



Applicants: Parkridge  
(UK) Business Centre  
Ltd.

Application No:  
08/0275/FULWNN

Date Registered:  
29.10.2008

Expiry Date: 18.02.2009

Ward: West Hunsbury

# Northampton UDA Planning Committee Paper

Report by Director of Planning and  
Development

Date of Committee Meeting: 27/01/2009

Agenda Item: 4

Description: Erection of seven commercial / industrial buildings (B1(b/c), B2 and B8 use class), two office buildings (B1(a) use class), two hotels (C1 use class), two car showrooms (Sui-generis) and countryside park, with associated infrastructure, parking and servicing, landscaping, earthworks and drainage (inc attenuation lake).

Address: Land At Milton Ham, Towcester Road, Northampton,  
NN4 9RN

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## 1. Recommendation

1.1. **Subject to** the application being referred to the Secretary of State as a departure from the Development Plan and the Secretary of State not recovering the matter, and the Environment Agency and Highways Agency withdrawing their respective objections to the scheme, the application be APPROVED for the reason set out below, with the Director of Planning and Development (or appropriate nominated officer) having delegated authority to:

(a) Negotiate and complete the S106 Agreement and;

(b) Subject to the prior completion of the S106 Agreement issue the planning permission to include the conditions set out in section 11 of this report.

1.2 This is an allocated site in the Northampton Local Plan for mixed employment uses. The proposed application would make a positive contribution to this important gateway site by virtue of its high quality design and environmental credentials

and the introduction of a landmark building. The associated impacts that the development would create can be adequately mitigated against through the use of appropriate planning conditions and Section 106 Agreement and therefore the development would not have any significant visual, flood risk or other impact that would warrant the refusal of planning permission. As such the application is considered consistent with policies E1, E6, E7, E14, E20, B5, B9 and B11 of the Northampton Local Plan (1997) and the objectives of PPS1, PPG4, PPG16, PPS23, PPG24 and PPS25.

## **2. Summary of application**

- 2.1 This is a full planning application for a mixed use commercial scheme consisting of two hotels, two car showrooms and a mix of offices and industrial units. The application would consist of a significant commercial development that would have an impact both upon the immediate landscape when approaching Northampton via the M1 or A43 as well as the wider Northamptonshire townscape with the introduction of a noteworthy seven storey hotel building.
- 2.2 Milton Ham is as part of the South West District of the town and identified within the Northampton Local Plan as a development area. Members will be aware of this site having considered a number of planning applications previously. These include an outline application for a commercial development totalling 40,825 sqm of commercial floorspace, with associated parking and landscaping in December 2007. That application was deferred by the Committee so that Officers could obtain further advice on the precedence of the documents that the Committee should consider, in particular RSS8 and the Local Plan, and to obtain further advice on the types of use that should be allowed at the site.
- 2.3 Further, a planning application was recently submitted and approved by the Planning Committee in September 2008 for a number of infrastructure and landscaping works that would allow works to commence on site prior to the applicant applying for full planning permission for the commercial element of the scheme.
- 2.4 The applicant has advised that since the time of the last outline application for the development proposals the local employment market has changed and also that the site has passed through various different owners. These factors, along with the history associated with the site, representations received from local business groups and residents and of course the comments made by WNDCs Planning Committee, has resulted in the current proposal being put forward.
- 2.5 The applicant has stated that they consider the new planning application meets the aspirations that have been promoted for this site. In particular they highlight that the development would result in a significant 'landmark' building (the proposed seven storey four star hotel) at the entrance to the site that forms a key gateway into Northampton from the M1 and A43. In addition the applicant has highlighted that the main public elevation along the A43 the proposed contemporary car showrooms and

office buildings, along with landscaping, would result in a development of high quality from a design and visual impact perspective. Finally, the applicant has stressed that the new proposed mix of units are complementary to each other, i.e. the hotel uses attract certain types of business users to the site that would be accommodated in the small to medium size industrial units and vice versa. This would lead to the creation of up to approximately 1,200 jobs according to the applicant; however, it should be noted that whilst the applicant has advised they have received interest from a number of different businesses to lease a number of the units, including the two hotels and a number of offices (and indeed has stated they have contracts in place subject to receiving planning permission in the short term) that the development is in essence speculative and thus the total number of jobs cannot be accurately predicted.

- 2.6 Notwithstanding the intended benefits that the development would bring there are of course a number of material planning considerations to take into account when making a decision on this application. In the first instance, as Members are likely to be aware, is the sites allocation in the Northampton Local Plan 1997 for B1, B2 and B8 development. Given that a number of the proposed uses (the Hotel and Car Showrooms) do not conform to the allocation the application has been advertised as a departure from the Local Plan accordingly, and were Members minded to approve the scheme it would have to be referred to the Government Office for final determination. In addition to the Local Plan allocation is the immediate planning history of the site and the decision of the Inquiry that was held on a previous scheme. The sites prominence when viewed as a 'gateway' into Northampton makes the design and visual impact of the scheme important and the impact of the development upon the amenities of the residential occupiers to the North is of course a key consideration. Other factors including the impact on the local highway network, the risk of flooding and other matters are all considered in this report.
- 2.7 There are a number of issues still outstanding with the application that Officers are seeking clarification on prior to the application being fully considered at committee. These issues are subject to comment from the highway authority, the Highways Agency and the Environment Agency, and these comments will be reported to Members at committee.

### **3. Description of Site**

- 3.1 The site comprises approximately 15.23 hectares of greenfield land located on the northern side adjacent to the M1 motorway and to the east of the A43 in the South West District of Northampton. The site was most recently in use for agricultural purposes, whilst the Milton Ham Farm and ancillary buildings that formally occupied part of the land have been demolished. To the west and south just outside of the site boundary a line of trees are present; along the western boundary with the M1 motorway a line of mature trees exists.

- 3.2 There is an approximate 5m difference in levels across the site, from approximately 70.0m Above Ordnance Datum (AOD) in the east to approximately 75.0m AOD in the south west. Also, levels drop to around 71.0m AOD towards the north of the application site.
- 3.3 The nearest residential property is within the Shelfleys housing area of West Hunsbury (in particular properties in Heronsford and Teal Close) which lies to the north of the site beyond an area of land identified in the Northampton Local Plan as Greenspace. This property is approximately 120m north of the application site boundary and 165m north of the nearest proposed building within the site. The land immediately to the east is also defined Greenspace.
- 3.4 The site is not within or adjacent to any designated Conservation Areas or in the curtilage of any Listed Buildings. Land to the very far east of the application sites falls within Flood Zone 3 as set out by the Environment Agency.



#### 4. Description of Proposal

- 4.1 The application proposes the erection of seven commercial / industrial buildings (B1(b/c), B2 and B8 use class), two office buildings (B1(a) use class), two hotels (C1 use class), two car showrooms (Sui-generis) and countryside park, with associated infrastructure, parking and servicing, landscaping, earthworks and drainage (inc attenuation lake).

- 4.2 The application proposes to arrange the above units in a number of distinct areas. Access into the site would be afforded via the existing roundabout located on the A43. The proposed hotels and car showrooms would be arranged around the main access road into the site. The two office buildings would be located in the north west of the application site whilst the seven remaining industrial buildings (which would actually comprise some 38 individual units of varying sizes) would comprise the rest of the developable area broadly speaking on the east of the application.
- 4.3 As noted above a planning application submitted last year (08/0160/FULWNN) sought and received planning consent for a number of landscape and infrastructure works prior to this application being submitted. Having said that, this application includes the details approved under that consent and as such this part of the application – the landscape bunds to the north and east of the site and drainage and attenuation lake – are all part of this application to be considered.
- 4.4 Given the number of different uses proposed it is considered useful to break this down:

Building type	Use Class	Floorspace (sqm)	Height (m)	Parking spaces
Office I	B1	2,435	12.9	154 Inc Offices II and III
Office II and III	B1	2,796	13.0	As above
Hotel I (150 Beds)	C1	7,562	24.4 to eaves 29.8 to top of portal	155
Hotel II (96 Beds)	C1	3,236	14.6	100
Car Showrooms	Sui Generis	1,025 each	10.0	46
Industrial Units	B1/B2/B8	26,797	Range between 8.875 to 11.917	326
TOTAL	-	44,876	-	781

## 5. Policy Considerations

### 5.1 WNDK Purpose:

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

### National Planning Policy Guidance

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

- PPS1 – Sustainable Development
- PPS1 – Sustainable Development: Planning and Climate Change
- PPG4 – Industrial, Commercial Development and Small Firms
- PPS4 – Planning for Sustainable Economic Development (Consultation)
- PPS9 – Biodiversity and Geological Conservation
- PPS10 – Planning for Sustainable Waste Management
- PPS23 – Planning and Pollution Control
- PPG24 – Planning and Noise
- PPS25 – Development and Flooding

### Development Plan

- 5.4 Regional Spatial Strategy for the East Midlands (RSS8) Policies 1, 4, 17, 20, 22 and 41; MKSM Strategic Policy 3.
- 5.5 Northampton County Structure Plan Policies: GS5 (Design), GS6 (Infrastructure), T3 (Parking)
- 5.6 Northampton Local Plan Policies: E1 (Landscape), E6 (Greenspace), E7 (Skyline development), E14 (Corridors of Travel), E20 (New Development Parameters), B5 (Proposed Business Areas), B9 (Pineham and Milton Ham), B11 (Milton Ham: height consideration), B14 (Non-business uses),

### Supplementary Planning Guidance

- 5.7 Supplementary Planning Guidance (SPG): Parking (March 2003)

### Other non-statutory documents

- 5.8 WNDK Draft Planning Principles (June 2007)

Set out in this document are WNDGs ten key action areas: 1 Improving and diversifying the economic base, 2 Transforming town centres, 3 Providing a greater number and range of well designed eco-friendly designed housing, 4 Establishing a more recognisable sense of place and identity, 5 Improving connectivity, 6 Creating inclusive communities, 7 Developing high skills, 8 Achieving quality in the built and natural environment, 9 Improving management of environmental assets and resources and 10 Helping rural communities.

## 6. Representations

- 6.1 **NBC (Development Control):** the application has been considered by the Council's Planning Committee who resolved (contrary to the Officer recommendation) that no objections be raised to the principle of the development, subject to a number of comments regarding specific parts of the scheme. These include considerations of lighting, noise from fixed plant and machinery, details of glazing and ventilation of the hotels and offices, control over construction with particular respect to limiting the hours of construction, a contamination condition, a management agreement of the open space, to ensure that the footpath / cycle link to the playing fields is acceptable and finally to ensure that non-reflective materials are considered.
- 6.2 **NBC (Policy):** opposes the hotel there because it is not in the Local Plan (although conceding it is out of date) and the land is identified as a key employment site which a Hotel does not conform to. However the Regional Spatial Strategy is suggesting Hotels in the town centre, therefore this is contrary to the regional plan, but also is aware that this is exactly the kind of site the Hotel industry want, visible and with access to the motorway network. States that on reflection NBC should lodge a policy objection with on the grounds that this is taking up important employment land, of which there is a shortage, and that it is contrary to RSS8.
- 6.3 **NBC (EHO):** In relation to noise from the proposed development clarification has been obtained regarding the survey data presented within the Environment Statement. There were some typographical errors and omissions of labels to tables that resulted in a lack of clarity in the data. These errors have been corrected and clarification has been provided and the queries about weather conditions have been addressed. Therefore the data is now considered to be adequate and acceptable.

