



**Appellants:**

07/0001/OUTWND  
APP/M9570/A/08/2083327  
Croudace Homes Ltd, The  
House Trustees Ltd & Lower  
Thrupp Ltd.

07/0096/OUTWND  
APP/M9570/A/08/2071505T  
he Danetree Consortium

07/0161/OUTWND  
APP/M9570/A/08/2082894  
Capel House Property Trust  
Ltd

**Application No:**

07/0001/OUTWND  
07/0096/OUTWND  
07/0161/OUTWND

**Date Registered:**

07/0001 – 08/03/07  
07/0096 – 16/03/07  
07/0161 – 27/07/07

**Expiry Date:**

07/0001 – 28/06/07  
07/0096 – 06/07/07  
07/0161 – 16/11/07

**Ward:**

07/0001 – Hill / Norton  
07/0096 – Hill / Flore /  
Weedon / Badby  
07/0161 – Hill / Norton

# Daventry UDA Planning Committee Paper

Report by Director of Planning and  
Development

Date of Committee Meeting: 14<sup>th</sup> April 2009

Agenda Item: 4

**Description:**

07/0001/OUTWND and APP/M9570/A/08/2083327

Comprehensive mixed-use urban extension comprising residential development (up to 4000 dwellings, including provision of affordable housing) provision of employment land, diversion of B4036, access, roads, drainage, footpaths and cycleways, open space (including extension to Daventry Country Park), playing fields, landscaping, provision of social and community infrastructure, including schools, District Centre (including supermarket) and local centres.

07/0096/OUTWND and APP/M9570/A/08/2071505

Sustainable urban extension comprising 107.88ha of residential development (up to 5150 dwellings); 7.50 ha of village centres (of which 1.50 ha will be non-residential uses providing 1,561 sq.m of retail development (Class A1) and 1,561sqm of financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways (Classes A2, A3, A4 and A5); 10.98 ha of employment development, providing 40,600sq.m of knowledge based industries (Class B1(b)) and 1,848 sq.m of offices (Class B1(a)); 15.09 ha of educational facilities (Class D1) providing 3 primary schools and 1 secondary school; community and associated uses, 63.42 ha of public open space, new and realigned highways, landscaping and ancillary works.

07/0161/OUTWND and APP/M9570/A/08/2082894

Outline Planning Application for Comprehensive Development of Land to Provide a Sustainable Urban Extension Comprising 1,000 Dwellings with associated infrastructure including new Vehicular

Access onto Welton Lane; Alterations to Welton Lane; New on-site Access and Distribution Road Networks; Cycleway and Footpath Network; Primary School; Public Open Space Facilities; Community Buildings including Community Hall and Local Medical Centre; Retail Accommodation and Local B1 Employment Accommodation together with other supporting facilities.

**Address:**

07/0001/OUTWND: Land at Church Fields, Long Buckby Road, Daventry.

07/0096/OUTWND: Land to the east of Daventry and north of the A45 road.

07/0161/OUTWND: Land at Monksmoor Farm, Welton Lane, Daventry

**1.0 Recommendation**

1.1. It is recommended that the Corporation as local planning authority:

(a) delegate power to the Director of Planning and Development and the Special Projects Manager in relation to each of the developments at Church Fields, Danetree and Monksmoor, to

(i) assess and review the evolving transport and highways information, including the modelling work and other technical work generated by the highway authorities in relation to the capacity of the highway network to accommodate development at Daventry and the phasing of development before the Flore Weedon and Upper Heyford bypass as required,

(ii) respond to any evidence and information submitted to the Inquiry by the appellants or highway authorities or others for the same purpose, and.

(iii) present such evidence to the Inquiry on transportation, accessibility and highway issues as is considered necessary to reflect WNDP's concluded case on these issues as determined by the Director of Planning and Development/Special Projects Manager, its wider case and its role as a delivery authority.

(iv) present such evidence as is necessary to the Inquiry on any identified deficiencies in any Section 106 Agreement concluded with each of the Appellants or in the absence of a concluded Section 106 Agreement in the then latest draft as submitted by the appellant at the time evidence is required to be presented.

(v) present such evidence as is necessary to the Inquiry in the event that outstanding requests for information in relation to Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 are not submitted in a satisfactory form.

