200 jobs which is significantly greater than proposed by the hotel application.

Detainee Release Policy

Revd Stevens comments in his letter that the transportation away from the site would not be able to cope at peak periods. He also comments that these problems will be exacerbated when persons arrested in Daventry, Towcester etc need to be returned to the place of arrest, thus placing a greater strain on the transport vehicle.

When considering this issue, Revd Stevens has failed to consider the existing practices which will continue to operate in tandem with the proposed additional transport vehicle (as set out in the Detainee Release Policy), in particular at peak periods. These primarily consist of the arresting Officers or other Police Officers transporting released persons away from the site. Furthermore, it is a common misunderstanding to assume that all released detainees will be offered transport back to the town in which they were arrested e.g. Daventry, Towcester etc. In certain circumstances, people arrested in Daventry, Towcester etc will be taken to Northampton Town Centre to make their own way home via public transport. These options will still be used by Northamptonshire Police Authority (NPA) to supplement the transport vehicle.

Whilst it is envisaged that the dedicated transportation vehicle will carry out the bulk of the transfers away from the site, the above measures will also operate in tandem with the transport vehicle ensuring that the detainee release policy works effectively even at peak periods.

Alternative Sites

The issue of alternative sites is discussed in the Tim North, SSR Planning and Indigo objections. All make reference to recent judgement in the High Court case *R (on the application of Bovale Ltd) v Secretary of State for Communities and Local Government (2008) EWHC 2538 (Admin)*.

We note that under the heading "Alternative Sites as a Material Consideration", the objectors repeat the principles set out in "Trusthouse Forte Hotels Ltd v Secretary of State for the Environment" (1986), which are referred to in section 5.2.1 of our Supplementary Planning Report. The objector also refers to the cases "*GLC v Secretary of State for the Environment and London Docklands Corporation and Cablecross Projects*" (1986) and "*R (on the application of Bovale Ltd) v Secretary of State for Communities and Local Government*" (2008). These latter cases expand upon the guidance in the "Trusthouse Forte Hotels" case as to the factors which may give rise to the existence of alternative sites as a material consideration. Central to these principles is the criterion that there is a "clear planning objection" or "inevitable adverse effect" in order for alternative sites to be relevant.

As we have demonstrated in our Supplementary Planning Report, there is no substance to the objections to the application, i.e. fear of crime; and breach of Policy B14 (see section 4 and 6 respectively in our Supplementary Planning Report). Therefore the requirement to consider alternative sites as set out in current case law is not invoked. Nonetheless, NPA has undertaken a detailed review of alternative sites and none have found to be acceptable.

We also note that under the heading "Fear of Crime", the objectors suggests that the reference to the principles in the leading cases "*Gateshead MBC v The Secretary Of State for the Environment*" and "*Newport CBC v Secretary of State for Wales*" in our Supplementary Planning Report are misleading. These are the leading principles from case law as to when fear of crime is a material consideration - they are at the very heart of the issue. These reflect a duality of approach by the judiciary, which has yet to be reconciled, hence the need to address both tests.

In terms of the nuances referred to in pages 62 - 65 of the objector's objection of December 2008, ultimately these can be distilled to the same two key principles: (1) objective evidence is needed for fear of crime to be a material consideration; or (2) such evidence is not needed for fear of crime to be a material consideration,

but if there is no evidence then it would be unreasonable to refuse an application on the basis of that material consideration alone. In either case we have demonstrated in section 4 of our Supplementary Planning Report that a refusal based on Fear of Crime would be unsustainable.

Travel Plan (S106 Requirements)

SSR on page 5 of their objection comment that the 5 year period to achieve modal shift targets should be reduced to 3.

The requirement for a 5 year time span is a Highways Agency proposal and accords with standard practice. The simple logic is that it allows an acceptable time period to achieve the targets set. In this instance the Highways Agency considered a 5 year time frame as suitable to achieve the targets set. SSR Planning in their objections suggest a 3 year period as being more appropriate. We do not believe that a 3 year time frame is sufficient to achieve the set targets. Furthermore, it is important to note that a 3 year period usually includes lesser targets (to reflect the time period) which would not satisfy the Highways Agency requirements. The 5 year target is therefore a period of time deemed suitable by the Highways Agency to achieve / implementation of the required targets of the Travel Plan.

SSR on Page 5 of their objection comment that "the provision of transport for released detainees is not intended as the preferred approach, but as a last resort if arrangements cannot be made for their collection by a relative, friend or other person".

This statement is incorrect. The offer of transportation will be offered to all detainees.

SELA Report

Both Tim North and SSR Planning make reference to the Draft SELA report published in June 2009 as a reason to safeguard the site from non-B Class development.

Firstly, it is important to note that although the proposal is for a Class C2a Use, it does involve the creation of over 2,100 sq m of Class B1 office floorspace. Therefore, to suggest that the site would be lost to be non business use is misleading as it will still involve the creation of a significant amount of office floorspace, accommodating similar roles to that housed by office use.

Secondly, the SELA report is still only a draft research document and therefore carries limited weight. It is also important to note that the Core Strategy, which this document will inform, is still only at the Issues and Options stage. It would therefore be premature to adopt the findings of the draft SELA report for development control purposes as it remains at an early stage of preparation and therefore carries limited weight.

Car Parking

Revd Stevens also comments that the proposed facility includes an inadequate level of parking spaces given the demand placed upon them not only by staff but also by solicitors, social workers, doctors, interpreters etc.

There is no official parking standard for a CJC as it is not a common use. However detailed demand profiles were produced including consultation with defence solicitors, doctors and other stakeholders to establish the parking demand throughout the day to show there was sufficient parking provision in total. Car parking is also included for professional visitors and people returning to answer bail. This calculation was accepted by the Highways Agency and Northants County Council as being appropriate

Further details of the parking provision and demand profiles can be found in the Transport Assessment submitted with the planning application.

Conclusions

In conclusion, the objections do not raise any new issues over and above those already addressed by the Planning Statement, Supplementary Planning Report or as discussed in the WNDC committee report. It has been demonstrated consistently through the submission of the application and information supporting it that the development would be in accordance with National and Regional Planning policy and more specifically Policy B14 of the Northampton Local Plan on the basis that it would provide substantial employment opportunities as well as providing a local and town wide community benefit. Furthermore, we have also demonstrated that our interpretation of the case law referred to in our Supplementary Planning Report is correct, therefore negating the need to consider alternative sites. If WNDC concludes that the need to consider alternative sites is engaged, then that analysis is available both within the main planning submission and supplementary report.

On this basis, we trust that you will continue to support the proposal by recommending the application for approval in your forthcoming committee report. Should you have any questions regarding the above, please do not hesitate to contact me

Yours sincerely

A handwritten signature in black ink, appearing to be "Baldip Basi", enclosed within a large, hand-drawn oval.

Baldip Basi
Planner



indigo

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10 September 2009

By email and post
Our ref. PV/CW/003059

Dear Ms Owen

APPLICATION 08/0283/FULWNN – COMMENTS ON AMENDMENT'S

**PROPOSED CRIMINAL JUSTICE CENTRE, PAVILION DRIVE,
NORTHAMPTON**

We are writing on behalf of Threadneedle Property Investments Limited, to respond to the additional information submitted in respect of the proposed Criminal Justice Centre (CJC).

The information submitted in the Supplementary Report (dated August 2009), prepared by Savills on behalf of the Northamptonshire Police Authority, does not overcome our client's strong objection to the proposed CJC. The Supplementary Report does not provide the necessary justification for planning permission being granted contrary to the provisions of the Development Plan.

This letter should be read in conjunction with our previous letters of objection dated 20 January, 1 April and 22 May 2009.

Local Plan Policy B14

The current proposal for a CJC falls within Use Class C2A (secure residential institution), not a business use. The application site is within the Northampton Business Park and there is a planning policy requirement for business uses in this location.

At the WNDL committee meeting in May 2009 there was considerable debate on the interpretation to be given to Local Plan Policy B14. The information submitted in the Supplementary Report does not justify a proposal that is clearly contrary to this policy.

The CJC fails both tests set out in Policy B14. It would not be of significant benefit to the local community, nor lead to substantial employment opportunities to justify the proposal.

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Significant benefit to the local community

The CJC would serve a wide catchment area (approximately half of the county) and would not provide significant benefits to the local community. On the contrary, the local community would have to suffer the negative impacts of the CJC.

Substantial employment opportunities

There is an inconsistency regarding the staff numbers quoted in the Supplementary Report (200) and in the May 2009 Travel Plan (154 including all shifts but a maximum of 124 at any one time). Further clarification should be sought from the applicant.

Clearly, the site could accommodate a significant number of employees if it was developed for office use. For example, figures contained in *Employment Densities: a simple guide*, Arup (2001), estimate that the average floorspace per person on a business park is 16 sqm per worker. Using this formula, it is anticipated that approximately 300 people could be employed on the site.

Importantly, the CJC will accommodate staff relocating from police stations elsewhere in the county, therefore not actually creating new employment opportunities in the area.

There is a lack of high quality office space in Northampton and growing concern that existing allocated employment sites should be retained for employment use, as confirmed by studies undertaken by WNDC, Northampton Borough Council and other key stakeholders.

You will recall that an application in 1999 for a hotel at 700 Pavilion Drive was refused due to the fact that the proposal failed to satisfy the tests set out in Policy B14. A consistent approach should be taken regarding the current proposal.

Summary

To summarise, the proposed CJC would be located in a defined business area, resulting in the loss of employment land on a prominent business park, contrary to Local Plan policy B14 and the findings of key employment related reports. Developing an allocated business use site for a CJC is a wasted opportunity in terms of creating new office space and employment and would significantly harm future provision.

Alternative sites

The information included in the Supplementary Report regarding alternative sites does not overcome our previous concerns.

In our opinion, the search for alternative locations for the proposed CJC is flawed and the applicant has not looked seriously at more appropriate alternative sites. For example, the Police already own a nearby site at Wootton Hall Park that, in our opinion, would be far more suitable than Pavilion Drive.

The presence of a more suitable site is a material consideration in determining the planning application, as confirmed in the High Court judgment R (on the application of Bovale Ltd) v Secretary of State (2008).

A CJC is a completely inappropriate use on a prestigious business park that currently provides a significant amount of employment in the borough.

Fear of crime

The crime levels and perception of crime on the Northampton Business Park and in the neighbouring village of Hardingstone are currently low. The proposed CJC would result in an unacceptable rise in the fear of crime, leading to a loss of amenity for the neighbouring office units and employees. A high proportion of employees on the site are female and they are particularly concerned about their personal safety when travelling to and from work. This is confirmed in the surveys undertaken on behalf of the business community in Pavilion Drive. The results of these surveys should be given considerable weight in the decision making process.

A CJC would have a significant negative impact on the park, in all likelihood discouraging clients and customers from visiting the park and discouraging high calibre staff from working on the park. This would have long term adverse impact on its commercial viability.

In our opinion, the case studies of other facilities appended to the Supplementary Report, and their impact on crime levels in the local areas, are unconvincing and do not compare like with like. For example, the site in Leicester is on an industrial estate, the site in Stoke on Trent is in a mixed commercial area and the site in Ystrad Mynach is attached to an existing police station. Pavilion Drive is within a prestigious business park.

The proposed Detainee Release Policy would not overcome our client's objections. In our opinion, the policy cannot be successfully secured through a planning condition or a Section 106 agreement as it would be difficult to monitor and enforce. The Police cannot force detainees to use the transport offered. There would also be no guarantee that the Police would continue to operate the transport service in perpetuity.

The additional information submitted fails to provide any reassurance to our client that detainees will leave the park accompanied by the Police or other related professional personnel. The proposed CJC would result in an unacceptable rise in the fear of crime, leading to a loss of amenity, and therefore adversely impact on the existing occupiers of the business park, as well as the neighbouring residents in Hardingstone.

The increase in Police presence on this business park would not be welcomed by the business community, contrary to the comments in the Supplementary Report.

Conclusion

The contents of our previous letters of objection still apply and the information submitted in the Supplementary Report does not overcome our client's previous concerns.

To conclude, the proposed CJC on Northampton Business Park would:

- not provide significant benefit to the local community, nor lead to substantial employment opportunities to justify the proposal, contrary to Local Plan Policy B14;
- reduce the supply of office land in Northampton, for which a need has been identified in a number of employment studies;
- be better located at an alternative site; and
- result in fear of crime (particularly among the female workers) and an adverse impact on amenity of neighbouring occupiers and the image of the business park.

The proposal is clearly contrary to policies in the Development Plan, government guidance and the raft of employment related studies. There are no material circumstances to indicate that a decision should be taken contrary to the Development Plan and, as such, planning permission should be refused.

We trust that you will take these objections into account when considering the application for the CJC and that officers will be recommending that the application should be refused. If you require any further information, please contact Caroline Wilberforce or me.

Yours sincerely



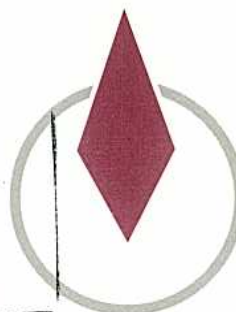
Philip Villars

cc: Mr R Ramsey, Threadneedle Property Investments Limited
Mr Brian Binley MP
Mr K Barton, Hardingstone Parish Council
Northampton Planning Committee Members, WNDC
Board Members, WNDC
Executive Team, WNDC

Our Ref: TFN/emn/10/08

Your Ref: 08/0283/FULWNN

Date: 10 September 2009



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For the Attention of Miss Bernadette Owens

Dear Sir

I refer to a letter dated 20th August 2009 from your assistant, Miss Bernadette Owens, advising me that additional documents had been received by your Authority concerning the full application seeking a proposed criminal justice centre with associated parking, landscaping and access arrangements, on land at 700 Pavilion Drive, Northampton Business Park. (WINDC Ref No. 08/0283/FULWNN refers).

It will be recalled that this application was deferred by Members of your Council's Northampton UDA Planning Committee at their meeting held on Tuesday 26th May 2009, specifically in relation to three items on which Members required additional information. These items have been placed in no specific order below:-

- 1) The interpretation to be given to adopted development plan policy, and in particular "saved" Policy B14 of the statutorily adopted Northampton Borough Local Plan June 1997.
- 2) Consideration and suitability of alternative sites for the proposed criminal justice centre.
- 3) Issues concerning fear of crime.

A detailed report from this company dated December 2008 raising objections on behalf of Barclaycard and 400 Pavilion Drive Ltd to the same application is on file. The representations contained in this company's earlier report, along with comments set out in correspondence dated 3rd April 2009 where it specifically addressed a Note along with what is referred to as the Detainee Release Policy submitted by Northamptonshire Police, are to continue in full force.

It is contended that the basis of the objections contained in this company's earlier report and separate correspondence remain unaffected by the contents of the Supplementary Report dated August 2009 prepared by Messrs. Savills on behalf of Northamptonshire Police. It is argued that for the most part the applicants' agents'



Supplementary Report provides no new additional information from that contained in their original Planning Statement as it relates to two of the three issues upon which Members requested additional information, namely the interpretation to be given to Policy B14 of the statutorily adopted Northampton Local Plan June 1997, and the suitability of alternative sites for the proposed criminal justice centre. It is accepted that the Supplementary Report produced by Savills has considered the fear of crime issue in more detail by reference to four other criminal justice centres, and this new evidence will be considered in this correspondence.

These additional representations have been prepared on behalf of 400 Pavilion Drive Ltd. They are not intended to repeat what has previously been stated in this company's report dated December 2008 or in subsequent representations of 3rd April 2009. To this end, they concentrate attention on matters which have been raised by the applicants' planning consultants in their Supplementary Report dated August 2009 which, it is argued, fail to justify why planning permission should be granted.

EMPLOYMENT LAND ISSUES

In this company's representations dated December 2008, employment land issues encompassed not only the policies set out in the development plan pertinent to the proposed development on land at 700 Pavilion Drive, but also examined the significance to be attached to various employment land studies, notably the Northampton Employment Land Study (NELS) and the Northamptonshire Commercial Property and Employment Land Study (CoPELA 2).

It is contended that in order to appreciate the importance to be attached to employment policy, and in particular "saved" Policy B14 of the adopted Northampton Local Plan 1997, requires consideration to be given to the conclusions arising from earlier employment land studies, as well as the recently published Initial Draft Report "Northamptonshire Strategic Employment Land Assessment".

The employment land issues raised by this company in the December 2008 report are considered between pages 29 and 50 inclusive, and their contents are still relevant today. It is recognised that since the time of this company's earlier report, what was previously referred to as the Draft Review of the Regional Spatial Strategy for the East Midlands has since become a statutorily approved document in March of this year, replacing the previous version of the same regional plan.

More important is the fact that in the intervening 8 months since this company's original objections were raised with your Authority, Atkins Ltd have been instructed by Northamptonshire Enterprise Ltd (NEL) to provide advice on the demand and supply of strategic employment land in the County. In June 2009 an Initial Draft Report was prepared by Atkins Ltd entitled "Northamptonshire Strategic Employment Land Assessment (SELA)", which is being used to inform employment related issues in the West Northamptonshire Joint Core Strategy; the "Emergent Strategy" stage of which was published by the West Northamptonshire Joint Planning Unit in July of this year.