Extensive discussions have taken place regarding the acceptable standards for potential noise emissions from the uses at the site and regarding the calculation methods that have been used within the ES to evaluate the worst case scenario. Given the location of the site and the fact that the background noise level is dominated by traffic noise from the M1 and A43 it has been agreed that the target levels for plant noise will be taken as the minimum measured background noise levels: 44dB(A) daytime and 41dB(A) night time. The queries regarding distances between the site and the nearest noise

sensitive receptors have been resolved. It is recommended that the issues should be addressed by conditions in order to mitigate the impact on amenity of residents in the vicinity and of future site users.

In relation to Air Quality raised initial concerns with the application but upon receipt of further information and clarification from the applicant is now satisfied that the development would not have an adverse impact upon the area.

In relation to contamination the site investigation and risk assessment report that accompanies the application is considered to be satisfactory. However, as the site is large there is potential that the investigation may have missed areas of contamination. It is therefore recommended that a condition regarding unsuspected contamination be applied to any consent.

Also, details of lighting should be sought via a planning condition

- 6.4 **NBC (Parks Officer):** notes the significant area (7.7 hectares) of open space by the application but reports that the Council would not be able to manage and maintain this area and therefore this must be the responsibility of the developer through a management company. Has raised the following concerns/questions: who is responsible for the drainage and balancing pond? How would the area be secured? Will the site include park furniture such as benches, litterbins and dogbins? Will the incidental areas be adopted by NCC or will they be the responsibility of a management company?
- 6.5 **NBC (Tree Officer):** raised initial concerns with the arboricultural assessment that had been undertaken in support of the application and the tree protection measures that were required. However, on receipt of further information from the applicant, including revision to two of the landscaping drawings (the Tree Survey and Trees to be removed drawings) and the submission of a further drawing identifying tree protection measures has confirmed that this is acceptable and has withdrawn objection.
- 6.6 **NCC (Highways):** no comment received
- 6.8 **NCC (Rights of Way):** no comment received
- 6.8 **Environment Agency:** objects to the planning application on the basis that Flood Risk Assessment is not yet compliant with PPS25; recommend several planning conditions and informatives should the application be approved and requires justification from the local planning authority that the development has satisfied the Sequential Test
- 6.9 **Anglian Water:** no objection subject to informatives
- 6.10 **Highways Agency:** at present have made a formal holding direction restricting the grant of planning permission based on the Travel Plan that has been submitted.

- 6.11 **Police:** no formal objection to the application although makes a number of comments and recommendations that if implemented would reduce the likelihood of crime and disorder occurring
- 6.12 **Natural England:** no objection subject to a condition that restricts operations that involve the destruction/removal of vegetation etc during the months of March to August inclusive except where agreed by the local planning authority.
- 6.13 **Wildlife Trust:** no objection. Comments that any landscape management plans should aim to increase biodiversity in the site. Would welcome the opportunity to review any more detailed Ecological Management Plans that are to be produced should planning permission be granted. Suggest the applicant considers installing artificial nesting sites for bats, birds and insects in both the new buildings that are to be erected and in particular the natural locations too. Finally, recommends that the applicant does further explore the opportunities to link up with surrounding Green Infrastructure as mentioned in paragraph 5.7.11 of the EIA.
- 6.14 **National Grid:** no comment received
- 6.15 **South Northamptonshire Council:** The Council has the following observations. Whilst the Council is very supportive of the development of the site for employment generating purposes, the Council objects to the development currently proposed on the grounds of poor design and appearance, as well as inappropriate scale, on what is acknowledged as a very important gateway site for both South Northamptonshire and Northampton. In addition, states that the proposal is contrary to the development plan and would result in a potentially harmful form of development, particularly in respect of the proposed car showrooms and hotels, which would generate significant additional levels of motorcar traffic, at what is a very busy junction, and in an unsustainable out of town location. Furthermore, the Council has stated the following:
1. There is a requirement for adequate soft landscape screening on the M1 Motorway side of the site.
  2. Any proposed lighting of the development site should be at a low-level and of a sensitive nature.
  3. The site is a very important gateway site for both Northampton and South Northamptonshire and any development on the site needs to be of a very high quality appropriate to this.
  4. Given its location, use of all or part of this site as a “Park and Ride”, would be supported as a beneficial and sustainable use of the land.
- 6.16 **West Hunsbury Residents Association:** no comment received

6.17 **EMDA:** no objection. States that the local planning authority will need to satisfy itself that issues raised with the previous applications have been addressed. Notes the submission of a previous application to provide onsite infrastructure and welcomes this approach which is considered to be consistent with the Regional Economic Strategy (RES) for encouraging employment opportunities. Notes there may be issues with traffic and other infrastructure. States that the Northamptonshire Hotel Development Framework provides evidence that this area has a relatively strong hotel sector, with robust business tourism demand; as such the hotel element of the proposal is welcomed by EMDA. Overall, subject to achieving high quality levels of build and design and bearing in mind the other considerations EMDA supports the application and recommends approval.

6.18 **Ramblers Association:** no comment received

6.19 **Wotton and East Hunsbury PC:** no comment received

6.20 **Milton Malsor PC:** no comment received

## 7. Notifications and Responses

7.1 The application was advertised by press notice and site notice and approximately 116 neighbouring properties were notified of the application by letter.

7.2 Nine letters have been received in response to the consultation making the following comments / objections:

- Concerns raised over the potential for this development to increase the risk of flooding in the area, particularly in Shelfleys and along Wootton Brook, and that it may affect the water table; that should this development go ahead it must conform to the 1 in 200 year flood standard. Comments that the EA should be satisfied that the development is acceptable.
- Concerns raised over the amenities of adjacent residential occupiers in terms of noise, air and light pollution. Particular concern raised over a 24 hour use and noise from HGVs accessing the site.
- Objections received on the basis that the hotels are too big and would detract from the area; furthermore, that the seven storey hotel would not be in keeping with the rural area and would not be consistent with the Inspectors report from 2003 that required this.
- Questions over whether this development is actually required in the current economic climate and that we need more high skilled technical jobs.

- Concern over increase in traffic, highlight over developments that are a planned in this area leading to greater cumulative impact.
- Objections received over industrial units at this site and associated HGVs. Cites literature from 1998 when this site was being promoted solely as an office park.
- Comment received that generally the application is far better than previous applications at this site, in particular that the proposed hotels and offices facing the roundabout and A43 are positive and that the proposed lagoon is in keeping with the area.

## **8. Site History**

- 8.1 08/0160/FULWNN – Engineering works to include ground modelling, creation of landscape bunds, drainage, roads, attenuation lake and infrastructure landscaping – APPROVED
- 8.2 WN/2006/0061 – Erection of B1(A), (C), B2 and B8 Units with associated parking, service yard and landscaping – PENDING CONSIDERATION
- 8.2 N/2002/1674 – Development of the site for B2/B8 uses with ancillary offices, associated landscaping, formation of a lagoon and public open space – OUTLINE – REFUSED
- 8.3 N/2002/0750 – Erection of 2no. B2/B8 warehouses with ancillary offices, car parking and associated landscaping – REFUSED
- 8.4 N/2001/1451 – 2no B2/B8 Warehouses with ancillary offices, car parking, associated landscaping, formation of a lagoon and temporary access – REFUSED
- 8.5 99/0734 – Variation of Condition No. 2 of planning permission 91/0025 to extend the period for submission of reserved matters – APPROVED
- 8.6 98/0077 – Development of land to provide office and leisure use – OUTLINE – APPROVED
- 8.7 97/0166 – Demolition of existing farmhouse and ancillary buildings and construction of corporate office park (Class B1 use), business support centre, landscaping and access – OUTLINE – WITHDRAWN
- 8.8 93/0285 – Proposed single dwelling – OUTLINE – REFUSED
- 8.9 91/0025 - Corporate office park (Class B1 use), business support centre, conference centre and hotel, residential and leisure development – OUTLINE – APPROVED

- 8.10 89/1007 – Single office building (outline) – APPROVED
- 8.11 88/1659 – Corporate office park (Class B1 uses), business support centre, conference centre and hotel and leisure development – OUTLINE – WITHDRAWN
- 8.12 88/0978 – Petrol filling station, restaurant, etc – OUTLINE – REFUSED
- 8.13 88/0085 – Corporate office park (Class B1 use), business support centre, conference centre and hotel, residential and leisure development – OUTLINE – APPROVED

#### Appeal history

- 8.14 Members may wish to note that applications N/2002/750 and N/2002/1674 were jointly the subject of an appeal against the non-determination (although NBC recommended refusal of the schemes to the Inspector) of the proposals.
- 8.15 The appeals were dismissed by the planning inspector in July 2003 after a public inquiry. In dismissing the appeals the Inspector accepted that a mix of employment uses was in accordance with the Northampton Local Plan and therefore had no principle objection to this site being developed for B1/B2/B8 purposes. However, the main issue was the arrangement, size and sheer bulk of the two buildings proposed, and the impact that these were likely to have on the appearance of this important gateway site, as well as on adjacent land uses.

## **9. Considerations**

Principle of development

Visual/landscape impact, design and layout and landscaping

Neighbouring amenity

Environmental Impact Assessment

Environmental impacts

Highway matters

Flooding

Ecology

Crime and Safety

Archaeology

Sustainability

Section 106

Other matters

## Principle of development

- 9.1 This application is for a significant commercial development on the outskirts of Northampton. It is noted that Northampton Borough Council (NBC) Officers have highlighted some concerns regarding the principle of part of this development on the basis that it would not bring substantial employment opportunities and community benefits and as such would be contrary to policy B14 of the Local Plan, although these concerns were not shared by the Council's Planning Committee who have no principle objections to the scheme and are generally very positive about it. Furthermore, as a neighbouring authority South Northamptonshire Council (SNC) also raised concerns about the developments compliance with the adopted Local Plan. These concerns over the policy position are noted and it is considered appropriate to fully explore the policy position for this application. Indeed as Members will recall questions over the relevant policy position were raised at WNDCCs Planning Committee when it considered the previous application in particular in relation to the precedence of the policy documents (RSS8, Northampton Local Plan etc) that the Committee should consider.
- 9.2 Furthermore, the principle of this development is also informed by the relevant Government guidance on this matter which is a significant material planning consideration. Finally, in addition to the relevant Development Plan and Government guidance it is considered important to consider both the immediate and historic planning history for the site with particular reference to the outcome of a Public Inquiry that was held in 2003 looking at the merits of a particular type of scheme put forward then.