(b) note the adoption of the East Midlands Regional Plan and the changes between this document and the Proposed Changes Draft Document that informed the Committee Reports and subsequent resolutions in December 2008

## **2.0 Introduction**

2.1 In December 2008, the Daventry UDA Planning Committee considered reports from the Director of Planning and Development in respect of development proposals for Danetree (DT) (2<sup>nd</sup> December), Church Fields (CF) and Monksmoor (MM) (both 17<sup>th</sup> December). In each case, the resolution of the Committee formed the basis of the evidence to be prepared and presented on behalf of WNDC to the conjoined Public Inquiry that commenced in January 2009. The majority of evidence at the Inquiry has now been heard, save for issues in relation to the full range of highway and transportation matters, Section 106 (S106), and suggested planning conditions.

2.2 The purpose of this Report is to provide Members with a summary of the Inquiry progress, highlighting issues in relation to matters that remain to be heard at the Inquiry and identifying amendments to the December 2008 Committee resolutions that are necessary in order to appropriately support the evolving case of WNDC in relation to the outstanding issues. In addition, following the publication of The East Midlands Regional Plan (Regional Spatial Strategy 8) on 12 March 2009, a brief summary of the key changes to the Regional Plan are set out to inform Members in relation to the appeal proposals and at a more general level.

## **3.0 Public Inquiry**

### *Progress*

3.1 The conjoined Public Inquiry commenced on 20<sup>th</sup> January 2009 and has been sitting for a total of seven weeks. In addition to the submission of opening statements

and the consideration of general housing and highway matters in round table sessions, evidence has been heard during this period on a range of planning issues relating to all three sites. This has included issues of housing land supply and prematurity, landscape, urban design and master planning, archaeology and cultural heritage and drainage.

3.2 Following the completion of drainage evidence on 24<sup>th</sup> March, the Inquiry has now adjourned and will re-open on 25<sup>th</sup> June until 24<sup>th</sup> July, when it is anticipated the Inquiry will close. The outstanding matters to be considered during this period include the full range of transport and highways issues (including accessibility), together with S106 matters and suggested conditions. Remaining evidence in relation to transport and highway issues is currently programmed to be submitted on 21<sup>st</sup> April (although, due to the need to report the change in the Corporation's position to WNDC's Board a request to extend the submission of this evidence by one day has been submitted), whilst discussion and negotiation in respect of transport and highways, S106 and conditional matters is likely to continue beyond this date.

3.3 Given that there are common putative reasons for refusal for all three sites in relation to highways and S106 matters, the outstanding issues to be considered at the Inquiry are particularly relevant for WNDC. Whilst the basis to the highways and S106 putative reasons for refusal is set out in the following paragraphs, in view of the additional work that has been carried out in both respects since December, it is considered appropriate at this stage to provide Members with a full update of the situation and, as necessary, to secure amendments to the existing Committee resolutions in order to allow WNDC to present evidence to the Inquiry that supports WNDC's objectives as a delivery authority as set out within the 2008-2011 Corporate Plan.

3.4 As such, the following sections deal with updating the position in respect of (a) transportation/highway matters and (b) S106.

*(a)Transportation/Highway Matters*

3.5 As noted above, a common highways putative reason for refusal is being taken forward through the Inquiry for all three sites. As it relates to the principal

highways matters, the putative reason for refusal sets out two outstanding areas of concern for each development -

(i) that it has not been satisfactorily demonstrated how the additional traffic generated by the proposed development would be accommodated on the strategic and local highway network, and

(ii) that it has not been satisfactorily demonstrated that the public transport strategy will achieve an acceptable and sustainable level of modal shift.

In addition to these matters, issues of accessibility are to be considered at the Inquiry, albeit these issues do not form the focus of this report.

*(i) Effect on the local and strategic highway network*

3.6 The December Committee Reports outlined that a definitive view on the individual and combined effects of the three development proposals on the local and strategic highway network, including the need for and timing of any highway mitigation measures, could not be reached until such time as the results of additional highways modelling work and technical assessment being undertaken by the relevant authorities (Northamptonshire County Council (NCC) and the Highways Agency (HA)) were known. This work included further highways modelling by Arup on behalf of NCC and it was anticipated that the results of the study would be available prior to the commencement of the Inquiry in January. Given that these local and strategic highways matters were to be taken forward in evidence by the relevant highway authorities, the Committee resolved in each case that WNDC would rely on the evidence being presented by NCC and the HA to the Inquiry.

3.7 As described in the following paragraphs, the highways modelling work, validation and technical assessment was not completed prior to the commencement of the Inquiry and, indeed, remains on-going. As such, the need for the Inquiry to be fully informed of the results of this process has necessitated an adjournment of the Inquiry. Through discussions between all parties, it has been agreed that the first opportunity to reconvene the Inquiry is June 2009.