Policy B14 of the Statutorily Adopted Northampton Local Plan June 1997

The contents of Policy B14 are well known to your officers and to those both advising the applicants and objecting to the proposed criminal justice centre. It requires applications within existing and proposed business areas to satisfy a joint requirement where the proposed development does not comprise a use within the business use classes of the Town & Country Planning (Use Classes) Order 1987 (As Amended). Whatever gloss may be put on an interpretation to this policy by Savills, a straightforward reading of its contents reveals that where planning permission is sought for a use outside the business use classes, it is required to demonstrate that it will lead to *"significant benefit to the local community"* and *"lead to substantial employment opportunities."*

The tests require a **significant** benefit to the local community and **substantial** employment opportunities to be provided, and simply providing a benefit to the local community or leading to an employment opportunity, does not satisfy the terms of the same policy. Moreover, failure to meet **both** criteria must inevitably lead to a conflict with the same policy.

Significant Benefit to the Local Community

In their original Planning Statement, the applicants' planning consultants sought to demonstrate that the proposed criminal justice centre would be of *"significant benefit to the local community"* from two specific standpoints.

Firstly, it was said that what was proposed would meet the requirements for improved custody facilities from a county-wide perspective, having regard to a December 2004 report published by RSM Robson Rhodes LLP. This report had been commissioned to *"develop costs and recommend options for the future organisation and provision of custody services within the County"*, being concerned with such matters as health and safety, IT issues, organisation and staffing matters, along with others, directed primarily at *"need"* seen from an organisational and management perspective. It was evident from the applicants' agents' original Planning Statement that the same issues had been repackaged in an attempt to show compliance with the term *"significant benefit to the local community"*.

Secondly, the proposed development would, it was originally argued, *"...accommodate the CJC facilities in a single building"* leading to *"the creation of a multi-agency centre where all element of the investigation and prosecution could be carried out in a single place"* which (sic) *"would significantly free up officers time, allowing them to spend more time policing."*

The question which Members should ask is in what way does the current application site offer a *"significant benefit to the local community"* over and above any other preferred site for a CJC within the Northampton area? This is an important question, not only in examining other alternative sites, but also in ensuring that the proposals are in accordance with Policy B14 of the adopted Northampton Local Plan June 1997.

In the writer's view, the considerations advanced on behalf of Northamptonshire Police's consultants, are primarily designed to satisfy a **"wider community"** interest,



and in particular the criterion identified in the RSM Robson Rhodes LLP Report of ensuring that arrest points are reached within a 30 minute drive time from the preferred criminal justice centre site. As the applicants are well aware, complying with this criterion enables the principal urban areas of Milton Keynes and Rugby situated in the neighbouring counties of Buckinghamshire and Warwickshire respectively, to be reached from the new Northampton area CJC. The importance placed on primarily satisfying a **"wider community"** interest becomes apparent from the contents of paragraph 4.4 of the Detainee Release Policy document, submitted to your Council in March of this year by Northamptonshire Police. Under the title **"4.4 Costs Incurred"**, it is said:-

"4.4.1 The responsibility for provision of transportation for a detainee lies with the BCU in which the arrest was made. If the detainee was arrested outside the county, the responsibility for provision of transportation for a detainee lies with the BCU, where the offence for which they were detained occurred. All costs incurred will fall to the BCU responsible." (my emphasis)

To reinforce the point that what is being sought is primarily designed to benefit the **"wider community"** I can do no more than refer to the Manor Court Custody Suite at Manor Farm Road, Runcorn, Cheshire WA7 1TD which was the subject of an outline planning permission granted by Halton Borough Council on 2nd February 2004. This permission is specifically referred to by Savills in their Supplementary Report as part of a consideration of the fear of crime issue. In the supporting statement from the applicants' agents forwarded to Halton Borough Council concerning outline application Reference No. 03/00706/OUT, it is said under the title **"Sustainability"**:-

"4.28 As this facility will serve an area wider than that the administrative boundary of Halton Borough Council, the Cheshire Police Authority recognise the importance of a partnership approach between all the relevant local agencies - for example social services - to ensure the appropriate level of support is provided to the Facility. This is an opportunity to maximise efficiencies and operational benefits for all such organisations involved across the Northern Area and the authority will continue to engage in dialogue to establish appropriate protocols." (my emphasis)

The undoubtedly sensible option of maintaining links and sharing cell capacity with neighbouring authorities situated within a 30 minute drive time of Northampton, inevitably requires that what is being provided on a prestigious business park lies within the requisite drive time of both Rugby in Warwickshire and Milton Keynes in Buckinghamshire.

The ability of the proposed development to provide **"high visibility policing, providing reassurance and deterrence"** to adjacent businesses and local residents in an area which currently is experiencing low crime levels, cannot be viewed as constituting a **"significant benefit to the local community"**. Indeed, the applicants' planning consultants fail to differentiate between the local community benefit and the wider community benefit, as far as their proposals are concerned, a point evident from the



contents of paragraph 6.2.2 of their Supplementary Report, viz *"the proposed use provides an essential public service relating to the maintenance of law and order. It is therefore clear that the proposal would result in a significant benefit to the local and wider community"*, (my emphasis), before adding the surreal comment *"Furthermore, there is no requirement in policy terms for the benefit to be exclusively for the 'local community'".* If that latter comment had any validity, the word *"local"* would be removed from Policy B14 or the words *"and wider"* inserted in the same policy, where it relates to *"significant benefit to the local community"*.

As if to confirm the proposed CJC's intention of satisfying a community need extending beyond Northamptonshire, there is no need to look further than the applicants' agents' justifications for the proposed development under the title *"Other Community Benefits / Material Considerations"*. Here it is argued that the CJC will, in terms of the Milton Keynes South Midlands Sub-Regional Study (MKSMSRS) *"be an essential component of infrastructure to meet this growth in population."* (paragraph 6.2.14 refers)

In the applicants' planning consultants' original report, reference was made to an application granted planning permission by Northampton Borough Council on 18th October 2006 relating to a change of use of Suites 2, 4, 7 and 8 at 500 Pavilion Drive, Northampton Business Park (Northampton BC Ref. No. N/2006/1042 refers), from Class B1 to Class D1 purposes, to justify the applicants' interpretation now placed on the term *"significant benefit to the local community."* A copy of the officer's delegated report relating to Application No. N/2006/1042 is provided in Appendix 7 to this company's original objections of December 2008.

I indicated in this company's original report that the justification for granting planning permission in that case manifestly failed to properly address the principal determining issues forming part of Policy B14. I would refer the reader of this correspondence to paragraphs 3.22 to 3.27 inclusive on pages 38 to 40 of this company's original report dated December 2008 which set out the reasons why the approach was simply flawed, and why it was felt there were good grounds to challenge that decision had it been felt necessary at that time.

It is noted from the Supplementary Report of August 2009 prepared by Savills that their interpretation of the reasons for approving Application N/2006/1042 was not that the proposed development complied with Policy B14, but *"... in determining the planning application NBC considered that there were other material considerations which would need to be taken into account in determining the planning application."* (para 6.2.6 refers). That interpretation with respect is incorrect as a reading of the Case Officer's delegated report demonstrates, where it can be seen that *"other material considerations"* did not form the basis of the Authority's decision. Application No. N/2006/1042 was decided on a flawed interpretation of Policy B14, with the reason given for granting conditional permission in respect of this development reading as follows-

"Whilst the proposed use is contrary to the Northampton Local Plan Allocation, it provides for employment and a benefit to the community in



accordance with policy B14 of the Northampton Local Plan, and does not materially harm interests of acknowledged importance."

If there is to be reliance placed on how the words "*significant benefit to the local community*" should be applied, then there is no need to look further than the circumstances surrounding Application No. 990386 refused planning permission at Northampton Borough Council's Development Control Sub-Committee Meeting of 17th November 1999 for the erection of a three storey 106 bedroomed hotel and 2-storey harvester restaurant on the same site as that now proposed for a criminal justice centre. These matters are discussed in paragraphs 3.28 to 3.31 of this company's original report dated December 2008 at pages 40 and 41.

Substantial Employment Opportunities

The other test which is required to be satisfied in respect of Policy B14 of the adopted Northampton Local Plan June 1997 concerns the need to show that the particular non-Class B use would "*lead to substantial employment opportunities*". This has simply not been addressed with any conviction by the applicants' planning consultants.

No information has been provided as to the extent to which the proposal would lead to "*substantial employment opportunities*". What is being proposed is a transfer of staff from the Campbell Square and Weston Favell Police Stations, with levels of anticipated staffing set out in the Supplementary Planning Statement differing from those which have been the subject of the Travel Plan.

In demonstrating that the proposed criminal justice centre would "*lead to substantial employment opportunities*", the applicants' agents rely on natural staff turnover, equating to approximately 14 jobs at the CJC per year, with no indication provided of how many new jobs may be created as part of natural growth. This provision cannot, in any common sense meaning, amount to "*substantial employment opportunities*" being created.

The applicants' agents attack those who seek to object to the proposals, and who properly rely upon job creation arising from the extant planning permission on the application site. It will be recalled that the extant permission involves a building enjoying a gross floor area of more than 2¼ times greater than the proposed criminal justice centre, thereby making more effective and efficient use of urban land on a prestigious business park. To these considerations should be added that a far greater number of staff would be employed by the extant permission than that now envisaged by the proposals submitted on behalf of the Northamptonshire Police.

To rebut these obvious disadvantages, the appellants' agents rely on there being no requirement in Policy B14 to compare the potential number of employment opportunities on the site from a non Class B use, with a Class B use. That may be so, but in order to provide a threshold for the term "*significant employment opportunities*" means that one has to have a base, and what better base than the extant permission on the same site. Indeed, I am surprised that Savills adopt this stance, if only for the fact that they rely in their Supplementary Statement on an appeal decision allowed on 19th November 2002 concerning a change of use of Units 21-24 Rothersthorpe



Crescent, Northampton from Class B8 to Class D1/D2 purposes. A principal reason which led the Inspector to grant planning permission in this case was job creation arising from the outdoor play area and day nursery uses. In his decision notice the Inspector stated:-

"11. However the policy itself specifically states that development which brought about 'significant benefits to the local community' and 'substantial employment opportunities' would be acceptable. The Council agreed that the development would create more jobs than would probably result from a continuation of the lawful use. I also note that the 20-30 full-time equivalent jobs could increase in the future. Within this part of the town where it is accepted that there are higher unemployment levels than elsewhere in Northampton, such employment opportunities would be of benefit. Although there could be no guarantee that such jobs would be filled by local residents, as most jobs would be part-time, such a possibility cannot be ruled out."

This situation at Units 21-24 Rothersthorpe Crescent, Northampton is materially different from that surrounding the proposed use at 700 Pavilion Drive. In the case of the current application employment opportunities emanating from the proposed use are anything but substantial, particularly when compared with the lawful use of the application site, and where the overwhelming majority of jobs are simply being transferred from Campbell Square and Weston Favell Police Stations, along with other existing agencies. This is aside from the fact that there is no evidence of higher than average unemployment rates in Pavilion Drive. In the light of these considerations it is not surprising that the Inspector in the Rothersthorpe Crescent decision found that the *"proposal would not result in an unacceptable loss of employment floorspace and would bring about significant benefits to the local community and substantial employment opportunities."* In short, the Inspector applied the proper tests found in Policy B14.

Northamptonshire Strategic and Employment Land Assessment (SELA)

I have referred earlier in these representations to the Initial Draft Report entitled "Northamptonshire Strategic and Employment Land Assessment" (SELA) prepared by Atkins Ltd on behalf of Northamptonshire Enterprise Ltd (NEL), which provides advice on the demand and supply of strategic employment land in Northamptonshire. This is a recent study, having been published less than 3 months ago in June 2009, and therefore was not taken into account in earlier representations raised to Application No. 08/0283/FULWNN. This study takes into account the policies contained in the recently adopted East Midlands Regional Plan, along with the employment provisions of the MKSMSRS and the Draft Strategic Northamptonshire Economic Action Plan (SNEAP).

Having selected a preferred scenario from three separate employment growth forecasts, SELA then objectively assesses the demand/supply balance by considering individual sites in terms of their potential capacity, and whether they are constrained or unconstrained. An unconstrained site has no impediment to its use for employment generating purposes; a site which is relatively unconstrained is one identified with potential for employment uses as part of the LDF process, whilst a



constrained site is one not identified or allocated for employment uses, or where no existing planning permissions relate to employment uses.

The conclusions drawn from the SELA study in terms of Class B1(a) accommodation, is that in West Northamptonshire this sector demonstrates a significant net shortfall of existing unconstrained supply capacity, obviating any consideration which may otherwise be given to the need for choice, flexibility and risk. It states that West Northamptonshire has insufficient good quality unconstrained supply capacity to provide for projected demand for office floorspace. The SELA study identifies a number of sites throughout Northamptonshire recommended for prioritisation. It states:-

"Based on comprehensive site assessments, our initial recommendations are that the following key sites as set out in Tables ES7-ES13 should be considered and tested through the planning process for primarily employment purposes. Whilst the significant proportion of these recommended sites are already allocated or are contained within emerging DPDs, a substantial programme of public sector intervention and enabling activity will be required to bring many of the identified sites forward. The scale, nature and timing of intervention will vary according to the extent of constraints and other barriers to development which will need to be resolved or overcome for the sites to be brought to market. For sites in each local authority, the tables provide a summary of these constraints for each site. Sites highlighted in green have been assessed as being of the highest quality in terms of suitability for employment. Those highlighted in amber/yellow are considered to be of fair quality with potential to become high quality employment sites."

The application site in Pavilion Drive forms one of these "Northampton Sites Recommended for Prioritisation". It is shown as having no known constraints and an office capacity of 5120 sq.m. It is colour coded yellow in terms of its sustainability credentials and green in terms of both its commercial attractiveness score and overall quality.

It is clear that adherence to development plan policy, and in particular Policy B14 of the adopted Northampton Local Plan June 1997 should be afforded considerable weight in determining the current application. The most recent SELA report endorses the status of the Northampton Business Park in the earlier NELS study which it will be recalled achieved a rating of "good" for accessibility and environmental assessment, with the following comment made under the title "Market Attractiveness"-

"The market would consider this location as particularly attractive. Provides quality out of town office accommodation in an excellent accommodation and environment immediately adjacent to the A45."

In concluding this sub-section, reference is required to be made to a second appeal decision relied upon by Savills concerning a proposal seeking a change of use from Class B1 offices to Class D1 non residential institutions on land at 32 Saxon Court,



Mererair, Northampton NN1 1SL (WNDC Application No. 09/0027/COUWNN). To compare the status of the application site with 32 Saxon Court is not comparing like with like, whether in terms of its market attractiveness, sustainability credentials or general locational considerations. No. 32 Saxon Court is situated in an edge of centre location where PPS6 is applicable, itself promoting diversity of complementary uses in order to contribute to the vitality and viability of the surrounding area. Interestingly, the Case Officers report on Application No. 09/0027/COUWNN found that the proposed development *"would be unlikely to lead to substantial employment opportunities"*. As stated earlier, in order to comply with Policy B14, **both** tests are required to be met.

ALTERNATIVE SITES PROVISION

The approach adopted by the Cheshire Police Authority (CPA) in its search which led to the preferred site for a criminal justice centre culminating in the outline application for the Manor Park Custody Suite, Manor Farm Road, Runcorn, Cheshire WA7 1TD can be assessed from the contents of paragraphs 3.2 and 3.3 of the applicant's agents' supporting statement under the title *"Site Selection Process"*:-

"3.2 In order to identify specific sites in each of the three areas the CPA (Cheshire Police Authority) has made extensive use of sophisticated logistical software to draw up a shortlist of potential sites that could effectively meet operational needs and other requirements. Each site on the shortlist was subjected to a rigorous assessment programme that tested it against a wide ranging "bundle" of criteria, which were prioritised and weighted. These relate inter-alia to operational, financial and security requirements, as well as to wider environmental and land-use planning considerations.

3.3 A key criterion is the need to minimise the length and number of journeys between arrest locations and the Facility, so accessibility to the major road network is essential. Accessibility to public transport facilities is also important in order to allow staff a choice of sustainable modes of transport. The criteria also takes into account site characteristics such as intrinsic landscape features, the nature of surrounding uses, and the existence of any major hazard installations or pipelines in the vicinity."

The search for a preferred site for a new criminal justice centre within the Northampton area to replace the existing custody suites at Campbell Square and Weston Favell is a matter considered in Appendix 5 to Savills' original Planning Statement. The contents of Appendix 5 are identical to an earlier document sent to the writer by the Information Compliance Officer at Northamptonshire Police in response to a formal request under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Aarhus Convention 1998.

No further explanation or information detailing the methodology behind the search for an alternative site is included in the Savills' Supplementary Report of August 2009. In July of this year consideration was given to the possibility of using the Harvey Reeves Road landfill site; two sites on Westgate Interchange, and land at Bedford Road, Brackmills for the proposed criminal justice centre to serve the Northampton area. The Bedford Road, Brackmills site was one advanced by SSR



Planning on behalf of a consortium of landlord/landowner/occupiers in Pavilion Drive. The other sites referred to in the July 2009 assessment were all identified by West Northamptonshire Development Corporation.

In short, Northamptonshire Police have not undertaken any further assessment of alternative sites, which is not surprising, having speculatively purchased land at 700 Pavilion Drive for a price which reflects its lawful use. In themselves, these events cast doubt on the sincerity and importance which should be afforded to the July 2009 alternative site selection assessment.

The Inadequacy Associated with the Site Selection Process

In contrast to the search for a preferred site for a criminal justice centre undertaken by Cheshire Police Authority (CPA), Northamptonshire Police have not sought to rely upon any equivalent sophisticated logistical software to test the feasibility of alternative sites likely to meet the operational requirements and other planning considerations for a new criminal justice centre to serve the Northampton area.