## Development Plan

- 9.3 In terms of considering the principle of this development in this location it is noted that section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions have to be made in accordance with the Development Plan (unless other material considerations indicate otherwise). In this instance it is considered that the Development Plan is made up of the Regional Spatial Strategy 2005 (RSS8), the Northampton Structure Plan 2001 and the Northampton Local Plan 1997.
- 9.4 Current development plan policy in RSS8 and the Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) proposes new growth and sustainable patterns of development in several locations in Northamptonshire and provides a broad strategy up to 2021. It identifies the scale and distribution of such development and provision for new housing and priorities for the environment, transport, infrastructure, economic development and other matters. The policies of the MKSM, which are incorporated in RSS8, set out a spatial framework for Northamptonshire and seek to concentrate major areas of development in Northampton and the growth towns.

- 9.5 Northamptonshire Policy 1 identifies that 30,000 new homes should be provided during the course of the plan period (2001) 2006 – 2021 in the Northampton Borough area. MKSM indicates that in terms of locating this development sustainable growth will take place both by means of intensification of the built-up area and expanding onto greenfields through one or more sustainable urban extensions. Furthermore, MKSM states that, whilst not a specific target, the combined areas of Northampton Borough and South Northants and Daventry Districts should aim to deliver 37,200 jobs in the plan period, i.e. a commensurate level of employment to new housing provision.
- 9.6 The emerging policies of the Draft RSS8 will cover the period up to 2026. The policies generally adopt a similar approach to the current RSS8 seeking to concentrate new development in the Principal Urban Areas (PUA's), significant levels of development in the growth towns and appropriate development of a lesser scale in the Sub-Regional Centres (SRC's) such as Daventry. The most recent policies are contained within the Proposed Draft Changes (July 2008) which was subject to a public consultation that ended in October 2008. Policy 20 of the Draft RSS8 is proposed to be changed following the panels recommendation; this policy sets out the regional priorities for employment land. The revised (although unadopted) policy requires local authorities, among other things, to be responsive to market needs and the requirements of potential investors.
- 9.7 The Northamptonshire County Structure Plan was adopted in 2001 and covers the period 1996-2016. Whilst RSS8 and MKSM provide a more up to date policy framework, a number of Structure Plan policies were 'saved' in September 2007 and still form part of the current development plan framework. It is not considered that any of the 'saved' policies are relevant to the consideration of the principle of this development. On a similar note, whilst the Minerals Plan (2006) comprises part of the policy context, it is not considered that development in this site would prejudice the extraction of minerals at any allocated minerals site or prejudice the aims and objectives of that plan.
- 9.8 The Local Plan was adopted in 1997 and covers the period 1997-2006. Whilst it clearly no longer provides an up to date policy framework, a number of policies have been 'saved' beyond September 2007 and therefore still carry weight as part of the current development plan framework.
- 9.9 There are a number of saved policies in the Local Plan that refer to the land at Milton Ham. In particular policies B5, B9 and B11 all refer to various considerations that inform a decision on this application.
- 9.10 Policy B5 allocates the land at Milton Ham for commercial development and states that planning permission will be granted for this type of development subject of course to a number of key considerations such as design, highways etc. Importantly policy B5(c) states that planning permission will be granted subject to 'zones for development and areas to be developed *primarily* [emphasis added] for B1, B2 or B8 purposes'.

- 9.11 In terms of this application a total of 44,876 sqm of commercial floorspace is proposed. Within this two hotels (which fall under class C1 of the Town and Country Planning (Use Class) Order 1987 (as amended)) and two car showrooms (which do not have a specific Use Class within the Order and are therefore referred to as Sui Generis) are proposed. These uses would account for 12,848 sqm of the commercial floorspace, which whilst significant, in percentage terms is only 28%, i.e. less than a third of the development.
- 9.12 Given that the significant majority of the development would be for B1/B2/B8 use Officers consider that the proposed development is broadly consistent with the aims and objectives of this part of policy B5 of the Local Plan. However, on the basis that non B1/B2/B8 uses are proposed the application has been advertised as a departure from the Local Plan and it should be noted that in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 were Members minded to approve planning permission this application would need to be referred to the Government Office for East Midlands for their consideration because the size of the proposed development is greater than 5,000 sqm and the Local Plan policy referred to above.

#### Appeal inquiry

- 9.13 As noted above previous applications were submitted to NBC for this site in 2002 (reference N/2002/0750 and N/20021674). The applications proposed two large B8 warehouse buildings (with ancillary offices), car parking and associated landscaping, bunding and the formation of a lagoon. The application was appealed against Northampton Borough Council's failure to determine the application.
- 9.14 It is important to be aware of the size and scale of the type of development that was proposed at this time. NBC's Planning Committee report for application N/2002/750 identifies that the proposal was for two B2/B8 type buildings; this would have constituted one building (Unit B) measuring some 242m long by 111m wide, with a height of 12.85m to the eaves and 15.03m to the ridge and be located some 73m from the northern site boundary; a second building (Unit A) measuring some 148m long by 85m wide, with a height of 12.85m to the eaves and 15.03m to the ridge would be located between some 68m to 89m from the M1 motorway to the southern boundary. It is noted this application was somewhat contentious to say the least, with 751 letters of objection from 500 households received by NBC.
- 9.15 The appeals were subsequently dismissed in July 2003. In dismissing the above appeals the Inspector accepted that a mix of employment uses was in accordance with the Northampton Local Plan, which allocates the site for employment purposes. However, the main issue was the arrangement, size and sheer bulk of the two buildings proposed, and the impact that these were likely to have on the appearance of this important gateway site, as well as on adjacent land uses.

- 9.16 The current application has moved on significantly since the time the inspector dismissed the appeal. Whilst the proposed hotel would be significant in size – 24.4m to the eaves and 29.8m to the top of the portal structure – this would constitute the landmark building identified as being important by the Inspector (matters of design etc will be discussed later on this report). The size and scale of all of the rest of buildings is significantly reduced from this previous application, the maximum proposed height of the B1/B2/B8 buildings being 11.9m.
- 9.17 Overall Officers consider that the current application has addressed the points made by the Inspector in 2003 and therefore in terms of this material planning consideration the application is acceptable.

#### Government guidance

- 9.18 Further to the Development Plan and immediate appeal considerations it is important to take into account up to date Government guidance on commercial development. PPS1: Delivering Sustainable Development (2005) is relevant to the proposed development. PPS1 advocates that development shall be of a high quality design and be sustainable in terms of environmental factors and global sustainability including reduced reliance upon the motorcar. Access is an important consideration and location factors must be considered in determining where new development is sited. The approach suggested is that development which attracts a large number of people including retail, leisure and offices should be focused in existing centres. In the case of Milton Ham, the site is somewhat isolated being a Greenfield site that is severed from the main part of the South West District by the A43. However, the site enjoys a high degree of accessibility being adjacent to the main highway network at the intersection of the M1 and A43. Furthermore it is sufficiently close to other employment uses nearby in Swan Valley and Pineham to allow for economies of scale in terms of public transport options in the South West District. The proposal, with the addition of the anticipated hotels, car showrooms and high quality offices, adds to the range of employment choices for the new community being developed around the South West district and for existing communities in West Hunsbury. It is considered that the proposed mix of uses satisfies PPS1 in terms of its location.
- 9.19 It is considered that Government guidance contained within both PPG4: Industrial, Commercial Development and Small Firms (1992) and PPS4: Planning for Sustainable Economic Development (Consultation) are relevant to the determination of this application.
- 9.20 Both PPG4: Industrial, Commercial Development and Small Firms and PPS4: Planning for Sustainable Economic Development (Consultation) – the latter of which will replace the former – set out the Governments guidance on planning for economic development. Broadly the Governments policy is to promote new economic development where possible because of the evident job creation potential that this brings and that local authorities should be positive, proactive and flexible when

considering these matters.

9.21 In particular paragraphs 9 and 10 of PPS4 are considered relevant:

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

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

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

9.23 In relation to this particular application the applicant has stated that it has the potential to deliver in the region of up to 1,200 jobs, a significant proportion that will need to be created to meet the both the requirements of RSS8 / MKSM and to provide sustainable growth commensurate with the planned housing expansion of Northampton. It is noted that one adjacent occupier has questioned whether in the current economic climate these jobs are needed, and that in any event the scheme should deliver more high-tech employment. Whilst it is noted that a sizeable number of these jobs would be in the 'storage and distribution' sector (although it should be noted that PPS4 *does not* differentiate between different industries when classifying what constitutes economic development) a sizeable proportion would also be office based, and also based in the proposed hotels and car showrooms. Furthermore it is considered that in the current economic climate that these jobs are need more than ever.

9.24 It is noted that some concern has been raised that elements of the scheme – in particular the proposed car showrooms and hotels – would not generate a significant level of employment when compared to B1/B2/B8 uses. Whilst these concerns are noted Officers consider that the inclusion of the hotels and car showrooms would not be of overall detriment to the objectives of providing employment on the site. Whilst, arguably, the level of employment generated by the car showrooms would not be huge, certainly hotels provide a significant level of employment and also of a nature

that is different to most of the employment that is inherent to this area (i.e. storage and distribution with an ancillary element of offices). Therefore, by offering a mix of job opportunities that cover a number of different sectors Officers consider that the derived benefits of the scheme would be wholly compliant with the Governments objectives as set out in PPS4 and consequently would make a positive contribution to both Northampton and WNDCCs Corporate Plan.

- 9.25 The provision of a hotel on the site is also a direct result of the most previous undetermined application, where Members of the Planning Committee expressed the aspiration for this site to deliver a landmark building at this gateway location. The applicant has sought to achieve this by introducing a contemporary style seven storey hotel. Whilst it is not a prerequisite that such a building be used as a hotel it is seldom that a B8 warehouse would be able to qualify under such a heading. Indeed, whilst the design and style of modern offices can be contemporary and interesting, again one would find it difficult to describe modern offices as landmark buildings. Thus the applicant has sought to achieve this aspiration by way of a hotel on the site.
- 9.26 It should be noted that in terms of community benefits the proposed 150 bed hotel would deliver a number of such advantages. In particular the hotel would include a number of facilities that would be open to Members of the public to use and would be accessible to local residents in West Hunsbury. These include guest facilities, a TV lounge, bar and 120 seat restaurant. In addition to the hotel the applicant proposes a large area to the east of the proposed main development that would serve as a 'country park'. This large area of open space would be suitably landscaped with a pedestrian and cycle access (linking into West Hunsbury), normal park facilities (i.e. benches and litter bins) and also the applicant has suggested the provision of a 'green gym'. This is essentially a number (11 in this instance) of outdoor fitness apparatus's, fixed to the ground and weather resistant. People can then use them at their leisure. Members may be aware that a similar idea has been mooted for Abington Park in Northampton (all be it to some local scepticism).
- 9.27 Taking into account the strong presumption in favour of this development in terms of national planning policies it is considered that this is a material planning consideration that outweighs any inconsistency with the policy as detailed in the Local Plan. Further consideration is given to the policy support in the other Development Plan documents that are relevant for this area, namely RSS8 and MKSM. As such, the proposed development is considered acceptable in this respect.