3.8 The work involved in assessing the highways implications of the development proposals splits broadly into two elements. First, an assessment of the impact on

roads local to Daventry, and second an assessment of the effects on the wider Strategic Road Network (SRN). Work in connection with an assessment on the former has been commissioned by NCC with assessment of the latter, focussing on highway capacity issues in Flore and Weedon and at the M1 junction 16, being undertaken by the HA in combination with NCC.

- 3.9 The highway impacts of the three appeal sites have been modelled using the Daventry Transport Study Multi Modal Model (DTSMMM). The DTSMMM was constructed by Arup on behalf of NCC to assess the effect on the local highway network of the proposed growth in Daventry and associated transport strategies, initially to 2021, but was updated to a 2026 future year assessment in connection with the consideration of the appeal sites. The DTSMMM was then audited by Faber Maunsell on behalf of the HA to enable the impact of the appeal sites on the SRN (the M1, M45 and A5) to be examined.
- 3.10 The subsequent modelling undertaken by both Arup and Faber Maunsell has examined the anticipated background highway network operation in 2026 against seven development scenarios, comprising each of the various development permutations arising from the three appeal schemes in the event that any combination of the three schemes is granted planning permission. Whilst it is anticipated that the effects of the development proposals on the local highway network can be appropriately mitigated under each development scenario, significant issues have been raised in relation to the SRN including, most critically to the appeal schemes, the need for a bypass to Flore-Weedon-Upper Heyford (FWUH) in order to accommodate the traffic generation implications of housing growth in and around Daventry town in accordance with the requirements of the East Midlands Regional Plan (the Regional Plan) which was published in March 2009 and supersedes RSS8 as set out below.
- 3.11 The need for the FWUH bypass is predicated on the basis of link capacity constraints on the A45, and a junction capacity issue where the A45 meets the A5 (Weedon Crossroads). These routes are already operating at or close to capacity and, as presented by Arup on behalf of NCC, with natural growth alone it is anticipated that the FWUH bypass will be required by 2021. Within this context, the emerging advice from the HA and NCC is that the capacity of this junction, even with mitigation at the junction, will not be sufficient to accommodate the

traffic generated by the totality of development proposed in the three appeal schemes, nor the level of housing development required in and around Daventry town through the Regional Plan. As a consequence, the modelling work being undertaken by the HA and NCC has focussed on the need to identify, having regard to mitigation options at the junction and baseline assumptions, the level of housing development that could be released at Daventry before the capacity constraints at the Weedon Crossroads and the link capacity of the A45 are exceeded and the need for the FWUH bypass is 'triggered'.

3.12 The likely need to provide the FWUH bypass in order to deliver the Regional Plan housing requirements also introduces a potentially constraining 'timing' factor. As little work has been undertaken to date in relation to delivery of the FWUH bypass it is anticipated that, depending on the nature of the bypass, the necessary process and procedures to be followed and on the assumption that preparatory work starts straight away, the bypass is unlikely to be delivered before 2016 and may not be until 2018. Depending on the level of housing that could be released before the need for the FWUH bypass is 'triggered', this could have implications for the scale and pace of housing delivery at Daventry based on current trajectories and Regional Plan requirements.

3.13 The results of the modelling and further technical work that should enable conclusions to be drawn on the above are, at the time of writing, unknown.. As a consequence, it is not clear whether the outcomes in terms of highway capacity at the Weedon Crossroads and the trigger points for the provision of the FWUH bypass will have implications for the Corporation's support, in principle, of CF and MM. However, highways evidence needs to be submitted to the Inquiry on 21<sup>st</sup> April and WNDG are now unlikely to have sufficient time to assess the key outputs of the work by that deadline even if it is complete. That said, the Corporation's position with respect to the principle of DT remains as set out within previous Committee reports and as presented in evidence to the Inquiry.

3.14 The outcome of this process is critical to the Corporation in terms of achieving its wider objective of delivering growth based on sustainable communities in accordance with Regional Plan requirements, and assumes greater relevance given early indications that there may be a divergence of view between the parties at appeal as to the level of development that can be released before the need for

the FWUH bypass is triggered. Given the significant implications that may arise from the outcomes, not simply in relation to highway matters but also in respect of the phasing of development, infrastructure provision, air quality issues and the delivery of sustainable growth, it is important that the Corporation carefully and robustly examines the position with respect to the trigger point for the FWUH bypass and is able to submit evidence to the Inquiry dealing with how the outcomes affect its case in terms of the timely delivery of growth.