It is evident from documents obtained from Northamptonshire Police over a period of three months last year, under the Freedom of Information Act 2000, Environmental Information Regulations 2004, and the Aarhus Convention 1998, that the approach in terms of site selection for a proposed CJC in the Northampton area has been incremental, concentrating on individual sites, often for disproportionately long periods of time, at the expense of adopting a wider, more holistic approach.

No proper comparative assessment, sensitivity analysis, or weighting indices have been applied in the search for alternative criminal justice centre sites to serve the Northampton area, with the consequence that the reasons advanced for rejecting certain alternative sites are equally applicable when considering the preferred site at 700 Pavilion Drive. This is in spite of the fact that certain alternative sites received a favourable recommendation from WNDC.

It is the writer's view that the process in nominating 700 Pavilion Drive as the preferred site for a CJC has been fundamentally influenced by two factors.

Firstly it is a fact that Northamptonshire Police's own selection criteria have narrowed the possibilities of finding a suitable candidate site for a criminal justice centre. They have at all times sought to acquire freehold land, declining invitations from landowners where only leasehold interests in sites have been offered, or where buildings were to be constructed by developers and leased to the Police Authority. In addition, turnkey project arrangements have been rejected.

Secondly, the decision taken by Northamptonshire Police to speculatively purchase 700 Pavilion Drive for the purposes of a criminal justice centre to serve the Northampton area, at a price reflecting its lawful employment generating use, has undoubtedly influenced the assessment of the suitability of land in their freehold ownership at Wootton Hall Park for the same purpose.



No feasibility study concerning the ability to site a criminal justice centre on land in the Police Authority's freehold ownership at Wootton Hall Park has been undertaken. On the contrary, the same land has, it is contended, been deliberately excluded from further consideration for a criminal justice centre following the Northamptonshire Police Resources Committee meeting held on 21st June 2007. Recent events have shown that both the Northamptonshire Police Authority and Northamptonshire County Council have an interest in the development potential of land at Wootton Hall for alternative mixed use purposes, as part of the emerging West Northamptonshire Core Strategy DPD. These events lead to doubts being cast on the impartiality of any site suitability assessment concerning Wootton Hall Park to accommodate the proposed criminal justice centre to serve the Northampton area.

The search criteria used in the selection of alternative sites for a criminal justice centre to serve the Northampton area is confirmed in paragraph 2.2 of the Chief Constable's Report presented to a meeting of the Police Authority held on 1st August 2007:-

- *Land area of approx. 2 acres*
- *Close to Northampton, but favouring an area to the south or west to stay within the 30 minute drive time criteria proposed by the Robson Rhodes report*
- *Easy access to ring road*
- *2 points of access*
- *Preferably on an industrial site clear of residential areas*
- *Preferably a site with outline planning approval already secured.*

The same search criteria set out in the Chief Constable's Report is not consistent with those factors which formed the basis of an earlier Site Finders Report dated March 2005 prepared by Turner and Partners concerning a location for a new criminal justice centre.

The criteria at the time of the publication of the Turner and Partners Site Finders Report followed the same approach with respect to each and every option, and was not specifically related to the factors outlined in the Pre OJEU Notice Table found in paragraph 5.1.7 of Savills' Supplementary Report. In the Turner and Partners Site Finders Report, every site is examined with the following criteria in mind: (i) projected land costs; (ii) stamp duty costs; (iii) forecast date of access i.e. in terms of occupation; (iv) existing use; (v) land allocation or designation; (vi) factors affecting infrastructure; (vii) site access arrangements; (viii) acquisition comments; (ix) existing planning permissions; (x) planners comment.

Aside from references relating to the size of site and the 30 minute drive time of arrest point, the site search criteria for a criminal justice centre, as indicated in paragraph 2.2 of the Chief Constable's Report, is not replicated in the criteria set out in the Pre OJEU Notice Table found at paragraph 5.1.7 of Savills' Supplementary Report; neither does it coincide with the Post OJEU Notice Table found at paragraph 5.1.9 of Savills' Supplementary Report.



In the Post OJEU Notice table found in paragraph 5.1.9 of Savills Supplementary Report, the index relating to the size of the site has increased from the same index set out in the Pre OJEU Notice table found in paragraph 5.1.7 of the same document, from approximately 2 acres to 2½ - 3 acres.

As different criteria are used by the applicants' planning consultants, serious questions must be raised as to the soundness of these two tables.

The inadequacy of the site selection process concerning the proposed CJC can be further highlighted by reference to the manner in which the Northamptonshire Police Authority has assessed certain sites throughout the period March 2005 to the present day.

Swan Valley

Swan Valley was one of six greenfield sites identified by Turner and Partners in a report dated 2nd March 2005 produced in conjunction with Babcock international Services on behalf of Northamptonshire Police. At that time it comprised the preferred option amounting to 0.49 ha (1.2 acres).

This site has been shown in the Pre OJEU Notice table found in para 5.1.7 of Savills Supplementary Report as complying with all the planning consultants' stated criteria, except under the title "*Willingness to Sell*". It is said that the owner of this site declined to sell, but with respect that is not correct in that the landowners stated that they would offer a leasehold interest in the land, and this would be on condition that the building would be constructed by them and leased back to the Police Authority.

Swan Valley scores unfavourably in the Post OJEU table with respect to its proximity to arterial routes/close to bus/bus route, where previously it scored favourably. No reason is given for this change in evaluation according to this sustainability index.

In the report prepared by the Chief Constable concerning alternative locations for the new criminal justice centre placed before the Police Authority's Full Committee of 1st August 2007, Swan Valley is said to have the following advantages:-

- Good access to link road and motorway, with alternative route onto Banbury Lane.
- Approx 0.5 miles from residential area and site bounded by stream.
- Location favoured by WB Area Commander

A disadvantage was identified with respect to the Swan Valley area at the time of the Police Authority's Full Committee meeting of 1st August 2007, namely that there was the potential for flooding, although the same report went on to add "*but further investigation may eliminate this risk.*" The Supplementary Report produced by Savills does not reproduce this caveat, but simply states that the site was discounted.

It is important to note at this stage that the preferred option for a criminal justice centre in December 2005 was Swan Valley, and that Members of the Police Authority's Resources Committee had resolved to acquire this site for an estimated



cost of £855,000. To these considerations should be added that Swan Valley is situated on the western side of Northampton, in a location supported in paragraph 2.2 of the Chief Constables report presented to the Police Authority's Full Committee meeting held on 1st August 2007.

Grange Park

A site at Grange Park was identified as early as the March 2005 Turner and Partners Site Finders Report, at which time it formed one of three options being considered by the Force's surveyors. Grange Park was also a nominated location as an alternative site for a CJC at the Police Authority's Resources Committee meeting held on 21st June 2007, and at a meeting of the Police Authority held on 1st August 2007.

Land adjacent to the A508/NCC Landfill Site

Land adjacent to the A508/NCC landfill site (formerly known as Grange Park) was assessed in the report presented to the Full Authority of Northamptonshire Police held on 1st August 2007, and was described in the following terms:-

"Site under development by Shepherd Developments who have prepared a master plan for the site and obtained outline approval for mixed office and storage units. They are willing to make a 2 acre site available for the CJC as part of this development.

Advantages:

- *Recommended as suitable site by West Northamptonshire Development Corporation (WNDC)*
- *Good access to link roads and motorway*
- *Next to landfill site (which will probably remain sterile and undeveloped for at least 10 years)*
- *Remote from residential area*

Disadvantages

- *Not on preferred eastern side of the town (longer travelling times to western part of the county)"*

The locational disadvantage associated with this site, as mentioned in the report presented to the meeting of the Full Authority of Northamptonshire Police held on 1st August 2007 is wholly at odds with the Chief Constable's own criteria concerning the preferred location for a criminal justice centre site as set out in paragraph 2.2 of the report to the same Committee meeting, viz:-

"an area to the south or west within the 30 minute drive time criteria proposed by the Robson Rhodes Report."

Indeed at the time the Turner and Partner's Site Finders Report was prepared, no preference was given to which side of Northampton a criminal justice centre should be located, and if this had been an important factor, the Police Authority would not have selected Swan Valley as an earlier preferred option. The Turner and Partners Site Finders Report where it related to Grange Park had the following comments to make under the titles "Site Access" and "Acquisition Comment".



"Site Access

Access can be taken from junction 15 of the M1; the site also provides excellent access to the A43 and A45 to Daventry. The proposed site can be found just off the main road through the estate.

Acquisition Comment

The site is well situated for Northampton centre; the M1 and Daventry. The agent of the site has informed me that their clients will sell the area of land. The main issue of this site is the amount of planned and existing residential properties which could make this site sensitive. However the site is very accessible with regards to staff and the release of customers as there is bus service and hotel nearby."

It is evident following the report of the Chief Constable to the meeting of the Police Authority of 1st August 2007, including advice from the Force's Head of Procurement, that in accordance with EU Directives and UK Legislation, there was a need to offer competition, transparency and fairness in the execution of awarding contracts for Works (in excess of £3.6m) and Services (in excess of £1.44m). It was therefore recommended that the Police Authority should follow EU recommendations and advertise for land, and design and build opportunities in the EU Journal OJEU.

14 bids were received in response to the advertisement, nine of which were for design and construction only, with only four involving land. The four bids related to the following sites:

1. Cedar House Investments: Swan Valley Office Village
- 2 The Duncan Group: 600 Pavilion Drive, Northampton Business Park, Brackmills.
3. Shepherd Developments: Qubit 3 development site adjacent to A508
4. Stepnell Ltd
 - a) Land west of Northampton Road, Blisworth
 - b) Land at Milton Trading Estate, Milton Malsor
 - c) Land north of Home Farm, West of A508
 - d) Land west of Quainton Road, Wootton.

The Qubit 3 Site

The reason for choosing the site at 700 Pavilion Drive over the Qubit 3 site adjacent to the A508 is evident from the Chief Constable's Report presented to the Police Authority's Resources Committee of 29th November 2007, in which it was stated:-

"Site 1 (700 Pavilion Drive, Brackmills) is the last remaining vacant plot on the Brackmills complex and the only one to be offered for sale as well as a package deal, including the design and construction of the building. The second site (Qubit 3 site) is only available as a turnkey project by the landowner/developer. Both sites are considered suitable for the new CJC. Although the Brackmills site has the disadvantage of being located at the end of an estate road, alternative access and egress routes are within 350 yards of the entrance to the site and it is therefore not considered to be a significant problem from an operational point of view."



However, the Qubit 3 site at Grange Park, unlike 700 Pavilion Drive, was one of only 3 sites to meet all the search criteria set out in paragraph 2.2 of the Chief Constable's report presented to the Northamptonshire Police Authority meeting of 1st August 2007.

Whilst the owners of the Qubit 3 site were not willing to dispose of the freehold of their land to accommodate a new criminal justice centre for Northamptonshire Police, they were willing to offer a combined land and buildings or turnkey solution. In the light of these considerations it is incorrect to suggest land at Grange Park was not capable of accommodating a new criminal justice centre for the Northampton area.

Brackmills Point

At the meeting of the Northamptonshire Police Authority Resources Committee held on 13th December 2005 a site located adjacent to the A428 at the eastern end of the Brackmills Industrial Estate was considered suitable for a new criminal justice centre building, being closer to Northampton Town Centre with good links to the ring road network to both the east and west. At that time the same site comprised one of three suitable options, but not the preferred site, which was Swan Valley.

In the period extending from 15th June 2006 until 21st June 2007, Northamptonshire Police concentrated their attention on purchasing this greenfield site in the Brackmills Industrial Estate, known as Brackmills Point, although Members had expressed concerns over the cost implications of the project at the Police Authority Resources Committee meeting held on the 28 September 2006, requesting a review of all further options prior to any further action being taken.

A review of options was placed before Northamptonshire Police's Resources Committee meeting of 26th October 2006, at which time 10 separate options involving a full range of capital costs from nil (do nothing option) to £13.2m (new building on greenfield site) were examined. The full list of options was as follows:-

1. *Do nothing*
2. *Do minimum (use of four suites in existing locations at Campbell Square, Weston Favell, Wellingborough and Corby)*
3. *Refurbish existing four suites (Campbell Square, Weston Favell, Corby and Wellingborough)*
4. *Retain/refurbish Campbell Square and extend Weston Favell by 10 cells (as four suite option considered by Robson Rhodes referred to at Annex A).*
5. *Retain/refurbish Campbell Square and extend Weston Favell by 16 cells*
6. *Extend Weston Favell by 36 cells (Campbell Square custody to be closed, but retained as a fall-back facility)*
7. *Construct cells only on greenfield site (omitting office provision for CJU/CPS, closing Campbell Square custody facilities, Weston Favell to be used as a fall-back facility).*
8. *New build on PA own land at Wootton Hall Park.*
9. *New build on greenfield site.*
10. *Share facilities with adjoining forces.*



The Resources Committee at their meeting held on 26th October 2006, accepted the case for Option 9, being the construction of a new building on a greenfield site at Brackmills, and agreed to recommend to the Full Authority that funding to enable the project to proceed be approved. The total capital costs were said to be £13.2m comprising £12.99m for the new build costs and a sum of £208,000 to carry out improvements to the custody facilities at Corby and Wellingborough pending the construction of a new criminal justice centre to serve the northern and eastern areas of the County.

Nine months later, on 21st June 2007, Members of the Police Authority's Resources Committee were advised that very little progress had been made over the acquisition of the site known as Brackmills Point. In view of the lack of progress, including submission of pre-application supporting information to WNDC, it was suggested that the search for an alternative site be resurrected.

Four options were considered for a new criminal justice building to serve the Northampton area in the southern half of the County at the Police Authority's Resources Committee meeting held on 21st June 2007, from which it can be seen that Brackmills Point, despite having been an option for a new criminal justice centre to serve the Northampton area 19 months earlier, was still one of four selected sites:-

- *Brackmills Point*
- *Wootton Hall Park*
- *Milton Ham (adjacent to the M1 Motorway at junction 15A)*
- *Grange Park*

It is apparent from the Pre OJEU Notice Table found in the Supplementary Report prepared by Savills that Brackmills Point satisfied all the criteria, aside from willingness to sell. It was stated in the report of the Chief Constable to the Police Authority's meeting of 1st August 2007:-

"2.1 The initial search was carried out in March 2005 by Turner and Partners resulting in the identification of the Brackmills point site (site 5). Although it did not fully meet the location criteria, at the time this was the only site where there seemed to be a realistic prospect of a conventional freehold land purchase. As reported to the Police Authority, progress on the planning approval on this site has been slow, and it now seems unlikely that we would be in a position to commence construction by mid 2009."

It would seem that the opportunity to purchase this site is still available.

The search for an alternative location for a criminal justice centre in the Northamptonshire area was renewed through Hadlands, a local commercial agent, although I am reliably informed as part of a formal request made under the Freedom of Information Act 2004, the Environmental Information Regulations 2004 and the Aarhus Convention 1998, that no report was prepared.



Bedford Road Brackmills

Whilst negotiations did not proceed with the acquisition of the Brackmills Point site in the era post 2007, it is noted that another site in the same general location known as the Bedford Road, Brackmills, was considered as part of the July 2009 assessment. This is shown in the table found at paragraph 5.3.2 of Savills' Supplementary Report as fulfilling all the criteria, save for the question raised on the ability to obtain planning permission. The marketing details produced by Drivers Jonas advertising this site for sale on behalf of the Homes and Communities Agency state:-

"Planning permission was granted on 15th December 2006 for a 'development of industrial starter units, warehousing, lorry compound and workshops with associated offices', (ref: WN/2006/0021). This permission was secured to enable the relocation of a road haulage company. Given this is no longer proceeding, WNDC generally support a combination of B1, B2 and B8 uses for Site D1 subject to the details of any planning application. A letter from WNDC is provided in the on-line information pack."

The arguments for not progressing the Bedford Road site are far from convincing. It is said by Savills that the same objections could also be raised by the local community as have emerged with regard to the preferred site at 700 Pavilion Drive. If this is a serious objection to pursuing this site, then it would seem that the arguments raised by those opposing the development at 700 Pavilion Drive ought to be taken seriously in the choice of the preferred location for a criminal justice centre. What is clear is that the Bedford Road, Brackmills site is not situated in a prestigious business park, offering the same standards and site credentials as the Northampton Business Park.

It is also said that the Bedford Road, Brackmills site is subject to informal tender and there is no guarantee that the Northamptonshire Police Authority could secure it, even if it wished to, or is in a position to do so. The alternative pursued by Northamptonshire Police of purchasing land speculatively using finance from the public purse, with no guarantee of gaining planning permission for the proposed use, is equally fraught with difficulties in that there is no guarantee that planning permission will be forthcoming. The fact that Northamptonshire Police may not be in a position to acquire the Bedford Road, Brackmills site through an informal tender cannot be divorced from the decision taken by Northamptonshire Police to purchase 700 Pavilion Drive. To the extent there is a fall back planning position with respect to the site at 700 Pavilion Drive, so too is there a fall back planning position with the site at Bedford Road, Brackmills.

Wootton Hall Park

The Wootton Hall Park site formed one of the six chosen sites listed in Turner and Partners Site Finders Report of March 2005. It was dismissed at that time on the grounds of its location which did *"not give good access to the outlying areas of Northampton the M1 Motorway or Daventry. Lack of available space was also a major consideration"*. As will be indicated later in this section, these criticisms are simply unjustified.