#### Principle of landscaping

- 9.28 Members will be aware of having considered and approved an application at this site in September of last year. This gave consent at the site for a number of infrastructure and landscaping works, including bunding. Whilst this scheme has been approved the current application before Members also includes details of associated infrastructure, parking and servicing, landscaping, earthworks and drainage (inc attenuation lake).

These details are in essence a duplicate of the details approved under the previous consent. However, as they form part of the current application it is considered proper that they are given due consideration in terms of their principle of development.

- 9.29 The applicant is proposing three landscaped bunds around the site – to the north, east and west.
- 9.30 The northern bund would be a continuous landscaped area measuring some 45m (approximately) in depth from the top edge of the application site and some 340m in width (approximately). Local Plan policy B9 states that for development at Milton Ham a landscaping zone of 50m depth along the northern boundary of Milton Ham west from a line 20m to the east of the eastern boundary. The proposed bund would constitute the first 20m of the landscaped zone in accordance with the policy requirement. However, the landscaped zone behind the bund would fall short of the 30m requirement in some places where the proposed buildings and parking areas would be located. This non-conformity with this part of the policy is noted. However, it is important to give further consideration to the objective of the policy and to establish whether the development would impinge on this. The supporting text to policy B9 identifies that as the development at Milton Ham would have an impact on its surrounding there is a requirement for structural planting to be put in place. Officers consider that the proposed bund and landscaped area would serve this purpose and on balance the loss of approximately 5m of landscaped area is not of such significance as to warrant a refusal of planning permission based on this policy.
- 9.31 Several smaller bunds are proposed to the east of the application site. These bunds would be between 20-35m in depth. As these bunds are located outside of the area allocated for commercial development under policy B5 of the Local Plan this is considered acceptable.
- 9.32 To the south of the application site the application proposes a landscaped zone, including a bund, of some 32m to 49m (approximately) in depth along the boundary of the M1. Local Plan policy B9 states that for development at Milton Ham a landscaping zone of 50m depth along the boundary of the M1 shall be in place. Again the development proposes locating a small part of some of the buildings within this notional zone, but similar to the northern bund Officers consider that on balance the proposal is acceptable.
- 9.33 The applicant proposes an attenuation lake to the east of the site within the area of Greenspace. This is outside of the area allocated for commercial development under policy B5 of the Local Plan and therefore this is considered acceptable.
- 9.34 Finally, as noted above the applicant proposes to landscape most of the area previously referred to (i.e. the northern, eastern and southern bunds and the area around Attenuation Lake). As this landscaping falls within areas outside of the area allocated for development under policy B5 it is considered acceptable.

## Other matters

- 9.35 A number of comments have been received from adjacent occupiers regarding the historic planning history for this site and previous aspirations that it is development as a purely corporate office / science park. Indeed evidence has been submitted that identifies that the site was being promoted in 1998 purely for office (B1) use.
- 9.36 Whilst these comments are noted it is important to consider what weight can be given to these matters. A review of the extensive planning history for this site shows that a number of planning applications for different types of development have been considered by the local planning authority (Northampton Borough Council) and that a number of these received planning permission (mostly in outline form). However, as is clear from the site it is important to note that for whatever reason none of these planning permissions have been implemented and the site has lain dormant for some years.
- 9.37 The last planning application to gain approval at this site was in 1999 for an extension of time to submit a reserved matters consent pursuant to a outline permission gained in 1991 for a 'Corporate office park (Class B1 use), business support centre, conference centre and hotel, residential and leisure development'. However, given that such a reserved matters application has not been submitted this effectively cancels out any established use for the site gained via a planning application. The default position then reverts back to its allocation, if any, in the adopted Local Plan. Clearly, as discussed above, this promotes the site for a mix of uses that should *predominantly* be B1, B2 and B8. As such it is considered that the historic planning history of the site can be given limited weight when considering the current planning application.
- 9.38 Comments received from SNC that the site should be used in connection with a 'Park and Ride' service are noted; however, as already discussed above the site is allocated for employment use under the Local Plan and therefore this comment is in essence irrelevant.

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

- 9.39 There are a number of regional and local planning policies that consider the potential visual and landscape impact new developments should have regard to. RSS policy 1 sets out one of the Regional Core Objectives as being to protect and where possible enhance the quality of the environment in urban and rural areas so as to make them safe and attractive places to live and work. Policy 27 requires sustainable development to include protection, appropriate management and enhancement of the region's natural/ cultural assets and their settings. Policy 30 indicates that strategies should be informed by landscape character assessments to underpin and act as key components of criteria based policies for the consideration of development in rural fringe areas.

MKSM policy 3 seeks to ensure that the countryside in around towns is sensitively designed to assimilate urban extensions into the landscape and accommodate links to and from the wider countryside. Policies E1, E7, E14 and E20 of the Local Plan are all relevant.

#### Visual/landscape impact

- 9.40 The development has the potential to impact on both the immediate and wider landscape and therefore would have some visual impact on the area. As discussed above broadly speaking the scale and size of the development has been significantly reduced in terms of the office and industrial buildings on the site. However, the proposed seven storey hotel would make a more significant impact on the immediate and wider landscape.
- 9.41 The applicant has undertaken a Landscape and Visual Impact Assessment, stating that it has been carried out in accordance with the 'Guidelines for Landscape and Visual Impact Assessment' (2002) – published jointly by The Landscape Institute and The Institute of Environmental Management and Assessment and 'Landscape Character Assessment Guidance for England and Scotland' (2002) published by the Countryside Agency and Scottish Natural Heritage. These are the standard guidance notes for such assessments.
- 9.42 The assessment looks at a number of things. These include identifying the short and long terms impacts of the proposed development, identifying the theoretical zone of visual influence (ZVI) and making an assessment of the magnitude of the change upon the landscape and its ability to accommodate such a change. Whilst to an extent such an assessment is to a degree subjective it is important to note that it has been carried out by a professional in this area and as such the conclusions of the assessment must be given significant weight.
- 9.43 Quoting directly from the Environmental Statement (ES), the assessment has indicated that:
- The construction of the development will lead to short term, moderate adverse landscape impacts to the site.
  - The construction of the development will generate short term, large adverse visual impacts within the site itself.
  - To an extent the magnitude of both of these construction impacts can be mitigated. The plant stock included within the proposed landscape scheme will exceed the number of trees and lengths of hedgerows lost and provide areas of woodland planting and wild flora seeding in place of existing grassland vegetation lost during construction. The structural landscaping will contribute to a reduction of the visual prominence of new buildings over time.

- With correct site preparation and good aftercare the landscape scheme will ensure that landscape impacts on the adjacent rural landscape area will not exceed slight adverse.
- Of the 22 viewpoints only one has a residual visual impact of large/moderate adverse magnitude and that viewpoint receptor (no. 17) is likely to be affected by future developments located between it and the site. Two of the views attract an impact of moderate adverse and two have moderate/slight adverse residual impacts. The remainder are all either slight or negligible adverse visual impacts in the long term.
- As noted within section 5.5 there are no landscape designations that affect the site but it is identified within Northampton Local Plan, policy B1 for business development. This allocation has an inherent potential for landscape and visual impact on the surrounding landscape setting and therefore this assessment should be viewed within that context.

9.44 The comments of a number of adjacent residential occupiers regarding the size and scale of the proposed hotel being too large are noted. A number of residents have stressed points of the Inspector from the 2003 inquiry which highlighted the need for this development to be accommodated into the landscape.

9.45 It is considered that whilst the proposed hotel would be significant in its height – seven storeys – that its purpose is to be a landmark and to stand out, not be hidden away. It is considered that on the whole the reset of the development having been significantly reduced in size and scale from previous proposals would fit comfortably into the landscape, with the higher quality buildings been view amongst low level landscaping along the A43.

### Design and layout

9.46 Policies E14 and E20 promote the use of good design for new developments in Northampton, with policy E14 in particular referring to developments that are along key corridors of travel (such as the M1 and A42) where the development would be viewed by a high number of people.

9.47 In terms of the design of the proposed development it is considered that there are several different aspects of this that need to be considered. Firstly, along the A43 frontage the applicant proposes a number of buildings that insofar as policy E14 is concerned would be viewed by a high number of people. This is in essence the main public elevation. Secondly, towards the east of the application site there are a number of buildings proposed that may be subject to very minor fleeting glances of users of the M1 and A43 would not be highly viewable from a public perspective.

- 9.48 The main 'landmark' building that is proposed is the 150 bed hotel, referred to by the applicant as Hotel I. This would be an imposing seven storeys high, located immediately adjacent to the main access road into the application site and visible from the immediate and long views. It is noted that SNC have raised concerns over the design of this building, the Officers report to Committee commenting that it appears "very utilitarian" and this Council has objected to the planning application on that basis. Conversely, NBC have welcomed the design of this building and are supportive of its contemporary design; their Officers report to Committee comments that Hotel I would "offer a landmark building within this location and would therefore make a positive contribution to the visual amenity of the locality." If anything this demonstrates the degree to which appreciation of design is subjective. Having said that, your Officers consider that the design of the proposed hotel is to be welcomed. It is considered that whilst seven storey's high, it is not of a scale that would be overly dominant of the immediate area as its external dimensions are 60.6m by 15.0m, and so when viewed in profile would be seen more as a vertical feature than a horizontal one. The façades of the building would be finished in a mix of blockwork and cladding, and the south elevation in particular would include a striking dual portal feature that would stand out from the rest of the hotel.
- 9.49 In terms of the rest of the development it is considered that in the context of the proposed uses the design is of a good quality. The proposed car showrooms would have a mix of full length glazing (10.0m) and timber cladding on the main elevations facing the A43. A large overhang canopy on each of the car showrooms would act as a solar shelter and complement the design of the buildings.
- 9.50 The proposed offices are also considered to make a positive contribution to the design of the scheme. The buildings would be L-shaped, three storey's high and finished in a rainscreen cladding of varying colours and also punctuated by a full height glazing at certain points. Office I would address the A43 elevation in particular and its design along with lower level soft landscaping is considered appropriate and in accordance with policy E14.
- 9.51 Hotel II which is aimed at the 'budget' market would be smaller than Hotel I at four storey's and would form a main vista when entering the site off the A43. Whilst of a more simple design than the main hotel it is considered that the use of varying materials to break up the visual mass of what is a more elongated building is positive. A full length glazed entrance with canopy adds to the design of the building, as does a metal canopy at the roof level.
- 9.52 Behind the buildings outlined above the applicant proposes to locate seven buildings that would contain 38 individual units for B1/B2/B8 use. The layout of these buildings is that they would in essence form the perimeter of the part of the site that is to be developed and would all face east-west. Blocks A through D located towards the north of the site (nearest the residential areas of West Hunsbury) would be a maximum of 8.875m high with modest sized footprints. Slightly larger units to the south would

be up to 11.917m high with a slightly larger footprint. The design of these units, whilst reflecting their intended commercial use, is considered to be of relatively high quality – full length composite cladding surrounding the windows would be more dominant than the cladding surrounding the 4.5m high loading bays.