- 3.15 Whilst the Committee authorisations of December 2008 delegated powers to the Director of Planning and Development or his nominated officer to progress the Corporation's case to the Inquiry based on a number of the putative reasons for refusal, the bodies of the Reports suggested that WNDC would rely on evidence to be submitted to the Inquiry by the HA and NCC on highways matters. However, in light of anticipated outcomes of the highway modelling work and for the avoidance of any doubt, it is recommended that the resolution of this Committee in relation to the highways putative reason for refusal on each of the appeal schemes be clarified so as to confirm the delegation to the Director of Planning and Development or the Special Projects Manager to act on behalf of the Corporation in the assessment and review the evolving highways information, including the modelling work and other technical work generated by the highway authorities, to present such evidence to the Inquiry based on that assessment as is necessary to reflect WNDC's wider case and its role and objectives as a delivery authority, and to respond to any evidence and information submitted to the Inquiry by the appellants or highway authorities for the same purpose.

*(ii) Modal Shift*

- 3.16 The highways putative reason for refusal also referred to the failure of the appellants to satisfactorily demonstrate that in each case the public transport strategy would deliver the required level of modal shift, set at 20%. Alongside the highways work noted in the preceding section, discussions have been held between the appellants and NCC regarding a range of other highway matters, including measures to secure the required level of modal shift, such as public transport provision and Travel Plans. While these discussions are largely complete, WNDC will continue to be advised by NCC as to further developments and agreements reached. At this stage it is considered a range of measures that will

collectively assist in the delivery of modal shift will be secured via the Section 106 Agreements.

- 3.17 The appellants for the DT and CF appeal sites have provided information regarding the viability of public transport proposals, which will have a direct effect on the potential of the sites to achieve the 20% modal shift. Further information has been sought from the appellants regarding viability and this information is currently being examined in tandem with the appellants modal shift predictions and the results set out within the highways modelling exercise. It is considered that the public transport proposals for MM will comprise the extension of existing viable public transport services, thus a viability report is not required; however confirmation on agreement of public transport provision for MM is awaited from NCC and the appellant.

*Related Matters*

- 3.18 As set out in the December Committee Reports, it was anticipated that the outstanding Regulation 19 matters (additional information requested pursuant to the EIA Regulations) would be addressed prior to the Inquiry. A number of these matters, including additional information relating to noise, vibration and air quality are dependent on the highway modelling outputs. Delays in relation to the modelling work and associated outputs has meant that it has not proved possible to resolve these matters at this time. Whilst it is still anticipated that these issues will be resolved through the submission of additional information, Members are asked to note that these issues remain unresolved at this time and should this continue to be the case, the Corporation will be required to develop and present evidence to the Inquiry on these matters

*(b)Section 106*

- 3.19 Each appeal is subject to a putative reason for refusal relating to the failure of the appellant to secure the provision of on-site and off-site infrastructure, facilities and services through a Section 106 Obligation. In each case the Committee resolutions of December 2008 delegated authority to the Director of Planning and Development to negotiate the Obligations.

3.20 Since December, WNDC, Daventry District Council (DDC) and NCC have been in discussion with each of the appellants with a view to securing the necessary on and off-site infrastructure, facilities and services through a Section 106 Obligation. In each case, the appellant is seeking to progress the terms of the Section 106 through the 'traditional' route of negotiating the individual elements of the Obligation, Whilst not the preferred route of the Corporation as set out in evidence to the Inquiry, WNDC have positively and actively engaged in this process to ensure appropriate and timely infrastructure provision is forthcoming through the Section 106 Obligation in order to secure sustainable growth.

3.21 At the time of publication of this Report, discussions in respect of Section 106 matters remain on-going. Whilst it is currently anticipated that matters will be resolved in a timely manner, should matters remain outstanding, or any completed Obligation fail to address policy requirements or mitigate appropriately against harm arising from the development, it may be necessary for WNDC to present evidence to the Inquiry. The previous resolutions of the Committee relating to the Section 106 based putative reason for refusal will need to be refined to ensure that any evidence that may be presented on behalf of the Corporation addresses only those matters where agreement has not possible. Members will, however, note that elements of the Section 106 Agreement cannot be completed until the transport and highways position noted above has been resolved.

#### **4.0 East Midlands Regional Plan (Regional Spatial Strategy)**

4.1 In addition to the update set out above in relation to the Inquiry progress, Members will also wish to note that the East Midlands Regional Plan (Regional Plan) was published on 12 March 2009 and now forms part of the Development Plan. This provides the policy framework for development and investment in the Region up to 2026. The document replaces RSS8 (March 2005) with the exception of Part A of the Milton Keynes and South Midlands Sub-Regional Strategy, and replaces all policies of adopted Structure Plans with the exception of Northamptonshire Structure Plan Policy SDA1.