Members of the Police Authority Resources Committee at their 28th September 2006 meeting, expressed concerns arising from the cost of a new criminal justice centre. One of the suggested options was to build a new facility on land at Wootton Hall Park. In a subsequent report of 26th October 2006 presented to the same Committee, the following factors were produced as advantages and disadvantages concerning the building of a new criminal justice centre on land at Wootton Hall Park:-

"8. New Build on PA owned land at Wootton Hall Park
Total cell capacity 76

Additional Estimated Capital Cost: £1.6m

Additional Estimated Revenue Cost: £883k pa

Advantages:

- *Avoids site purchase costs (£1.54m)*
- *Space for further expansion*
- *Proximity to FHQ (IT links)*
- *Good location (closer to western part of county/shorter drive time)*

Disadvantages

- *Utilised land which could be sold for residential development thereby forgoing potential additional income of approx. £2m*
- *Development would trigger Section 106 agreement requiring improvements to Mereway junction at additional cost of £0.4m*
- *Planning approval would be difficult to obtain and incur lengthy delays*
- *Wootton Hall site has a single entry/egress via Mereway. An alternative route is necessary in case road congestion blocks current access (this happens frequently)."*

In the conclusions to the Chief Constable's Report presented to the Resources Committee meeting of 26th October 2006 it was stated:-

"5.2 Acknowledging the high cost involved, it is the view of the Chief Officer team, and the Head of Property Services, that any option other than the new build proposal put to the Resources Committee at its last meeting would involve significant compromises in terms of efficiency, and in the use of the existing estate which are considered to be unacceptable. The revised Estates Strategy recently presented to the Committee referred to the potential for realising assets at Wootton Hall Park. It is proposed that the Head of Property Services should continue to work with the County Council to identify opportunities to obtain further capital receipts from the sale of land as a means of offsetting the cost of the Criminal Justice Centre project." (my emphasis)



During the 7 month consultation period at which time the West Northamptonshire Core Strategy Issues and Options Stage was taking place, the Northamptonshire Police submitted a report to their Resources Committee meeting of 21st June 2007 entitled "*Development of Wootton Hall Park*". I have attached a copy of this report to these representations, and would draw attention to the contents of paragraph 2.4:-

"Informal meetings have been held with West Northants Development Corporation (WNDC) recently to discuss the strategy for progressing the development of Wootton Hall Park. The area in the centre of the park, most of which is used for sporting purposes, is designated as green space under the Local Plan which expires in September 2007. WNDC advise that, given the current classification of the land and the difficulties associated with access, the proposals should be progressed through the Local Development Framework."

At the same meeting of the Police Authority's Resources Committee it was recommended that Members:-

"...formally approve the proposed programme of works in connection with the development of Wootton Hall Park (and) details of the collaborative agreement (with Northamptonshire County Council) to be set out in a formal document to be signed on behalf of the Authority by the General Manager."

Meanwhile on 1st August 2007 a report was prepared by the Chief Constable to the Police Authority's Full Committee on the search for a preferred site for the criminal justice centre. In addition to the four sites which were mentioned as part of the renewed search for an alternative location following the protracted negotiations on the Brackmills Point site (mentioned under the Brackmills Point section of these representations), two further possibilities were considered, namely the site at Swan Valley and the site at 700 Pavilion Drive.

The Wootton Hall Park site was evaluated in the Police Authority's Committee meeting of 1st August 2007 in the following way:-

- "6. Wootton Hall Park
Greenfield site owned by Police Authority.
- Advantages:
- Ownership – no acquisition costs
- Disadvantages:
- Strength of local opposition from residential area well known and likely to persist
 - Single access a major issue, particularly at peak times
 - If planning approval is obtained for alternative and less contentious development for residential purposes, capital receipt is likely to exceed cost of purchasing external site."

It is apparent that following this meeting, and not unsurprisingly given the contents of the Northamptonshire Police Authority's Resources Committee meeting held on



21st June 2007 concerning the development of Wootton Hall Park, the same land was deselected as a potential option in accommodating a new criminal justice centre.

It can be seen that Northamptonshire Police and Northamptonshire County Council are seeking to develop the Wootton Hall Park site through the Local Development Framework process. In this regard, all four growth strategies relating to Northampton, as indicated in the West Northamptonshire Core Strategy Issues and Options stage, show land including Wootton Hall Park as being suitable for release to meet future development requirements, either as an area of potential urban infill, or as part of a broad indicative location for mixed use growth. In this way, there is no reason why a new criminal justice centre should not form part of any future development requirements for Northampton, neither is there any reason why such provision should not be made for the same facility now, having regard to correspondence dated 29th September 2008 received by the writer from the previous Planning and Development Director at WNDC

The future development potential of the Wootton Hall Park site has strongly influenced the decision not to proceed with the promotion of a criminal justice centre on the same land. This becomes evident from the suggested disadvantages associated with the use of Wootton Hall Park for a criminal justice centre highlighted in the Police Authority's Resources Committee Report of 26th October 2006, and the Report of the Full Authority meeting of 1st August 2007:

- *Utilised land which could be sold for residential development thereby forgoing potential additional income of approx. £2m*
- *If planning approval is obtained for alternative and less contentious development for residential purposes, capital receipt is likely to exceed cost of purchasing external site.*

In essence Northamptonshire Police have decided to take on the role of a developer and speculatively purchase land from the public purse in the hope that capital receipts from developing the site at Wootton Hall Park would offset the costs of developing a criminal justice centre on land at 700 Pavilion Drive.

A suggested disadvantage highlighted in the Report to the Police Authority's Resources Committee meeting of 26th October 2006 concerning the use of Wootton Hall Park for a new criminal justice centre states "*Planning permission would be difficult to obtain and incur lengthy delays.*" This is simply incorrect, in that the writer has obtained a letter from the former Planning and Development Director at WNDC dated 29th September 2008 in which it is stated:-

"... The Authority (the Police Authority) was advised to promote such a substantial development proposal through the development plan (Local Development Framework) process where the wider ranging issues associated with the site could be examined."(my emphasis)



In the same correspondence Mr. Stephen Kelly further confirmed:-

"You have enquired whether in principle a Criminal Justice Centre would be acceptable on the land at the existing Police Headquarters. Insofar as the development would be consistent with the existing use, there is no fundamental policy reason, save for the protected areas, why such a facility should not be constructed at Wootton Hall."(my emphasis)

A further suggested disadvantage associated with the development of the Wootton Hal site for a criminal justice centre as indicated in the Report to the Northamptonshire Police Resources Committee meeting of 26th October 2006 and the Report of the Chief constable to the Police Authority's meeting of 1st August 2007, is that it comprises a single access point which would lead to problems particularly during peak hours.

The importance to be attached to this objection can be dealt with by reference to paragraph 5.1.14 of Savills' Supplementary Report in which it is said "*Leicestershire's Euston Street Custody Facility is also located in a cul-de-sac and experience there has shown this not to be an operational issue.*" In the case of the site at 700 Pavilion Drive, it is important to note that the Highways Agency were concerned about access arrangements, amongst other matters, to the extent that an indefinite holding objection was placed on the application until they were convinced that these issues had been properly addressed as part of the proposed development.

It is a matter of fact that the unbiased results of the Barclaycard survey undertaken by a specialist market research company highlighted the fact that the main concern of staff relating to the proposed use of 700 Pavilion Drive as a criminal justice centre was "*traffic gridlock at peak times*". A similar conclusion was reached to a separate independent survey carried out on behalf of the business community in Pavilion Drive.

What is apparent is that as part of a Section 106 Planning Obligation to carry out improvements to the Mereway junction, a sum of £0.4m has been allocated for such works, where no such equivalent sums have been sought to improve the gridlock position and access arrangements serving Pavilion Drive.

In any event, there is no reason why in principle, a criminal justice centre cannot be accommodated on land at Wootton Hall Park, particularly given the development potential of the area, which in itself would require improvements to the Mereway junction.

The report of the Chief Constable to the Police Authority meeting of 1st August 2007 added a further suggested disadvantage to the proposed development at Wootton Hall Park for a criminal justice centre, namely "*strength of local opposition from residential area well known and likely to persist.*" The same sentiment could be said of the site at 700 Pavilion Drive and many of the other nominated sites. That point aside it is interesting to note that in the earlier report to the Police Authority's Resources



Committee of 26th October 2006, no similar disadvantage is revealed concerning the Wootton Hall Park site. The reference to this comment contained in the report presented to the meeting of 1st August 2007 appears to have emanated from members of the public who had expressed concern over informal discussions which had taken place in the Summer of 2007 involving Northamptonshire Police and Northamptonshire County Council who were jointly pursuing a strategy for the development of the Wootton Hall Park site, at a time when the Issues and Options Consultations stage was taking place as part of the West Northamptonshire Core Strategy DPD.

In the light of these comments, for Savills to indicate in their Supplementary Report at paragraph 5.1.8 that the development of a new criminal justice centre at Wootton Hall Park fails to accord with the criteria "*ability to obtain planning permission*" is simply incorrect, given the correspondence which the writer has received from the previous Planning and Development Director of WNDC attached to this correspondence. In a similar way, the comment made that "*Wootton Hall Park currently has access and egress issues greater than those at Pavilion Drive*" is anecdotal, devoid of any validity, and is required to be seen in the light of the consultation responses to Application No. 08/00283/FULWNN.

Equally unfounded criticisms are evident in the following comments made in the same paragraph of Savills' Supplementary Statement:-

"Major road improvements would be needed to the Mereway junction to enable any further development. The available land is currently sports fields serving the police, local council and local sporting teams. Any development would be within 50 metres of residential properties."

The total costs of highway improvements required to the Mereway junction, including triggering of a payment of £0.4m as part of a previous Section 106 Planning Obligation; has to be seen in the light of the savings which will be made in site acquisition costs should Wootton Hall Park be used for a criminal justice centre.

To rely on the fact that available land is currently in open use is to hide behind the underlying intentions of the Police Authority who, in conjunction with Northamptonshire County Council have set themselves a specific objective of realising the development potential of this site through the Local Development Framework.

What appears to have been ignored by Savills is that the infrastructure relating to Wootton Hall Park will inevitably require improvement if the Police Authority and the County Council are to realise their intentions of seeing this site allocated for development. There is no reason why, in principle, a criminal justice centre should not be granted permission on this site, given the contents of the letter dated 29th September 2008 from the former Planning and Development Director at WNDC to the writer, and the intended purpose of the site being promoted through the Local Development Framework.



Lastly, the fact that development may be within 50 metres of residential properties is a “*non sequitur*”, if one is to believe the comments relating to the lack of harm arising from the proposed development, and in particular that directed at fear of crime claimed by the applicants’ planning consultants.

Alternative Sites as a Material Consideration

Savills in their Supplementary Report seek to establish several key principles emerging from the High Court judgement *Trust House Forte Hotels Ltd v Secretary of State for the Environment* (1986) 56 P & CR 293 which in the writer’s view illustrates the danger inherent in treating a judgement in a particular case as though it was an enactment in a general application of the law.

A reading of the Trust House Forte Hotels judgement shows that Simon Brown J, having heard submissions by Counsel acting on behalf of both the appellant and the Treasury Solicitor, preferred the arguments advanced on behalf of the Treasury Solicitor when considering the question of when it is necessary, or at least permissible, to have regard to the possibility of meeting a recognised need elsewhere than on an application site. Simon Brown J said:-

“The better view is as follows:

- 1. In a case where planning objections are sought to be overcome by reference to need, the greater those objections, the more material would be the possibility of meeting that need elsewhere.*
- 2. Although generally speaking it is desirable and preferable that a planning authority (including, of course, the Secretary of State on appeal) should identify and consider that possibility by reference to specifically identifiable alternative sites, it will not always be essential or indeed necessarily appropriate to do so.*
- 3. The clearer it is that the planning objections relate essentially to the development of the application site itself rather than to some intrinsically offensive aspect of the proposed development wherever it might be sited, the less likely it is to be essential to identify specific alternative sites.*
- 4. Equally the less specific and exacting are the requirements to be satisfied in order to meet the accepted need, the more likely it is that a planning authority could reasonably conclude that such need can be met elsewhere without reference to some identifiable preferable alternative site.*
- 5. Clearly it is more difficult to make a sensible comparison in the absence of an identified alternative site and it is likely that a planning authority would be more hesitant in concluding that an accepted need could be met elsewhere if no specific alternative sites have been identified; a fortiori if they have been carefully searched for, identified and rejected.*
- 6. The extent to which it will be for the developer to establish the need for his proposed development on the application or appeal site rather than for an*



objector to establish that such need can and should be met elsewhere will vary. However, in cases such as this, when the green belt planning policy expressly provides that "the need for a motel on the site proposed, not merely in the area generally, has to be established in each case" (para 16 of Development Control Policy Note 12), the burden lies squarely upon the developer. Thus in this type of case it will be the more likely that the planning authority could reasonably conclude that the need can be met elsewhere without reference to some identified more appropriate alternative site.

7 As a matter of law it is accordingly open to a planning authority to conclude on the facts that an accepted need can and should be met elsewhere than upon the application or appeal site without reference to any specific alternative site or sites."

By examining each and every criterion set out above in the context of the proposed criminal justice centre on land at 700 Pavilion Drive, reveals that it is plainly open to WNDC to refuse planning permission for the proposed development on the premise that it is more likely to be accommodated elsewhere in the Northampton area without, it is argued, reference being made to a specific alternative site. In spite of these considerations, these supplementary representations reveal that it is more than likely that there are other alternative sites which may suitably accommodate a new criminal justice centre for the Northampton area.

In a similar vein, to concentrate attention on a specific case GLC v Secretary of State for the Environment and London Docklands Development Corporation and Cablecross Projects where a series of different principles apply to the issue of when it is necessary or permissible to have regard to the possibility of meeting a recognised need elsewhere other than on the application site, is unhelpful.

In this company's original report of December 2008, attention was drawn to the more recent judgement in the High Court case R (on the application of Bovale Ltd) v Secretary of State for Communities and Local Government(2008) EWHC 2538(Admin) in which the existence, or non-existence, of an alternative site to accommodate a particular proposal was held by Sullivan J, as he was then, to be a material consideration. In so doing Sullivan J referred to the first criterion set out above by Simon Brown J in the Trust House Forte decision, highlighting, if it were necessary, various principles emerging from this earlier judgement.

These supplementary representations reveal that that there are other sites, or likely sites, which could sensibly satisfy the need for a criminal justice centre to cater for the Northampton area, and where the nature and degree of harm arising from the proposal would be less than at 700 Pavilion Drive. To the extent that these alternative sites have not been properly assessed, or where their reasons for rejection are based on dubious grounds, constitutes, in the writer's view, a sound basis for refusing Application No. 08/0283/FULWNN.



FEAR OF CRIME

Two principal factors emerge from the additional material provided by Savills on behalf of Northamptonshire Police Authority, where it is concerned with the issue of fear of crime.

- A. The very nature of the topic “fear of crime” demands in the writer’s view, an unbiased assessment carried out by an independent market research company, if only to ensure that the results are given the credibility they deserve, since otherwise there is a tendency to manipulate, whether consciously or not, the conclusions sought by the particular client.

It is for this reason that Barclaycard engaged the services of an independent market research company, Silver Dialogue, who were directly responsible for the phrasing of the questions to avoid bias. The same independent market research company were responsible for not only producing the results, but ensuring that the same results when used in the writer’s original representations of December 2008, had not been manipulated to produce conclusions which were different from the actual survey results.

No indication has been given in the Supplementary Report by Savills on what questions were posed to residents, amenity groups and businesses in the areas where fear of crime was considered, which is an important consideration, since otherwise there is a tendency to ask questions in a way which will elicit the preferred answer.

- B. It is a matter of fact that the responses to fear of crime issues are likely to produce different results in different areas, depending on a host of factors, including the demography in which the proposed criminal justice centre is to be located, the site’s intrinsic land use characteristics, the extent and nature of any residential development, employment profiles, and existing levels of crime, to name a few.

It is for this reason that it is not unusual for there to be cases such as those involving the Euston Street Custody Suite, Leicester, and the Northern Area Custody Facility at Stoke on Trent, where no objections were received to the planning applications, let alone on fear of crime issues. This situation is in sharp contrast to the position at 700 Pavilion Drive, given its location on a prestigious business park, where the fear of crime issue is unlikely to go unnoticed, especially where the staff associated with a major employer in the form of Barclaycard are female, working on a 24 hour, 7 day a week basis.

As if to confirm the point, in considering the proposed custody suite at Houghton Road, Carlisle, Cumbria, Savills candidly state in paragraph 4.4.4 of their Supplementary Report:-

“4.4.4 In referring to the refusal of the Cumbria Proposal, TNA propose that the CJC should also be refused for similar reasons. We would counter that each planning application



should be considered on its own merits and it does not necessarily follow that the same weight given to fear of crime by the planning authority in the Cumbria Proposal should be given, by WNDC, in the context of the CJC.” (my emphasis)

This must place in doubt the purpose of undertaking the survey of four other criminal justice centres, all in different locations of the country, and all displaying different site characteristics. What is however relevant is that no other in depth, unbiased surveys of the kind undertaken by Silver Dialogue have been produced by the applicants to support their contention that fear of crime along with public safety and security should not be considered to be an important consideration in a determination of the application for a proposed criminal justice centre at 700 Pavilion Drive.

In the same way as the applicants’ planning consultants have fallen into the trap of treating individual judgements on a particular issue as though it was an enactment in a general application of the law concerning the issue of alternative site provision; so too does this matter manifest itself in their reference to case law on the fear of crime.