- 9.53 The proposed layout is considered to be appropriate. Vehicular access to all areas of the site is provided by a main 'spine' road and mini roundabout within the site and footpaths access all areas. A main pedestrian/cycling route runs east-west through the site, bordered on each side by regular planting of trees and allows access to the country park area to the east of the site.
- 9.54 As normal for a scheme of this nature it is recommended that precise details of the materials to be used are submitted and approved by way of a planning condition which is recommended accordingly.

### Landscaping

- 9.55 As discussed above the Planning Committee has previously approved consent for landscaping around the site. But as this forms part of this application is considered prudent to consider these details again.
- 9.56 Policy B9 requires the Milton Ham development to include a landscaping zone of 50m depth along the M1 Motorway and the northern boundary of the Milton Ham site. Policy E12 seeks to ensure that existing trees and hedgerows are retained. The proposal has been assessed against these policies.
- 9.57 The proposed landscape treatment includes areas of mown grass, rough grass, wildflower planting in addition to the areas of ornamental shrub planting, thicket and woodland species mix. The choice of planting type is based to some extent upon the natural landscape character and the need to ensure that footpath/cycleway running through the site to connect with the housing area to the north, retains an open aspect to make the footpaths safe and attractive for users.
- 9.58 The proposal also includes a balancing lagoon to the eastern side of the application site. This is set within an area identified as Green Space, the function of which is to define the extent and protect the setting of the built up area. The lagoon is proposed within a landscaped setting and is to be separated from the main buildings on the site by landscaped bunds. The area retains a large proportion of grassed areas, including wildflower meadow planting in addition to mown grass. This will ensure that the Green Space retains its function and will be an asset to the community / public realm and the employees of the Milton Ham site. The treatment of the Green Space is considered to comply with Policy E6 of the Local Plan.
- 9.59 Looking at the northern bund the drawings submitted indicates that the maximum height of the bund when viewed facing south (i.e. from residential areas in West

Hunsbury) would be 4.28m. The facing gradient would be 1 in 3. The continuous bund would be planted with a mix of heavy standard (maximum 4.25m in height) and extra heavy standard (maximum 5m in height) along the ridge. The existing grassland will be retained in the north eastern corner of the site. The boundary of this area will be finished with a native hedgerow interspersed with heavy standard field maples, ash and oak trees.

- 9.60 The bunds to the east of the application site would be significantly lower. The maximum height of the bund would be approximately 2.95m. The southern bund would be approximately 3.5m in height from the bottom of the bund, with a further 2m (approximate) drop down to the plateau level within the application site. Both of these bunds would also be planted with a mix of heavy standard (maximum 4.25m in height) and extra heavy standard (maximum 5m in height) along the ridge. Around the eastern site perimeter where the site abuts the open countryside the woodland mix is augmented by groups of semi mature individual trees to provide height variety. The choice of planting will ensure that the landscape blends in with the rural countryside to the estate of the site.
- 9.61 Along the A43 boundary the buildings are designed to sit much closer to the site edge to provide a strong visual feature along the A43 corridor and at the roundabout. Along this frontage, a native hedge is proposed, containing extra heavy standard trees underplanted with woodland thicket mix, interspersed with small strips of wildflower meadow planting.
- 9.62 It is accepted that the provision of the bunds as outlined above would have an impact on the openness afforded by the existing landscape (which is essentially an open field). However, clearly any development at this site (and it should be noted the principle of developing this site does form part of the existing Development Plan) would have an impact to some extent. Therefore, the question that arises is what balance should be struck between maintaining the openness of the area and developing a commercial viable scheme. Officers consider that the proposal as set out strikes the right balance between screening most of the development through the bund and associated landscaping, but importantly not all of it.
- 9.63 The landscaping and mounding is considered to be well-designed paying due regard to the existing features of the landscape. The use of a variety of landscape zones comprising different species mix ensures that the buildings will be set within a visually cohesive and attractive context. The north and eastern edge of the development is visually softened when viewed from outside the application site. In respect of Policy B9, whilst a small amount of the footprint of the buildings or hard surfacing will fall within the 30m-landscaped zone, the 30m zone is retained. It is therefore considered that the proposal satisfies this policy as discussed above. Suitably worded planning conditions controlling the future maintenance and management of the landscaping is recommended

## Neighbouring amenity

- 9.64 Unlike the previous outline application the external appearance of the buildings forms part of this application and therefore based on this, the layout and scale of the buildings it is able to make an assessment on the likely impact on local residential occupiers.
- 9.65 Policy H20 of the Northampton Local Plan requires all development outside of the primarily residential areas to be considered in relation to the possible effects on residential amenity.
- 9.66 The northern part of the site closest to the West Hunsbury residential area contains the smaller industrial units and 3 storey height offices. The closest building to the residential occupiers would be some 165m away. The industrial buildings along this northern boundary, which would be sited at right angles relative to the residential occupiers, would have a height of 8.875m. The proposed offices, which being in the north east corner of the site are further away from the residential occupiers, are slightly higher at up to 13.0m.
- 9.67 As described above the buildings are screened by a 45m-landscape zone to the immediate north as required by Policy B9 of the Local Plan. Whilst the bund which forms part of this landscape buffer has caused concern for residents previously, it's reduced height (as already approved under planning permission 08/0160/FULWNN) is a significant improvement upon that which was previously proposed on the 2002 application (reported in NBCs Planning Committee report as "some 38m wide and 7.5 to 8.5m high, whilst that proposed to the east would measure some 50m wide and 10m high"). The impact of the buildings is further broken up by gaps between the buildings which ensure that the appearance is not too bulky. Beyond the 45m zone is an area of agricultural land which serves as an increased buffer between the development and the West Hunsbury houses and the northern elevation of the proposed buildings.
- 9.68 Clearly the introduction of a seven storey hotel would be visible from the residential properties of West Hunsbury, although it should be noted given the immediate mature landscaping to the south of the properties these views would be sporadic and fleeting. Indeed, this is evidenced in the applicants Zone of Visual Influence figure where most areas to the north, because of the built up nature of the area, would not benefit from direct views of the proposed development.
- 9.69 As such it is considered that on balance the proposed development would not have an adverse impact upon the residential amenities of the residential properties to the north of the application site and therefore the proposal is acceptable in this respect.

## **Environmental Impact Assessment**

- 9.70 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.
- 9.71 Schedule 2 paragraph 10(a) of the Regulations states that proposals for industrial development of more than 0.5 hectares in area (which this application falls within) may require an Environment Impact Assessment (EIA). The applicant requested a formal screening opinion from WNDC as to whether or not the development was of such a nature that an EIA was required.
- 9.72 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out In Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that warranted the submission of an Environmental Impact Assessment. WNDC subsequently issued a screening opinion requiring that the application be supported by an EIA.
- 9.73 Whilst the applicant initially contested the decision that Officers came to on this matter they have undertaken a full Environmental Impact Assessment in accordance with the regulations and the adopted screening opinion and this has been submitted with the application.
- 9.74 Whilst a number of statutory consultees have identified specific issues with sections of the ES these have been dealt with through discussions and the submission of further information where appropriate. Therefore it is considered that the ES is acceptable and provides a proper assessment of the likely significant environmental impacts of the proposed development.

## **Environmental impacts**

- 9.75 The comments of a number of adjacent occupiers, as well as both Northampton and South Northamptonshire Council's respective planning committees, in relation to the potential noise, air quality, contamination and light pollution that could be associated with the development are duly noted.
- 9.76 In relation to noise from the proposed development this is of significant concern to local residents, the nearest property of which lies some 120m north of the application site boundary and 165m north of the nearest proposed building. The applicant has

investigated the potential noise impacts from the development and these have formed part of their ES.

9.77 NBCs Environmental Health Office (EHO) has been consulted on the application in relation to a number of these matters. Despite the EHO raising some initial concerns with the noise information submitted following further meetings / discussions with the applicant, and based on the submission of further information, now have no objection to the development proceeding on noise grounds. The EHO have stated that the noise issues should be addressed by conditions in order to mitigate the impact on amenity of residents in the vicinity and of future site users. The EHO have stated that:

- The noise assessment assumes that night time activities only take place at the hotels and the B8 uses. It is therefore recommended that a condition be imposed to restrict the hours of use of the B1, B2 units and the car showrooms to 0800 – 1800.
- Given the large scale of the development it is recommended that conditions are imposed to require the submission, agreement and implementation of a construction environmental impact management plan. This should include a restriction of the hours of construction work to between 0800 – 1800.
- The calculations within the ES assume that larger vehicles will only be permitted to access units 1 – 16. It is recommended that this should be confirmed by condition – it may appropriate to include this issue within a wider scheme for the control of impacts from vehicle movements on site.
- The ES (in paragraph 8.6.27) states that refrigerated units will not be used at the site. It is recommended that this issue is addressed by a condition – it may be appropriate to incorporate into the condition dealing with the impact of vehicle movements etc.
- The noise from fixed plant and equipment at the site should be subject to control under a condition. Appropriate rating levels are considered to be 44 dB(A) daytime and 41dB(A) night time – more specific wording can be provided if required.
- The noise from heating, cooling and ventilation plant should be subject to control by a condition either by setting a rating level or by requiring the submission and implementation of an appropriate noise control scheme.
- Conditions will be required to secure appropriate internal standards (compliance with BS 8233 as a minimum) within the hotel and within offices which are subject to elevated levels of traffic noise. This can be secured by a requirement to submit, agree and implement a scheme detailing appropriate glazing and ventilation measures.
- The proposed landscaped bund mentioned in the ES will have additional benefits in reducing offsite noise levels and it is supported.