4.2 The publication of the final version of the Regional Plan follows the original draft published for public consultation in September 2006, the Examination in Public

(EIP) held between May and July 2007, and the Proposed Changes to the Regional Plan issued for public consultation in July 2008. In the context of the appeal schemes, the reports that informed the Committee resolutions (December 2008) were prepared by reference to the Proposed Changes to the Regional Plan (July 2008) and, to date, evidence has been presented to the Inquiry on this basis. However, given the on-going Inquiry and the change in status of the RSS, it is considered appropriate to draw Members attention to any differences between the July 2008 version and March 2009 version of the Regional Plan.

4.3 Of particular relevance are the policy changes in respect of housing provision. Policy 13 of the 2008 version set out dwelling figures for each Local Authority and Housing Market Area (HMA) for the period 2001-2026. In the 2009 published version Policy H13 has been split in to two. Policy 13a deals with housing provision for the period 2006-2026 by Local Authority and HMA across the East Midlands, with the exception of Northamptonshire. Policy 13b deals with Northamptonshire and sets out, by HMA only, the level of provision for the period 2001-2026. Whilst in overall terms there has been a slight reduction in the level of housing provision across the Region for the plan period, the changes do not materially impact on the level of housing provision in Northamptonshire.

4.4 Policy MKSM SRS Northamptonshire 1 breaks down the figures from Policy 13b in to five 5-year periods. The first four of these (i.e. 2001-2021) are broken down on an annualised basis by Local Authority area, whereas the final five year period (2021-2026) is broken down by HMA only (North Northamptonshire HMA and West Northamptonshire HMA). It is in respect of this latter five year period (2021-2026) that the 2009 version differs from the 2008 version. The 2008 version included annualised figures by Local Authority, which effectively rolled forward the annualised figures for 2001-2021, whereas the 2009 version replaces this with an HMA-wide figure, with no break down by Local Authority area. Whilst this is unlikely to be a major issue in the context of the on-going Inquiry, the inclusion of only an HMA-wide figure for the period 2021-2026 lends support to the view that it is the emerging West Northamptonshire Joint Core Strategy that is the means by which dwelling numbers will be distributed between Daventry, South Northants and Northampton for that period.

- 4.5 In addition to the above, the reference to housing figures being expressed as a 'minima' in Policy 13 of the 2008 version has been removed. This has been the cause of some debate at the Inquiry, but has been resolved in the 2009 version with it being made clear that, certainly for monitoring purposes, the housing figures are fixed reference points (albeit higher figures can be 'tested' by Local Authorities if they are justified through Development Plan Documents). This approach enhances the role of the West Northamptonshire Joint Core Strategy in the overall process of determining housing provision in the HMA to 2026. Finally in terms of housing provision, the reference to Daventry growing towards a population of about 40,000 by 2021 has been re-stated in the 2009 version.
- 4.6 A number of other policies have been amended between the 2008 and 2009 versions of the Regional Plan. The key policy changes as they relate to the Inquiry (and are identified as such through the agreed Planning Policy Statement of Common Ground) are summarised in the table below:

Policy (2009)	Key Changes (from 2008)
Policy 2 (Promoting Better Design)	Now incorporates the need for improved design as a general goal.
Policy 3 (Distribution of New Development)	Title of the policy changed from Concentrating Development in Urban Areas to Distribution of New Development in order to more accurately present its function as a set of principles to guide the location of development in all parts of the region. Minor changes to the supporting text of the policy.
Policy 14 (Regional Priorities for Affordable Housing)	The targets have been re-based against 2006. The indicative affordable housing target for the West Northamptonshire HMA has been revised to 17,900 dwellings in the period 2006-2026.
Policy 18 (Regional Priorities for the Economy)	Economic growth forecasts for the Region deleted.
Policy 32 (A Regional Approach to Water Resources and Water Quality)	Additions to the policy, including-  Use of water cycle studies to identify land for development and the phasing of development;  Need to ensure provision of infrastructure for water supply and waste water, whilst meeting water quality standards.

4.7 Members are requested to note the key policy changes outlined above. Within the context of the appeals the revisions to the Regional Plan, do not materially alter the case presented by WNDC to the Inquiry

## 5.0 Recommendation

5.1 In addition to providing Members with an update of progress in relation to the Daventry appeals and the changes to the policy context, this Report highlights the position with respect to transport and highway matters, most notably the likely need for the FWUH bypass in order to deliver the Regional Plan housing requirements and the implications of such provision for the timing and phasing of growth in the town. For the reasons set out, the Report seeks Members approval for the resolutions set out in paragraph 1.1.