It is without doubt important to understand that there is no “one size fits all” approach to this issue and the comments made in paragraphs 4.3.4 to 4.3.8 of Savills’ Supplementary Report, if taken literally, is to mislead both your officers and Members as to the principal considerations which need to be examined in considering fear of crime issues.

In short, there are more than two key principles derived from case law on the fear of crime issues, and to suggest that there are only two is to fail to properly consider this important issue. In this company’s original report of December 2008 objecting to the proposed development, the nuances arising from Court rulings relating to public safety, security and fear of crime issues for a period of over a decade are set out by reference to seven considerations at pages 62 to 65 inclusive. No attempt was made to concentrate solely on those issues which may benefit my client’s position, as has been the case in Savills’ Supplementary Report, since to do so is to mislead and give a false account of how this issue is required to be addressed.

I can only state that unless proper credence is given to **all** those primary issues emerging from cases involving public safety, security and fear of crime considerations, Members of your Committee will be placed in the unenviable position of making a judgement on the same considerations without the full facts to hand.

CONCLUSION

It is not disputed that there may be sound operational and management reasons for creating a multi agency centre for handling all aspects of investigation and prosecution of those who are accused of breaking the law.



However, this does not mean that the wider benefit provided by such a facility should undermine development plan policy, particularly where the arguments advanced in support of the proposal are insufficient to ensure compliance with the relevant policy. Furthermore, planning permission should not be granted where the criteria surrounding the site selection process, and the reasons for rejecting other appropriate locations, have been shown to be both inconsistent and inadequate; and where ambiguities have occurred in the reasoning for dismissing alternative sites.

It is disingenuous to suggest that reference to other areas where criminal justice centres have been constructed prove that the fear of crime issue should be given little weight when assessing the proposed criminal justice centre at 700 Pavilion Drive. This conclusion does not sit comfortably when Savills in their Supplementary Report rely on the mantra that *"every application should be considered on its own merits"* to challenge the views set out in this company's original report where it related to the proposed freestanding custody unit at Houghton Road, Carlisle, Cumbria. This is particularly the case when unbiased assessments by independent market research companies have proved that in the case of 700 Pavilion Drive, public safety, security and fear of crime have been shown to be an important material consideration.

Accordingly, it is my client's view that new no material considerations arise from the Supplementary Report produced by Savills in August 2009 which reinforce the view that planning permission should be granted. On the contrary, for the reasons stated in this company's original report of December 2008; the comments set out in my correspondence dated 3rd April 2009 and these further representations, the balance of the evidence is firmly in favour of refusing Application No. 08/0283/FULWNN.

Yours faithfully

T.F. North

Cc: 400 Pavilion Drive Ltd

NORTHAMPTONSHIRE POLICE AUTHORITY

Resources Committee

21 June 2007

Report by the Chief Constable

Subject: **Development of Wootton Hall Park**

Recommendations:

1. That members formally approve the proposed programme of work in connection with the development of Wootton Hall Park, details of the collaborative agreement to be set out in a formal document to be signed on behalf of the Authority by the General Manager.
 2. That members agree to meet 50% of the cost of professional fees incurred
-

1 INTRODUCTION

- 1.1 Both the Police Authority and the Northamptonshire County Council (NCC) hold significant land assets within the boundary of Wootton Hall Park. Members may be aware that the 70 acre site was purchased by the NCC in 1947 and that approximately 25 acres was allocated to the police to establish the new county headquarters. The site has been developed over the years to include police housing, sports facilities and a number of buildings to house NCC staff. Several changes to the allocation and use of the site have been made to facilitate changes in the needs of both parties.
- 1.2 On the formation of the new Police Authority in April 1995, the land was divided between the police and the NCC and the ownership is now as indicated on the plan Attached at Appendix A. The only land not currently in NCC or Police Authority ownership is the site of the ambulance station at the entrance to the site owned by the East Midlands Ambulance Service (formerly the Two Shires Ambulance NHS Trust).

2 OBJECTIVES

- 2.1 The Estates Strategy was approved by the Resources Committee in September of last year. The paper referred to the need to identify opportunities to release capital and drew attention to the fact that, following the disposal of police housing, the Authority's only remaining land holding is at Wootton Hall Park.
- 2.2 As members are aware, Wootton Hall Park is one of the options identified as a site for the construction of the new Criminal Justice Centre. The report approving the funding of the project submitted to the full Authority on 6 December 2006 identified the advantages and disadvantages of this and 9 other options and also proposed that the Head of Property Services should continue to work with the NCC to identify opportunities to obtain further capital receipts from the sale of land as a means of offsetting the cost of the Criminal Justice Centre project.

- 2.3 A major issue associated with further development of the site is access. As a result of previous planning applications by the Police Authority, a section 106 agreement was entered into in December 2004 requiring a payment to be made in respect of highway improvements at the Mereway junction. This payment has been made and held in escrow by the Highway Authority pending further development.
- 2.4 Informal meetings have been held with the West Northants Development Corporation (WNDC) recently to discuss the strategy for progressing the development of Wootton Hall Park. The area in the centre of the park, most of which is used for sporting purposes, is designated as green space under the local plan which expires in September 2007. WNDC advise that, given the current classification of the land and the difficulties associated with access, the proposals should be progressed through the Local Development Framework.
- 2.5 The NCC has identified a need to relocate staff based in old and deteriorating accommodation at Wootton Hall Park, including the Trading Standards, Fire & Rescue and Archaeology departments. A further building, previously occupied by the DVLA, is vacant.
- 2.6 Both the Authority and the NCC therefore have an interest in the future of Wootton Hall Park and it is proposed that both organisations work together in partnership to identify a sound basis for future development. The NCC has an established contract with property consultants Lambert Smith Hampton to advise on the management of their portfolio and it is suggested that the company be instructed to take the project forward on behalf of both parties.
- 2.7 It is also proposed that, in order to formalise the collaborative arrangements, a Memorandum of Agreement is drawn up to be signed by the Authority and the Council setting out the shared objectives of the project and identifying the scope of the work.

3 SCOPE OF THE REVIEW & PROPOSED DEVELOPMENT FRAMEWORK

3.1 The review will incorporate the following:-

- An assessment of planning policies and other relevant guidance affecting the potential development of the site
- An assessment of the constraints and opportunities that exist for development
- Identification of the likely end uses for the site and the values that may be obtained

Professional input will be required to carry out the various impact assessments required including landscaping, transport & access arrangements, environmental and health.

3.2 The development framework will address the following:-

Stage 1 – Master Plan Framework

Preparation of outline proposals for the area including: -

- land use proposals;
- key linkages and context within the surrounding area;
- indicative built form, mass and height;
- identification of gross development densities and plot ratios;
- proposals relating to horizontal and vertical separation of uses;
- access requirements, cycling, pedestrian and car policy;



WNDC

29th September 2008

Mr Tim North
Tim North & Associates Limited
17A Reading Road
Pangbourne
Berkshire
RG8 7LR

Dear Sir

Re: Criminal Justice Centre Northampton

I refer to your letter of 28th August 2008 and 18th September 2008 regarding the recent meetings that you have had with the Police Authority in connection with the above.

In your earlier letter you have asked a series of questions regarding the development potential associated with the existing facility at Wootton Hall. As you may recall the Police Authority in 2007 gave consideration to the redevelopment of the wider Wootton Hall site as part of a review of their existing operations together with those of the County Council. This review was subject to a degree of public examination which raised a range of concerns. The Wootton Hall site is protected by local planning policy and the Police Authority were aware of the policy implications associated with developing the overall site area. More specifically, the proximity of the site and access to the key junction on the A45 was a matter of some importance. Detailed comments in respect of any development proposals were not provided. Instead, the authority was advised to promote such a substantial development proposal through the development plan (Local Development Framework) process where the wide ranging issues associated with the site could be examined.

You have enquired whether in principle a Criminal Justice Centre would be acceptable on the land at the existing Police Headquarters. Insofar as the development would be consistent with the existing use there is no fundamental policy reason, say for the protected areas, why such a facility should not be constructed at Wootton Hall. The capacity of this site to accommodate such a use however is not something that I am able to comment upon in detail.

The need for developer contributions for a new CJC at Pavilion Drive will need to be determined following the formal consultation outcomes from the planning application and will be dependent upon the details of the application as submitted. WNDC has recently published a Planning Obligations Strategy with regard to developer contributions which highlights that because of the variable nature of commercial development a uniform standardised charge will not be applied at this time.

West Northamptonshire Development Corporation

P.O. Box 355, Franklins Gardens, Northampton, NN5 5WU ■ Tel: +44 (0)1604 586600 ■ Fax: +44 (0)1604 753209 ■
www.wnudc.org.uk

West Northamptonshire Development Corporation Order 2004 No3370

In your subsequent letter of 18th September you asked two further questions. In respect of the Section 106 Obligation at Wootton Hall, WNDC were not the planning authority for that application at that time and regrettably I am not aware of the contribution or its trigger point. I will however investigate this matter further. With regard to the memorandum of agreement with Northamptonshire County Council this would be a matter between those two parties. WNDC does not have a copy of any such agreement and I would invite you to write to the Chief Executive of Northamptonshire County Council on this matter.

I trust that this letter addresses your questions but invite you to contact me should you have any further queries.

Yours sincerely



Stephen Kelly
Planning and Development Director

West Northamptonshire Development Corporation

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West Northamptonshire Development Corporation Order 2004 No3370

Our Ref: 8831-01/GPB/114
Your Ref: 08/0283/FULWNN



Director of Planning
West Northamptonshire Development Corporation
PO Box 355
Franklin's Gardens
Northampton
NN5 5WU



9th September 2009

Dear Sir

**PLANNING APPLICATION 08/0283/FULWNN
PROPOSED CRIMINAL JUSTICE CENTRE (USE CLASS C2A)
LAND AT 700 PAVILION DRIVE, NORTHAMPTON BUSINESS PARK**

We act for a consortium of landlords and owner occupiers of several office premises located on Northampton Business Park. The consortium is made up as follows: VSG (Unit 650), The Redwood Partnership (Unit 600), Harris & Co (Unit 600), Kilby Fox (Unit 600), Cambridge University Pension Fund (Unit 500), ING Real Estate (Unit 800) and Circle Properties Ltd (Unit 300).

On behalf of our clients, we wrote to you on 6th January 2009 to object to the proposed development by Northamptonshire Police Authority (NPA) of a Criminal Justice Centre (CJC) on land at the end of Pavilion Drive, known as plot 700. We also submitted further letters of objection dated 3rd February and 31st March 2009.

We have read the Supplementary Report prepared on behalf of Northamptonshire Police Authority, dated August 2009, which seeks to address the various concerns raised by the Planning Committee at its meeting on 26th May 2009, which resulted in a decision on the application being deferred.

We consider that the Supplementary Report is unsatisfactory and does not provide the necessary justification for planning permission being granted contrary to the provisions of the Development Plan. Our clients therefore remain strongly opposed to the proposed development for the reasons given in our previous objection letters.

Our detailed comments on the Supplementary Report are set out below:

Operation of CJC

The CJC cannot be compared with Campbell Square and Weston Favell Police Stations as it has very different operational characteristics. In particular, its primary function is a custody suite, with related facilities for the processing of detainees; and not a police station.

Fear of Crime

It is clear from the two independent surveys of employees based at Northampton Business Park that fear of crime is a real and significant concern in relation to the proposed CJC. The applicant has not questioned the validity of the survey methodology, hence the survey results should be afforded considerable weight.

The applicant gives four examples of 'similar' facilities and seeks to demonstrate that since the opening of these facilities, there has been no adverse impact on local crime levels. It is evident however that there are several differences between the nature of these facilities and/or their surroundings, when compared to the proposed CJC at Pavilion Drive; in addition the information on crime levels is largely anecdotal. Hence it is not possible to draw the general conclusion that the opening of a custody suite would result in lower crime levels or no increase in the surrounding area, as claimed by the applicant.

In relation to the examples quoted, we would comment as follows:

Ystrad Mynach, Gwent

- The site allocated for a police station in the Unitary Development Plan, and the Custody Suite is attached to a police station; therefore it is not comparable to the proposed CJC which involves a departure from the development plan and is not attached to a police station.
- No crime statistics available to show the before and after figures for the local area.

Etruria, Stoke-on-Trent, Staffordshire

- The Festival Business Park is an area of mixed commercial use, including retail and leisure businesses; hence the location is not comparable to Pavilion Drive which is occupied almost exclusively by offices.
- The 'before and after' crime figures for the Festival Business Park are inconclusive, and although overall crime levels fell by one third over the survey periods, theft from motor vehicles increased by over 70% in the period post custody facility opening. Also, judging by the photograph on page 14, the presence of the custody facility has done nothing to deter unlawful car parking. This is likely to be a significant problem at Pavilion Drive if the CJC is located there, as there is no unrestricted parking in the area and the proposed scheme makes no provision for visitor parking for those visiting or collecting detainees, or delivering those bailed to return.

Euston Street, Leicester

- The facility is located on an industrial estate and not a business park; hence the location is not comparable to Pavilion Drive.
- The crime figures for the local area before and after the opening of the custody suite show only a marginal decrease of 4.5% in real terms, given the fall in crime levels overall for the period 2004/05 – 2008/09.

Runcorn, Cheshire

- No crime statistics available to show the before and after figures for the local area

Alternative Sites

In discussing the extent to which alternative sites are a material consideration, the applicant refers to case law based on two judgements in 1986; however no reference is made to a recent High Court judgement, *R (on the application of Bovale Ltd) v Secretary of State for Communities and Local Government* (2008) EWHC 2538 (Admin). In this case it was held that conflict with the development plan (as in the current case) is capable of amounting to a clear planning objection, and that on the basis of the *Trust House Forte* case, where such objections are sought to be overcome by reference to need (as in the current case), then the greater those objections, the more material will be the possibility of meeting that need elsewhere. The Judge held that it was plainly relevant to consider whether there were other sites (within Hereford) on which the need might be met. The same approach needs to be applied in the determination of the current application, otherwise any permission granted would be open to challenge.

It is clearly not the case that the proposed site is the only suitable site in Northampton for the CJC, and it is apparent that there has been no proper analysis of alternative sites from a planning perspective. The fact that the Police Authority decided to acquire a site (unconditionally) and that (as stated in paragraph 5.3.17 of the Report) further delay and costs would result from having to now pursue alternative sites are not material planning considerations, and therefore totally irrelevant to the decision on the current planning application.

Local Plan Policy B14

The policy sets out two tests, both of which must be satisfied if permission is to be granted as an exception to normal policy; these are that the development would be of significant benefit to the local community and would lead to substantial employment opportunities. We consider that the proposed CJC satisfies neither test for the following reasons:

Significant benefit to the local community

- The applicant's argument is that wider community benefit (arising from more efficient working) equates to local community benefit; however this is plainly not sufficient to meet the relevant policy test as the alleged local benefit is only indirect, which is not what the policy requires.
- The only suggested benefit to the local area is high visibility policing, providing reassurance and deterrence. However this can only be seen as a potential benefit if crime levels are at or above the average levels for the Northampton area as a whole; whereas it is a fact that Northampton Business Park currently experiences extremely low levels of crime, which reflects the nature of the Business Park and the way it currently operates. On the contrary, our clients consider that the proposal will be of significant disbenefit as it will fundamentally and adversely change the character of the Business Park and it will detract from its high profile and attractiveness as a premier office location.
- It is evident that the planning permission for the use of part of No.500 Pavilion Drive for medical use (class D1) was itself based on an incorrect application of the policy test, and as such this permission is flawed should not be regarded as a precedent to support the proposed CJC.

- A far more relevant precedent (not referred to in the Supplementary Report) is the 1999 refusal of permission for a hotel and restaurant on the land at 700 Pavilion Drive, where the Borough Council correctly concluded that neither of the tests in Policy B14 was satisfied.

Substantial employment opportunities

- The applicant confirms that the majority of the jobs at the CJC will be occupied by existing staff transferring from other departments, yet has not confirmed how many of the jobs will be new; this is most unsatisfactory given that this was a significant issue raised by the Committee. It must therefore be assumed that the number of new jobs created will be insignificant.
- The number of jobs at the CJC is also unclear as there is a significant and unexplained difference between the staff numbers quoted in the Report (200) and those listed in the Travel Plan (May 2009 revision), which equate to a total of 154 (including all shifts), but a maximum of only 124 on any one day. As this information has been used to calculate trip generation and the Travel Plan is to form part of the Section 106 Agreement, then presumably these figures are the correct ones. If the number of jobs is in fact 200, then this calls into question the validity of the Travel Plan and trip generation figures upon which the Highways Agency assessed the proposal.
- In applying the 'substantial employment opportunity' test, it is self-evident that a comparison has to be made between the proposed use and any permitted/allocated use in terms of the level of employment generated; indeed this was the approach followed by officers in respect of the hotel and restaurant proposal referred to above. In that case, 70 staff (which would be new jobs) would have been employed, yet this was deemed not to amount to substantial employment opportunities when compared to what could be expected for a business use.
- Under the extant office permission, about 260 jobs would have resulted, 104 (or 67%) more than for the proposed CJC. However the number of new jobs would have been significantly more than for the CJC, which is to be occupied mainly by transferred staff.
- The potential for further job opportunities arising from staff turnover and natural growth, as advanced in support of the CJC, should be disregarded as this is applicable to any employer.
- The applicant's suggestion that a class B8 use should also be looked at in terms of comparative employment generation should be disregarded, as there is no prospect of planning permission being granted for such use on the application site.