- It is recommended that the scheme to control impacts from vehicle movements should include details of the type of reversing sirens to be used on site.
- 9.78 The applicant is considering their response to the recommended conditions bearing in mind the impact they may have on the commercial viability of the site. For example, matters such as control of hours affect the sites ability to operate.
- 9.79 However, in terms of the conditions recommended by the EHO it is considered that it would not be entirely appropriate or reasonable to impose them as set out (due to their compliance with circular 11/95). In relation to the control of opening hours for the B1/B2 units as suggested by the EHO this is not considered appropriate. Whilst these units are unlikely to be used 24 hours a day it seems unreasonable to limit them to a particular time frame when the noise implications from their use is unlikely to be great. As such it is not recommended that a condition is imposed controlling hours of use.
- 9.80 In relation to the requirement for a construction management plan whilst there is a risk on smaller schemes that such a condition could be considered ultra vires by way of these matters being covered by other legislation on a scheme of this nature it is considered reasonable and therefore a suitably worded planning condition is recommended that covers this point.
- 9.81 With regards to the EHO point that a planning condition is used to restrict the access of larger (presumably HGVs) to units 1-16, whilst this is noted it is considered this would not appropriate. The scheme has been designed to allow larger vehicle access to these units as is indicated on the plans. Similarly, units 17-38 are designed as such that HGV access would not be possible. Given that any significant changes to the layout or design would require a new planning permission in its own right it is considered that this is sufficient to control this aspect of the EHO concerns.
- 9.82 The EHO comments are noted regarding refrigerator units are noted. It is considered reasonable to impose a planning condition requiring details of any fixed plant and equipment for the proposed development and that this would adequately cover this matter.
- 9.83 Subject to comments received from the applicant at this stage it is considered reasonable to impose a planning condition that requires details of glazing and ventilation details for the hotels and offices as per the request from the EHO.
- 9.84 At this stage Officers are recommending a number of planning conditions to cover the noise aspects of the development. These may be subject to being relaxed or altered on further discussions with both the applicant and the EHO, and any such revisions will be reported to Members at the Committee.

- 9.85 In relation to Air Quality despite initial concerns being raised by the EHO the applicant has been able to provide further confirmation of various details and there is now no objection on this matter; no conditions are recommended in respect of this.
- 9.86 In relation to contamination of the site its previous agricultural use is noted. The EHO has stated that the site investigation and risk assessment report that accompanies the application is considered to be satisfactory. The investigation concludes that no significant contamination has been identified at the site, however the report indicates that, as the site is large there is potential that the investigation may have missed areas of contamination. It is therefore recommended that a planning condition regarding unsuspected contamination be applied to any consent for the proposed development.
- 9.87 In relation to the potential for light pollution from the development this has been raised by a number of residents and other parties and these legitimate concerns are well noted. Historically, large scale commercial developments such as this have been permitted without express control over the sites lighting being retained by the local planning authority and due to commercial requirements all too often this has been of poor environmental quality that leads (unnecessarily) to light pollution. Officers are mindful of this and the applicant has identified that they are willing (indeed would expect) a planning condition requiring specific details of lighting to be approved by the local planning authority, although they are resistant to any such condition prescribing a particular British Standards to adhere to (which had been referred to by the EHO). Officers concur that a condition identifying a particular standard to follow would not be appropriate (as such standards often change and evolve over time) and a more suitable condition would be one that requires details of light to be submitted to and approved by WND. Officers would then seek to liaise with both NBC EHO and local interest groups (i.e. the residents association and / or the Campaign for Dark Skies) on the suitability of the details submitted. This condition is recommended below.

### **Highway matters**

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

- 9.89 Structure Plan 'saved' Policy SDA1 requires transport choice to be a key feature of sustainable urban extensions and requires various measures to be incorporated to encourage walking, cycling and use of public transport to reduce dependency on the car.
- 9.90 The County Council has also produced a 'Transport Strategy for Growth' adopted September 2007 which sets out the integrated transport strategy to support the planned growth in the County and includes an overall target of 20% modal shift for new development. In more specific terms it indicates that urban extensions will be required to be served by high quality public transport systems and refers to the need to provide high quality cycle and walking routes to encourage increased use.
- 9.91 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development.
- 9.92 PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:
- i) promote more sustainable transport choices for both people and for moving freight;
  - ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
  - iii) reduce the need to travel, especially by car.
- 9.93 Given the nature of the proposed development this application has the potential to create additional traffic flows in the area; as such the application is accompanied by a Transport Assessment. Furthermore, both the Highways Agency (HA) and Northamptonshire County Council Highway Authority have been consulted the application.
- 9.94 The concerns raised by local residents and SNC on this matter are noted. Clearly the sites location adjacent to two major roads means that it is ideal for development that would utilise these. However, the current mix of uses seeks to strike a balance between trip generation at peak and off peak hours.
- 9.95 The Highways Agency (HA) had initially 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 object to the proposed development.
- 9.96 The applicant has sought to overcome these concerns and has submitted a revised

Travel Plan during the course of the application. However, whilst the HA have advised verbally that the updated Travel Plan submitted by the applicant is likely to be acceptable and lead to the withdrawal of their TR110 holding objection they have not been able to confirm this in writing yet. As such it is recommended that planning permission is granted subject to receiving a formal response from the HA that they are have withdrawn their TR110 response.

- 9.97 It should also be noted that Northamptonshire County Council as the local highway authority are yet to respond to the application (consultations were sent out on the 14/11/2008). Officers understand that a number of NCC Officers have been on sick leave which may be the reason. However, clearly the response of the highway authority is important and this will be reported to Members on the day of the committee if available.

## **Flooding**

- 9.98 It is noted that a number of adjacent occupiers have raised concerns with the proposed development and the impact it may have on localised flooding, in particular with respect to Wootton Brook and the Shelfleys housing area. These concerns are noted and clearly the flood risks associated with a development are an important material planning consideration.
- 9.99 Members may wish to note that planning application 08/0160/FULWNN for the enabling infrastructure and landscaping at the site included the submission of a Flood Risk Assessment (FRA). The application included details of the drainage for the site, including the Attenuation Lake. Whilst the Environment Agency (EA) did raise initial concerns with this FRA on receipt of further information from the application they withdrew their objection and stated that the FRA was acceptable.
- 9.101 Similarly, the EA have currently objected to the current proposed development on the basis that the submitted FRA for the site is inadequate. They have also requested that the local planning authority provide them with evidence that we are satisfied that the site is sequentially preferable for this site in terms of PPS25 and have recommended a number of planning conditions should development go ahead.
- 9.102 The applicant is liaising with the EA to overcome their concerns with the FRA. The applicant has submitted amendments to this which should they satisfy the requirements of the EA and are likely to lead to the withdrawal of their formal objection. However, it is considered that until this occurs planning permission cannot be granted. Thus the recommendation to the Planning Committee is that the decision to approve planning permission be delegated to the Director of Planning and Development or appointed officer such that this can be resolved subsequent to the committee.

- 9.103 Should this issue not be resolved (i.e. the EA would not remove their objection) Officers would bring the application back before committee with either a recommendation to refuse permission on this basis or to refer the application to the Secretary of State. This latter option would apply because as the EA have pointed out the site is a 'major' development set within Flood Zone 3 the requirements of the Town and Country Planning (Flooding)(England) Direction 2007 apply. This states that where the EA object to a major development within Flood Zone 3 the local planning authority cannot determine planning permission without referring the matter to the Secretary of State.
- 9.104 The conditions as recommended so far by the EA are outlined below in accordance with their requirements.
- 9.105 In terms of whether the site is sequentially preferable Officers consider that given's allocation for commercial development in the extant Local Plan and that the site has an extant permission for the infrastructure and landscaping works – which include the flood risk alleviation measures such as the approved drainage and attenuation lake – that the site is acceptable in this respect.

## Ecology

- 9.106 RSS policy 28 requires LPA's and developers amongst others to work together to promote a major step change increase in the level of the region's biodiversity. This should be achieved by various methods including the management of features of the landscape which act as corridors and 'stepping stones' essential for the migration and dispersal of wildlife and to ensure that development results in no net loss of BAP habitats and species and that net gain is achieved.
- 9.107 The advice in PPS9 and supporting Good Practice Guidance is relevant. Amongst the key principles of PPS9 are that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment. The applicant has sought to achieve this by way of undertaking a full assessment of this which forms part of the submitted ES.
- 9.108 It is positive to note that both Natural England (NE) and the Wildlife Trust have no objection to the development and are satisfied with the details that have been put forward by the applicant in their ES.
- 9.109 NE has advised that a condition should be imposed on any planning consent that

restricts operations that involve the destruction/removal of vegetation etc during the months of March to August inclusive except where agreed by the local planning authority. This is considered reasonable and is recommended below.

- 9.110 The Wildlife Trust have commented that any landscape management plans should aim to increase biodiversity in the site. The Wildlife Trust would welcome the opportunity to review any more detailed Ecological Management Plans that are to be produced should planning permission be granted and suggests that the applicant considers installing artificial nesting sites for bats, birds and insects in both the new buildings that are to be erected and in particular the natural locations too. It is considered that the provision of an Ecological Management Plan that identifies how the proposed development would contribute positively to increasing biodiversity would be reasonable and in accordance with PPS9; as such a planning condition is recommended accordingly and should consent be granted Officer would seek to liaise with both NE and the Wildlife Trust on the plans details.
- 9.111 NBCs Tree Officer has considered the application and its impact upon the onsite trees (none of which are protected by any statutory tree preservation order (TPO)). Whilst initial concerns were raised with regard to the level of detail within the submission documents upon liaising with the applicant on this matter NBCs Tree Officer has now withdrawn their objection. This is based on the applicant submitting two revised plans – Landscape drawings 13A and 14A which are entitled Tree Survey and Trees to be removed respectively – and the submission of a further drawing (Landscape 17) that identifies the tree protection measures for the trees that are to be retained. Based on NBCs Tree Officer having no objection subject to the tree protection measures it is considered reasonable to impose a planning condition that requires these particular details to be implemented explicitly.

## **Crime and Safety**

- 9.112 The Crime Prevention Design Advisor (CPDA) has raised no formal objection to the principle of the development but in an extensive response has identified several points that both WNDC and the developer should consider to improve the safety of the site. In summary, these points are:
- This site is situated very close to a number of major roads allowing easy access and escape for travelling criminals who may choose to target the site. In order to secure a suitable level of security on the site expect WNDC at least to impose CCTV and lighting conditions on the applicant. Any CCTV system for this development should be linked into the Northampton Borough Council system for monitoring and 106 monies should be obtained for a minimum of 5 years ongoing monitoring and maintenance.

- The whole site is to be bounded by a mixture of hedging, bunding and an acoustic barrier. The perimeter treatment does not provide a secure boundary to the site and the individual units themselves are equally not afforded any perimeter protection. Easy access is available to the rear and sides of buildings and doors and windows on these elevations are very vulnerable to crime.
- The design of this estate is contrary to guidance contained within the SPG on Planning Out Crime which expressly states '*ensure plots have a secure perimeter boundary and only one entry point*'.
- Estates of this nature are often used out of hours by persons racing mini moto bikes and Riverside and Sixfields have both been the location for illegal traveller encampments in the past as no height restriction barriers were in place when originally built. Retrospective measures have now been put in place to prevent further occurrences. Height restriction barriers should be put in place to protect areas of car parking where possible. Speed calming measures on lengths of straight road will deter bike racing.
- There is reference to a 'barrier' on the site plan but no further details provided in any accompanying paperwork.
- The footpath link will undoubtedly be used as a rat run by motorcycles and will provide persons on foot with another unsupervised route into and out of the development. The footpath link provides anonymity for offenders and an easy escape route. It is important to ensure that this route cannot be used by vehicles and should be designed to be sufficiently narrow to reduce the opportunity for joy riding and illegal encampments in the park. Bollards and the use of NCC standard detail motor cycle barriers should be considered.
- The trunking and cabling for a suitably monitored intruder alarm shall be fitted at the construction phase as there is no end user known for these units. Communal access doors to be tested and certificated to PAS24 or LPS 1175 SR2. Ground floor windows and any accessible above ground floor level to be tested and certificated to BS7950 or LPS 1175 SR1 with laminated glazing to 6.4mm minimum. External fire exit doors at ground level should be tested and certificated to LPS1175 SR2 standard. Roller shutter doors should be tested and certificated to LPS 1175 SR2.
- Composite panels and profiled metal cladding are vulnerable to forced entry. The first 2 metres in height of all walls should be masonry or materials of similar strength.
- The car parking across the whole site should meet the requirements of the ACPO Safer parking scheme.