It should also be noted that no reference is made to the various employment land studies that have been undertaken in recent years, the most recent of which is the Northamptonshire Strategic Employment Land Assessment (SELA). These conclude that there is a shortage of high quality sites for office development in Northampton to provide for the projected demand for office floorspace arising from Northampton's planned growth. It follows that existing available high quality sites such as Pavilion Drive should be safeguarded for this purpose and not developed for other uses; and in this context the Pavilion Drive site (referred to as N3) is listed as one of the Northampton Sites Recommended for Prioritisation in the SELA.

Draft Heads of Terms for S106 Agreement

Our clients do not accept that the operation of a Detainee Release Policy is capable of overcoming the previously stated objections to the CJC. Also it does not cater for those returning on bail, who are likely to make their way to the CJC by car.

In the event that WNDC considers otherwise, it is still necessary to consider whether the operation of such a policy can be legally enforced and monitored, and our clients contend that it cannot be.

In addition, it is apparent from studying the draft Section 106 Agreement that:

- The provision of transport for released detainees is not intended as the preferred approach, but as a last resort if arrangements cannot be made for their collection by a relative, friend or other person (see also paragraph 4.5.14 of the Supplementary Report)
- The provision of a vehicle designated for this purpose will be reviewed on an annual basis depending on the level of usage, which is incapable of being independently monitored; this approach also discourages the use of the vehicle so that a case can be made by the Police for not retaining it for its designated use (in order to achieve cost savings).

In relation to the proposed Travel Plan, the 5 year period allowed for achieving the targets relating to modal shift etc. is excessive and should be reduced to no more than 3 years. Also the Travel Plan Default Sum payable if the specified targets are not met should be required each year until the targets are achieved.

In conclusion, our clients remain strongly opposed to the proposed development for the reasons set out above and those given in our previous objection letters, and we trust that the Committee will refuse planning permission.

Yours sincerely



Geoff Bolton
Associate

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lk

Application Number: 08/0283/FULWNN
Name: Revd B H Stevens
Address: The Vicarage, 29 Back Lane
Hardingstone,
Northampton
NN4 6BY
Date and time of comment left: 25-08-2009 15:44
Comment Type: Object to Proposal
Comment:

In its latest submission, the NPA is being disingenuous (and at great length!).

No matter what

' risk assessment ' is done, unless there is good reason to put a prisoner before the court, they have to be released within very strict time limits. Campbell Square and Weston Favell both have excellent transport facilities - Brackmills practically none. The proposed transport system (which prisoners are not obliged to use) may work some of the time, but as the police apparently release an average of four prisoners an hour, it clearly will not cope at peak period, when there are likely to be many more. To return a prisoner, for example, to Daventry, would take about an hour, what happens in the meantime to others who have to be released? The wide proposed use of the CJC by other agencies as well as police would cause severe further parking problems in the area - the site itself would not have enough parking for police vehicles, staff, solicitors, doctors, interpreters, social workers and so on who would need to be present, and there is already a good deal of pressure on the existing road space.



Applicant:

Northamptonshire

Police Authority

Application No:

08/0283/FULWNN

Date Registered:

25/11/2008

Expiry Date:

24/02/2008

Grid Ref: 476515/258290

Ward: Nene Valley

APPENDIX TWO



**Temporary Chief Inspector Dick Lewis
Custody Programme Manager
Northamptonshire Police**

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16 September 2009

Bernadette Owens
West Northamptonshire Development Corporation
Planning Department
PO Box 622
Northampton
NN5 5WR

Dear Bernadette

**Proposed Criminal Justice Centre, Brackmills
Application reference: 08/0283/FULWNN**



A letter of objection to the above, submitted to you on 9 September 2009 by Mrs Maggie Ceely, contains a number of inaccuracies and misrepresentations that we cannot allow to stand uncorrected.

Mrs Ceely's overall premiss – that all recently developed Criminal Justice Centres (CJC) are located either within or as part of an existing or new police station or police headquarters, and that they are predominantly located in town centres – is incorrect.

As the attached chart shows, the primary function of each of the CJs reviewed by Northamptonshire Police Authority (NPA) is exactly the same as that proposed for Brackmills. One centre (Gwent) also includes a section office for local officers and another houses the administrative offices of the local area command, however in both instances – and as confirmed by the planning documents submitted for each facility – these uses are secondary to the facilities' primary use as a custody suite/CJC.

The attached chart also confirms that none of the reviewed CJs can be categorised as 'town centre'.

Given the above, NPA reiterates its clear belief that comparisons can be drawn between the impact of the four centres reviewed and the likely impact of the CJC proposed for Brackmills.

continued...

In respect of the comments made by Mrs Ceely about each of the four CJs reviewed by NPA, we would make the following comments:

Runcorn: Mrs Ceely quotes statistics for the wider area of 'Runcorn district' rather than the localised, more accurate figures quoted in our report. The fact is that crime levels immediately around the custody facility are below average or average for the county as a whole. These statistics are all freely available on the Cheshire Constabulary's website (<http://cheshire.crimemapper.co.uk/map>).

Gwent: again, the crime statistics given by Mrs. Ceely are misleading since they are for the wider district of Ystrad Mynach, including towns and villages five miles away from the custody facility. Our figures are for Ystrad Mynach town itself and these show that, as Mrs Ceely acknowledges, crime levels around the custody suite are in line with the county average.

Leicester: Leicestershire Police clearly did not understand the question that it was being asked by Mrs Ceely. There is a CJC in Leicester - the Euston Street Custody Facility was described as being a 'new central custody/detainee accommodation and major incident suites' in the planning documentation submitted on behalf of the police in 2002.

Stoke: as with Leicester, the local Police Authority was clearly confused by the question asked by Mrs Ceely. The planning application submitted for the 'Northern Area Custody Facility' in 2003 describes it as 'having a total of 40 cells and a two storey administrative/service section'. Additionally, you do not have to cross a busy road to reach the closest houses. These are just 100 metres away and can be reached by a direct footpath and underpass. These homes are therefore closer - and more easily accessible - than are the homes in Hardingstone to the proposed CJC at Brackmills.

As is clear from the clarifications given above, Mrs Ceely's proposition that the case studies submitted by NPA confirm that local residents have a legitimate fear of crime in connection with the CJC proposals, is incorrect.

Yours sincerely



T/CHIEF INSPECTOR DICK LEWIS
Custody Programme Manager

Custody Facility	Description in Planning Documentation	Primary Function	Secondary Function	Distance from town centre
Runcorn – Manor Park Custody Suite	'Short term custody facility and ancillary development, including landscaping and car parking' '31 cell custody unit and police section station'	Purpose-built, stand-alone custody facility providing 35 cells	None	5.8km from Runcorn rail station, constructed within a newly built business park
Gwent – Ystrad Mynach Custody Suite	'31 cell custody unit and police section station'	31 cell custody unit	Section office for local officers, enquiry desk open regular office hours, and major incident suite	600m from the train station, bordered on two sides by parkland
Leicester – Euston Street Custody Facility	'Police custody suite and area command offices' (<i>Outline application</i>) 'Single and two storey police custody suite and major incident offices' (<i>Reserved matters</i>)	Purpose-built police custody facility with 36 cells	Temporary 'area command offices' with the site 'not [to] function as a police station to be visited by members of the public'	2.1km south of Leicester town centre
Stoke – Northern Area Custody Facility	'Police custody facility, 16.2 metre telecommunications tower and ancillary car parking'	A purpose-built, stand-alone facility to 'replace several existing custody sites in North Staffordshire'	None	The custody facility is outside of the designated city centre and 1.6km from the main shopping district.

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Adrian Arnold Esq.
Interim Director of Planning & Development
West Northamptonshire Development Corporation
Planning Department
PO Box 622
Northampton
NN5 5WR

9th September 2009

Dear Mr Arnold

Application reference: 08/0283/FULWNN
Proposed Criminal Justice Centre at Brackmills, Northampton

Further to my letters to you of 10 October, 31 December 2008 and 5 June 2009 objecting to the proposed CJC planning application.

As mentioned previously, from information provided to me by other Police Forces, all recently developed Criminal Justice facilities have been located either within existing Police Stations or as part of a new Police Station or Police Headquarters, mostly in town centre locations. They are not stand-alone location multi agency facilities as is proposed for Brackmills.

Having now read the Northants Police Authority's further report providing additional information on the "similar custody centres" I am still of the opinion that these are not "like for like" comparisons. Those cited in this NPA report are:

- **Runcorn** is one of three locations in Cheshire designed, built, financed and operated by an outsourcing organisation (GSL) who are a provider of police support services. These purpose built custody facilities were the first of their kind in the UK and the Custody Suite at Runcorn is based at a newly built Business Park in Runcorn near a good road infrastructure. Published crime statistics (not included in the NPA Report) indicate changes on a three month rolling average as at October 2008 for the Runcorn district were:
 - Serious Violent Offences -47%
 - Assault with Injury +10%
 - Burglary Dwelling +15%
 - Robbery +38%
 - Theft of Vehicle -35%
 - Theft from Vehicle +116%
 - Drugs +37%
 - Criminal Damage -19%
 - Anti Social Behaviour Incidents +7%Theft from vehicles, robbery, drugs and burglary showing the highest increase for the period. Crimes of the nature that Hardingstone residents fear most.

- **Gwent** Built at Ystrad Mynach the Criminal Justice custody facility is part of a new Police Station and, according to Gwent's Police's website, the level of crime there is "average" compared to the rest of Gwent – and confirms an **increase of 41.7% during first quarter 2009 against first quarter 2008**. I would consider this a serious increase in level of crime. This is contrary to item 4.2.22 in the NPA report and in the Appendix 2 Case Studies Research where the only crime figures quoted are those for first quarter 2009 and it is indicated that comparative crime figures are not available, when they are clearly available on the Police's own website.
- **Leicester** which is based near the City Centre, not on the outskirts of the City, in a Business Park. I have a letter from Leicestershire Police in response to my question "Do you have any operational Criminal Justice centres in your area?" They replied "There is no facility like this within Leicestershire. Following arrest and if the detainee is charged, they await collection by a private company and then taken straight to court."
- **Stoke** is again based in a town centre retail, entertainment and business park location (possibly as a PFI, built and run by outsourcing similar to that at Runcorn?) and I have correspondence from their Police Authority stating "Criminal Justice Centre is taken to mean a single location with multi agency occupancy of criminal justice agencies. Staffordshire does not have any such centres." The NPA Report states that the Stoke site is 100m from housing on the other side of an A road whilst the proposed Northants site is 200m from housing – however it doesn't mention that this housing is accessed via a well used public footpath, not across a busy main road.

Item 4.3.3 in the NPA Report (Fear of Crime – a Material Planning Consideration) infers that "The experience of communities within which comparable facilities are located indicates that there is no evidence to suggest crime levels will increase, and as such this perception is unwarranted. A key principle emanating from case law is the requirement that any fear is justified in order for it to be a material consideration." **This fear can be justified in view of crime levels in the Gwent situation.**

As a concerned resident of Hardingstone with a genuine fear of increased crime near my home, whilst acknowledging the need for improvement of the existing custodial facilities in West Northamptonshire, I would urge you to reject this application for the Brackmills site.

Yours sincerely



Maggie Ceely (Mrs)

c.c. Rhodaine Quayle & Bernadette Owens (by email) for distribution to Planning Committee Members



APPENDIX THREE

Applicant:

Northamptonshire

Police Authority

Application No:

08/0283/FULWNN

Date Registered:

25/11/2008

Expiry Date:

24/02/2008

Grid Ref: 476515/258290

Ward: Nene Valley



Applicant:

Northamptonshire

Police Authority

Application No:

08/0283/FULWNN

Date Registered:

25/11/2008

Expiry Date:

24/02/2008

Grid Ref: 476515/258290

Ward: Nene Valley

Northampton UDA Planning Committee Paper

Report by Interim Director of Planning and Development

Date of Committee Meeting: Tuesday 26th May 2009

Agenda Item: 4

Description: Criminal Justice Centre (Use Class C2a) with associated parking, landscaping and access (Full Application).

Address: Land at Pavilion Drive, Northampton, NN4 7YL

1. Recommendation

1.1. That delegated powers be given to the interim Director of Planning and Development (or other nominated officer) to **APPROVE** the application subject to the following;

- i. The submission of a satisfactory Travel Plan (to include the Detainee Release Policy);
- ii. The submission of a satisfactory Transport Statement;
- iii. S106 Legal Agreement; and
- iv. Conditions

Reason: By reason of its scale and use, the proposed Criminal Justice Centre would generate significant employment opportunities and community benefit and as such would comply with the requirements of policy B14 of the Northampton Local Plan.

2. Description of Site

2.1. The application site is located on the western edge of the Brackmills Business Park adjacent to the existing Barclaycard office building within an area of predominantly B1 office development.

2.2 The application site is vacant undeveloped land comprising 0.97ha allocated for Business use.

3. Description of Proposal

3.1 The application seeks permission for a Criminal Justice Centre (CJC) (Use Class C2a). The Centre will serve the Northampton West policing area forming part of a wider strategy for the replacement of the six existing police sites within Northamptonshire.

3.2 The proposed Centre will comprise two main elements; a 50 cell custody unit for the processing of detainees; and office space to accommodate staff associated with the investigation and prosecution of detainees from within the Centre including the Criminal Justice Unit; Identification Suite; and Prisoner Investigation Unit.

3.3 The application proposes two storey offices at the front of the building which would sit above the 50 cell custody suite and associated interview rooms which would be located within a single storey below.

3.4 The building has also been designed to ensure that the accommodation is flexible for future growth and has been designed to allow for an additional 10 cells to be accommodated if required in the future.

3.5 The custody suite is proposed to operate 24 hours a day seven days a week in order to process and investigate people who have been detained by the police on suspicion of committing a crime. The centre is designed for short term detainees (an average 9 hours).

4. Policy Considerations

WNDC Purpose

4.1 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

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

PPS1 – Sustainable Development;

PPS1 – Sustainable Development: Planning and Climate Change Supplement;

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;

PPG13 – Transport;

PPS23 – Planning and Pollution Control;

PPG24 – Planning and Noise; and

PPS25 – Development and Flooding.

Regional Planning Policy

- 4.3 The East Midlands Regional Plan Policy 22 – Regional Priorities for Employment Land

Local Planning Policy

- 4.4 Northamptonshire Structure Plan Policy SDA1 – Strategic Development Area Proposals

- 4.5 Northampton Local Plan Policies B14 – Non-business use within business areas; E1 – Impact on character and structure of landscape; E14 – Corridors of travel; E20 – New development; E40 – Impacts on crime and vandalism.

Supplementary Planning Guidance/Documents

- 4.6 Parking SPG (2003)
- 4.7 Planning out Crime in Northamptonshire (2003)

Other non-statutory documents

- 4.8 WNDC Planning Principles (February 2009)

WNDC corporate objectives are threefold as follows;

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

5. Representations

Northamptonshire County Council (NCC)

- 5.1 The NCC Sustainable Transport team have requested further information to be submitted to ensure that the proposed development would not have any material impact on the local or strategic road networks. Further detail is also required in respect of the Travel Plan.

In addition, financial contributions are required to be secured through a S106 agreement for an additional bus journey at peak shift times and for improvements to cycle infrastructure.

Northampton Borough Council (NBC)

- 5.2 No formal objection has been raised. However, the following issues have been highlighted as specific concerns;
- Current access arrangements and impact upon traffic and congestion within the Brackmills area;
 - Inadequate Travel Plan;
 - Enforcement of Detainee Release Policy and negative impact to residents of Hardingstone and surrounding businesses;
 - Adjacent footpath would encourage detainees into Hardingstone; and
 - Proposed building would be too large in scale.
- 5.3 Should WNDC be minded to approve the application it is requested that the following be taken into account;

- Inclusion of the Detainee Release Policy within either 1)an agreed Travel Plan; 2)as part of a planning condition; or 3) as part of a S106 agreement;
- Submission of detail of the proposed wood chip boiler; and
- Imposition of a planning condition to require development be undertaken in accordance with the recommendations of the acoustic report;
- Imposition of a planning condition to require detail of window and ventilation systems.

Northamptonshire Police Crime Prevention Design Advisor (CPDA)

- 5.4 The CPDA has confirmed that they have had significant involvement with the proposal, giving advice on security standards for car parking, perimeter and hard and soft landscaping. The design has also been vetted by the Counter Terrorism Security Advisor. The CPDA has therefore confirmed that they have no comments to make.

Anglian Water (AW)

- 5.5 Standard Informative Statements have been set out which the applicant will need to be made aware of.

Environment Agency (EA)

- 5.6 The EA has no objection to the proposal. However, a condition is suggested to control surface water from the parking area to be intercepted prior to disposal to groundwater.

Highways Agency (HA)

- 5.7 The HA had initially submitted a Article 14 (holding direction) in respect of the application based on inadequacies in the submitted Travel Plan. Following further review of the submitted information in consultation with the HA, they are of the opinion that, the Travel Plan still fails to provide clear guidance as to how the set targets will be achieved.
- 5.8 The Travel Plan will need to be further revised to take account of the recent HA comments.

The Wildlife Trust

- 5.9 The Trust advises that a Great Crested Newt Survey be undertaken. It is also recommended that Natural England be consulted.

Natural England

- 5.10 Natural England initially objected to the application due to lack of survey information relating to Great Crested Newts and Bats. Further ecological surveys have been undertaken by the applicant and Natural England has confirmed that they have no objection to the application subject to the imposition of a condition to secure ecological enhancement of the site.

6. Notifications and Responses

- 6.1 Thirty two (32) letters have been received from residents of nearby Hardingstone and eleven (11) from neighbouring businesses and consultants representing them. The following concerns have been raised

- Location and proximity to Hardingstone village and the subsequent impact on safety and security of residents;
- Increase in crime;
- Inadequate access and car parking provision;
- Detainee release and transportation way from the area;
- Inadequate public transport
- Unsuitable location within a business park contrary to Local Plan policy B14;
- Loss of new job opportunities;
- Impact on safety and security of neighbouring businesses;
- Implications for status and image Pavillion Drive/Brackmills Estate;
- Implications for retention of businesses on the Brackmills Business Park;
- Implications for recruitment and retention of staff within the Business Park;
- Adverse impact on the appearance of the business park and surrounding area;

- Adverse impact on the amenity of neighbouring occupiers.
- 6.2 A petition has also been received setting out total objection to the proposed CJC. The petition contains 217 signatures of local residents, the majority of which are from Hardingstone.
- 6.3 In addition, Barclaycard employed consultants to undertake an online survey of its staff to understand their views about the proposed CJC, the main findings of the survey are as follows;
- 1067 staff completed the survey (total number of staff 3,500);
 - 60% of respondents mentioned a 'fear of crime' when asked for their initial views;
 - 64% of respondents expressed a high level of concern and described themselves as being 'very concerned' (28%) and 'quite concerned' (36%) at the prospect of the CJC on Pavillion Drive.
 - 36% of respondents expressed a low level of concern and described themselves as being 'not very concerned' (23%) and 'not at all concerned' (13%)
 - 22% of respondents felt that if the CJC were to be located on Pavillion Drive, it would affect their view of working at Barclaycard House in Northampton.
- 6.4 The same consultants were also employed to undertake a similar online survey of the 1,200 staff of the 17 tenant companies within the Brackmills Business Park. The main findings of the survey are as follows;
- 450 members of staff completed the survey (38% response rate);
 - 86% of respondents expressed some level of concern at the prospect of the Criminal Justice Centre at Pavillion Drive (58% were 'very concerned' and 28% were 'quite concerned');
 - 82% of respondents said they would feel less safe coming to work (47% would feel much less safe and 35% would feel less safe).

- 6.5 One letter of support has been received from a Hardingstone resident stating that there would be no risk to the people of Hardingstone as a result of a much needed facility.
- 6.6 A letter has been received from the Delapre Abbey Preservation Trust requesting that a condition be imposed requiring a survey of the site using battlefield archaeology techniques should the Corporation be minded to grant planning permission.
- 6.7 Following the initial consultation and as a result of the concerns raised, the applicant submitted further supporting information by way of a Detainee Release Policy. Further consultations were sent out and the following comments were received;
- The Policy cannot ensure that detainees take up the offer of transportation;
 - The operation of the Policy cannot be secured through planning condition or planning obligation;
 - The Policy could not be monitored or enforced;
 - (as such) Inclusion within the Travel Plan would not overcome the problem;
 - The offer of transportation to released detainees is not a statutory requirement and is therefore not guaranteed in perpetuity;
 - The figures given within the policy may be misleading as they relate to current day figures and not the longer term potential capacity of the facility (60 holding cells);
 - The regular police presence will not enhance public confidence and reassurance in the area but will emphasise the incongruous nature of the Centre;
 - The fear of crime expressed by landlords, companies and employees within the Business Park will not be satisfactorily addressed by the Detainee Release Policy. The increase in Police presence would not be welcomed.

7. Site History

- 7.1 N/2001/660 – 650 Pavillion Drive: Two and Three Storey Office Development (Approved)

- 7.2 N/99/0386 – 106 bed; three storey hotel and two storey hotel (Refused)

8. Considerations

Principle of Development;
Visual and Landscape Impact;
Highway Matters;
Environmental Impact Assessment (EIA);
Crime and Safety;
Ecology;
Sustainability;
Section 106; and
Other matters

Principle of Development

- 8.1 The application site is situated within an area identified in the Northampton Borough Council Local Plan (1997) as an area of proposed business use. The proposed development would fall within Class C2 (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and outside of the business use classes (B1, B2 and B8). As such policy B14 of the Local Plan is applicable.
- 8.2 Policy B14 states that *'within existing and proposed business areas, planning permission will not be granted for development outside the business use classes of the Town and Country (Use Classes) Order 1987, unless such development would be of significant benefit to the local community and would lead to substantial employment opportunities'*.
- 8.3 Whilst the proposal would represent a technical departure from the Local Plan in that it proposes a non-business use within an area designated for proposed business use, policy B14 of the plan provides for flexibility in the consideration of applications in such cases by allowing for the accommodation of other uses provided that they would be of significant benefit to the local community and would lead to substantial employment opportunities.

- 8.4 The application was initially advertised as a departure from the Local Plan but is considered on reflection to accord with Policy B14 as follows;

Employment Opportunities

- 8.5 The proposed development would provide for the employment for 200 staff. The development would include 2,100sqm of office floor space and a significant number of the staff would be engaged in activities which would normally be carried out within an office (B1) environment, which would be in accordance with the Local Plan allocation in any case.
- 8.6 Whilst a number of representations have been received expressing concern relating to the provision of employment and potential loss of employment opportunities as a result of development outside of the business use classes and the fact that the majority of the employment provision would be relocated from existing centres within the Town, policy B14 does not seek to require a comparative assessment of the merits of a non-business use and neither does it state that the employment opportunities created should be 'new' opportunities. This is further supported by the emerging PPS 4 - Planning for Sustainable Economic Development which promotes the provision of a broad range of employment uses, limiting the designation of sites for single or restrictive uses.
- 8.7 It should be noted that, following the approval for office development at this location the site has remained undeveloped for a number of years. There would therefore be no loss of employment as a result of the proposed CJC.
- 8.8 It is also noted that the consolidation of police activity within the proposed CJC would result in the vacation of the existing facilities at the Campbell Square and Weston Favell providing the opportunity for redevelopment for further employment use within sustainable locations close to the town centre. This would be consistent with the objectives of policy 22 of the East Midlands Regional Plan; PPG 4 and PPS 4.

Benefit to Local Community

- 8.9 The proposed development is considered to be an essential component of the infrastructure requirements within Northampton and the surrounding area, taking into consideration the projected growth in population. The development of a specialised CJC would be in accordance with Home Office recommendations, guidance and

current best practice procedures and would provide a significant benefit to the local and wider community through more efficient use of Northamptonshire Police resources and maintained law and order.

- 8.10 PPS 1 – Delivering Sustainable Communities also requires that Local Planning Authorities should ensure that any projected growth in population is supported through the adequate provision of infrastructure and services.
- 8.11 The proposed development is considered to satisfy the criteria set out in Policy B14 and would therefore be acceptable in principle.

Visual and Landscape Impact

- 8.12 The proposed building would comprise the custody suite to the ground floor and the office accommodation over two storeys to the front of the building above. The building is proposed to be circular in form designed in a contemporary style to create a 'dynamic architectural form' and 'a strong sense of security'.
- 8.13 The building is situated within the site to form a terminating feature at the end of Pavillion Drive on approach to the site with a strongly defined entrance at the front of the building.
- 8.14 The materials proposed for the building is predominantly facing brick piers with panels of curtain walling. The office accommodation to first and second floor benefits from vertical brise soleil to maximise solar gain. This also allows natural surveillance from within the building to the whole of the surrounding site. The flat roof of the single storey element of the custody suite on the ground floor would be broken up by a number of geometrically arranged roof lights which will allow natural light into the building below. The roof will also partially 'green' made up of sedum to improve the environmental and aesthetic quality of the building.
- 8.15 The current landscape value of the site is considered to be low, having been cleared for development. However, there are a number of existing mature trees and hedgerows which bound the site including a mature tree belt to the golf course to the west of the site and a landscape belt to the A45 to the north.
- 8.16 Additional landscaping is proposed within the site as part of the development to comprise trees and shrubs including a staff garden to the side/rear of the building

- 8.17 The proposed development is considered to make a positive visual contribution within the existing business park appropriate to its site and surroundings.

Highway Matters

- 8.18 Given the nature of the proposed development on previously undeveloped land, this application has the potential to create additional traffic flows in the area; as such the application is accompanied by a Transport Assessment and draft Travel Plan.
- 8.19 The Highways Agency (HA) has issued an Article 14 (holding direction) on the application which prevents WNDP from granting planning permission for this development. However, the essence of the concerns raised by the HA are solely based on the Travel Plan that has been submitted with the application as opposed to any in principle objection to the proposed development.
- 8.20 The applicant has sought to overcome the concerns by liaising directly with the HA during the course of the application. However, whilst some progress has been made with the HA, it is still considered that the Travel Plan is too generic and fails to provide clear guidance as to how the set targets will be achieved. The applicant is continuing to liaise with the HA to resolve the remaining issues and it is likely that the TR110 holding objection will be withdrawn shortly.
- 8.21 The County Council Sustainable Transport Team have also confirmed, while they have no objection to the application in principle, that further additional detail is required in respect of the Transport Statement and Travel Plan submitted with the application. The applicant is also aware of these issues and has submitted further information to NCC. It is likely that these issues will be also be resolved shortly along with the HA matters.
- 8.22 The County Council has indicated that a contribution was sought, through the previous planning permission for the site, towards improvements to cycle infrastructure including the provision of a toucan crossing in the vicinity. This was a phased contribution which has been partially met by the previous land owner. The remainder of the contribution is still outstanding, equating to £19,000. NCC has indicated that a similar contribution may need to be secured through a S106 agreement in respect of the proposed development to meet the outstanding amount.

- 8.23 Given the circumstances involving a previous S106 agreement, planning permission and landowner, further legal advice will need to be sought to ascertain where the responsibility for the contribution now lies following the purchase of the site by the applicant. The required infrastructure works have already been undertaken, the deficit in S106 funding being met by alternative County Council funding.
- 8.24 In addition, further funding is sought for an additional bus journey at any of the peak shift times where more than 50 staff are arriving and leaving other than at standard officer hours. A figure for this requirement is not yet known. The applicant has indicated that the profile of arrivals and departures at the Criminal Justice Centre shows that outside the normal peak hours the situation of more than 50 staff arriving or departing at the same time does not occur. It may therefore be unlikely that the contribution is not required. A further response is being sought from the County Council to confirm their position in this respect.
- 8.25 Through the revision of the Travel Plan, the applicant is promoting a joint approach involving existing businesses on Brackmills and the County Council to promote additional services as part of the Brackmills Improvement District initiative which would provide a forum in which to try to improve the overall level of public transport service.

Environmental Impact Assessment (EIA)

- 8.26 The applicant submitted a request under regulation 5(6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations (as amended) to the Secretary of State for a screening opinion as to whether an EIA would be required to accompany the application.
- 8.27 The Secretary of State has confirmed that the proposed development is not EIA development.

Crime and Safety

- 8.28 Policy E40 of the Local Plan requires that new development pay due regard to deterring crime and vandalism through appropriate design, layout and landscaping. Whilst the submitted application is considered to be acceptable in these matters, a number of concerns have been raised with regards to the nature of the use of the

proposed centre and the potential for increased crime and disorder within the surrounding area particularly following the release of anyone who may have been detained at the centre.

- 8.29 The average number of persons per day taken to the existing facilities (to be replaced by the proposed CJC) is currently 27; a monthly average of 828 persons. Whilst a number of those people arrested would not be released from the Centre and would be detained for Court, detainees could also be released with no further action against them or on bail.
- 8.30 The applicant has confirmed that all detainees would be subject to a full risk assessment prior to their release and would be offered transport away by dedicated drivers employed by the Police from the Centre to a convenient location. A Detainee Release Policy has been submitted by the applicant which clearly sets out the factors which would determine the risk to the individual as well as any risk to the public.
- 8.31 In assessing the risk to the individual the following factors are assessed; previous history; financial status; time of release; circumstances of arrest; nature of offence; travelling distance to onward destination; physical capability; mental vulnerability; available transport; language capability; nationality; ethnicity; any other matter which causes the Custody Officer to consider the detainee vulnerable; bail conditions.
- 8.32 In assessing the risk to the public the Custody Officer will consider refusing bail on the following grounds; name and address cannot be ascertained; failure to surrender; likelihood of an offence being committed; necessary to prevent injury/loss/damage; risk of interference with witness/obstruction of justice; necessary for own protection.
- 8.33 The process of risk assessment as set out is considered to be adequate. The assessment of risk to the public takes into consideration the likelihood of an offence being committed following release and bail could be denied if the risk is considered to be high. In addition, the Custody Officer would also be required to consider the nature and seriousness of the offence and the probable penalty; the detainee's character, antecedents, associates and community ties; their record in regard to any previous grant of bail, the strength of evidence and any other relevant considerations. The detainee's intentions, disposition and previous record are also taken into account.

- 8.34 Once the decision to release a detainee is made, the Police will seek to ensure that all detainees have transport arrangements from the site. It is proposed to fund a vehicle and employ drivers to provide transportation for detainees who have no alternative means of transport. Drivers will be employed 365 days a year. In addition, transportation in the form of Police Officers travelling to and from the Centre will also be available. Detainees are also given the opportunity to make a phone call for the purpose of making arrangements for collection and in some cases detainees will be transported away by other agencies such the Probation Service or by social workers.
- 8.35 Whilst it is accepted that the transportation offered by the Police is not compulsory and that detainees may wish to make their own arrangements following release, given the remote location of the site relative to the Town Centre and the nature of the surrounding area, the option of making their own way back is unlikely to appeal.
- 8.36 The 'fear of crime' resulting from the presence of the Centre and risk of detainees re-offending following release (and refusal of transportation offer) has been considered by the applicant in the Planning Statement supporting the application. Details of a review of the number of detainees who have re-offended within 24 hours of release and the distance to the custody suite when the re-offence occurred has been undertaken by the Police Authority.
- 8.37 The data suggests that detainees who are released would be extremely unlikely to re-offend in the vicinity of the CJC. Over a six month period the number of re-offences within 24 hours for the four existing Northamptonshire Custody Suites was 0.004% of the total number of arrests. The data also revealed that the re-offence rate was higher the further away the offender was from the custody suite due to the enhanced security within the vicinity of the sites.
- 8.38 The information submitted by the applicant to demonstrate their commitment to responsible release of detainees and the supporting information relating to re-offence rates is considered to address the issues which have been raised around crime and safety within the surrounding area. Whilst there may still initially be a perceived 'fear of crime' within the area, the risk of re-offence of detainees is considered to be minor based on the information submitted.
- 8.39 The Detainee Release Policy, with specific reference to transport arrangements away from the site, should be incorporated within a revised Travel Plan to be submitted

prior to the approval of the application. Compliance with the agreed Travel Plan to include the commitment by the applicant to maintain the offer of transport for detainees in perpetuity will be secured through S106 in order to the secure transport arrangements offered.

Ecology

- 8.40 The Wildlife Trust and Natural England have confirmed that a Great Crested Newt (GCN) Survey would be required to establish the presence/absence of the species prior to the determination of the application. In addition an assessment of the value of the site for foraging/commuting for bats was also required.
- 8.41 Further information has been submitted by the applicant to the satisfaction of Natural England. The findings of the GCN survey confirm that there are no GCN on the site. Given that the mature hedgerows to the site are proposed to be retained and protected, a bat survey was not deemed necessary. A number of recommendations have been made with regards to hedgerow protection which will be secured through condition.
- 8.42 Natural England has confirmed that they now have no objection to the application subject to further ecological enhancement of the site to be secured through condition.

Sustainability

- 8.43 The proposed building would achieve a BREEAM rating of 'very good' which would be secured through condition.
- 8.44 The building façade has sought to reduce energy consumption by achieving a high level of air tightness and the inclusion of solar shading to limit summer cooling. A large amount of light is also provided to the custody suite through the inclusion of secure roof lights.
- 8.45 A wood chip boiler is proposed in addition to a passive cooling system to provide energy savings within the building. A gravity fed rainwater harvesting system is also proposed to be included.

- 8.46 The design of the building has taken account of modern methods of sustainable energy measures which would be built into the construction of the building to ensure maximum benefits.
- 8.47 A Site Waste Management Plan (SWMP) has been submitted with the application. In addition, a brief outline of the Police Authority's own Waste Management Strategy has been set out in the Planning Statement. NCC has confirmed that they are happy with the information submitted.

S106

- 8.48 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.
- 8.50 The WNDP Planning Obligations Strategy was published in January 2008 setting out the Corporation's approach to planning obligations and the arrangements for a 'standard charge' to be applied to development to ensure that development contributes appropriately towards infrastructure need across the Corporation's area. The 'standard charge' approach will not be adopted for all types of development and in the case of this application it is advised that the proposed development would not be applicable to the 'standard charge' approach given that the development would be for a non-commercial use.
- 8.51 As such any S106 should be sought and negotiated taking into account the specific site circumstances and the impact of the proposed development.
- 8.52 The S106 requirements in respect of this site are as follows;
- Transport
- This will be based on the requirements for transport infrastructure provision and improvements as set out by the County Council. Further negotiation is required with NCC and the applicant to reach an agreed approach. Legal advice will also need to be sought in terms the existing S106 situation on the site.
- Travel Plan and Monitoring

Compliance with the agreed Travel Plan to include the commitment by the applicant to maintain the offer of transport for detainees in perpetuity will be secured through S106. In addition funding for a Travel Plan co-ordinator will be sought.

- Construction Futures

A contribution will also be sought towards the Construction Futures skills and training programme.