- The fire escape staircases on both office blocks allows access to upper floors and therefore the fire exit doors on all levels will need to be tested and certificated to LPS1175 SR2 standard.
  - Ground floor windows and any accessible above ground floor level to be tested and certificated to BS7950 or LPS 1175 SR1 with laminated glazing to 6.4mm minimum. Communal access doors to be tested and certificated to PAS24 or LPS 1175 SR2. The trunking and cabling for a suitably monitored intruder alarm shall be fitted at the construction phase as there is no end user known for these units.
  - The entrance to each hotel car park should be barriered and the car park area should have a boundary treatment. Please see guidance contained within the 'safer parking' guide attached above. Hotels adjacent to busy trunk roads in Northampton have historically been targeted by travelling criminals who steal from vehicles parked and if it is possible steal vehicles. The introduction of a barriered entrance prevents the removal of vehicles and a secure boundary inhibits theft from vehicles.
  - The hotel car parking should be monitored by CCTV and the area lit with mast mounted white lighting.
  - The external fire exit provides external access to fire exit doors on all levels of the hotels. These doors should be tested and certificated to LPS1175 SR2.
- 9.113 The CPDA concludes by stating that this site is vulnerable to crime. There are a number of fast accessible escape routes from the location, the perimeter is not secure and the applicant has not demonstrated any overarching security strategy to reduce the potential for crime on this development. The CPDA requests that before approval of this planning application is granted the applicant should be requested to provide far more detail about how the site will be managed and how security will be addressed in the long term.
- 9.114 Clearly the expertise of the CPDA is acknowledged and as such these comments are to be given significant weight. However, as Members will be aware there is often a balancing act to be struck between ensuring new developments are safe and as risk free of crime as possible and also ensuring that developments comply with sound urban design and other planning principles.
- 9.115 Officers have liaised with the applicant on this matter and have sought their rebuttal and input on the comments made by the CPDA. Again, to summarise their response:
- A CCTV system will be linked to a private security company (as part of the Milton Lake Management Company) for monitoring who can and will attend/record any instances as is deemed necessary; the applicant would expect this to be provided through a planning condition and therefore asserts that any monies from the S106 are not required.

- Fundamentally, it should be remembered that this is a Business Park and that security fencing would make this an unsightly environment that should be avoided. Whilst noting the comments made the applicant believes that the aesthetics of this high quality development would be severely hindered by perimeter fencing, at least security fencing, which is often found on industrial estates. The applicant considers that with deterrents in place, namely CCTV, security back up, barrier control, well designed street lighting and landlord lighting and occupier security advice via the Management Company, that Milton Lake will continue to attract established and well presented occupiers to this strategic location.
- The applicant highlights that there are 24/7 occupiers on site which would be a deterrent to crime.
- Speed calming measures are included within the application and can be seen on the road layouts. These are raised block pavers detailed to avoid speed build up, a safe crossing point and to break up the tarmac finish to the roads.
- The barrier as detailed within the application will be positioned in the “up” location. There is the opportunity to drop the barrier if required, however its main purpose is in that the barrier, along with the CCTV, provides sufficient warning to fly tipping, over night HGV parking, travellers etc that it is a secure site.
- There would be retractable bollards to the Country Park area to avoid unwanted vehicles, with regard to motorcycles this can be dealt with by the spacing of the bollards and pedestrian fencing. The applicant states that they are striving to provide public open amenities that encourage outdoor activities, such as walking and cycling and as such do not wish to discourage people with difficult access points.
- In response to the matters of structural integrity, alarm systems and so on the applicant, whilst appreciating the advice and comments made by the CPDA, asserts that this is their responsibility as the developer and they would seek to ensure that all the buildings will be safe and secure. All units will fit their own alarm systems.
- The applicant confirms that our car parking is as shown on the application and that this is designed to Local Authority standards and will be well lit and covered by CCTV. Reiterate that the proposed buildings are 24 hour operations.
- In relation to the car showrooms CCTV is allowed for as part of the base/infrastructure. States that it may be that the franchises (for insurance or any other reason) install further CCTV devices, but this of course remains at their discretion. This would be similar for the hotels.

9.116 The points made by the developer are noted. Whilst weight must be given to the comments of the CPDA several points must be borne in mind. Firstly, the CPDA has not identified any principle or overarching issue with the scheme (its relationship to

major trunk roads is noted but clearly this is inherent to the scheme via its allocation for commercial development in the Local Plan). As such, on this basis it is considered that the layout and design of the buildings is acceptable from a crime and safety point of view. Whilst the CPDA has raised an issue of access through the site and this being used by criminals there is a clear planning presumption in favour of allowing both vehicular access into the site (which it should be noted there is only one) and pedestrian access to the county park and West Hunsbury beyond. The applicant has identified measures such as bollards to deter/stop mini motorcycles which are considered acceptable.

- 9.117 Secondly, the applicant has stated that they are proposing to install CCTV on the site which would be monitored through their own management company and would expect WNDC to control these details by way of a planning condition (as opposed to though the Section 106 agreement). This point is noted and welcomed, although the manner of control is still up for debate and as Members will read later Officers do consider that it should be secured through the Section 106 Agreement with the potential for contributions via this. Similarly, Officers would seek to control lighting on the site through a planning condition (in the interest of crime prevention and reducing night glare) and accordingly this forms part of the recommendation to Members.
- 9.118 Thirdly, in relation to the matter of boundary treatment Officers concur with the views expressed by the applicant. Whilst there may be a requirement for boundary treatment and fencing in certain parts of the site Officers would discourage a scheme that is totally surrounded by security fencing due to the poor aesthetic quality and negative connotations that are associated with. As such the provision of boundary treatment is recommended to be controlled by way of a planning condition but Officers would not seek to approve a scheme that wholly encloses the scheme with high fencing.
- 9.119 Finally, aside from the aesthetic and design quality the issue of the materials used by the applicant in the construction of the development are in essence a matter for themselves and not for the local planning authority to consider. This is because in the first instance it is the applicant who is responsible for the development once it is constructed, not the local planning authority, and in the second there are other legislative controls such as building control / health and safety etc where these matters are covered.
- 9.120 Therefore, on balance, subject to the imposition of suitable planning conditions (or Section 106 Agreement obligations) controlling matters of CCTV, lighting and boundary treatment it is considered that on the issue of crime and safety the application is acceptable.

## Archaeology

- 9.121 In accordance with national guidance and regional and local planning policies the application has undertaken an assessment of the cultural and archaeological value of the site, and this assessment forms part of their ES (chapter 10). The ES assesses the likely significant environmental impact the development would have insofar as it would affect archaeology.
- 9.122 In undertaking the archaeological investigations the applicant liaised with Northamptonshire County Council's Archaeological advisor at that time (it would appear these preliminary investigations took place around April 2008). NCC's Archaeological advisor was able to confirm in writing at that time those investigations were acceptable.
- 9.123 Chapter 10 of the ES has concluded that:
- There are no designated heritage resources within the study area (i.e. within 750m of the site). Therefore all of the impacts arising from the proposed development will occur at the construction stage.
  - Previous work within the site has identified a Romano-British 'ladder enclosure' type complex in the north-eastern corner of the site, part of which will be impacted upon by the proposed development. Given the absence of obvious settlement activity exhibited by other examples of this type of archaeological site, and their frequency across the UK, these remains have been assessed as of no more than regional importance. Moreover, the level of fieldwork carried out to date is deemed sufficient to have preserved the area marked for construction 'by record' in line with national guidance in the form of Planning Policy Guidance Note 16 (PPG16). The remainder of the complex is to be preserved in situ within the Milton Lake development and will therefore be subject to negligible impact.
  - Aside from this complex, all of the archaeological deposits within the site are likely to represent relatively common agricultural features dating from the Roman period to the present day. As a group, these are of no more local importance and the 'preservation by record' of these as yet unknown deposits, through the archaeological monitoring of groundworks in line with the agreed specification, will ensure that their subsequent destruction represents an impact of negligible importance.
- 9.124 The applicant has stated that it is their intention to agree with the future hotel occupiers to exhibit a number of the artefacts that have been uncovered on the site to date in the hotel lobby area. This is considered very positive and Officers will seek to ensure that should development go ahead on site that this does occur. However, it is not considered reasonable to control this matter by way of a planning condition.

9.125 Finally, the ES highlights the need for a watching brief to be agreed during the sites construction should be used. This is considered appropriate and as such a suitable worded planning condition is recommended.

## **Sustainability**

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

9.127 In order to secure the BREEAM Very Good criteria, and in accordance with previous applications WNDC have considered, it is considered appropriate and reasonable to impose a planning condition that requires a 'sustainability strategy' to be submitted and approved in writing. This strategy will cover the measures used to achieve BREEAM Very Good, details of the provision of on-site renewable energy to meet 10% of the developments overall energy needs (or other level to be agreed with the Local Planning Authority where appropriate) and the mechanism for an independent post-construction assessment that would demonstrate the schemes compliance with the strategy.

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

## **Section 106**

9.129 Policy E19 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.

9.130 Members will be aware of WNDC's position regarding securing Section 106 benefits on commercial developments to date. Whilst it is important to recognise that each application must be considered on its own merits, and of course being mindful of the current economic climate, it is also vital to consider the demands on local infrastructure requirements that are generated through development proposals. WNDC is moving to an approach whereby residential and commercial developments across West Northamptonshire contribute to the infrastructure requirements cumulatively across the area and have developed a Planning Obligations Strategy document accordingly. This Strategy went before the WNDC Board on 28/10/2008 and gained final approval. Bearing in mind the other recent S106 contributions

achieved in relation to commercial schemes it would be reasonable and consistent to seek an appropriate contribution from this site. It is noted that the Panasonic development at Brackmills Industrial Estate achieved a baseline contribution of £10 per sqm of commercial floorspace, whilst the more significant development on greenfield land at Grange Park achieved an in principle contribution of £25 per sqm. The strategy document takes a more open view in relation to commercial sites, which takes account of context, viability and scale of development.

9.131 The Planning Obligations Strategy indicates that the Heads of Terms should cover Green Infrastructure, Public Realm, Transport, Employment Training, Voluntary and Community Sector and Emergency Services and Secure by Design for commercial sites. The document talks of £50 to £100 per sqm but in the current market that scale of financial contribution is not achievable. However, given other Section 106 Agreements that are currently being discussed or agreed it would appear that a lesser sum is reasonable, achievable and viable for this type of project that clearly does have commercial value.

9.132 At the time of the previous application Officers and the applicant had preliminary agreement regarding the Section 106 Agreement. The matters to be covered by the Section 106 Agreement, with the associated levels of contributions to be secured where agreed, were:

1. Staff monitoring costs of £3,500 and staff resourcing of the reserve matters.
2. A sustainability Strategy including specific target to be delivered
3. Public Art Strategy incorporating a set piece to identify the site/area in conjunction with other sites and small pieces at the entrance within the site.
4. Public transport provision.
5. The development shall achieve Secured by Design Standard (as a minimum).
6. A financial contribution towards an Employment Co-ordination Worker(s) scheme of £25,000.
7. Strategic infrastructure contribution of £100,000.
8. Travel Plan and a Co-ordinator.
9. Public Realm – the provision and future maintenance of an ecology feature around the lagoon (Country Park).

9.133 The applicant has noted that at the time of the previous application, a number of measures were set out as requirements to be secured through a Section 106 Agreement and that two of these obligations (Green Travel Plan and Sustainability Strategy) have now been dealt through the submission of details in the current application.

9.134 In relation to Section 106 obligations the measures offered by the applicant in connection with the current application are:

Financial contributions towards the following are proposed (the Planning Obligations Strategy Head of Term covered in brackets at the end):-

- Highways – including improved bus provision, pedestrian/cycle links (Transport)
- Infrastructure improvements (A43 roundabout south of M1) (Transport)
- Employment co-ordination (matching skills/skills training with job opportunities) to contribute towards the wider economic regeneration of the area (Employment Training)
- Public art (Public Realm)

In addition, the following matters will also be included:-

- Secure by design – to include CCTV cameras and Number Plate Recognition (NPR) technology (Secure by Design)
- Public realm/ecology enhancements – strategy to utilise the proposed attenuation pond to promote wildlife diversity, including public access and maintenance (Public Realm and Green Infrastructure)

9.135 In terms of the S106 it is considered that public transport is a key component of this. Noting the comments of SNC and others in relation to the sites location away from the town centre it is considered important to secure improvements to public transport. An approach adopted for other similar developments (notably the Pineham development) where the applicant, in consultation with Northamptonshire County Council, will agree a scheme to serve the development with buses on a regular basis. The service would commence when at least 50 employees are based at the site and the bus service would take account of the shift patterns in operation (i.e. arriving 15 minutes before the start / after the end of a shift). The service would run to and from the central bus station in Northampton (for the foreseeable future anyway) and the associated infrastructure would be provided by the applicant. This plays a vital role in the contribution to the strategic infrastructure agenda.

9.136 Further to the paragraph above, a Green Travel Plan should be required that sets out ways in which the development will reduce private car travel. In this respect it is important that the Green Travel Plan has a quantifiable outcome of this and it is proposed that a 20% modal shift takes place to the modes of transport other than private car. Further to this the Section 106 should fund the employment of a Travel Plan Co-ordinator for the site to ensure that this is monitored and enforced. Finally, given that the 20% reduction is a target to be achieved, there should be a fixed penalty for non-compliance in the form of a financial bond, the amount of which has yet to be agreed. Clearly the response of both the HA and the County Council highways department (which at this time are outstanding) are important to this and their updated comments will be reported to Members at the Committee.

9.137 Given that at this time Officers can advise that agreement on these matters has not been reached, and hence whilst it is recommended that planning permission is granted the issuing of the decision be delegated to the Director of Planning and development or an Appointed Officer such that these negotiations can be resolved and an appropriate Section 106 Agreement can be realised.

### **Other matters**

9.138 The comments of NBCs Parks Officer are noted. The applicant is proposing an extensive area of open space to the east of the development site that whilst being predominantly used by the future occupiers / workers of the commercial part of the scheme would be fully accessible to members of the public, i.e. the residents of West Hunsbury. The applicant has responded to the questions posed by NBCs Parks Officer; they have stated that:

- The balancing pond will not be adopted at the outset; it may well in the future depending upon Anglian Water. In the meantime it will be maintained by the Management Company.
- The prevention of unauthorized vehicles will be by retractable bollards, backed up with CCTV.
- The open space will have park type furniture, specification and location to be determined as the park develops.
- Incidental areas – verges (as described in the email) will be maintained and managed as described above for all land within our ownership.

9.139 Officers are satisfied with the responses of the applicant on this matter. However, in relation to the equipment that would furnish the country park it is considered reasonable to require details of this by way of planning condition. This would ensure that this area is properly furnished with appropriate equipment, including benches, litterbins and dogbins. Also, details would be sought of the proposed 'green gym' the applicant proposes to install here.

9.140 Whilst not a material planning consideration in the strictest sense Officers consider it is important to note the immediate benefits to the local construction sector by virtue of this development going ahead. Given the current economic climate it is positive that at the very least developers are still coming forward with proposals within West Northamptonshire and the applicant asserts that for this scheme, subject to receiving planning permission in a timely fashion, they have several occupiers signed up to occupy the units straight away. Whilst this can only be taken at face value the emphasis that this scheme, with all of its long terms benefits, can be delivered in the immediate short term is indeed very positive. In terms of the number of construction jobs that would be involved during the build period this is difficult to make an accurate

estimation as it is essentially very changeable. However, the applicant has confirmed that with regard to the immediate infrastructure works they have a contract in place with a semi-local firm (based in Corby) and are committed to using local firms and contractors where possible; this is evidenced in their Sustainability and Travel Plan submissions.

- 9.141 Finally, it is noted that one adjacent occupier has stated that the current development is 'far better' than previous schemes proposed at this site. Whilst as Members will be aware the level of objection, or indeed support, for a proposal cannot be a material planning consideration in its own right (rather it is the nature of the comments made that are material) it is noted that this current application has received less criticism than previous schemes and furthermore that a significant number of statutory consultees have welcomed the proposed development. It is considered that this is part a reflection of the work that has been undertaken over the last year to accommodate the comments that have been made previously and improve the scheme accordingly. Whilst it is seldom that proposals for development satisfy everybody it is considered that the current proposal has moved on significantly from previous planning applications and this is positive.

## 10. Conclusion

- 10.1 The Milton Ham site is a development on a gateway site at the junction of A43 and M1 Motorway where a high quality design will make a major contribution to the ongoing regeneration of South West District and fulfils the policy objectives of B5 of the Local Plan.
- 10.2 Since the previous application was considered by the Planning Committee the applicant has strived to meet the aspirations for the site that have been promoted by various organisations and representatives, including of course Members of this committee. Engagement has taken place with key stakeholders and it is considered that the application has achieved the objectives set for it. Whilst it is noted that design of the site, in particular the main hotel building, is not to everyone's taste Officers consider that it would represent a significant landmark building that one would associate with Northampton when travelling past on the M1. The rest of the development has been reduced in size and scale from previous proposals.
- 10.3 The proposal represents a well-designed development, which provides a mixed employment development on a site allocated for development in the Northampton Local Plan. The application is acceptable and complies with development plan policy as detailed in this report.

## 11. Conditions

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

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

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

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

Note: with respect to the proposed materials please be mindful of the need to use non-reflective materials on elevations that would be viewed from residential areas and the motorway

3. Prior to the installation of external lighting for each phase, details shall be submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the first occupation of the buildings hereby approved.

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

4. Full details of the method of the treatment of the external boundaries of the site together with individual plot boundaries for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the buildings hereby permitted and retained thereafter.

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

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

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

6. Prior to the occupation of any of the buildings a Green Travel Plan for that phase of development shall be submitted to and approved in writing by the local planning authority. The content of the Travel Plan shall be formulated so as to maximise travel to the site by methods other than the private car and shall be reviewed and updated

on an ongoing basis.

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

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

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

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

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

9. The development shall be constructed to allow access to and circulation in all public areas by people with disabilities, details of which shall be submitted to and approved in writing by the Local Planning Authority, implemented concurrently with the development, completed prior to the development being first brought into use and be retained thereafter.

**Reason:** To ensure that the premises are easily accessible to people with disabilities.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing to the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in

accordance with the advice contained in PPS23 Planning and Pollution Control.

11. Before the development hereby permitted is occupied, a scheme shall be agreed with the Local Planning Authority which specifies the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings, and the provisions to be made for its control. The agreed scheme shall be implemented prior to the development coming into use and maintained thereafter. No deliveries to, or collections from the premises shall be made using vehicles fitted with operational on board refrigeration equipment. The combined noise emission (LAeq 5 mins) from all fixed plant and equipment operated at the site shall not exceed 41dB(A) between the hours of 22.00 – 07.00 and 44dB(A) at any other time. The measurements of noise levels shall be carried out at the receptor (to be agreed with the Local Planning Authority).

**Reason:** To protect the amenity of occupiers of nearby dwellings.

12. Prior to the first use of each phase of the development hereby approved details of glazing and ventilation measures of the hotels and offices shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented before the building is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is of a suitable standard.

13. Prior to the first use of each phase of the development hereby approved details of all fixed plant and machinery, and their association noise insulation measures, shall be submitted to and approved by the local planning authority. The approved details shall be implemented before the building is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect nearby residential properties.

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

**Reason:** To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy EI9 of the Northampton Local Plan.

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

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

16. Before the any phase of the development hereby permitted is occupied a detailed and comprehensive scheme, including an Ecological Management Plan where appropriate, to increase biodiversity within the application site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be in complete accordance with the approved details.

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

17. All trees shown to be retained in the approved plan Barry Chinn Associates drawing 14A shall be protected for the duration of the development in accordance with details shown on Barry Chinn Associates drawing 17. 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 nor 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 on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality.

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

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

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

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

20. Trees and shrubs shall be planted along the boundaries of the site, in accordance with the details that have been submitted with this planning application to the Local Planning Authority, within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved in writing by the Local Planning Authority, and the planting so provided shall be maintained for a period of 5 years, such maintenance to include the replacement in the

current or next planting season whichever is the sooner, of any trees 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 permission to any variation.

**Reason:** To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

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

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

22. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

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

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

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

24. Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and

approved in writing by the LPA. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

**Reason:**To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

25. All surface water from parking and manoeuvring areas shall be passed through an interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.

**Reason:** To prevent pollution to the water environment.

26. The premises shall be used for Class B1(a) (5,231 sqm), B1(c), B2 and B8 (26,797 sqm), C1 (10,798 sqm) and Car Showrooms (2,050 sqm) and for no other purpose.

**Reason:** In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority.