- Monitoring

An undertaking will also be required to pay reasonable costs associated with enforcing the terms of the agreement.

- 8.53 The negotiation and preparation of a Section 106 agreement will need to be delegated to the interim 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

Flood Risk

- 8.54 A Flood Risk Assessment has been submitted to the satisfaction of the EA. There is therefore no objection on Flood Risk grounds. However, a condition will be imposed to control surface water from the car parking and manoeuvring areas.

Archaeology

- 8.55 An Archaeological Assessment has been submitted which concludes that whilst there are no statutorily protected sites within the development area nor any known archaeological sites or finds, there may be some remains of archaeological evidence in the form of a medieval road which ran along the western boundary of the site.
- 8.56 Delapre Abbey Preservation Trust have also made a representation in respect of an Options Appraisal which is to be undertaken of the parkland surrounding Delapre Abbey to include all land designated as Registered Battlefields by English Heritage. Given the proximity of the site to the boundary of the land it is the opinion of the Delapre Abbey Preservation Trust that a survey will be required of the site using battlefield archaeology techniques prior to construction commencing on site.

- 8.57 In light of the information highlighted in the submitted assessment and the local knowledge of the Preservation Trust it is considered appropriate to impose a condition to require further archaeological survey work to take place.

Noise

- 8.58 NBC has advised that a planning condition should be imposed to ensure that development is carried out in accordance with the submitted acoustic report (Environmental Noise Assessment Report). Due to the nature and use of the proposed building, this should include details of the ventilation system and the windows to be installed.

Ground Conditions

- 8.59 NBC Environmental Health Officers are satisfied that the submitted Ground Investigation Report is satisfactory and does not identify any potential issues regarding the control of contaminants. No further information is required.

Air Quality

- 8.60 In order to ensure that there are no adverse impacts on the amenities of surrounding residents, details of the proposed Wood Chip Boiler are required through condition to include the scale of the stacks; dimensions of surrounding buildings; details regarding the combustion device and maximum rates of emissions.

9. Conclusion

- 9.1 The proposed Criminal Justice Centre is considered to be a required function to maintain and enhance the service provided by Northamptonshire Police Authority in light of its currently inadequate facilities and the planned growth for Northamptonshire.
- 9.2 It has been demonstrated through the submission of the application and information supporting it that the development would be in accordance with National and Regional Planning policy and more specifically Policy B14 of the Northampton Local Plan by providing a substantial employment opportunity within the town as well as local and town wide community benefit.

9.3 WNDK officers have sought to work with the applicant and consultees to secure additional information and appropriate revisions particularly in respect of the Travel Plan and Transport Statement submitted with the application. Whilst these matters remain unresolved at this stage, significant progress has been made and a positive resolution is expected shortly.

9.4 The S106 heads of terms associated with the planning permission have been set out and it is recommended that any contributions be negotiated on a site specific basis.

9.5 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 it is recommended that planning permission be granted.

10. 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. Prior to the commencement of development, details of the external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in keeping with the surrounding area and in accordance with policy E20 of the Local Plan.

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

Reason: To secure a satisfactory standard of development in keeping with the surrounding area and in accordance with policy E20 of the Local Plan.

4. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted. The approved storage solution

shall be provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of secure adequate facilities for the parking of cycles to cater for those cycling to the facility.

5. Prior to the commencement of development technical detail and specification of the Wood Chip Boiler shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the height of the stack; diameter of the stack; dimensions of buildings within a distance of five times the stack height above ground; descriptions of the combustion appliance; and maximum rates of emission of Particulate matter (PM10 & PM2.5) and oxides of nitrogen (NOX) when operating at capacity.

Reason: To ensure that there would be no adverse impact by way of air quality as a result of the installation of a Wood Chip Boiler in accordance with PPS23 (Planning and Pollution Control).

Note: The site lies within a Smoke Control Area and as such any appliance chosen should be an exempted appliance suitable for smoke control.

6. 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.

Reason: To ensure the delivery of a sustainable development in accordance with PPS1 (Sustainable Development) and its supplement Planning and Climate Change.

7. Prior to the commencement of development, a detailed and comprehensive scheme of Ecological Enhancement of the site, including an Ecological Management Plan where appropriate, shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To increase biodiversity within the application site and to ensure that ecological issues are fully considered and promoted.

8. An Archaeological Survey of the site shall be undertaken using battlefield archaeology techniques. Details of the Survey findings shall be submitted to the Local Planning Authority for approval prior to the commencement of development.
9. All surface water from parking and manoeuvring areas shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturer's guidelines.

Reason: To prevent pollution to the water environment.

10. The conclusions of the Environmental Noise Assessment Report submitted with the application shall be implemented to the satisfaction of the Local Planning Authority. Further detail shall also be submitted and approved by the Local Planning Authority prior to the commencement of development to detail the specification of windows and the ventilation system.

Reason: To secure a satisfactory standard of development in accordance with PPG 24 (Planning and Noise).

11. Notwithstanding the submitted drawings, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved detail shall be implemented prior to the occupation of the building 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.

12. Notwithstanding the submitted drawings, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme 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.

13. All trees and hedgerows shown to be retained in the approved plans shall be protected for the duration of the development. Detail of the method of protection shall be submitted to and approved in writing by the Local Planning prior to the

commencement of development. The approved protection measures shall be implemented prior to the commencement of development and retained thereafter until the development is complete. Within the fenced area no development works shall take place on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees and hedgerows on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality and the existing wildlife habitat which exists.

14. 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.

COMMITTEE UPDATE
Northampton UDA Planning Committee
26th May 2009

Agenda Item 4:

Application number: 08/0283/FULWNN
Applicant: Northamptonshire Police Authority
Address: Land at Pavillion Drive, Northampton, NN4 7YL
Description: Criminal Justice Centre (Use Class C2a) with associated parking, landscaping and access (Full Application).

Representations

Amendment to the wording of paragraph 8.53

The wording has been amended as set out below to more accurately reflect the Interim Director of Planning and Development's delegated authority. It should read as follows:

'The Interim Director of Planning and Development or an Appointed Officer ***has delegated authority to negotiate the S106 agreement*** such that these ***issues*** can be resolved and an appropriate Section 106 Agreement can be realised.'

Highways Agency (HA)

The HA has submitted further comments (dated 18th May) stating that the revised Travel Plan (submitted 7th May) addresses the majority of the issues raised and can now be considered acceptable subject to two final amendments. In addition, it is advised that the Travel Plan and associated penalties will need to be secured through S106 agreement. The remedial payments will be required in the event that the Travel Plan targets are not being achieved.

The Police Authority has made the two changes proposed by the HA and submitted a final Travel Plan (21st May) and has agreed to the principle of remedial payments through S106.

Officer Response

The provision for remedial payments through S106 is acceptable and will be discussed/negotiated further with the applicant. A formal response confirming withdrawal of the holding objection is currently awaited from the HA and the recommendation to Committee should be updated to reflect this.

Northamptonshire County Council (NCC)

A further response has been received from NCC Sustainable Transport (dated 18th May) following further information from the applicant. It is noted that the higher staff numbers at shift changeover times only occur during normal peak traffic times in the working week and not at weekends. The provision of an additional bus journey is therefore no longer requested. It is also noted that the Travel Plan includes a joint approach with the Brackmills Improvement District Initiative to include area wide bus service improvements.

Whilst the Travel Plan is now considered to be acceptable in principle, it is advised that, should the modal shift not be achieved following monitoring and review, the 100% plus parking provision may have to be considered.

In addition, in light of further information submitted by the applicant and based on the strength of the Travel Plan and the remedial payments suggested by the HA, it is considered that a revised Transport Statement will not be required.

The Highways Officer has indicated that a revised site layout plan will need to be submitted to show a 1.5m deep turning head within the site.

Officer Response

The majority of the outstanding issues have been covered by the HA comments and approach as set out above. The recommendation to Committee should be updated to reflect the requirement for a revised site layout plan.

The following response has also been received from NCC Rights of Way;

It is noted that Footpath HW26 is located to the west of the proposed development. No objection is raised to the application. However, it is recommended that if security fences are to be erected during the construction period, construction warning signs will be required to be sited along the public footpath (HW26). A temporary closure should not be necessary. Additional standard requirements with respect to construction works carried out in close proximity to public rights of way are also set out of which the applicant should be made aware.

With particular reference to cycling the following points have been made;

- The reference to modal shift within the planning application supporting documents is considered positive. Further detail is required in respect of cycle storage;
- The developer should be aware of the NCC Parking SPG which includes standards for cycle parking;
- Additional access points directly from the site onto the cycle track are encouraged and sought through S106 where possible;
- The potential to upgrade part of the public footpath (HW26) to a shared pedestrian and cycle track is also suggested should the developer be minded to include this as part of the development;
- The developer should also be made aware of the Brackmills Employers Group in the promotion of cycling for commuters.

Officer Response

The issue of sustainable travel to the site and the achievement of modal shift have been dealt with through the discussion and negotiation which has taken place with the Highways Agency and NCC Highways Officers. It is recommended within the Committee report that details of cycle storage be secured through condition (C4).

Whilst it may not be appropriate to pursue additional access points from the site given the nature of the development and location of the site, a sum towards the upgrade of the existing footpath could be pursued through S106 negotiations which are yet to take place with the applicant.

The developer will be made aware of the Brackmills Employer Group and the standard requirements set out by the Access officer in respect construction works carried out in close proximity to public rights of way to be added as a note to applicant to be issued with the decision notice. Reference to the Brackmills Improvement District Initiative is already included within the Travel Plan.

Brian Binley MP Representation

Brian Binley MP has submitted a letter covering the following points (a copy of the letter has been made available to all members of the Committee):

- He writes to ensure that the objections raised by various groups in Northampton are fully considered and answered before any decision is made.
- The local community has raised a number of objections relating to safety fears. The local bus service does not operate at times when prisoners might be released and the police cannot force released suspects to use transport provided by the police. Given the high percentage of female workers at the Business park, not sure that these safety aspects have been fully appreciated in this respect.
- This type of development is meant to have two access routes and not rely on a singular access which is not satisfied by the application.
- There is uncertainty as to whether visitors will visit the site with parking currently meant for employees and visiting solicitors only. Not aware of the final plans for the scheme and don't have the necessary assurance that the plans will be widened to include visitors. Existing public parking is a serious problem in the area and a single access may lead to overcrowding and heighten problems associated with a single access.
- Concern is expressed regarding the reasonable fears that have arisen in relation to the possible adverse impact the proposed development will have on the high reputation of Northampton Business Park as a whole. A major employer has already signalled their intention to move from the park as a result of the proposal.
- Reference is made to Policy B14 of the Northampton Local Plan and the understanding that the proposed development is contrary to this policy. Development should be opposed unless it can bring substantial

employment opportunities. As yet not persuaded that the jobs created will not be other than those transferred from existing employment in Northampton rather than new jobs. New jobs could be created if developed by a new business.

- The objections are some that have been raised with him by local businesses, business trade groups, Parish Councils and individuals all of whom have written to WNDC under separate cover.
- 'My objections' are not about the plans themselves but the suitability of the proposed use of the site, with people and coming and going at all hours, with family members of detainees visiting the site on a twenty-four hour basis and suspected offenders being released at all hours. This presents some sizeable concerns for the businesses in the area.
- WNDC as the overarching planning authority in Northampton will not want to cause unnecessary concern by passing an ill judged and misplaced centre in the Business Park and need to fully debate the concerns before a decision is made.

Indigo Planning Ltd Representations on behalf Threadneedle Property Investments LTD owners of 900 Pavillion Drive

A letter has been received from Indigo Planning Ltd objecting to the proposal.

- Reference is made to their detailed letter of the 20th January 2009.
- It is considered that that committee report contains a number of misrepresentations and are particularly concerned about the following:
 - a) For such a significant scheme the report lacks the necessary planning policy justification, particularly in respect of the inappropriate use in a defined business area (contrary to Local Plan policy B14), the negative impact on the amenity of neighbouring occupiers and the detrimental impact of the 'fortress like' building.
 - b) Para. 8.4 of the committee report states that *'the application was initially advertised as a departure from the Local Plan but is considered on reflection to accord with Policy B14'* Consider the application is clearly a departure. Surprised this view has been taken having previously confirmed to the Government office that the application was a departure and would be referred to the Secretary of State should WNDC be minded to approve the application.
 - c) The Highway's Agency holding direction is still in place and it is understood it is unlikely to be withdrawn before the committee meeting due to their concerns.

Officer Response to both representations

Clarification is required regarding the assessment of the proposed development in terms of its compliance or otherwise with Policy B14 of the Northampton Local Plan. This Policy states that:

Within existing and proposed business areas planning permission will not be granted for development outside the business use classes of the Town and Country Planning (Use Classes) Order 1987, unless such development would be of significant benefit to the local community and would lead to substantial employment opportunities.'

Officers accept that the proposed use does not sit within the recognised business use classes of B1, B2 and B8 but consider that it can be reasonably interpreted to sit within the second half of the policy if the development would be of 'significant benefit to the local community' and lead to 'substantial employment opportunities'. It is important to note the words 'significant' and 'substantial' are not defined in the policy. Officers are of the opinion this development will result in benefit to the community at large including the local community in providing a modern fit-for-purpose facility serving the Northampton area and will create an employment opportunity albeit mainly involving the relocation of existing jobs.

Recommendation

In light of the additional information above it is advised that the recommendation to the Planning Committee is revised as follows;

That the application be approved subject to the interim Director of Planning and Development (or other nominated officer) resolving the following under delegated authority:

- i. The withdrawal of the Highways Agency holding objection;
- ii. The submission of a revised site layout (indicating the required 1.5m turning head);
- iii. S106 Legal Agreement; and
- iv. Conditions

Reason: By reason of its scale and use, the proposed Criminal Justice Centre would generate significant employment opportunities and community benefit and as such would comply with the requirements of policy B14 of the Northampton Local Plan.

Conditions

Following publication of the Committee report, the suggested conditions have been reviewed by both officers and the applicant. The focus of this review has been on the wording of the planning conditions in order that the imposition of pre-commencement conditions would not unduly delay works starting on site.

It is considered appropriate to look at each condition in turn, where revised wording is proposed this is highlighted. Please note that if a condition is not

referred to then there is no proposed revision to it and it remains proposed as set out in the Committee Report.

C2 (External Facing Materials)

Prior to the commencement of *any construction works above ground level* details of the external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in keeping with the surrounding area and in accordance with policy E20 of the Local Plan.

C3 (Surface Materials)

Full details of the proposed surface treatment of all access, parking areas and footpaths shall be submitted to and approved in writing by the Local Planning Authority prior to the *laying of any hard surface on site*.

Reason: To secure a satisfactory standard of development in keeping with the surrounding area and in accordance with policy E20 of the Local Plan.

C4 (Cycle Storage)

Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to *the installation of the cycle storage facility on site*. The approved storage solution shall be provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of secure adequate facilities for the parking of cycles to cater for those cycling to the facility.

C5 (Wood Chip Boiler)

Prior to the commencement of *above ground construction works* technical detail and specification of the Wood Chip Boiler shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the height of the stack; diameter of the stack; dimensions of buildings within a distance of five times the stack height above ground; descriptions of the combustion appliance and maximum rates of emission of particulate matter (PM10 & PM2.5) and oxides of nitrogen (NOX) when operating at capacity. *The Wood Chip Boiler shall thereafter be provided in full accordance with the approved details.*

C6 (Sustainability Strategy)

Before the development hereby permitted is occupied a Sustainable 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. *The development thereafter shall be carried out in full accordance with the approved Sustainable Strategy.*

C7 (Ecological Enhancement)

Prior to the **development first being brought into use**, a detailed and comprehensive scheme of Ecological Enhancement of the site, including an Ecological Management Plan where appropriate, shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To increase biodiversity within the application site and to ensure that ecological issues are fully considered and promoted.

C8 (Archaeology)

An Archaeological Survey of the site shall be undertaken **in accordance with a scope of works to be agreed with the Local Planning Authority**. Details of the Survey findings shall be submitted to the Local Planning Authority for approval prior to the commencement of development.

Reason: In the interests of Archaeology.

C10 (Noise)

The conclusions of the Environmental Noise Assessment Report submitted with the application shall be implemented to the satisfaction of the Local Planning Authority. Further detail shall also be submitted to and approved **in writing by the Local Planning Authority prior to the commencement of any construction works above ground level** to detail the specification of windows and the ventilation system.

Reason: To secure a satisfactory standard of development in accordance with PPG 24 (Planning and Noise).

C11 (Boundary Treatment)

Notwithstanding the submitted drawings, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to **the erection of any boundary treatments**. The approved detail shall be implemented prior to the occupation of the building 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.

C12 (Landscaping)

Notwithstanding the submitted drawings, **a detailed landscaping scheme for the site to include details of all trees and hedgerows to be retained shall be submitted to** and approved in writing by the Local Planning Authority **prior to the substantial completion of the building hereby approved**. The development shall be implemented in accordance with the approved details.

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

C13 (Tree and Hedgerow Protection)

Prior to the commencement of development details of the method of protection of all existing trees and hedgerows within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented prior to the commencement of development and retained thereafter until the development is complete. Within the fenced area no development works shall take place

on, over or under the ground, no vehicles shall be driven, nor plant sited, no materials or waste shall be deposited, no bonfires shall be lit nor the ground level altered during the periods of development.

Reason: In order to ensure adequate protection of existing trees and hedgerows on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality and the existing wildlife habitat which may exist.